

# Town of Fort White Land Development Code

Adopted on June 10, 2013

ARTICLE 1.  
GENERAL PROVISIONS

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## ARTICLE 1. GENERAL PROVISIONS

### SECTION 1.01. GENERALLY

#### 1.01.01. Title

This code shall be entitled “Land Development Code of the Town of Fort White, Florida” and may be referred to herein as the “LDC” or “Code.”

#### 1.01.02. Authority

This Land Development Code is enacted pursuant to the requirements and authority of Section 163.3202, *Florida Statutes*, (Land Development Regulations), the Town Charter, and the general municipal home rule powers in Chapter 166, *Florida Statutes*.

#### 1.01.03. Intent

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the Town.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the Town in accordance with the comprehensive plan.
- C. To adopt a development review process that is:
  - 1. Efficient in terms of time and expense.
  - 2. Effective in terms of addressing the natural resource and public facility implications of proposed development.
  - 3. Equitable in terms of consistency with established regulations and procedures, respect for the rights of property owners and consideration of the interests of the citizens of the Town.
- D. To implement the Town’s Comprehensive Plan as required by the Chapter 163, Part II, *Florida Statutes*.
- E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

#### 1.01.04. Applicability

- A. The construction, moving, placement, erection, alteration or occupancy, of any building or structure, the use of any building or land, the disturbance of any water, the division of land and the development of land shall take place only in accordance with the requirements of this LDC.
- B. Ongoing agriculture and silviculture farming operations that are not part of a development application and that meet the provisions and criteria pursuant to Section 163.3162, *Florida Statutes* (Agricultural Lands and Practices Act), or Section 823.14(6), *Florida Statutes* (Right to Farm Act),

shall be exempt from any provisions of this LDC that were not in existence as of July 1, 2003.

#### **1.01.05. Deed Restrictions**

This LDC is not intended to repeal, abrogate, or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of the Town.

#### **1.01.06. Conflicting Provisions**

Wherever any requirement of this LDC conflicts with the requirements of any other regulation or ordinance, the most restrictive requirement or that imposing the higher standards shall govern unless otherwise specifically provided.

#### **1.01.07. Presumption of Validity**

It is the intent of the Town Council that this LDC and all actions under it be granted the full benefit of the presumption of validity, to the maximum extent applicable to town actions in the State of Florida.

#### **1.01.08. Severability**

- A. *Invalidation.* Should a court of competent jurisdiction of either the State of Florida or the United States hold any section, sentence, clause, phrase or word of this LDC invalid or unconstitutional, such decision shall not affect, impair or invalidate the remaining parts of this LDC, which can be given effect without the invalid provision.
- B. *Prejudicial application.* Should any section, sentence, clause, phrase or word of this LDC be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

#### **1.01.09. Effective Date**

**These regulations shall become effective on June 10, 2013.**

### **SECTION 1.02. EXCEPTIONS**

#### **1.02.01. Previously Issued Development Permits**

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

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

#### **1.02.02. Previously Approved Development Orders**

Projects with development orders that have not expired at the time this LDC or an amendment thereto is adopted and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved must meet only

the requirements of the regulations in effect when the development plan was approved. Further development on that site shall occur only in conformance with the requirements of this LDC or amendments thereto.

## **SECTION 1.03. INCORPORATION BY REFERENCE**

### **1.03.01. Technical Specifications**

- A. *Generally.* All sets of technical standards and design specifications referenced in this LDC are hereby incorporated by reference.
- B. *Building Code.* The Florida Building Code is hereby established as the building code for the Town of Fort White.
- C. *Wind Zone.* For the purposes of complying with the structural requirements relating to wind loads, all buildings and structures shall be designed for a minimum wind load of 110 miles per hour. With regard to compliance with criteria relating to protection from windborne debris, Fort White is deemed to be located landward of the 120 mile per hour wind contour line and, therefore, buildings within Fort White are not required to have openings protected from windborne debris, except for critical facilities which voluntarily provide protection of openings from windborne debris.

### **1.03.02. Town of Fort White Official Zoning Map**

- A. *Creation and adoption.* The "Official Zoning Map of Fort White, Florida," including all explanatory materials and information, is adopted by reference and made a part of this LDC.
- B. *Location and maintenance.* The Official Zoning Map shall be located in the Town Hall and maintained in a published version and format as determined by the Town.
- C. *Amendments.* The Official Zoning Map may be amended by adoption of ordinances that rezone property as provided in Article 10.
- D. *Zoning of vacated rights-of-way.* When any public right-of-way is vacated, such right-of-way shall, without further action by the Town, be deemed to be zoned as follows:
  - 1. If all of such land is surrounded by land classified in one zoning district, then it shall be deemed to be included in that district.
  - 2. If such land use surrounded by land classified in more than one zoning district, then the zoning of each part of the vacated land shall be the zoning of the adjoining land owned by the owner receiving that part, with the zoning boundary to follow the new property lines and/or zoning district line.

## **SECTION 1.04. RULES OF INTERPRETATION**

### **1.04.01. Generally**

In the interpretation and application of this LDC, all provisions shall be liberally construed in favor of the objectives and purposes of the Town and deemed neither to limit nor repeal any other powers granted under State statutes.

**1.04.02. Consistency with Plan**

Nothing in this section shall be construed to authorize development that is inconsistent with the Town of Fort White Comprehensive Plan.

**1.04.03. Responsibility of Interpretation**

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this LDC, the Town Clerk, or designee, shall be responsible for interpretation and shall look to the Town's Comprehensive Plan for guidance. Responsibility for interpretation by the Town Clerk shall be limited to standards, regulations, and requirements of this LDC, but shall not be construed to include interpretation of any technical codes adopted by reference in this LDC, nor be construed as overriding the responsibilities given to any commission, board, or official named in other sections of articles of this LDC.

**1.04.04. Computation of Time**

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.

**1.04.05. Delegation of Authority**

Whenever a provision appears requiring certain officials to do some act or perform some duty, it is to be construed to authorize delegation to subordinates or consultants to perform the required act of duty unless the terms of the provision or section specify otherwise.

**1.04.06. Boundaries**

Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:

- A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D. Boundaries shown as following or approximately following natural features shall be construed as following such features.

**1.04.07. Definitions**

Definitions of words and phrases for the use, administration, and interpretation of the LDC are provided within each section or article. If a word or phrase is not specifically defined then the Town intends to rely on the definitions provided in Chapter 163, Part II, *Florida Statutes*, or the common dictionary definition of the word or phrase.

**1.04.08. Rules of Construction**

- A. *Gender.* Words importing the masculine gender shall be construed to include the feminine and neuter.
- B. *Number.* Words in the singular shall include the plural and words in the plural shall include the singular.
- C. *Shall, May.* The word “shall” is mandatory; the word “may” is permissive.
- D. *Written or In Writing.* The term “written” or “in writing” shall be construed to include any representation on paper of words, letters, or figures, whether by printing or otherwise.
- E. *Year.* The word “year” shall mean a calendar year, unless otherwise indicated.
- F. *Day.* The word “day” shall mean a calendar day, unless a working day is indicated.

ARTICLE 2.  
ZONING DISTRICTS

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## ARTICLE 2. ZONING DISTRICTS

### SECTION 2.01. ESTABLISHMENT OF ZONING DISTRICTS

#### 2.01.01 Purpose

The purpose of this article is to establish the zoning districts that implement the future land use categories adopted in the Future Land Use Element of the Town of Fort White Comprehensive Plan. These zoning districts also implement the goals, objectives and policies of the Comprehensive Plan and adopted maps. Zoning district density and intensity standards, dimensional and area requirements are established in this article. Permitted uses and uses allowed by special use permit are provided for in Article 3 of this LDC.

#### 2.01.02 Establishment of Zoning Districts

A. The following zoning districts are established as listed in Table 2.01.02.1, Zoning Districts.

**Table 2.01.02.1: Zoning Districts**

Abbreviation	Title
CSV	Conservation
A	Agriculture
RSF-2	Residential, Single Family (max. 2DU/ac)
RSF-4	Residential, Single Family (max. 4DU/ac)
CN	Commercial, Neighborhood
CG	Commercial, General
DD	Downtown District
I	Industrial
PD	Planned Development

- B. Permitted uses and uses allowed by special use permit within each zoning district are established in Article 3.
- C. Natural and historic resource protection standards are established in Article 5.
- D. Development standards are established in Article 6.

### 2.02 ZONING DISTRICT STANDARDS

#### 2.02.01 Density Standards

- A. Residential development in the following zoning districts shall comply with the standards set forth in Table 2.02.01.1 for maximum gross residential density. Density is expressed as a gross density of dwelling units per acre.

**Table 2.02.01.1: Residential Density in Zoning Districts**

<b>Zoning District</b>	<b>Maximum Density (dwelling units per acre)</b>
A	1 unit per 2.5 acres 1 unit per acre in cluster subdivisions 2 units per acre in conservation subdivisions
RSF-2	2 units per acre
RSF-4	4 units per acre
DD	2 units per acre
PD	Based upon density allowed by Comprehensive Plan

- B. Residential densities of greater than 2 dwelling units per acre require connection to centralized sanitary sewer systems.
- C. When calculations of residential density result in fractional units, the fractional units shall not be counted.

## **2.02.02 Lot and Dimensional Standards**

- A. Except as specifically provided in this LDC, no lot existing at the time of adoption of this LDC shall be reduced, divided or changed so as to produce a lot or tract of land which does not comply with the density standards set forth in Section 2.02.01 and the lot and dimensional standards contained in this section.
- B. The maximum lot coverage is calculated by dividing the total of all impervious surfaces on the lot by the total lot area. The standards for maximum lot coverage and maximum floor area ratio are set forth in Table 2.02.02.1.

**Table 2.02.02.1: Standards for Lot Coverage and Floor Area Ratios**

<b>Zoning District</b>	<b>Maximum Lot Coverage (%)</b>	<b>Maximum Floor Area Ratio</b>
CSV	10	0.25
A	20	1.0 (nonresidential)
RSF-2	40	1.0 (nonresidential)
RSF-4	40	1.0 (nonresidential)
CN	40	1.0
DD	100	1.0
CG	40	1.0
I	30	1.0
PD	Defined by PD	Defined by PD

- C. Maximum Floor Area Ratios in PD zoning districts shall not exceed those allowed by the Town of Fort White Comprehensive Plan. Where development is clustered in a PD, the calculation of maximum lot coverage shall apply to the entire site and shall not be applied to individual lots or sites within the development.

- D. All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, setbacks from abutting rights-of-way, buffers, stormwater management, off-street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside. Development shall be sited on a lot consistent with the minimum area and minimum width according to zoning district as follows:

**Table 02.02.02.2: Minimum Lot Area and Width Requirements**

<b>Zoning District</b>	<b>Minimum Lot Area (ac.)</b>	<b>Minimum Width (ft.)</b>
CSV	None	None
A	2.5	100
RSF-2	0.5	80
RSF-4	0.25	65
CN	None	None
DD	None	None
CG	None	None
I	None	None
PD	As defined by PD	As defined by PD

### **2.02.03 Standards for Buildings and Building Placement**

- A. All development shall be on a legal lot of record that meets all of the standards set forth in this LDC or on a recorded plat.
- B. Standards for setbacks
- The minimum yards required in this section for each and every building existing at the time of adoption of this LDR, or for any building hereafter erected or altered, shall not be encroached upon or reduced, except as specifically set forth in this section.
  - No part of any yard created by the setback standards and required in connection with any building, structure, or use by this LDR shall be considered to be part of a required yard for any other building, structure, or use.
  - The clear visibility requirements set forth in Section 3.09.29 shall be maintained for all corner lots.
- C. Exceptions to the required minimum setback for existing residential infill lots.
- Where there are existing adjacent buildings, the front yard setback shall be an average of the depth of the yards on the same block face.
  - In no case shall be required front yard setback shall be greater than twenty-five (25) feet.
- D. All setbacks shall be measured at the shortest distance from the exterior building wall to the property line. Eave overhangs shall not be included as a main part of any building, provided, however, that no eave overhang shall be less than nine (9) feet from ground level.
- E. Measurement of building height

1. Building height shall be measured from the height of the curb, or from the mean ground level if no curb level has been established, to the top plate of the building.
2. Calculation of maximum height shall not include appurtenances or attachments such as chimneys, elevator shafts, antennas, decorative architectural features, steeples, air conditioning equipment enclosures, cupolas, weather vanes, and other similar minor building features. All appurtenances or attachments that are exempt for purposes of calculating the maximum building height shall not be habitable.
3. The following structures shall not be subject to height limits: telecommunications towers, flagpoles, radio towers, and Town-owned water towers.

**Table 2.02.03.1 Standards for Building Heights and Setbacks**

Zoning District	Maximum Building Height	Minimum Setback (ft.)			
		Front	Side	Side, Street	Rear
A	35	30	25	25	25
RSF-2	35	25	10	10	15
RSF-4	35	20	10	10	15
CN	35	25	10	10	15
DD	65	0	0	0	0
CG	35	20	10	10	15
I	35	20	10	10	15
PD	Defined by PD	Defined by PD	Defined by PD	Defined by PD	Defined by PD

**ARTICLE 3.**  
**USE REGULATIONS**  
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## ARTICLE 3. USE REGULATIONS

### 3.01 GENERAL PROVISIONS

#### 3.01.01 Purpose

This article establishes permitted, accessory, and prohibited uses, as well as uses that require special exceptions, according to the various zoning districts. Where such uses are allowed within a zoning district but are not permitted by right, applicable standards are established for the use.

#### 3.01.02 Uses within Planned Development (PD) Zoning Districts

Within Planned Development (PD) zoning districts, all uses shall be set forth within the development order approved by the Town Council, in a manner consistent with the Comprehensive Plan and this LDC.

### 3.02 CONSERVATION

#### 3.02.01 Uses permitted without special use permit.

The following uses are allowed within the Conservation zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Non-intensive resource-based recreation activities.
- B. Residential and non-residential uses necessary to manage conservation lands (i.e., ranger stations, research stations, and park amenities).

#### 3.02.02 Uses permitted only with special use permit.

The following uses are allowed within the Conservation zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Low intensity recreational facilities such as campsites and similar uses.

#### 3.02.03 Prohibited uses.

The following uses are prohibited with the Conservation zoning district:

- A. Residential uses, except as specifically provided above.
- B. Any other use not specifically listed in 3.02.01 or 3.02.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

### **3.03 AGRICULTURE**

#### **3.03.01 Uses permitted without special use permit.**

The following uses are allowed within the Agriculture zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Agricultural activities involving the production of livestock and poultry (excluding livestock or poultry slaughterhouses), the cultivation of field crops, fruits, and berries, forestry, apiculture, and similar uses provided that no structure used for housing of animals or any commercial feedlot operation shall be located within two hundred (200) feet of any lot line, and no structure used for housing domestic animals shall be located within one hundred (100) feet of any lot line.
- B. Single family dwellings.
- C. Plant nurseries and greenhouses.
- D. Public parks and recreational facilities.
- E. Public and private elementary, middle, and high schools.
- F. Fairgrounds.
- G. Equestrian facilities.

#### **3.02.02 Uses permitted only with special use permit.**

The following uses are allowed within the Agriculture zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. The processing, storage, and sale of agricultural products and commodities which are not raised on the premises provided that no building used for these activities shall be located within one hundred (100) feet of any side or rear lot line.
- B. Livestock auction arenas not in combination with a Fairgrounds complex.
- C. Agricultural equipment and related machinery sales.
- D. Agricultural feed and grain packaging, blending, storage and sales.
- E. Hospitals, nursing homes, rehabilitation facilities and assisted-living facilities.
- F. Commercial kennels, veterinary clinics, and animal shelters provided that no open runs or buildings used for housing of animals shall be located within three hundred (300) feet of any lot line.

- G. Places of worship and assembly.
- H. Cemeteries and mausoleums.
- I. Day care centers.
- J. Home Occupations.
- K. Flea markets.
- L. Commercial recreation activities such as racetracks; speedways; golf courses; tennis and racket clubs; golf driving ranges; archery ranges; rifle, shotgun and pistol ranges; and similar uses.
- M. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified.
- N. Overnight Recreational Campground

### **3.02.03 Prohibited uses.**

The following uses are prohibited with the Agriculture zoning district:

- A. Intensive agriculture operations.
- B. Junk yard or automobile wrecking yards.
- C. Any other use not specifically listed in 3.03.01 or 3.03.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

## **3.04 RESIDENTIAL – 2, – 4**

### **3.04.01 Uses permitted without special use permit.**

The following uses are allowed within the Residential zoning districts (RSF – 2, RSF – 4) without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Single family dwelling units.
- B. Duplexes.
- C. Public parks and recreational facilities.
- D. Public and private elementary, middle and high schools.



**3.04.02 Uses permitted only with special use permit.**

The following uses are allowed within the Residential (RSF – 2, RSF – 4) zoning districts only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Golf courses.
- B. Tennis and racquet clubs.
- C. Homes of six (6) or fewer residents which otherwise meet the criteria of a Community Residential Home.
- D. Parks maintained by any private association of persons residing in the district.
- E. Nursing homes, rehabilitation facilities, and assisted-living facilities.
- F. Commercial greenhouses and plant nurseries.
- G. Places of worship and assembly.
- H. Cemeteries and mausoleums.
- I. Day care centers.
- J. Home Occupations.
- K. Community Thrift Shops, defined as a business operated by a Section 501(c)3 organization, defined by the United States Internal Revenue Code (26 U.S.C Section 501(c)), that primarily engages in or specializes in the sale or resale of previously owned or used goods and merchandise, which is donated or principally donated.
- L. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified.

**3.04.03 Prohibited uses.**

The following uses are prohibited with the Residential (RSF – 2, RSF – 4) zoning districts:

- A. Any use not specifically listed in 3.04.01 or 3.04.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

### **3.05 COMMERCIAL, NEIGHBORHOOD**

#### **3.05.01 Uses permitted without special use permit.**

The following uses are allowed within the Commercial, Neighborhood zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Single family dwelling units.
- B. Retail commercial outlets for sale of food, hardware, and drugs.
- C. Service establishments such as barber or beauty shop, laundry or dry cleaning pick up station.
- D. Public parks and recreational facilities.
- E. Public and private elementary, middle, and high schools.

#### **3.05.02 Uses permitted only with special use permit.**

The following uses are allowed within the Commercial, Neighborhood zoning districts only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Day care centers.
- B. Financial institutions.
- C. Commercial greenhouses and plant nurseries.
- D. Places of worship and assembly.
- E. Home Occupations.
- F. Public buildings and facilities.

#### **3.05.03 Prohibited uses.**

The following uses are prohibited with the Commercial, Neighborhood zoning district:

- A. Any use not specifically listed in 3.05.01 or 3.05.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

### **3.06 COMMERCIAL, GENERAL**

#### **3.06.01 Uses permitted without special use permit.**

The following uses are allowed within the Commercial, General zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Retail commercial outlets for the sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, jewelry (including repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, 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 and display of plants and materials), automotive vehicle parts and accessories (but not salvage yards), and similar uses.
- B. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery, wallpaper) and appliances (including repair incidental to sales), office equipment or furniture, hardware, secondhand merchandise in completely enclosed buildings, and similar uses.
- C. Service establishments such as barber or beauty shops, show repair, restaurant, coffee shop, interior decorator, photographic studio, art or dance or music studio, health and fitness centers, animal grooming, self-service laundry, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.
- D. Service establishments such as radio or television station, funeral home, radio and television repair shop, applicant repair shop, printing establishments, pest control, and similar uses.
- E. Medical or dental offices, clinics, and laboratories.
- F. Banks and financial institutions.
- G. Newspaper offices.
- H. Business and professional offices.
- I. Professional, business, and technical schools.
- J. 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.
- K. Hotels and motels.
- L. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids with no odors, fumes, or steam detectable to normal senses from off the premises.
- M. Art galleries.

- N. Miscellaneous uses such as call centers, commercial parking lots, and parking garages.
- O. Vehicular service.
- P. Places of worship and assembly.
- Q. Sexually-oriented business uses.
- R. Nursing homes, rehabilitation facilities and assisted-living facilities.
- S. Hospitals.
- T. Day care centers.
- U. Public buildings and facilities.
- V. Residential dwelling units that lawfully existed within this district on the date of adoption or amendment of the Comprehensive Plan.

**3.06.02 Uses permitted only with special use permit.**

The following uses are allowed within the Commercial General zoning districts only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Any commercial use proposed within 100 feet of a parcel of property used for residential purposes or which has a zoning designation of RSF – 2 or RSF – 4.
- B. Group residential center.
- C. Group treatment center.
- D. Group treatment homes.
- E. Outdoor display and sales of large items such as vehicles, boats, trailers, manufactured buildings, and agriculture machinery.
- F. Vehicle repair.
- G. Motor bus or other transportation terminals.
- H. Automotive service stations.
- I. Rental of automotive vehicles, trailers, and trucks.
- J. Mini-self storage building and mini-storage facilities.

- K. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
- L. Building trades contractor with on premises storage yard for materials and equipment.
- M. Overnight Recreational Campgrounds

### **3.06.03 Prohibited uses.**

The following uses are prohibited with the Commercial, General zoning districts:

- A. Any use not specifically listed in 3.06.01 or 3.06.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

## **3.07 DOWNTOWN DISTRICT**

### **3.07.01 Uses permitted without special use permit.**

The following uses are allowed within the Downtown District (DD) zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Single family dwelling units.
- B. Duplexes.
- C. Public parks and recreational facilities.
- D. Public and private elementary, middle, and high schools.
- E. Retail commercial outlets for the sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, jewelry (including repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, 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 and display of plants and materials), automotive vehicle parts and accessories (but not salvage yards), and similar uses.
- F. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery, wallpaper) and appliances (including repair incidental to sales), office equipment or furniture, hardware, secondhand merchandise in completely enclosed buildings, and similar uses.
- G. Service establishments such as barber or beauty shops, shoe repair, restaurant, coffee shop, interior decorator, photographic studio, art or dance or music studio, health and fitness centers, animal grooming, self-service laundry, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.

- H. Service establishments such as radio or television station, funeral home, radio and television repair shop, applicant repair shop, printing establishments, pest control, and similar uses.
- I. Medical or dental offices, clinics, and laboratories.
- J. Banks and financial institutions.
- K. Newspaper offices.
- L. Business and professional offices.
- M. Professional, business, and technical schools.
- N. 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.
- O. Hotels and motels.
- P. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids with no odors, fumes, or steam detectable to normal senses from off the premises.
- Q. Art galleries.
- R. Miscellaneous uses such as call centers, commercial parking lots, and parking garages.
- S. Places of worship and assembly.
- T. Nursing homes, rehabilitation facilities, and assisted-living facilities.
- U. Day care centers.
- V. Public buildings and facilities.
- W. Commercial greenhouses and plant nurseries.
- X. Home Occupations.

**3.07.02 Uses permitted only with special use permit.**

The following uses are allowed within the Downtown District zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Group residential center.
- B. Group treatment center.

- C. Group treatment homes.

### **3.07.03 Prohibited uses.**

The following uses are prohibited with the Downtown District zoning district:

- A. Any use not specifically listed in 3.07.01 or 3.07.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.
- B. Outdoor display and sales of large items such as vehicles, boats, trailers, manufactured buildings, and agriculture machinery.
- C. Vehicle repair.
- D. Motor bus or other transportation terminals.
- E. Automotive service stations.
- F. Rental of automotive vehicles, trailers, and trucks.
- G. Mini-self storage building and mini-storage facilities.
- H. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
- I. Building trades contractor with on premises storage yard for materials and equipment.

## **3.08 INDUSTRIAL**

### **3.08.01 Uses permitted without special use permit.**

The following uses are allowed within the Industrial (I) zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Wholesale, warehouse, storage, or distribution uses in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
- B. Research laboratories and activities in completely enclosed buildings.
- C. Light manufacturing, assembling, processing (including food processing, but not slaughterhouse), packaging, or fabrication in completely enclosed building.
- D. Outdoor storage yards and lots, provided, this provision shall not permit 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 second-hand building materials, junk automotive

vehicles, or second-hand automotive parts.

- E. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junkyards or automotive vehicle wrecking yards), and similar uses.
- F. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, employment agency, sign company, pest control, and similar uses.
- G. Service establishments such as crematory.
- H. Vocational, technical, trade, or industrial schools and similar uses.
- I. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids with no odors, fumes, or steam detectable to normal senses from off the premises.
- J. Miscellaneous uses such as express or parcel delivery office, call centers, commercial parking lots, and parking garages.
- K. Vehicular service.
- L. Public buildings and facilities.
- M. Motor bus or other transportation terminals.
- N. Rental of automotive vehicles, trailers, and trucks.
- O. Mini-self storage building and mini-storage facilities.
- P. Building trades contractor with on premises storage yard for materials and equipment.

### **3.08.02 Uses permitted only with special use permit.**

The following uses are allowed within the Industrial zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Automotive service stations
- B. Junk yards (including yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts);



**3.08.03 Prohibited uses.**

The following uses are prohibited with the Industrial zoning districts:

- A. Any use not specifically listed in 3.08.01 or 3.08.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

**SECTION 3.09. SPECIFIC USE REGULATIONS**

**3.09.01 Accessory Uses and Structures.** Unless otherwise provided in these land development regulations, in all districts accessory uses and structures shall not be located in required front or side yards but may be located in rear yards not less than ten (10) feet from the rear lot line, subject to the restrictions below.

- A. Accessory structures for the housing of persons, such as guest houses, shall not be located in any required yard, nor shall air conditioner compressor units be located in any required yard.
- B. No separate accessory building shall be located within five (5) feet of any building.
- C. No manufactured building originally designed or intended to be used for residential purposes shall be used as an accessory storage building.

**3.09.02 Alcoholic Beverage Establishments**

- A. Definitions.

*Alcoholic beverages* means all beverages containing more than 1% alcohol by weight.

*Beer* means all brewed beverages containing malt.

*Division* means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of the State of Florida.

*Wine* means all beverages made from fresh fruits, berries, or grapes, either by natural fermentation, or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths, and like products.

*Vendor* means all persons, associations of persons or corporations selling alcoholic beverages at retail.

*Bar, Cocktail Lounge, or Tavern* means an establishment primarily devoted to the retailing and on-premises consumption of alcoholic beverages and in which the service of food is only incidental

to the consumption of such beverages. This definition does not apply to restaurants as defined herein.

*Restaurant* means a commercial establishment, licensed by the State of Florida, where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 75 percent of the gross sales receipts for food and nonalcoholic beverages. Restaurants shall only be allowed to sell beer and wine. Liquor sales are not allowed.

*Liquor store or package store* means an establishment primarily engaged in the sale of alcoholic beverages for off-premises consumption. This definition does not apply to retail sales establishments, such as gas stations or grocery stores, which sell alcoholic beverages for off-premises consumption as a small portion of a substantially larger and broader range of consumer goods.

- B. Hours during which alcoholic beverages shall be allowed to be sold in the corporate limits of the Town of Fort White, Florida, are as follows:
1. Alcoholic beverages may be sold, consumed, or served, or permitted to be sold, consumed, or served in any place holding a license under the Division in accordance with said license between the hours of 7:00 a.m. of each day of the week and 1:00 a.m. of the succeeding day.
  2. After 11:00 p.m. on Sundays, and until the legal hour for the sale of alcoholic beverages on Monday, no alcoholic beverages shall be sold, consumed, served, or permitted to be sold, consumed or served in any place holding a license under the Division, except that the serving, consumption, or sale of beer and wine on Sunday in any place holding a license under the Division shall be permitted only between the hours of 1:00 p.m. to 11:00 p.m.
- C. No bar, cocktail lounge, tavern, liquor store, or package store, as described herein, shall be located within 1,000 feet of any school or place of worship within the Town of Fort White, Florida. Restaurants selling beer and wine shall be setback 500 feet from any school or place of worship. Distances shall be measured from the entrance of to the entrance of the bar, cocktail lounge, tavern, liquor store, or package store to the entrance of the school or place of worship as a pedestrian would travel along the public rights-of-way.
- D. All bars, cocktail lounges, taverns, liquor stores, and packages stores are required to obtain approval through the special use permit process in Article 10, Land Development Code.
- E. If a complaint is filed in writing with the Town alleging a violation of the above-listed regulations, then the Town shall require the owner to file a report and certified audit that the establishment is in compliance with these regulations.

### **3.09.03 Animals**

- A. Definitions.

*Animal Shelter* means any for-profit or not-for-profit facility primarily intended to provide for the temporary accommodation of ten (10) or more adult dogs or cats at any given time (in addition to

any personal household pets or litters of animals not more than six (6) months of age) until more appropriate disposition of such animals can be made. An animal shelter may include accessory office facilities, in fully enclosed buildings, used for administrative activities typically associated with an animal shelter, including, but not limited to adoption services.

*Wild Animal* means all animals which are identified as Class I or Class II wildlife by the Florida Fish and Wildlife Conservation Commission, as listed in Chapter 68A-6.002, Florida Administrative Code.

*Commercial Kennel* means an established in which ten (10) or more adult dogs or cats (in addition to personal household pets or litters of animals of not more than six (6) months in age), are kept, raised, bred, trained, or boarded at any given time for commercial purposes. Commercial purposes may include, but are not limited to, conducting any of the activities listed above for others for profit.

*Livestock* means any animal which is normally raised for riding, food, milk, eggs, or wool for local consumption or sold to others. Livestock includes all animals of the equine, bovine, ovine, or swine class, as well as animals considered to be poultry. Animals considered to be livestock will include, but are not limited to: goats, sheep, mules, horses, hogs, cattle, chickens, turkeys, quail, pheasant, and the like.

*Household Pet* means any historically domesticated animal, kept for hobby or companionship rather than utility, including, but not limited to, dogs, cats, aquarium fish, birds, rodents, rabbits, non-venomous reptiles, and the like. Household pets do not include wild animals or livestock as defined herein.

B. Special Permit Required.

1. A special use permit shall be required for the following:
  - a. The keeping, raising, and breeding of any number of Class I and Class II animals for commercial or non-commercial purposes.
  - b. Establishing a commercial kennel or animal shelter as defined herein.
  - c. The keeping, raising, and breeding of any number of American Alligators or venomous reptiles for commercial or non-commercial purposes.
  - d. The raising and breeding of tropical birds for commercial purposes.
  - e. The raising and/or breeding of rodents.
2. The following standards must be met before a special use permit for the foregoing may be issued:
  - a. The subject property is within an Agriculture or Industrial zoning district, and not located within a recorded or unrecorded subdivision.

- b. The following setbacks shall be maintained:
- (1) Open runs, open buildings used for housing of animals, or areas where animals can run free: 300 feet from any property line.
  - (2) Buildings and runs that are completely enclosed and climate controlled: 100 feet from any property line.
  - (3) Buildings and runs that are not completely enclosed and climate controlled may be constructed with a setback of less than 300 feet, but in no event less than 100 feet, if it is determined that screening and sound abatement methods sufficient to protect adjacent properties will be used.
- c. The number and type of animals to be housed on the property shall be set forth on the permit and shall not exceed the number of animals that the property can accommodate without the creation of nuisance conditions or negative impacts on surrounding properties.
- d. Buildings shall be constructed with a concrete floor providing proper drains, which flow into an approved sanitary sewer system.
3. The activities outlined in 2. above which were lawfully commenced prior to the date of adoption of this Land Development Code, shall be considered lawful nonconforming uses. No new or additional animals will be permitted on these lots unless a special use permit is granted in accordance with this section.

C. Household Pets. The keeping, raising, and breeding of household pets, as defined in this section, for non-commercial purposes, is permitted by right as an accessory use in all land use districts provided that the numbers and actions of such animals do not create a nuisance to the public at large or create a nuisance in the immediate area.

D. Animal Density.

1. On lots or parcels of 2.5 acres or less in recorded or unrecorded subdivisions, the maximum animal units allowed shall be one (1) per acre.
2. The following table establishes what constitutes one (1) animal unit.

Animal	Number that Equal One (1) Animal Unit
Bovine (cow, calf, bison)	1
Equine (horse, donkey, mule)	1
Hog or other swine	1
Sheep	2
Goat	2
Llama, or other similar species	2

Hen	15
Rooster	1
Duck, turkey, pheasant, goose, or other similar fowl	5
Rabbit, rodent, or other similar mammals	5
Note: Numbers shall be rounded down to the next whole animal. For example, on the 2.5 acres only two (2) horses would be allowed, not three (3). The remaining half unit could be used for hens, ducks, etc., so long as the total 2.5 unit maximum is not exceeded.	

3. In addition to the animal units allowed above, the following may be kept on the property:  
Dogs (kept outdoors): five (5) per acre  
Cats (kept outdoors): five (5) per acre
4. Notwithstanding the foregoing, additional animals may be kept on the property for not more than a six (6)-month period when keeping of such animals is for a 4-H or FAA project.

#### **3.09.4 Automotive Service Stations**

##### **A. Lot Dimension and Area**

An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than 150 feet of frontage on each street side, and an interior lot shall have a minimum width of at least 150 feet. A corner lot shall have a minimum area of not less than 20,000 square feet. An interior lot shall have a minimum area of not less than 15,000 square feet.

##### **B. Lighting**

All lights and lighting for automotive service stations shall provide a total lot illumination at an intensity of at least two (2) foot-candles per square foot 18 inches above the surface. The light source shall be completely concealed within an opaque housing and shall not be visible from any street right-of-way or adjacent property. The light source shall be horizontal to the ground. A maximum 15-degree angle is permitted if the light source is not visible and the angled direction does not face a residential zoned district or property.

##### **C. Location of pumps and structures**

No main accessory building, no sign of any type, no fuel or petroleum holding tanks, and no gasoline pump shall be located within 25 feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within 15 feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within 15 feet of such setback line.

##### **D. Curb breaks**

A curb break is a driveway or any other access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed 2 for each 150 feet of street frontage, each break having a width of not more than 30 feet exclusive of transitions and

located not closer than 15 feet of right-of-way lines of any intersection. Curb breaks shall not be closer than 15 feet to any other property line. There shall be a minimum distance of 20 feet between curb breaks.

E. Trash storage

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

### 3.09.05 Bed and Breakfast Inns

A. Generally.

1. Bed and Breakfast Inn means a house, or portion thereof, where short-term guest lodging rooms are provided, and where the operator of the inn lives on the premises or in adjacent premises.
2. Bed and Breakfast Inn may be approved by special use permit as provided in this Code.

B. Standards.

1. The exterior appearance of the structure shall be single-family in character.
2. The maximum number of rooms for guests shall be as follows:

<i><b>Building Size (Gross Floor Area)</b></i>	<i><b>Maximum Guest Rooms</b></i>
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
3,601 sq.ft. and over	6 (plus one additional room per additional 600 sq.ft.)

3. The owner must live on the premises.
4. Separate toilet and bathing facilities for exclusive use of guests must be provided.
5. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be 30 days in a 12-month period.
6. No cooking facilities shall be allowed in guest rooms. Exceptions will be made for kitchens or kitchenettes in guest cottages as part of a larger Bed and Breakfast Inn complex.
7. Bed and Breakfast Inns must comply with appropriate health permits, building and fire codes, and business licenses as applicable to such use.

8. Signage, excepting historical markers located by federal, state, or county agencies, shall be limited to one (1) sign, not exceeding six (6) square feet in area, with characters not exceeding eight (8) inches, non-illuminated (excepting flood lighting on each side of the sign).
9. In addition to the parking required for the residence, one (1) parking space for each guestroom shall be provided as off-street parking.

### **3.09.06 Community Residential Home Requirements**

The Town shall facilitate the provision of community residential homes as licensed or funded by the State of Florida within residential areas and areas of residential character.

- A. For the purposes of these regulations, a “community residential home” shall mean a dwelling unit licensed to serve residents 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 licensed by the Agency for Health Care Administration which provides a living environment for seven (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.
- B. 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. Homes of six (6) or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six (6) or fewer residents. Such homes with six (6) 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 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 is within a radius of 1,000 feet of the proposed home with six (6) 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.
- C. The Town shall not deny the siting of a community residential home 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 1,200 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. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

### **3.09.07 Community Thrift Stores**

Community Thrift Shops, defined as a business operated by a Section 501(c)3 organization, defined by the United States Internal Revenue Code (26 U.S.C Section 501(c)), that primarily engages in or specializes in the sale or resale of previously owned or used goods and merchandise, which is donated or principally donated, provided:

- A. The property is located adjacent to properties with a Future Land Use designation of Downtown District or Commercial; and
- B. The property is located in an area where a mix of uses is already established as the pattern for development; and
- C. The use is located in an existing single-family residential house or, if newly constructed, is designed to look like a single-family residential house reflective of the existing architectural character of the surrounding area; and
- D. Provision is made for off-street parking and loading; and
- E. The use of outdoor commercial dumpsters is prohibited; and
- F. Hours of operation shall be limited to Monday through Saturday from 9:00 a.m. to 7:00 p.m.; and
- G. Signs are limited to building signs with a total sign area of 24 square feet; and
- H. Outdoor display of goods is prohibited; and
- I. Outdoor lighting, except for wall-mounted security lighting, is prohibited. Wall-mounted security lighting shall be directed toward the ground with no light trespassing onto adjacent properties.

### **3.09.08 Day Care Centers**

- A. A “day care center” includes any child care facility or child care arrangement where more than five (5) children, other than the children of the residents of the premises, are cared for during the day, whether or not the business is operated for profit. The term includes day nurseries, kindergartens, child care center, or play school.
- B. No outdoor play activities shall be conducted before 8:00 a.m. or after 7:00 p.m.
- C. Provisions shall be made for areas for off-street pick-up and drop-off of children.



**3.09.09 Family Lots.****A. Generally.**

1. A special family lot permit may be issued by the Town Clerk on land in an Agriculture or Residential zoning district for the use solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to such individual, notwithstanding the density of intensity of use assigned to the parcel in the Comprehensive Plan.
2. Any individual family member may only ever receive one family lot.
3. The parent tract of property, a portion of which is proposed for the creation of a family lot by an immediate family member, much be in fee simple ownership and be in use as a homestead by an immediate family member.
4. The parent tract of property must be a legal lot of record and shall not be located in a recorded or unrecorded subdivision and shall not be a non-conforming lot.
5. Once a family lot is created, the newly created family lot shall not be further split or subdivided pursuant to this section.

**B. Standards.**

1. The family lot permit shall not be issued and recorded by the Town until such time as the family member applies for a building permit to construct a residence on the lot.
2. No permit shall be issued for a family lot unless the lot complies with the following:
  - a. The remainder of the parent tract will be the size and configuration that complies with all the standards, including density and intensity standards for lots in the applicable zoning district as defined in Article 2 of this Code.
  - b. The newly created lot will be at least 65 feet in width and at least 0.5-acre in size and the lot length shall not exceed three times the lot width.
  - c. The newly created lot will contain a sufficient buildable area located outside the limits of any environmentally sensitive areas and does not require access for ingress/egress through such environmentally sensitive areas.
  - d. Access for ingress/egress to the newly created lot may be provided by easement, but such easement shall be shown on the recorded deed and certified boundary survey. No easement created under this section may be less than 30 feet wide for the purpose of ingress and egress, exclusive of any utility easements.
  - e. Right-of-way dedication may be required by the Town for any newly created lot

located within areas identified for future public roadways on the adopted Future Traffic Circulation Map.

- f. The newly created lot shall meet all other applicable Land Development Code regulations.
- g. The applicant provides the following:
  - (1) A completed application for a Family Lot Permit.
  - (2) Personal identification and proof of relationship to establish the required family member status of both the parent track property owner and the family member receiving the family lot permit.
  - (3) A recorded deed describing only the land encompassed by the family lot and including language giving notice that the subdivision of land is in accordance with the family lot provisions of the Land Development Code and of the prohibition of additional lot split or subdivision addressed in subsection 3.09.09.A.5.
  - (4) A certified boundary survey of the newly created lot prepared by a Florida Registered Surveyor showing all easements, dimensions of the property, ingress and egress, public rights-of-way and legal description.
  - (5) Certification that the residence will become his or her homestead.

### **3.09.10 Fences, Walls, and Hedges**

- A. Generally. Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in any yard or along the edge of any yard subject to the specific regulations below.
- B. Setbacks. No fence, wall, or opaque hedge shall be permitted:
  - 1. Within the public right-of-way line where there is an express right-of-way (described in deed or on a plat) or where a public right-of-way has been created by prescriptive easement and such line is at least two (2) feet from the wearing surface of the road.
  - 2. Within two (2) feet of the right-of-way line if the right-of-way line has been created by prescriptive easement and such line is coterminous with the edge of the wearing surface of the road.

### **Section 3.09.11 Flea Markets**

- A. Definition. *Flea Market* means the use of land, structures, or buildings for the sale of goods, usually secondhand or cut-rate, by individuals or groups that lease the portion of the building or land from which they sell by the hour, day, week, or month.

**B. Supplemental Regulations.**

1. The outdoor sales of goods shall only be allowed in a lawfully established flea market, with the exception of the following land uses, which by their nature, require the sales and displays to take place outdoors:
  - a. A lawful temporary use operating under Section 3.09.27 of this Article.
  - b. The sale of new and used vehicles, including watercraft, in a zoning district that allows such sales activity.
  - c. Equipment or vehicle rental establishments in a land use district that allows such rental activity.
  - d. Sale of monuments, tombstones, birdbaths, statues, and related items in a zoning district that allows such sales activity.
  - e. Mobile home and portable building sales in a zoning district that allows such sales activity.
  - f. A plant nursery or produce stand in a zoning district plant nurseries and produce stands.
  - h. Any permanent structure used to shelter people or merchandise shall be required to obtain a building permit and shall be constructed in accordance with the Florida Building Code. "Permanent structure" as used herein shall mean a structure of any size used to shelter persons or property that is used during the operating hours of the flea market and kept in place when the flea market is closed. It does not include tarps, tents, canopies, or other portable shelters that are dismantled and carried off the property or stored in a permanent shelter at close of each business day.
  - i. A flea market shall be required to meet the parking, landscaping, and buffering requirements of Article 6 of this Code.

**3.09.12 Home Occupation Requirements**

- A. Only one (1) additional person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2)

square feet in area, nonilluminated, mounted flat against the wall of a principal building at a position not more than two (2) feet distance from the main entrance to the residence.

- D. In all zone districts except agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 1,000 square feet.
- E. No home occupation shall occupy more than twenty percent (20%) of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, living quarters, shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- H. For purposes of illustration, the following uses shall not be considered home occupations: (1) studio for group instruction, (2) dining facility or restaurant, (3) antique or gift shop, (4) photographic studio, (5) fortune-telling or similar activity, (6) outdoor repair, (7) food processing, (8) retail sales, and (9) child care center.
- I. For purposes of illustration, the following uses may be considered home occupations, provided they meet all the requirements listed in subparagraphs 1-8 above and all other provisions of these land development regulations: (1) the giving of individual instruction to one (1) person at a time such as art or music teacher; (2) fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales are made in the home; (3) custom dressmaking, seamstress, milliner; (4) tutoring for not more than one (1) student at a time; (5) answering telephone; (6) barber or beauty shop; and (7) professional offices.
- J. Home occupations that meet the following requirements shall be administratively approved by the land development regulations administrator: (1) no persons other than members of the family residing on the premises shall be engaged in such occupation; (2) no signs shall be erected on the property or home advertising the home occupation; (3) the home occupation shall not occupy more than ten percent (10%) of the first floor area of the residence; (4) no traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood; (5) no additional parking area shall be provided; (6) no outdoor storage of materials shall be allowed; and (7) the home occupation shall meet the requirements of subparagraph G above.

- K. For the purposes of illustration, the following uses may be considered as administratively approved home occupations, provided they meet all of the requirements of subparagraph 10 above and all other applicable provisions of the land development regulations: (1) professional offices; (2) subcontractors; (3) fabrication of articles such as arts and handicrafts, providing no retail sales are made in the home; (4) custom dressmaking, seamstress, milliner, and similar occupations provided that no customers visit the home occupation; and (5) internet sales, such as Ebay, provided that no customers visit the home occupation.
- L. A home occupation shall be subject to all applicable occupational licenses and other business taxes.

### **3.09.13 Miscellaneous**

- A. Number of principal structures on single parcel. A building permit for the construction of more than one building or other principal structure (excluding commercial buildings under common ownership or unified control) shall not be issued for any such structure on less than a lot or parcel. Provided, however, that if a portion of a platted lot is conveyed to an adjoining lot owner, and the original platted lot remains conforming in size despite the conveyance, a permit may be issued for a principal structure on that lot.
- B. Exclusions from height limitations. Height limitations contained in this Code do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, elevator shaft enclosures, observation towers, or other appurtenances usually required to be placed above the roof level.
- C. Moving of buildings and structures. No building or structure shall be moved from one lot or parcel to another lot or parcel, or moved to another location on the same lot or parcel, unless such building or structure shall thereafter conform to all of the applicable provisions of these Land Development Regulations and to all other regulations and ordinances of the Town.
- D. Removal of replaced dwellings. Once a structure has been approved as the replacement of an existing dwelling, either through a Final Inspection or Certificate of Occupancy, the original dwelling must be moved off the property within 30 days of the date of the Final Inspection or Certification of Occupancy.

### **3.09.14 Nonconformities**

- A. Generally.
1. It is the intent of this section to permit nonconformities to continue until they are voluntarily removed or removed as required by this section, but not to encourage their survival. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
  2. 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.

3. Where on the date of adopted of this Land Development Code, the lawful use of land existed which would be permitted pursuant to a special use permit under the terms of this Land Development Code, such use shall not be deemed a conforming use in such district. However, any enlargement or expansion of such uses shall be subject to the procedures for securing a special use permit.

B. Definitions.

*Nonconforming Development* means a structure and/or other physical alterations of the land that do not currently comply with this Land Development Code or the existing Comprehensive Plan, but, at the time it was constructed, was in compliance with all then-existing Town regulations, and was consistent with the then-existing Town Comprehensive Plan. Nonconformity may be the result of noncompliance with requirements relating to setbacks, floor area ratio, parking, landscaping, stormwater management, flood protection, building height, and other such requirements in this Land Development Code and the Comprehensive Plan.

*Nonconforming Lot* means a use of land or structure that does not currently comply with this Land Development Code or the existing Comprehensive Plan, but at the time it was created, was in compliance with all Town regulations, including subdivision requirements, and was consistent with the Town Comprehensive Plan, in effect at the time the lot or parcel was created.

*Nonconforming Use* means a use of land or structure that does not currently comply with this Land Development Code or the existing Comprehensive Plan, but at the time it was established, was in compliance with all then-existing Town regulations, including zoning or land development regulations, and was consistent with the then-existing Town Comprehensive Plan, and which has continued without cessation of the use for a period of more than 12 consecutive months. A use shall be considered nonconforming if the characteristics of the use, such as a residential density or commercial intensity, do not comply with the current regulations or Comprehensive Plan requirements.

C. Nonconforming Uses.

1. Nonconforming uses are declared to be incompatible with permitted uses in the districts involved.
2. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. The nonconforming use shall not be enlarged, increased, intensified, or extended to occupy a greater area of land or structure.
  - b. If a nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use of such land shall conform with the regulations specified by these land development regulations for the district in which such land is located.

- c. A nonconforming use may not be changed to another nonconforming use unless the change is to another nonconforming use of the same character, or to a more restricted but nonconforming use. Such change must be approved by the Planning and Zoning Board, which must find, after a quasi-judicial hearing, that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the Planning and Zoning Board may require appropriate conditions and safeguards.

D. Nonconforming Lots.

1. Nonconforming lots shall be eligible for the issuance of residential building permits, subject to all other provisions of this Land Development Code and the Town Comprehensive Plan, including setbacks, lot coverage, and concurrency. Provided, however, that in order to receive a building permit to construct a residence or other structure that will be served by an onsite sewage disposal system, the nonconforming lot must be at least 0.25-acre.
2. No portion of a nonconforming lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Land Development Code, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Land Development Code.

E. Nonconforming development.

1. Nonconforming development may be continued in use so long as it remains otherwise lawful, and subject to the limitations in 2 below.
2. Nonconforming development is subject to the following:
  - a. No nonconforming structure may be enlarged or altered in a way that would increase the nonconformity of the development. For example, a structure could not be increased in size if to do so would increase the need for parking on a site that already failed to meet current parking requirements.
  - b. In no event shall the total square footage of a nonconforming structure be increased so that its total square footage would be more than 50 percent greater than the original maximum lawfully-created square footage of the structure.
  - c. Should a nonconforming structure be destroyed by any means to an extent of more than 50 percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Land Development Code.
  - d. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform with the regulations for the district in which it is located after it is moved.

- e. Any nonconforming development may be altered to decrease its nonconformity.

F. Special Rules for Existing Mobile Homes.

1. For the purposes of this subsection, the term “existing mobile home” shall mean mobile homes that existed as of the effective date of this Land Development Code.
2. In those districts that do not permit the placement of new mobile homes but do permit existing mobile homes, such existing mobile homes may be removed and replaced by another mobile home, provided:
  - a. That a period of not greater than six (6) consecutive months elapses between the removal of one (1) mobile home and the placement of another mobile home; and
  - b. Where a mobile home is removed and is not replaced for a period greater than six (6) consecutive months for any reason (except where governmental action impedes access to the premises), such mobile home shall not be replaced and any subsequent use shall conform to the regulations for the district in which the use is located.

### 3.10.17 Overnight Recreational Campgrounds

A. Definitions.

*Accessory Uses or Structures* means designed, intended, and used to serve only overnight guests of the campgrounds.

*Cabin or Lodge* means a structure to be used for temporary housing quarters that is permanently affixed to the ground and which shall comply with the building code and regulations as adopted by the Town Council and the statutes and regulations of the State concerning building, electrical installations, plumbing, and sanitation systems.

*Campsite* means a generic term encompassing any site to be used for an RV, tent, cabin, or camping trailer.

*Recreational Vehicle (RV)* means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation uses, permanently identified as a recreational vehicle by the manufacturer of the vehicle, having a width not exceeding 14 feet, and an overall dimension not exceeding 500 square feet, when constructed to the U.S. Department of Housing and Urban Development standards and shall include the following:

*Camping Trailer* (includes the terms pop-up or pop-out trailer) means a canvas folding structure, mounted on wheels and designed for travel, recreation, or vacation use.

*Motor Home* means a portable, temporary dwelling to be used for travel, recreation, or vacation uses, and constructed as an integral part of a self-propelled vehicle.



*Travel Trailer* (includes the term fifth-wheel trailer) means primarily designed and constructed to be drawn by another vehicle.

*Truck Camper* (includes the terms pick-up coach, topper, or slide-out camper) means a structure designed to be mounted on the bed or chassis of a truck.

*RV Site* means any site to be used for RV or cabin.

*Unit*: Each of the following shall be counted as one (1) dwelling unit for the purposes of determining density:

- 1 caretaker home
- 4 RV sites
- 4 beds in cabins or lodges
- 4 primitive campsites

- B. In addition to the requirements of Chapter 64-E-15, Florida Administrative Code, the following standards apply to all new Overnight Recreational Campgrounds. In the event that regulations contained herein conflict with state regulations, the more stringent regulation shall apply.
- C. Standards. The following standards apply to Overnight Recreational Campgrounds:
1. **Maximum Density.** Density if the number of units (as defined in this subsection) allowed per acre and shall be determined based on the applicable zoning district. If located in a Commercial, General district, the maximum density shall not exceed two (2) dwelling units per acre. Clustering of units onsite shall be allowed so long as overall density does not exceed the maximum.
  2. **Minimum Parcel Size and Maximum Impervious Surface.** The minimum parcel size shall be ten (10) acres; and the use shall not exceed the maximum impervious surface allowed for residential uses under the applicable zoning district.
  3. **Uses Allowed.** The following uses may be allowed:
    - RV
    - Cabins
    - Lodge
    - Meeting Facilities
    - Primitive Camping
    - Caretaker Residence
    - Accessory Recreational Facilities, e.g., clubhouse, tennis courts, pool
    - Accessory Retail, e.g., camp store, dive shop
    - Accessory Administrative and Other Service Facilities
    - Accessory Rentals, e.g., canoe, kayak, tube, bicycle
  4. **Maximum Stay.** The maximum length of stay shall be 90 consecutive days or 120 non-consecutive days with a 12-month period, with a minimum break of two (2) weeks between

stays at the same campground. The owner of the campground shall maintain accurate rental and occupancy records indicating when customers check-in to and check-out of the campground, which shall be made available for inspection during regular business hours upon request from the Town Clerk. With exception of the caretaker's residence lawfully constructed in accordance with the applicable Florida Building Code, campground facilities shall not be used as a permanent housing option. The length of stay may be extended up to 180 consecutive days pursuant to a temporary use permit if the person(s) requesting the extension is staying as a result of demonstrated hardship situation such as a medical emergency, the destruction of a principle home by fire, flood, or other calamity, subject to the following:

- a. The permit shall have a maximum duration of six (6) months.
  - b. The person(s) requesting the additional time shall have access to lawfully permitted electrical power, potable water, and bathroom facilities. If the person(s) requesting additional time will be making use of an RV site, the RV site must have a potable water hookup and a lawfully permitted sewer hookup at the RV site or usable dump station on premises.
5. Internal minimum setbacks. A minimum distance of ten feet will be maintained between all RVs, tents, or other overnight units.
  6. Buffers. An overnight recreational campground shall be install and maintain a 25-foot buffer subject to the buffering and screening requirements of Section 6.04.03 of this Code.
  7. Sanitation. The following sanitation standards shall be met:
    - a. An adequate supply of pure water for drinking and domestic purposes shall be provided for as required by Chapter 64E-15.003, Florida Administrative Code.
    - b. Restrooms and shower facilities shall be provided in accordance with requirements of the Florida State Department of Health. Such facilities shall be so located as to be reasonably available to all RV sites and campsites. Sewage effluent may only be disposed of in approved sanitary stations as herein provided.
    - c. A safe method of sewage collection, disposal, or treatment and disposal shall be provided for as required by Chapter 64E-15.004, Florida Administrative Code.
    - d. Garbage and refuse disposal shall be provided for as required by Chapter 64E-15.007, Florida Administrative Code.
  8. Campsites. The following standards for campsites shall be met:
    - a. Each campsite shall be clearly defined on the ground and shall abut on a street or on a driveway with unobstructed access to a street, and each campsite shall contain no more than one RV, cabin, park trailer, or tent, and accessory structures.

- b. Each campsite shall contain a minimum of 1,500 square feet and shall have a minimum width of 30 feet.
  - c. The requirements for paving, street lighting, electrical outlets, and water taps may be waived in whole or in part where the approved site plan provides for a density in all or any portion of the campground for two (2) spaces per gross acre, and where such spaces are designed and intended to afford the users thereof an opportunity to camp in a quiet, uncongested, and natural setting.
  - d. For RV Campsites: each RV shall have an electrical outlet with adequate amperage available to provide the needs of each RV. All such outlets shall be weatherproof. Permanent carports and accessory enclosures may be included in each RV campsite, provided that such enclosures are not attached in any fashion to the RVs.
- 9. Cabins. Cabins shall be limited in size to 500 square feet.
- 10. Street and driveway improvements. Streets and driveways shall meet the following standards:
  - a. All streets and driveways shall be paved in accordance with the specifications as set forth in Article 9 of this Code.
  - b. All two-way streets and driveways shall have a minimum width of 20 feet. All one-way streets and driveways shall have a minimum width of ten (10) feet.
- 11. Street lighting. All streets and driveways within the campground shall be lighted at night with electric lights providing a minimum average illumination of 0.2 footcandle.
- 12. Fires.
  - a. Fires shall be permitted only in stoves, fireplaces, and other equipment intended for such purposes.
  - b. Firefighting and protection equipment shall be provided at appropriate locations within the park. All equipment shall be maintained in good operating condition and its location shall be adequately marked. Inspection, maintenance, and marking of firefighting equipment shall be in accordance with those standards established by the national fire codes (National Fire Protection Association International) and the rules and regulations of the State of Florida Fire Marshal.
- 13. Service stores. A service stores, if provided, shall be internally located within the park and shall not be provided separate driveway access or signage along an exterior road.
- 14. Site Plan. The Special Use Permit application shall contain a complete site plan, prepared, signed, and sealed by a Professional Engineer licensed in the State of Florida, at a scale of not less than 50 feet to the inch and showing:

- a. The area and dimensions of the proposed overnight recreational campground.
- b. The street and lot layout.
- c. The location of water lines, sanitary sewer lines, natural gas lines, manholes, fire hydrants, and streetlights.
- d. A preliminary drainage plan prepared by a Professional Engineer registered in the State of Florida.
- e. Location and dimensions of all cabins, lodges, sanitation facilities, recreational facilities, buffers, office structures, utility buildings, service stores and impervious surfaces.
- f. Density calculations.

### **3.09.16 Parking and Storage of Certain Vehicles**

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

### **3.09.17 Performance Standards**

- A. All uses and activities permitted in any district within these Land Development Code shall conform to the standards of performance described below:
  1. Fire and explosion hazards. In any zoning district, all uses shall comply with the applicable standards set forth in the rules and regulations of the State Fire Marshal.
  2. Smoke, dust, dirt, visible emissions, and open burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 62, Florida Administrative Code, as amended. Regulations controlling open burning shall be the same as those contained in Chapter 62, Florida Administrative Code, as amended.
  3. Fumes, vapors, and gases. Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in Chapter 62, Florida Administrative Code, as amended.
  4. Heat, cold, dampness, or movement of air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the Industrial district, this standard shall be applied to the boundaries of the district and not at the lot lines of the individual properties located within the district.
  5. Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level

prevailing for the same hour, as generated by street and traffic activity with the exception that in the Industrial district, this standard shall be applied to the boundaries of the district and not at the lot lines of the individual properties located within the district. The determination of noise level shall be measured with a sound level meter that conforms to the specifications published by the American National Standards Institute.

6. Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 62, Florida Administrative Code.
7. Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

### **3.09.18 Permanent Accessory Dwelling Structure**

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

1. Permanent accessory dwelling structures are allowed in Agriculture, Residential, and Downtown District zoning districts, subject to the standards below.
2. For the purposes of determining the applicability of impact fees and special assessments, a permanent accessory dwelling, whether attached to the primary dwelling or not, shall be treated as a separate residential dwelling unit.
3. The standards below shall apply notwithstanding conflict with other provisions of this Code relating to accessory uses, including Section 3.10.1, Accessory Uses.
4. It is the intent of the regulations in 3.10.14.5 below to limit the allowable permanent accessory dwelling unit to a small, truly accessory unit that shall not constitute a separate dwelling unit for purposes of determining compliance with the density limitations in the Article 2 of this Code.
5. Where the permanent accessory dwelling unit is being proposed on a lot within a recorded subdivision, the application for the unit shall include a written and signed opinion by a title company or licensed Florida attorney that the proposed dwelling unit will not conflict with restrictive covenants, deed restrictions, or other applicable private restrictions on the use of the lot.

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

1. If the accessory dwelling is proposed on a lot in a recorded or registered unrecorded subdivision, or if the accessory dwelling is proposed on a parcel that is not a recorded or registered unrecorded subdivision, but which is developed at greater than twice the density allowed in Article 2 of this Code, then the following standards apply:
  - a. Both the primary dwelling and the accessory dwelling must be constructed as a site-built or modular structure.

- b. No more than one (1) accessory dwelling structure, in addition to the primary dwelling, shall be placed on a parcel or lot.
  - c. The lot or parcel on which the detached accessory dwelling structure is to be placed is not less than 10,000 square feet in size, and no less than 100 feet in width.
  - d. The accessory dwelling structure may be attached to the primary residential structure, or it may be detached so long as it is no less than 15 feet or more than 75 feet away from the primary structure. This shall be measured exterior wall to exterior wall.
  - e. The accessory dwelling structure shall be no smaller than 400 square feet and no greater than 1,000 square feet, and in all cases shall be smaller and clearly subordinate to the primary dwelling.
  - f. The total lot coverage allowed in the applicable zoning district shall not be violated, or made more non-conforming, by the addition of the accessory dwelling.
  - g. Before obtaining a building permit for an accessory dwelling unit the property owner shall record in the official records of Columbia County a declaration of restrictions containing a reference to the deed under which the property was acquired by the owner/applicant, to be binding on the current owner and all future successors in ownership of the property, and providing that:
    - (1) The accessory unit shall not be sold separately from the primary dwelling unless a division of the property is approved by the Town; and
    - (2) That under no circumstances shall the existence of an accessory dwelling unit be grounds for a variance or any deviation from applicable Town subdivision regulations.
2. If the accessory dwelling is not in a recorded or registered unrecorded subdivision but which is developed at less than or equal to half the density allowed under Article 2 of this Code, then the following standards apply:
- a. Both the primary dwelling and the accessory dwelling must be constructed as a site-build or modular structure.
  - b. No more than one (1) accessory dwelling structure, in addition to the primary dwelling shall be placed on the parcel.
  - c. The accessory dwelling structure will be no larger in size than the primary dwelling and shall not exceed 35 feet in height.
  - d. The lot or parcel on which the accessory dwelling structure is to be placed shall be no less than 10,000 square feet in size, and no less than 100 feet in width.

- e. Before obtaining a building permit for an accessory dwelling unit the property owner shall record in the official records of Columbia County a declaration of restrictions containing a reference to the deed under which the property was acquired by the owner/applicant, to be binding on the current owner and all future successors in ownership of the property, and providing that:
  - (1) The accessory unit shall not be sold separately from the primary dwelling unless a division of the property is approved by the Town; and
  - (2) That under no circumstances shall the existence of the accessory dwelling unit be grounds for a variance or any deviation from applicable Town subdivision regulations.

### **3.09.19 Railroad Right-of-Way**

- A. Existing railroad right-of-way is a permitted use in all zoning districts.

### **3.09.20 Recreational Vehicles.**

- A. Definition. Recreational Vehicle shall mean a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This definition shall include, but not necessarily limited to, the following:

*Camping Trailer:* A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

*Motor Home:* A vehicular unit built on a self-propelled motor chassis primarily designed to provide temporary living quarters for recreational, camping, or travel use.

*Travel Trailer:* A vehicular portable unit, mounted on wheels of such a size or weight as not to require special highway movement permits, when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.

- B. Use for residential purposes.
  - 1. Recreational vehicles are not considered to be single-family dwellings or mobile homes for purposes of this Code. Recreational vehicles shall, therefore, not be used for permanent living, sleeping, or housekeeping purposes, unless they are specifically listed as being a permitted use or allowed by special use permit in the applicable zoning district.
  - 2. Recreational vehicles that were permitted by the Town as permanent residences prior to the adoption of this Section will be considered nonconforming uses, and will remain legal, subject to the regulations for nonconformities contained in this Land Development Code.

C. Temporary Use.

1. Unless approved by a temporary use permit or special use permit as set forth below, recreational vehicles may only be set up and occupied for temporary living purposes within an approved campground or recreational vehicle park.
2. The Town Clerk may grant a temporary use permit to allow a recreational vehicle to be used for temporary living purposes in the following circumstances:
  - a. As an accessory use to a primary residence, in any zoning district, for the purpose of providing temporary accommodations for visitors. This permit may be issued for a period of up to 30 days. A period of at least 30 days must pass in order to reapply for another temporary use permit.
  - b. For living purposes, in any zoning district, where a property owner will live in the recreational vehicle while the owner is building a home, or a replacement home is being set up, on the parcel where the recreational vehicle is to be located. This permit may be issued for a period of up to 12 months. Such permit may be renewed for a maximum of two (2) additional 30-day periods provided that substantial progress has been made on the construction of the house and the building permit is still valid. Once a certificate of occupancy is issued for the house, or a final inspection is approved for a mobile home, the recreational vehicle may no longer be used as a residence.
3. A special use permit may be granted by the Planning and Zoning Board for the use of a recreational vehicle for temporary living purposes on a specific parcel of property subject to the following standards and requirements:
  - a. The proposed location must be vacant property in an Agriculture zoning district.
  - b. The proposed use must be compatible with the surrounding development and land uses. In determining whether the use of a recreational vehicle for temporary living purposes would be compatible with surrounding development and land uses, the Planning and Zoning Board shall consider:
    - (1) The extent to which surrounding parcels have been used for similar purposes in the past and/or are presently being used from such purposes.
    - (2) The extent to which the area may be considered more recreational than residential in character. For example, a parcel near hunting lands may be considered more recreational in nature than a small lot in a largely built-out residential subdivision.
    - (3) The size of the parcel on which the recreational vehicle would be placed, and the amount of buffering there would be between the recreational vehicle and adjacent or nearby permanent residential uses.



- (4) The extent to which the parcel and surrounding parcels are unsuitable for the construction of permanent residential dwellings.
  - (5) The extent to which there is support or opposition to the granting of the special use permit by nearby property owners.
- c. The special use permit shall contain conditions which:
  - (1) Establish the times during which the recreational vehicle may be located on the parcel. This shall include, but not necessarily be limited to:
    - i. The number of consecutive days that the recreational vehicle may be located on the parcel. Under no circumstances shall this number exceed 120.
    - ii. The total number of days that the recreational vehicle may be located on the parcel during any calendar year. Under no circumstances shall this number exceed 180.
  - (2) Establish whether a power pole may be located on the parcel. If so, the condition shall limit the power service to no more than 60 amps.
  - (3) Establish whether an onsite sewerage disposal system shall be required, allowed at the option of the owner, or prohibited, on the parcel. If a system is to be required, the condition shall provide that a permit for the disposal system shall be obtained prior to any use of the parcel of the parking of a recreational vehicle.
  - (4) Address other potential negative impacts of the proposed use.
  - (5) Provide that any violation of the special use permit, or conditions thereof, shall result in the revocation of the special use permit by the Planning and Zoning Board. The Planning and Zoning Board shall hold a public hearing on the proposed revocation with notice of the hearing provided by certified mail to the property owner. Evidence of violation of the special use permit may be presented by any person including a resident, Code Enforcement Officer, or other Town official. Once a special use permit has been revoked pursuant to this provision, the owner shall be prohibited from re-applying for a special use permit for use of a recreational vehicle for temporary living purposes.

### **3.09.21 Salvage Yard**

- A. Definition. Salvage yard means any open area where inoperative, dilapidated, abandoned or wrecked materials are bought, sold, exchanged, stored, processed or handled as a principle or accessory use. This term shall include operations primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and operations engaged in the collection, sorting and shipping of materials for purposes of recycling or

reuse. Typical materials found in a salvage yard include inoperable automobiles, trucks, tractors, wagons, boats or other kinds of vehicles and parts thereof, as well as scrap materials, scrap building materials, recovered or reclaimed building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, appliances, furniture and the like.

B. Supplementary regulations.

1. The setback from any property line which is in a residential district or which is shown for residential use on the zoning map shall be 300 feet.
2. The entire area occupied by a salvage yard shall be surrounded by a continuous solid masonry wall or opaque fence eight (8) feet in height without any openings, except for entrances and exits, which shall be equipped with solid gates. Materials stored in the salvage yard shall not be visible above the wall or fence, and shall not be placed in any required setback area. Fabric or plastic sheets or nets shall not be used as part of the fence or attached to a fence for the purpose of affecting the required opacity.
3. Salvage yards shall be limited to the Industrial zoning district; except that recycling operations conducted in connection with a solid waste facility may be located in a zoning district where such solid waste facility are allowed, subject to any conditions or requirements related to the solid waste facility.

**3.09.22 Setback Areas.**

A. General encroachment rules.

1. Every part of every required setback area shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these Land Development Regulations.
2. The following encroachments into required setback areas are specifically allowed:
  - a. Sills and belt courses may project into a required yard a maximum of 12 inches.
  - b. Movable awnings may project into a required setback area a maximum of three (3) feet, provided that where the setback area is less than five (5) feet in width the projection shall not exceed half the width of the setback area.
  - c. Chimneys, fireplaces, bay windows, or pilasters may project in a required setback area a maximum of two (2) feet.
  - d. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project a maximum of five (5) feet into a required rear setback area, or a maximum of three (3) feet into a required side setback area of a multiple dwelling, hotel, or motel.

- e. Hoods, canopies, roof overhangs, or marquees may project a maximum of three (3) feet into a required setback area, but shall not come closer than one (1) foot to the lot line.
- f. Fences, walls, and hedges are permitted in required setback area, subject to the provisions of this Section.
- g. Cornices, eaves, or gutters may project a maximum of three (3) feet into a required setback area, provided that where the required setback area is less than six (6) feet in width, such projection shall not exceed half the width of the setback area.

B. Landscaping. Except as provided herein, nothing in these Land Development Regulations shall be so construed as to prohibit any type of landscaping or private, nonprofit gardening on any lot.

### **3.09.23 Sexually-Oriented Business**

In order to provide clear and consistent, content neutral regulations for sexually oriented businesses, the standards in this Section govern the placement and design of sexually oriented businesses. These standards are based on the adverse secondary effects associated with sexually oriented businesses, while recognizing the rights of citizens to obtain constitutionally protected speech guaranteed under the First Amendment.

#### **A. Definitions.**

*Display Publically.* The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from any portion of the premises where items and material other than sexually oriented media are on display to the public.

#### *General Media Store.*

1. A general term for the retail sale or rental of books and other media, including stores that may have some sexually oriented media, but excluding those stores that are classified as sexually oriented media stores. A store that sells or rents media in which less than 10 percent of the numbers of items in inventory are sexually explicit media and in which less than 10 percent of the retail floor area is devoted to sexually explicit media shall be considered a general media store unless it is a sex shop. A general media store meeting these inventory and floor area limits shall not be considered a sexually oriented business.
2. A general media store which devotes more than 10 percent of its floor area or 10 percent of the number of items in inventory to sexually explicit media, but devotes less than 30 percent of its floor area or less than 30 percent of the number of items in inventory to sexually explicit media shall be treated for the purposes of these LDRs as a general media store and not as a sexually oriented media store or other sexually oriented business, provided that it continuously meets the following conditions:
  - a. All sexually explicit media is maintained in a room that is separated from other

- media by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less;
- b. Access to the room containing the sexually explicit media shall be through an opaque, solid door;
  - c. The room containing sexually explicit media shall be posted with a notice indicating that only persons 18 years of age or older are allowed in the room;
  - d. Access to the room is physically limited to adults through control of access by an employee of the store, through the use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station; and
  - e. If either the 30 percent threshold of either gross floor area or number of items in inventory is exceeded, then the use shall be classified as a sexually oriented media store and considered a sexually oriented business.

*Massage.* Touch, stroking, kneading, stretching, friction, percussion and vibration, and including holding, positioning, and causing movement of soft tissues and applying manual touch and pressure to the body.

*Massage Parlor or Shop.* An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

*Massage Therapy.* The profession licensed in accordance with Chapter 480, Florida Statutes

*Media.* Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication; including, but not limited to, books, newspapers, magazines, movies, videos, sound recordings, CD-Roms, other magnetic media, and undeveloped pictures.

*Motion Picture Arcade Booth.* Any booth, cubical, stall or compartment which is designed, constructed, or used to hold or seat customers and is used for presenting sexually explicit material, motion pictures, or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium for observation by customers therein. Also known as booth, arcade booth, preview booth, video arcade booth, video viewing booth, and peep show booth.

*Religious Institutions.* A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational

and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

*Sadomasochistic Practices.* Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

*School.* A public or private institution at the elementary, middle, or high school level that provides educational instruction to students, but not including an establishment primarily for the instruction of adults, a day-care, a day-care home, a child care center, or an in-home school for the purposes of instructing children of the family residing in the household.

*Sex Shop.* An establishment offering goods for sale or rent and that meets any of the following tests:

1. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; or,
2. More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties; or,
3. More than five (5) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

*Sexual Conduct.* The engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

*Sexual Gratification.* Sexual conduct as defined herein.

*Sexually Explicit Media.* Magazines, books, videotapes, movies, slides, CD-Roms, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas.

*Sexually Oriented Acts.* Sexual conduct as defined herein.

*Sexually Oriented Business.* An inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented media store, sexually oriented motion picture theater; sex shop, motion picture arcade; bathhouse; and massage parlor or shop and/or sex shop.

*Sexually Oriented Cabaret or Sex Oriented Cabaret.* A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the

primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by customers therein.

*Sexually Oriented Cinema, Sexually Oriented Motion Picture Theater, or Sex Oriented Cinema.* A cinema or motion picture theater that shows hard-core features on more than half the days that it is open, or that is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

*Sexually Oriented Media Store.* An establishment that rents and/or sells media, and that meets any of the following three (3) tests:

1. Thirty (30) percent or more of the gross public floor area is devoted to sexually explicit media;
2. Thirty (30) percent or more of the stock in trade consists of sexually explicit media;
3. It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than a sexually oriented movie theater or sexually oriented cabaret.

*Sexually Oriented Toys or Novelties.* Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

*Specified Anatomical Areas.* Includes: (1) less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and, (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified Sexual Activities.* Means and includes human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, or sodomy

## B. General Standards for All Sexually Oriented Businesses

### 1. Separation from School

- a. All sexually oriented businesses shall comply with the provisions of Section 847.0134, Florida Statutes, which prohibits the location of sexually oriented businesses displaying, selling, or distributing materials harmful to minors within 2,500 feet from a school, unless the Town Council approves the location under proceedings provided in Section 166.041(3)(c), Florida Statutes. The Town shall notify the principal of any school that could be affected by the exception request and the School Board of Columbia County whenever an exception to Section 847.0134, Florida Statutes is requested.
- b. The separation standards from a school shall apply only if one (1) or more of the following applies:

- i. If it is a public school;
  - ii. The school has been in operation at the same location for one (1) year or more; or
  - iii. The location at which the school is now operating is owned by the organization operating the school or its parent organization.
2. When Separation Standards from Religious Institution Apply. The separation standard from a religious institution shall apply only if one (1) or more of the following applies:
  - a. The religious institution has been in operation at the same location for one (1) year or more; or
  - b. The location at which the religious institution is now operating is owned by the organization operating the religious institution or its parent religious organization.
3. When Separation Standards from Child Day Care Center or Day Care Home Apply. The separation standard from a child day care center or day care home shall apply only if one (1) or more of the following applies:
  - a. The child day care center or day care home has been in operation at the same location for one (1) year or more; or
  - b. The location at which the child day care center or day care home is now operational is owned by the organization operating the facility.
4. Measurement of Separation Distances. For purposes of measuring the separation distances in this Section, the measurement shall be made by extending a straight line from the main entrance of the building of the sexually oriented business to the front door of the main building occupied by any other sexually oriented business or to the nearest property line of any established religious institution, existing residential use, residential district, day care center, public park and playground, or school.
5. Co-location Standards for Sexually Oriented Businesses
  - a. No more than one sexually oriented business shall be located in a single building or on a single lot.
  - b. No sexually oriented business shall be established as an accessory use to another business.
  - c. No sexually oriented business shall offer any of the following products or services to customers, whether or not for a fee:
    - i. Gasoline or other fuels;
    - ii. Showers or other baths;

iii. Alcoholic beverages for off premises consumption.

6. Motion Picture Arcade Booths. Motion picture arcade booths either as an accessory use to any permitted sexually oriented business or a permitted principal use is prohibited.
  7. Massage Parlors, Lingerie Modeling, Nude Photography Studios. Massage parlors, lingerie modeling establishments, and nude photography studios are prohibited. This provision shall not apply to massage therapists licensed and certified by the State of Florida.
- C. Sexually Oriented Media Store. A sexually oriented media store shall be considered a sexually oriented business. A sexually oriented media store shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
  3. Window Glazing. Frost or opaque any window glazing in the store.
  4. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the store.
  5. Security Lighting. Install security lighting on the building and in the parking lot.
  6. Not Display Publicly. Not display publicly sexually oriented media.
- D. Sex Shop. A sex shop shall be considered a sexually oriented business. A sex shop shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Separation From Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
  3. Window Glazing. Frost or opaque any window glazing in the shop.
  4. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the store.
  5. Security Lighting. Install security lighting on the building and in the parking lot.
  6. Sexually Explicit Media and Toys. Not display publicly explicit media and sexually oriented toys or novelties.



- E. Sexually Oriented Cabaret. A sexually oriented cabaret shall be considered a sexually oriented business. A sexually oriented cabaret shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Separation from Business that Sells Alcohol. Not be located within 500 feet of a business that sells alcohol for on-premises consumption.
  3. Separation from Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
  4. Window Glazing. Frost or opaque any window glazing.
  5. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the cabaret.
  6. Security Lighting. Install security lighting on the building and in the parking lot.
  7. Prohibit Sale of Alcohol. Prohibit alcohol sales.
  8. Separation between Stage Feature and Customer Seating/Standing Area. Provide a minimum separation of two (2) feet between any stage feature and the customer seating or standing area. Stages shall be a minimum of two (2) feet high.
  9. Prohibit Booths or Private Dancing Rooms. Prohibit private booths or private dancing rooms.
  10. Noise. There shall be no projection of sound from the building housing the sexually oriented cabaret.
- F. Sexually Oriented Motion Picture Theater. A sexually oriented motion picture theater shall be considered a sexually oriented business. A sexually oriented motion picture theater shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Separation From Business That Sale Alcohol. Not be located within 500 feet of a business that sales alcohol for on premises consumption.
  3. Separation From Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.

4. Minimum Area. Be a minimum area of 660 square feet.
5. Signage. Place a sign on the front door prohibiting persons less than 18 years of age from entering the theater.
6. Security Lighting. Install security lighting on the building and in the parking lot.
7. Lighting within Theater. Maintain at least 0.5 footcandles of lighting within the theater at all times.
8. Monitoring of Theater. Maintain constant monitoring of activity within the theater by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.
9. Seating in Theater. Provide individual seating with arm chairs that do not rise, only.
10. Prohibit Bench and Sofa Seating. Prohibit bench seating and sofa seating.
11. Prohibit Sale of Alcohol. Prohibit alcohol sales.
12. Separation between Stage Feature and Customer Seating/Standing Area. Provide a minimum separation of two (2) feet between any stage feature and the customer seating or standing area. Stages shall be a minimum of two (2) feet high.
13. Noise. There shall be no projection of sound from the building housing the sexually oriented motion picture.

#### **3.09.24 Schools.**

- A. Location. The location of public, private, and charter school sites shall be consistent with the following criteria:
1. The proposed school location shall be compatible with present and projected use of the adjacent property.
  2. Adequate public facilities and services, are, or will be, available concurrent with the development of the school.
  3. There are no significant environmental constraints that would preclude development of an educational facility on the site.
  4. There will be no adverse impacts on archeological or historic sites or structures listed on the State of Florida Historic Master Site File, which are located on the site.
  5. The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.

6. The proposed site can accommodate the required parking and circulation of vehicles on the site.
  7. Where feasible, the proposed site is so located to allow for co-location with parks, libraries, and community centers.
  8. Middle and high schools shall be located on collector or arterial roadways, as functionally classified within the Comprehensive Plan, which have sufficient capacity to carry traffic to be generated by the school and are suitable for high volume traffic during evening and special events as determined by generally acceptable traffic engineering standards.
- B. Other Standards. The Town shall require the development of public, private, and charter school sites to be consistent with the following standards:
1. The location, arrangement, and lighting of playfields and playgrounds shall be located and buffered as may be necessary to minimize impacts to adjacent residential property.
  2. All structural setbacks, building heights, and access requirements shall be governed by the Town's Land Development Code.

#### **3.09.25 Special Right-of-Way Requirements**

- A. A development which requires platting or is required to provide a site plan shall include requirements for an additional ten (10) feet of right-of-way for bicycle and pedestrian ways in proposed arterial and collector roadways.
- B. Proposed structures or structural additions along new or realigned collector or arterial roadways shall provide an additional setback of seventy-five (75) feet from the centerline of the right-of-way for the future need of additional right-of-way.

#### **3.09.25 Telecommunication Towers**

- A. Generally.
1. The Town Council may approve, approve with conditions, or deny an application for a telecommunications tower and/or antenna pursuant to the special use permit procedures in Article 10.
  2. Meeting the requirement of this section shall not excuse the applicant from otherwise complying with the Town's Comprehensive Plan and these Land Development Code. The Town Council shall have the right and authority to waive certain requirements of this section where it is found that a literal application or enforcement of this section would result in practicable difficulty or unnecessary hardship and relief granted would not be contrary to the public interest or intent of this section, but will do substantial justice and remain in accordance with the spirit of this section.

B. Applicability.

1. The standards in this section apply to all new or expanded telecommunications towers, except as specifically provided herein.
2. No permit is required under this section for telecommunications towers used for governmental purposes and located on property, rights-of-way, or easements owned by any governmental entity.
3. Routine maintenance, including replacement with a new tower and height modifications to accommodate the co-location of an additional user (or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate co-location on an existing telecommunications tower, shall comply with the requirements of this section.
4. No permit under this section shall be required to locate a telecommunications tower, shall be required to locate a telecommunications antenna on an existing structure, provided however, that the telecommunications antenna does not extend more than twenty (20) feet above the existing structure. Such structures may include, but are not limited to, buildings, water towers, existing telecommunications towers, recreational light fixtures and other public utility structures.
5. No permit under this section shall be required to locate a telecommunications antenna used by amateur radio operators licenses by the Federal Communications Commission, including citizens band (CB), UHF Aircraft, VHF Marine, telecommunications antenna used by investor-owned electric utilities, municipally-owned electric utilities or rural electric cooperatives for the provision of the essential service of electricity, or similar radio operators, or such antenna, which is exempted, or local authority preempted by, federal and or state law.
6. For purposes of this section, a telecommunications tower that has received final approval in the form of either a special use permit or building permit, but has not yet been constructed shall be considered as existing tower so long as such approval is otherwise valid and unexpired.
7. A permit for an amateur radio tower may be approved by the Town Clerk and shall be exempt from the standards and procedures of this section if the following standards are met:
  - a. The proposed tower shall be intended and used solely for private, non-commercial purposes such as for private short-wave radio use.
  - b. The proposed tower shall not exceed 125 feet in height, or the distance from the tower to the property line of the parcel on which the tower sits, whichever is less.

- c. Upon proof of engineering to ensure collapse without going beyond the property line of the parcel on which the tower is located, the Town Clerk may approve a tower of up to 125 feet in height even if the tower is closer than 125 feet from a property line.
- 8. Notwithstanding anything herein to the contrary, this section shall not be construed to exempt telecommunications towers or antenna from compliance with other Town ordinances and regulations such as building permit requirements.

C. Location.

- 1. Telecommunications towers may be located in Agricultural, Commercial, General, and Industrial zoning districts as a permitted principal use and shall not be subject to review by the Planning and Zoning Board and Town Council so long as such tower is not located within ½-mile from a recorded or unrecorded approved subdivision, or public or private school, provided that such tower or antenna shall meet all other requirements of these Land Development Regulations.
- 2. Every reasonable effort shall be made to locate telecommunications towers in an Agricultural, Commercial, General, or Industrial zoning district.
- 3. Telecommunications towers shall be prohibited within a recorded or unrecorded approved subdivision.
- 4. Regardless of the zoning district in which a telecommunications tower or antenna is located, the tower and antenna shall meet the following standards. Distances shall be measured from the center of the base of the telecommunications tower to the boundary line of recorded or unrecorded approved subdivisions.
  - a. Camouflaged towers shall be permitted within one (1) times the height of the tower from recorded or unrecorded subdivisions.
  - b. Towers that are not lit shall be at least five (5) times the height of the tower or 450 feet, whichever is greater, from recorded or unrecorded approved subdivisions.
  - c. Towers that are lit at night with red lights shall be at least seven (7) times the height of the tower from recorded or unrecorded approved subdivisions.
  - d. Towers that are lit at night with white lights shall be at least twenty (20) times the height of the tower from recorded or unrecorded approved subdivisions.
- 5. If the proposed location is within an Agricultural zoning district, the proposed location shall reasonably minimize the impact of the telecommunications tower due to height, use, or appearance of the adjacent structures or surrounding area.
- 6. A telecommunications tower shall not be approved in an area unless:

- a. There are no existing building structures located within the area that are reasonably available to the applicant for the intended purpose and serve the applicant's telecommunications needs; and,
  - b. No other existing telecommunications tower meeting the applicant's telecommunications system needs located within the area is reasonably available to the applicant for the purposes of co-location. Further, owners of telecommunications towers must provide access and space for government-owned antenna where possible on a basis not less favorable than is required for private co-location.
7. No telecommunications tower shall be located or allowed which causes the existing airport license of any airport defined in Chapter 330, Florida Statutes, as amended, to be limited, modified, restricted, or otherwise changed as a result of the siting of such telecommunications tower.
8. Replacement towers shall be located on the same parcel. They shall be located within 30 feet of the existing tower, and may be rebuilt to the same or lesser height as the existing tower. The replacement tower must be able to accommodate at least two new carriers. The standards in (1) through (7) above are not applicable to replacement towers. Replacement towers shall comply with Florida Building Code requirements together with the design and construction of the replacement tower, shall be permitted on the site for up to 60 days. At the time the building permit is issued for the replacement tower, the demolition permit for removal of the old tower will be issued. The old tower must be removed within 60 days of completion of the replacement tower.
9. The applicant must provide a written, notarized statement to the Town Clerk demonstrating compliance with (1) through (8) above.

D. Design and Construction.

1. Regardless of the zoning district in which a telecommunications tower or antenna is located, the tower and antenna shall meet the following criteria for the design and construction of telecommunications towers.
2. The proposed height of the telecommunications tower is the minimum necessary by the applicant to satisfy the applicant's telecommunications systems needs at the proposed location.
3. All other applicable permits must be obtained, including Federal Communications Commission and Columbia County 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, then the owner(s) shall bring such towers or antennas into compliance with such revised standards and regulations to the extent required by such governmental agency.

4. All towers shall be designed and constructed to Electronic Industries Association/Telecommunications Industry 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. Telecommunications tower owners shall be responsible for periodic inspections of such towers at least once every five (5) years to ensure structural integrity. Such inspections shall be conducted by a structural engineer licensed to practice engineering in Florida. The results of the inspection shall be filed with the Town Clerk.
5. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely with the tower parcel or property. Certification of this requirement signed by a structural engineer with a current license issued by the State of Florida shall be provided by the applicant to the Town Clerk.
6. All telecommunications tower supports and peripheral anchors shall be located within the parcel or property where the tower is located.
7. Telecommunications tower shall be marked and lighted as required by Federal Aviation Administration, or other federal or state agency of competent jurisdiction, however, provided that, strobe lighting shall not be used after dark.
8. All accessory buildings or structures shall comply with other applicable provisions of this Land Development Code.
9. Setbacks for telecommunications tower accessory buildings and structures shall comply with the requirements for the zoning district in which the tower is located.
10. No advertising shall be permitted on the tower structure.
11. The perimeter base of all telecommunications towers shall be enclosed within a security fence no less than eight (8) feet in height with access secured by a locked gate.
12. All telecommunications tower facilities shall be identified by use of a metal plate or other conspicuous marking giving the name, address, and telephone number of the telecommunications tower owner and lessee if different from the owner, and operator. Such identification shall also include the telephone number of a contact person.

E. Co-location.

1. Regardless of the zoning district in which a telecommunications tower or antenna is located, the following requirements shall be met for co-location of telecommunications towers and antennas.
2. A special use permit for the location and use of a telecommunications tower shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs of its antenna.

3. All new telecommunications towers shall be designed and constructed so as to accommodate co-location. Establishing accommodation for co-location of at least two (2) other providers of at least equal capacity shall meet the requirements of this section.
4. If a party who owns or otherwise controls a telecommunications tower shall fail or refuse to alter a telecommunications tower so as to accommodate a proposed and otherwise feasible co-location, said telecommunications tower shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
5. If a party who owns or otherwise controls a telecommunications tower shall fail or refuse to permit a feasible co-location, and this requires construction and/or use of a new telecommunications tower, the party failing or refusing to permit a feasible co-location shall be deemed in direct violation and contradiction of this policy, intent, and purpose of the Town's Land Development Regulations, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new telecommunications tower within the Town for a period of five (5) years from the date of failure or refusal to permit the co-location. Such a party may seek and obtain relief for the five (5) year prohibition of receiving approval for a new telecommunications tower by the Town if, and to the limited extent, the applicant demonstrates entitlement to relief, which in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent services, or that such enforcement would have the effect of prohibiting the provision of telecommunication services.

F. Existing Towers.

1. All telecommunications towers or antennas existing on the effective date of this Code, shall be allowed to continue to be used as they presently exist.
2. Telecommunications towers or antenna existing on the effective date of this Code that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced; provided the type, height, and location of the tower shall be of the same type and intensity (or lesser height or intensity e.g., a monopole in substitution for a lattice tower) as the original facility. Building permits to rebuild any such tower shall otherwise comply with applicable Florida Building Code requirements together with the design and construction criteria in subsection (D) above except paragraph (9) if such setbacks cannot be met, and shall be obtained within one (1) year from the date the tower is damaged or destroyed. If no permit is obtained or said permit expires, the telecommunications tower shall be deemed abandoned as specified in this section.
3. Any telecommunications tower or antenna found not to be in compliance with Florida Building Code standards, or found to constitute a danger to persons or property, upon notice to the owner of the telecommunications facility, such tower or antenna shall be brought into compliance or moved within 90 days. In the event the use of any telecommunications 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 Town Clerk who shall have the right to request documentation and/or affidavits from the telecommunications tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 90 days within which to:

- a. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or,
- b. 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 use permit approval for the tower shall automatically expire.

G. Procedure and Submittals.

1. An application for a permit shall be reviewed according to the procedures for special use permit in Article 10.
2. The application shall include the following information:
  - a. An inventory of existing telecommunications towers owned/operated by the applicant in the area. Each applicant for a tower site shall provide the Town with an inventory of its existing telecommunications towers that are either within the jurisdiction of the Town or within a ½-mile of the border thereof, including specific location, height, and design of each tower. Such information shall be a public record document and may be shared by the Town with other applicants seeking to locate telecommunications towers within the Town.
  - b. Description of the area of service of the telecommunications tower identifying the use of the tower or antenna for coverage or capacity.
  - c. If required, photo simulations of the proposed telecommunications facilities illustrating the potential visual impact.
  - d. Site plan or plans to scale specifying the location of the tower(s), guy anchors (if any), accessory buildings or uses, access, parking, fences, landscaped areas, and adjacent land uses.
  - e. Legal description of the parent tract and leased parcel (if applicable). The location of the proposed telecommunications tower in digital format suitable to the Town. Certification by a Florida licensed land surveyor of the mean sea level election and topography.
  - f. Utilities inventory indicating the locations of all water, sewer, drainage, and power lines impacting the proposed tower site.

- g. Report from a structural engineer, licensed to practice engineering in the state of Florida documenting the following:
  - i. 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.
  - ii. Total anticipated capacity of the structure, including number and types of antennas that can be accommodated.
  - iii. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain possible debris.
- h. Written statement from the Federal Aviation Administration, the Federal Communications Commission, and appropriate federal or 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.
- i. Written agreement to lease excess space on the tower structure and to lease additional excess land on the tower site until the shared use potential of the tower is absorbed, where feasible, and subject to reasonable terms. The term “where feasible”, as it applies to co-location, 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 impact existing users. Reasonable terms for use of a telecommunications 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 telecommunications 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 the 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 telecommunications tower sites.
- j. Evidence of applicant’s inability to co-locate on a reasonable basis on an otherwise suitable existing telecommunications tower for the location of the proposed antenna.
- k. Evidence that the telecommunications tower is needed to meet the applicant’s communications systems requirements.
- l. The applicant shall provide any additional information which may be reasonably requested by the Town Clerk to fully evaluate and review the proposed telecommunications tower and/or antenna.

**3.09.27 Temporary Uses.****A. Generally.**

1. Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses.
2. Depending on their character and potential for negative impact on the public, temporary uses may be authorized either by a Special Use Permit approved by the Planning and Zoning Board, or a Temporary Use Permit issued by the Town Clerk.
3. The following temporary uses may take place only if authorized by a Special Use Permit issued by the Planning and Zoning Board.
  - a. Circuses, carnivals, fairs, music festivals, and outdoor concerts where attendance at any one time is expected to exceed 250 persons.
  - b. Seasonal sales and seasonal rentals which are proposed to exceed 120 days per calendar year.
  - c. Temporary uses of similar size and character that, in the judgment of the Town Clerk, should be subject to review by the Planning and Zoning Board.
  - d. In addition to the principal residential dwelling, one (1) mobile home used as an accessory residence for the reason of medical hardship, 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 shall be subject to minimum setbacks, and shall not be located within 20 feet of any building. The lot must meet the minimum lot requirements. A permit for such mobile home may be granted for a time period up to five (5) years or conditioned to terminate at the end of the hardship.
4. The following temporary uses may take place only if authorized by a Temporary Use Permit issued by the Town Clerk:
  - a. A circus, carnival, fair, music festival, or outdoor concert where the expected attendance at any one time is expected to be 250 persons or less.
  - b. In agricultural and commercial districts: seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and other similar agricultural products, may be permitted for a maximum of 120 days per calendar year.

- c. In commercial districts: seasonal rentals of recreation equipment, such as tubes, canoes, kayaks, and other similar equipment, may be permitted for a maximum of 120 days per calendar year.
- d. Other uses that are similar to (a) through (c) above and which will not extend beyond 30 days.
- e. Manufactured buildings used for temporary purposes by any agency of municipal, county, state, or federal government; provide such use shall not be nor include a residential use.
- f. Manufactured buildings or recreational vehicles used as a residence, temporary office, security shelter, or shelter for materials or goods, incident to construction on or development of the premises upon which the manufactured building or recreational vehicle is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than 12 months without the approval of the Town Council, which shall give such approval only upon finding that actual construction has begun and is continuing.
- g. Temporary religious or revival activities in tents.

B. Standards.

- 1. Prior to granting the special use permit or temporary use permit, the Planning and Zoning Board or Town Clerk, as the case may be, shall determine that:
  - a. Adequate measures will be taken to protect adjacent and nearby uses from adverse impacts, especially excessive noise.
  - b. Excessive vehicular traffic will not be generated on residential streets, and there is an adequate plan to provide safe ingress and egress to the use.
  - c. A vehicular parking problem will not be created.
  - d. Adequate measures will be taken to ensure the use will be conducted in a safe and sanitary manner.
  - e. Merchants may display and/or sell goods described in Section 3.10.17.B.4(b) and (c) in the Town on a temporary basis without establishing a permanent place of business, subject to the following standards: (1) the property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability; (2) the proposed display and/or sale of goods, products and/or services for commercial purposes may not occur within 100' of a residential dwelling unit; (3) tents and other temporary

structures will be located so as not to interfere with the normal operations of any permanent use located on the property; (4) off-street parking area is adequate to accommodate the proposed sale of products; (5) temporary sale of products will not interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided; (6) hours of operation of the temporary sale of products shall be from no earlier than 7:30 a.m. to no later than 10:00 p.m., or the same as the hours of operation of the principal use, whichever is more restrictive.

2. The permit, if granted, shall be granted for a specific time period, at the end of which, if the use permitted has not been discontinued, it shall be deemed a violation of this Code.
3. Appropriate conditions and safeguards may include, but area not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both.
4. A temporary use permit or a special use permit may authorize more than one occurrence of the authorized temporary use so long as there is adequate spacing of the events over time to protect the public interest. The timing and other restrictions on such recurrence shall be specifically addressed in the conditions of the permit.

#### **3.09.28 Transitional Use Area Requirements**

- A. Intent. It is the intent of these requirements to ease the frictions between residential and nonresidential uses by creating a transition zone in which certain intensive nonresidential uses are prohibited.
- B. Where a commercial or industrial district adjoins a residential district, along the same frontage and without an intervening street, the following uses shall not be located within one hundred (100) feet of the residential district:
  1. Drive-in or drive-through restaurants or refreshment stands.
  2. Bars, taverns, and cocktail lounges.
  3. Car washes.
  4. Outdoor storage yards, wrecking yards, automobile wrecking yards, junkyards, yards used in whole or in part from scrap or salvage operations, or for processing, storage, display, or sales of any scrap, salvage, or second-hand automotive parts.
  5. Bulk storage of flammable liquids or explosives.

#### **3.09.29 Visibility at Intersections and Curb Breaks**

- A. Visibility at intersections. On a corner lot in all zoning districts, not fence, wall, hedge, landscaping, sign, or structure shall be erected, placed, planted, or allowed to grown in such a

manner as to obstruct vision between a height of 2 ½ feet and 6 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of such intersection.

- B. Visibility at curb breaks. In all zone districts, where a curb break intersects a public right-of-way, no fence, wall, hedge, landscaping, sign, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct cross-visibility between a height of 2 ½ feet and 6 feet within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break and public right-of-way lines with 2 sides of each triangle being 10 feet in length from the point of intersection and the third being a line connecting the end of the 2 other sides.
- C. Retaining walls. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.
- D. Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

**ARTICLE 4.  
CONCURRENCY MANAGEMENT**

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## ARTICLE 4. CONCURRENCY MANAGEMENT

### SECTION 4.01. GENERALLY

#### 4.01.01. Purpose

The purpose of this Article is to describe the requirements and procedures for determination of whether proposed development meets the concurrency requirements of the Town of Fort White Comprehensive Plan.

#### 4.01.02. Definition Of Concurrency

*Concurrency* means a condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standards at the time of impact of the development project.

### SECTION 4.02. CONCURRENCY MANAGEMENT

#### 4.02.01. Generally

The following method of ensuring concurrency shall be known as the Concurrency Management System. The Concurrency Management System is based upon the Town Comprehensive Plan. The system is designed to ensure that the issuance of a Final Development Order will not result in a degradation of the adopted levels of service for specified public facilities and services. The Concurrency Management System also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

#### 4.02.02. Adopted Levels of Service Shall Not Be Degraded

- A. All applications for development orders shall demonstrate that the proposed development does not degrade adopted levels of service in the city.
- B. Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities if, upon completion of the new facilities, the prescribed levels of service will be met.

#### 4.02.03. Determination of Available Capacity

- A. For purposes of these regulations the available capacity of a facility shall be determined by:
  - 1. Adding Together:
    - a. The total capacity of existing facilities operating at the required level of service; and
    - b. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development, if the development permit applied for is not a building permit (due to the more immediate impact of building permits). The capacity of new facilities may be counted only if one or more of the following is shown:
      - (1) Construction of the new facilities is under way at the time of issuance of the final development order.



- (2) The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.
- (3) The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the capital improvements element of the City Comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

2. Subtracting from that Number the Sum of:

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

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

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

#### **4.02.04. Determination of Concurrency**

- A. The burden of showing compliance with level of service requirements shall be upon the developer. In order to be approved, applications for development approval shall provide sufficient information showing compliance with these standards.
- B. The initial determination of concurrency occurs during the Pre-Application Conference between the developer and the Town and shall include compliance with the level of service standards adopted by the Town. However, final determination shall be made during Final Development Plan Review.

#### **4.02.05. Adopted Levels of Service**

The applicable levels of services shall be as adopted in the Town of Fort White Comprehensive Plan.

**SECTION 4.03. PROPORTIONATE FAIR-SHARE PROGRAM****4.03.01. 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 Program, as required by and in a manner consistent with §163.3180(16), F.S.

**4.03.02. Findings**

- A. The Town Council finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors.
- B. Further, the Town Council finds that the Town of Fort White Proportionate Fair-Share Program:
  - 1. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.
  - 2. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility.
  - 3. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion.
  - 4. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the Town to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element ("CIE") of the Town's Comprehensive Plan.
  - 5. Is consistent with §163.3180(16), F.S., and supports Policy II.1.1 in the Town Comprehensive Plan.

**4.03.03. Applicability**

- A. The Proportionate Fair-Share Program shall apply to all developments in the Town that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the Town Concurrency Management System ("CMS"), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 4.03.05.
- B. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in the Town's CMS, and/or Chapter 163.3180, F.S., regarding exceptions and de minimis impacts.

**4.03.04. Definitions**

Terms used in this Section shall have the meanings given to them in the Town Land Development Code or in Sections 163.3164, F.S. or 163.3180, F.S.

**4.03.05. General Requirements**

- A. An applicant may choose to satisfy the transportation concurrency requirements of the Town by making a proportionate fair-share contribution, pursuant to the following requirements:
1. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
  2. The five-year schedule of capital improvements in the Town CIE or the long-term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement that, upon completion, will satisfy the requirements of the Town transportation CMS. The provisions of Section 4.03.05.B may apply if a project or projects needed to satisfy concurrency are not presently contained within the local government CIE or an adopted long-term schedule of capital improvements.
- B. The Town may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the Town transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIE or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:
1. The Town adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate Town boards and determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this Article. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.
  2. If the funds allocated for the five-year schedule of capital improvements in the Town CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the Town may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.
  3. The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management

system at the next annual capital improvements element update.

- C. Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the Town for locally maintained roadways and those of the FDOT for the state highway system.

#### **4.03.06. Intergovernmental Coordination**

Pursuant to policies in the Intergovernmental Coordination Element of the Town Comprehensive Plan, the Town shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

#### **4.03.07 Application Process**

- A. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 4.03.05.
- B. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System ("SIS"), then the FDOT will be notified and invited to participate in the pre-application meeting.
- C. Eligible applicants shall submit an application to the Town that includes an application fee as set by resolution and the following:
1. Name, address and phone number of owner(s), developer and agent.
  2. Property location, including parcel identification numbers.
  3. Legal description and survey of property.
  4. Project description, including type, intensity and amount of development.
  5. Phasing schedule, if applicable.
  6. Description of requested proportionate fair-share mitigation method(s).
  7. Copy of concurrency application.
- D. The Town shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 4.03.05, then the applicant shall be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If the applicant does not remedy such deficiencies within 30 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 days to cure such

deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.

- E. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- F. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the Town, or the applicant with direction from the Town, and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the Town Council meeting when the agreement will be considered.
- G. The Town shall notify the applicant regarding the date of the Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Council.

#### **4.03.08. Determining Proportionate Fair-Share Obligation**

- A. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
- B. A development shall not be required to pay more than it's proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- C. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), 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 LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

$$\text{Proportionate Fair-Share} = \Sigma[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i]$$

Where:

Development Trips<sub>i</sub> = 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

CMS;

SV Increase<sub>i</sub> = Service volume increase provided by the eligible improvement to roadway segment “i” per Section 4.03.05;

Cost<sub>i</sub> = Adjusted cost of the improvement to segment “i”. Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- D. For the purposes of determining proportionate fair-share obligations, the Town shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE, the MPO/TIP or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:
1. An analysis by the Town of costs by cross section type that incorporates data from recent projects and approved by the Council. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor as determined in Appendix A; or
  2. The most recent issue of FDOT *Transportation Costs*, 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 FDOT Work Program shall be determined using this method in coordination with the FDOT District.
- E. If the Town 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.
- F. If the Town has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 115 percent of the most recent assessed value by the County Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the Town and at no expense to the Town. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the Town at no expense to the Town. If the estimated value of the right-of-way dedication proposed by the applicant is less than the Town estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

#### **4.03.09. Impact Fee Credit for Proportionate Fair-Share Mitigation**

- A. If in the future the Town adopts one or more impact fees, proportionate fair-share contributions shall be applied as a credit against those impact fees to the extent that all or a portion of the proportionate

fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

- B. Impact fee credits for the proportionate fair-share contribution shall be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant shall be reduced per the Proportionate Fair-Share Agreement as they become due per the Town Impact Fee Ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the Town pursuant to the requirements of the Town Impact Fee Ordinance.
- C. Major projects not included within the local government's impact fee ordinance or created under Subsections 4.03.05.B.1. and 2., which can demonstrate a significant benefit to the impacted transportation system may be eligible at the local government's discretion for impact fee credits.
- D. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the Town Impact Fee Ordinance.

#### **4.03.10. Proportionate Fair-Share Agreements.**

- A. Upon execution of a proportionate fair-share agreement (Agreement) the applicant shall receive a certificate of concurrency compliance. Should the applicant fail to apply for a development permit within 12 months or within the period of time granted under the Agreement, whichever is greater, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.
- B. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from 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 Section 4.03.08, and adjusted accordingly.
- C. All developer improvements authorized under this Section must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this Subsection that any required improvements be completed before issuance of building permits or certificates of occupancy.
- D. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
- E. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

- F. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the Town shall be non refundable.
- G. The Town may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

#### **4.03.11. Appropriation of Fair-Share Revenues**

- A. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the Town CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the Town, 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% local match for funding under the FDOT TRIP.
- B. In the event a scheduled facility improvement is removed from the CIE, 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 Section 4.03.05 B 2. 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 Town may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the Town through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.
- C. Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair-share obligation calculated under Section 4.03.08, the Town shall reimburse the applicant for the excess contribution using one or more of the following methods:
  - 1. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the Town.
  - 2. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.
  - 3. The Town may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the Town and the applicant.



**APPENDIX A: METHOD FOR COST ESCALATION**

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost\_growth}_{3\text{yr}})^n$$

Where:

$\text{Cost}_n$  = The cost of the improvements in year n;

$\text{Cost}_0$  = The cost of the improvement in the current year;

$\text{Cost\_growth}_{3\text{yr}}$  = The growth rate of costs over the last three years;

n = The number of years until the improvement is constructed.

**The three-year growth rate is determined by the following formula:**

$$\text{Cost\_growth}_{3\text{yr}} = [\text{Cost\_growth}_{.1} + \text{Cost\_growth}_{.2} + \text{Cost\_growth}_{.3}]/3$$

Where:

$\text{Cost\_growth}_{3\text{yr}}$  = The growth rate of costs over the last three years;

$\text{Cost\_growth}_{.1}$  = The growth rate of costs in the previous year;

$\text{Cost\_growth}_{.2}$  = The growth rate of costs two years prior;

$\text{Cost\_growth}_{.3}$  = The growth rate of costs three years prior.

**ARTICLE 5.  
RESOURCE PROTECTION STANDARDS**

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## ARTICLE 5. RESOURCE PROTECTION STANDARDS

### SECTION 5.01. PURPOSE

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

### SECTION 5.02. TREE PROTECTION

#### 5.02.01 Findings

- A. Trees benefit the community in the following ways:
1. Absorbing carbon dioxide and returning oxygen to the atmosphere.
  2. Precipitating dust and other particulates from the air.
  3. Providing wildlife habitat, particularly for birds, which in turn help control insects.
  4. Providing soil stabilization that reduces erosion and mitigates the effect of flooding.
  5. Providing shade which reduces energy consumption and glare, and making outdoor areas more comfortable during the warm months.
  6. Making the built environment more attractive by adding a variety of color, shape, and pattern, and thus increasing community pride and the value of property.
  7. Providing attractive buffering between incompatible land uses.
  8. Abating noise.
- B. Because some trees are more beneficial than others, the public benefits of tree protection may be obtained without preserving each and every tree.

#### 5.02.02. Definitions

*Diameter at Breast Height* (DBH) means the diameter of the plant or tree at 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

*Historic Tree* means a tree designated by the Town Council as one of notable historical interest, as further described in Section 5.02.03 C.

*Protected Tree* means any tree that has a DBH of more than twelve (12) inches, and which is not

otherwise exempted from this Code.

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

### **5.02.03. Exemptions**

- A. *Single-Family Homes.* Lots or parcels of land on which a single-family home is used as a residence shall be exempt from all provisions of these tree protection regulations, except that historic or specimen trees on such parcels shall be protected according to these regulations. Any residential developments that require the approval of a development plan by the Town are not exempt.
- B. *Nuisance Trees.* Trees listed in the Florida Exotic Pest Plant Council's List of Invasive Plant Species may be removed without first receiving a tree removal permit from the Town.
- C. *Utility Operations.* Tree removals by duly constituted communication, water, sewer, electrical, or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies, shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Code as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the Town five (5) days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.
- D. *Surveyors.* A Florida licensed land surveyor in the performance of his duties provided such alteration is limited to a swath three feet or less in width.
- E. *Commercial Growers.* All commercial nurseries, botanical gardens, tree farms, and grove operations shall be exempt from the provisions of this part, but only as to those trees which were planted for silvicultural or agricultural purposes or for sale or intended sale in the ordinary course of business.
- F. *Emergencies.* During emergencies caused by a hurricane or other disaster, the Town Council may suspend tree protection regulations.

### **5.02.04. Removal of Trees**

- A. *Conditions for Authorization to Remove Protected Trees.*
  - 1. It is the intent of this section to minimize the removal of protected trees and that no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.
  - 2. No authorization for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:

- a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
- b. The tree is located in such proximity to an existing structure that the safety, utility, or structural integrity of the structure is materially impaired.
- c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- d. The tree creates a substantial hazard to motor, bicycle, or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
- e. The tree is diseased or weakened by age, abuse, storm, or fire, and is likely to cause injury or damage to people, buildings, or other improvements.
- f. Any law or regulation requires the removal.

B. *Replacement of Removed Trees.*

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

C. *Historic and Specimen Trees.*

1. A historic tree is one that has been designated by the Town Council as one of notable historical interest and value to the Town because of its location or historical association with the community. A public hearing shall be held by the Town Council on the designation with due notice to the owner of the tree.
2. A specimen tree is one that has been officially designated by the Town Council to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the Town Council with due notice to the owner of the tree.
3. No historic or specimen tree shall be removed without a finding by the Town Council that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree. The developer shall explain in detail why the tree is a hazard or why it is not economically or practically feasible to develop the parcel without removing the

historic or specimen tree. The Town staff shall make a presentation to the Town Council on the application and make a recommendation as to whether it should be approved or denied. The decision by the Town Council on the application shall be made within thirty (30) days of the date the application was filed.

## **SECTION 5.03. ENVIRONMENTALLY SENSITIVE LANDS**

### **5.03.01. High Aquifer Recharge Areas**

- A. High Aquifer Recharge Areas are defined those areas designated by the Suwannee River Water Management District, and those areas shown to receive greater than 8 inches of water per year of recharge to the Floridan Aquifer.
- B. The Town shall require demonstration from engineering results as part of the development review process that post-development recharge volumes will equal predevelopment recharge volumes to the Floridan Aquifer.
- C. Applicants for new development, expansions, or redevelopment shall employ on or more of the following techniques to address potential groundwater quality and quantity impacts:
  - 1. Construction and maintenance of shallow, landscaped retention basins.
  - 2. Decreasing the amount of stormwater runoff through the use of pervious surfaces or increased open space.
  - 3. Development of a stormwater pollution prevention plan.
  - 4. Development of a sinkhole remediation plan, when soil samples or geotechnical data show the site is prone to sinkhole formation.
  - 5. Development of a groundwater monitoring plan.

## **SECTION 5.04. GROUNDWATER AND WELLHEAD PROTECTION**

### **5.04.01. Purpose and Intent**

The purpose of groundwater protection standards is to safeguard the health, safety, and welfare of Fort White's citizens. This is accomplished specifically by ensuring the protection of the principle sources of water for domestic, agricultural, and industrial use. The availability of an adequate and dependable supply of good quality water is of primary importance to the Town's future. Therefore, standards are established in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

### **5.04.02. Definitions**

*Protected Wellheads* means those wellheads with a permitted capacity of 100,000 Gallons per

day or more.

*Wellhead Protection Area* means all land within a 500-foot radius of an existing or designated protected wellhead.

*Zone of Exclusion* means all land within a 100-foot radius of an existing or designated protected wellhead.

#### **5.04.03. Restrictions on Development**

- A. *Within the Zone of Exclusion.* No development activities shall take place within the Zone of Exclusion.
- B. *Within the Wellhead Protection Zone.* The following land uses are prohibited within the Wellhead Protection Zone:
  - 1. Landfills.
  - 2. Facilities for the bulk storage, handling, or processing of materials on the Florida Hazardous Substance List.
  - 3. Activities that require the storage, use, handling, production, or transportation of restricted substances, including, but not limited to, agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, and medical wastes.
  - 4. Feedlots or concentrated animal facilities.
  - 5. Wastewater treatment plants, percolation ponds, and similar facilities.
  - 6. Mines.
  - 7. Excavation of waterways or drainage facilities which intersect the water table.
- C. *Groundwater Restrictions on General Development.*
  - 1. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.
  - 2. Where development is approved in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Rule 40D 3.531, Florida Administrative Code.
  - 3. The discharge of hazardous materials to all soils, groundwaters, and surface waters of the Town is prohibited.

## Section 5.05. Floodplain Management

### 5.05.01 GENERAL

- A. Title.** These regulations shall be known as the *Floodplain Management Regulations* of Fort White, hereinafter referred to as “these regulations.”
- B. Scope.** The provisions of these regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. Intent.** The purposes of these regulations and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  5. Minimize damage to public and private facilities and utilities;
  6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- D. Coordination with the *Florida Building Code*.** These regulations are intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- E. Warning.** The degree of flood protection required by these regulations and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may



be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.

- F. Disclaimer of Liability.** These regulations shall not create liability on the part of **Town Council of Fort White** or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

#### 5.05.02 APPLICABILITY

- A. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard areas within the **Town of Fort White**, as established in subsection 5.05.02.C of these regulations.
- C. Basis for establishing flood hazard areas.** The Flood Insurance Study for **Columbia County, Florida, and incorporated areas** dated **February 4, 2009**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the **Town of Fort White, 118 SW Wilson Springs Road, Fort White, Florida.**
- D. Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to these regulations the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
  2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- E. Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, state or federal law.
- F. Abrogation and greater restrictions.** These regulations supersede any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate

any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.

**G. Interpretation.** In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

### 5.05.03 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

**A. Designation.** The **Town Clerk** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

**B. General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance.

**C. Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of these regulations;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of these regulations.

**D. Substantial improvement and substantial determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and these regulations is required.

**E. Modifications of the strict application of the requirements of the *Florida Building Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance.

**F. Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with these regulations.

**G. Inspections.** The Floodplain Administrator shall make the required inspections as specified in herein for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**H. Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to these regulations;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and these regulations to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of **Fort White, Florida** are modified.

- I. Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at **Fort White Town Hall, 118 SW Wilson Springs Road, Fort White, Florida**.

#### 5.05.04 PERMITS

- A. Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- B. Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

- C. Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of these regulations:
1. Railroads and ancillary facilities associated with the railroad.
  2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
  3. Temporary buildings or sheds used exclusively for construction purposes.
  4. Mobile or modular structures used as temporary offices.
  5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
  6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- D. Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
  2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant's authorized agent.
  7. Give such other data and information as required by the Floodplain Administrator.
- E. Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of

permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

- F. Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of these regulations or any other ordinance, regulation or requirement of this community.
- H. Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
1. The **Suwannee River** Water Management District; section 373.036, F.S.
  2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
  3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
  4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
  5. Federal permits and approvals.

#### 5.05.05 SITE PLANS AND CONSTRUCTION DOCUMENTS

- A. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:
1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with these regulations.
  3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with these regulations.
  4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.

**B. Information in flood hazard areas without base flood elevations (approximate Zone A).**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**C. Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified herein and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified herein.

**D. Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### 5.05.06 INSPECTIONS

- A. General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with these regulations, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.



- E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in these regulations.
- F. Manufactured homes.** The **Building Official** shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the **Building Official**.

#### 5.05.07 VARIANCES AND APPEALS

- A. General.** The **Board of Adjustment** shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the **Board of Adjustment** shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.
- B. Appeals.** The **Board of Adjustment** shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of these regulations. Any person aggrieved by the decision of **Board of Adjustment** may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- C. Limitations on authority to grant variances.** The **Board of Adjustment** shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in these regulations, the conditions of issuance set forth herein, and the comments and recommendations of the Floodplain Administrator and the Building Official. The **Board of Adjustment** has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations.
- 1. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required herein.
- D. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.
- E. Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum

necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**F. Considerations for issuance of variances.** In reviewing requests for variances, the **Board of Adjustment** shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**5.05.08 Conditions for issuance of variances.** Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the **Board of Adjustment** that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or

substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

#### 5.05.08 VIOLATIONS

- A. Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by these regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- B. Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### 5.05.09 DEFINITIONS

- A. Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
- B. Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- C. Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.
- D. DEFINITIONS**

**Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the "start of construction" commenced before **June 20, 2013**. [Also defined in FBC, B, Section 1612.2.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before **June 20, 2013**.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

**Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the

structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after **June 20, 2013**, and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after **June 20, 2013**.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

**Start of construction.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of

construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

**Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See *Instructions and Notes*]

**Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

#### 5.05.10 FLOOD RESISTENT DEVELOPMENT: BUILDINGS AND STRUCTURES

- A. **Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements herein.



**5.05.11 FLOOD RESISTENT DEVELOPMENT: SUBDIVISIONS**

- A. Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
  2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with regulations herein; and
  3. Compliance with the site improvement and utilities requirements of these regulations.

**5.05.12 FLOOD RESISTENT DEVELOPMENT: SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

- A. Minimum requirements.** All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

- C. Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required herein demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- E. Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

#### 5.05.13 FLOOD RESISTENT DEVELOPMENT: MANUFACTURED HOMES

- A. General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.
- B. Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance.
- C. Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with these regulations, as applicable.
- 1. General elevation requirement.** Unless subject to the requirements herein, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).
  - 2. Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to these regulations, including

manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- a. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
- b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

**E. Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.

**F. Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

#### **5.05.14 FLOOD RESISTENT DEVELOPMENT RECREATIONAL VEHICLES AND PARK TRAILERS**

**A. Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

**B. Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations herein for temporary placement shall meet the requirements of these regulations for manufactured homes.

#### **5.05.15 FLOOD RESISTENT DEVELOPMENT: TANKS**

**A. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**B. Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of these regulations shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

**C. Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**D. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**5.05.16 FLOOD RESISTENT DEVELOPMENT: OTHER DEVELOPMENT**

**A. General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of these regulations if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**B. Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of these regulations.

**C. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of these regulations.

**D. Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of these regulations. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of these regulations.

**ARTICLE 6.  
DEVELOPMENT DESIGN**

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## ARTICLE 6. DEVELOPMENT DESIGN

### SECTION 6.01. GENERAL PROVISIONS

#### 6.01.01. Purpose

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

#### 6.01.02. Responsibility for Improvements

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

#### 6.01.03. Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article 5 of this Code. All development shall be designed to provide adequate access to lots and sites and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

### SECTION 6.02. TRANSPORTATION SYSTEMS

#### 6.02.01. Official Street Map

The Official Street Map and any amendments thereto is hereby made a made a part of this Code. The map shall be the basis for all decisions regarding required road improvements, reservation of right-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

#### 6.02.02. Rights-of-Way

- A. *Future Rights-of-Way.* Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.
- B. *Protection and Use of Rights-of-Way.*
  - 1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the Town.
  - 2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, or electricity transmission, shall be allowed by the Town subject to placement specifications and other applicable town regulations and payment of franchise fees to the Town.

**6.02.03. Access****A. *To Residential Lots.***

1. All lots in a proposed residential subdivision shall have frontage on and access from an existing street.
2. Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential subcollector street.

**B. *From Arterial and Collector Roads.***

1. Access points on state roads must be in conformance with Florida Department of Transportation standards
2. Access points on county roads shall be subject to the following restrictions:
  - a. One access point for ingress and egress purposes shall be allowed to any single property or development.
  - b. Two access points shall be allowed if the distance between the two access points exceeds 20 feet.
  - c. Three access points shall be allowed if the minimum distance between the third access point and both other access points is at least 100 feet.
  - d. More than 3 access points shall be allowed where a minimum distance of 1000 feet is maintained between each additional access point and all other access points.

**SECTION 6.03. OFF-STREET PARKING****6.03.01. Generally**

- A. Off-street parking facilities shall be provided for all development within the Town pursuant to the requirements of this Code. The property owner shall maintain the facilities.
- B. Each off-street parking space shall be a minimum of ten 10 feet by 20 feet in size, with the exception of handicapped parking spaces, which shall be a minimum of 12 feet by 20 feet in size.

**6.03.02. Number of Parking Spaces Required**

- A. *Required Parking Spaces.* The table below specifies the required number of off-street automobile parking spaces.

**Table 06.03.02.1: Parking Schedule**

<b>USE</b>	<b>REQUIRED PARKING</b>
<b>Residential Uses</b>	
Single family, attached and detached	2 per dwelling unit
Multiple family	
One bedroom units	1.5 per dwelling unit, plus 1 per 10 bedrooms
Two or more bedroom units	2 per dwelling unit, plus 1 per 10 bedrooms
Assisted Living Facilities, Nursing Homes	1 per bed, plus one per employee on the largest shift
Mobile home park	2 per space
Community residential home	1 per 3 persons of licensed capacity, plus one per employee
<b>Public and Civic Uses</b>	
Auditorium	1 per 5 seats of maximum seating capacity in the principal area of assembly
College or university/vocational, business, or technical school	1 per employee plus one space per 4 students of design capacity
High school	1.5 spaces per employee plus one space per 10 students of design capacity
Elementary or middle school	10 spaces plus 2 per classroom
Child care center/Adult day care	1 per 6 persons of licensed capacity
Fire station	1 per person on duty on the largest shift
Hospital	1 per bed, plus one per employee on largest shift
Library, museum, art gallery	1 per 400 square feet of gross floor area
Medical or dental office/Medical clinic	1 per 200 square feet of gross floor area
Mortuary or funeral home	1 per 4 persons of licensed capacity, plus 1 per funeral vehicle, plus 1 per employee
Place of worship/Place of assembly/Civic organization	1 per 5 seats of maximum seating capacity in the principal area of assembly
Utilities	1 per employee
<b>Commercial Uses</b>	
Banks and financial institutions	1 per 500 square feet of gross floor area
Barber or beauty shop	2 per operator chair
Bar, cocktail lounge, tavern, nightclub	14 per 1,000 square feet of gross floor area
Bowling establishments	5 per lane
Business and non-medical professional offices, including governmental offices	1 per 250 square feet of gross floor area
Car wash	1 space per service bay, plus three stacking spaces
Convenience store, with or without fuel sales	1 per fueling position, plus 2 per working bay, plus 1 per 200 square feet of sales area
Driving range	1 per tee, plus one space per employee
Restaurant, up to 23 seats	8 spaces
Restaurant, more than 23 seats	1 per 3 seats
Golf course	60 spaces per 9 holes, plus 1 space per employee, plus 50% of the spaces otherwise required for



USE	REQUIRED PARKING
	any accessory use (e.g., bar or restaurant)
Spa, gym, or fitness center	10 plus 1 per 200 square feet of gross floor area in excess of 1,000 square feet
Movie theaters	1 per 3 seats
Personal service – oriented uses, not otherwise specified	1 per 400 square feet of gross floor area
Retail sales and services, not otherwise specified	1 space per 150 square feet of gross floor area
Hotel or motel	1 per guest room, plus one per employee on the largest shift
Entertainment and recreation, not otherwise specified	1 per 4 persons of maximum capacity
Self service storage facilities	1 per employee
Vehicle sales and rentals, including sales of boats and recreational vehicles	1 per 2,000 square feet of display area whether indoors or outdoors, plus 1 per 500 square feet of gross floor area devoted to servicing vehicles
Vehicle repair	1 per 200 square feet gross floor area
<b>Industrial Uses</b>	
Industrial uses, other than warehousing	1 per 1,000 square feet of gross floor area, plus 1 per company vehicle operating from the premises, plus 1 per 250 square feet of gross floor area of accessory retail or wholesale use
Warehousing, storage, distribution	3 per 1,000 square feet of gross floor area
Waste-related services	1 per employee

- B. *Uses Not Specifically Listed.* The number of parking spaces required for uses not specifically listed in the table shall be determined by the Planning and Zoning Board. The Board shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.
- C. One motorcycle space shall be required per 10 vehicle spaces required by this Section. Motorcycle spaces are optional if less than 10 vehicle spaces are required. Motorcycle spaces shall be clearly labeled as such.
- D. Two bicycle parking spaces shall be required per 20 vehicle spaces required by this Section. For lots with fewer than 20 vehicle parking spaces, two bicycle parking spaces shall be required.
- E. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Section 316.1955, .1956, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with Section 6.03.02, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.
- F. If an applicant seeks to increase the number of required parking spaces allowed for a use, then a

request for an increase in parking spaces shall be submitted with a proposed site plan. The applicant shall include justification, based upon competent and substantial evidence, for the increase in required parking spaces.

#### **6.03.03. Parking Deferral.**

- A. To avoid requiring more parking spaces than are actually needed to serve a development, the Planning and Zoning Board may defer the provision of some portion of the off-street parking spaces required by this Code if the conditions and requirements of this section are satisfied.
- B. As a condition precedent to obtaining a partial deferral by the Planning and Zoning Board, the developer must show any one or more of the following:
  - 1. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the Planning and Zoning Board include, but are not limited to:
    - (a) Private and public car pools and van pools.
    - (b) Charging for parking.
    - (c) Subscription bus services.
    - (d) Flexible work-hour scheduling.
    - (e) Capital improvement for transit services.
    - (f) Ride sharing.
    - (g) Shared parking lots.
  - 2. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.

### **SECTION 6.04. LANDSCAPING**

#### **6.04.01 Generally**

- A. Lots or parcels of land on which a one- or two-family home is used as a residence shall be exempt from all provisions of these landscaping regulations. This shall not be construed to exempt any new residential development that requires the approval of a plat or site plan by the Town.
- B. No accessory structures, garbage, or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Section shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

- C. Landscaping and shrubbery shall not be planted or designed in such a way that it will interfere with utilities or access. Landscaping planted within an electric utility easement where overhead lines exist shall not exceed 12 feet in height at maturity. Vegetation must not prevent access for repair, maintenance or construction of utilities.
- D. Plants shall be selected from the list of recommended plants contained in the Florida-Friendly Landscaping database, or those demonstrated to be native or adaptive species that are drought-tolerant. Selected plants shall be appropriate for the North Florida hardiness zone. All plants shall meet Florida Number One Grades and Standards.

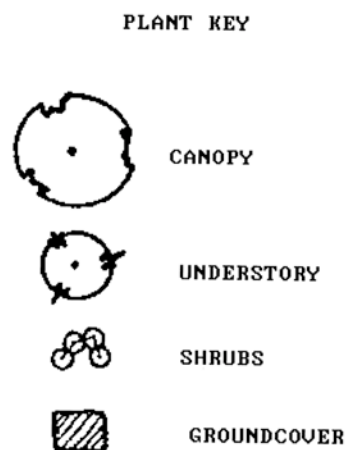
#### 6.04.02 Vehicle Use Areas

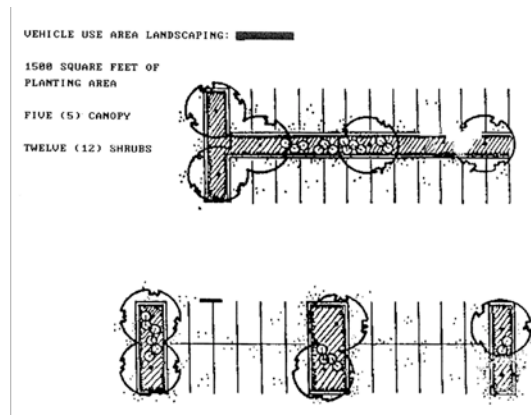
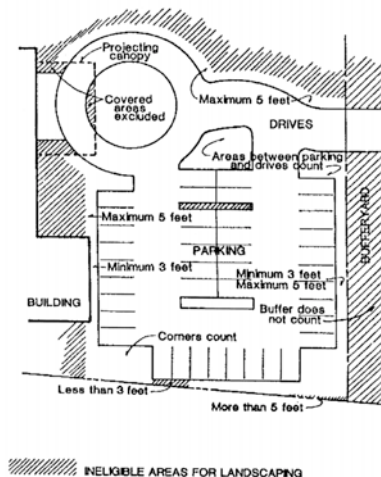
- A. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automotive salvage yards.
- B. Every 10 spaces shall be designed with 200 square feet of landscaping placed in medians or islands. Square footage for landscape medians or islands can be consolidated to provide larger planting areas to accommodate large canopy trees. Canopy trees may not be planted in landscaping areas of less than 200 square feet. No more than 10 adjacent spaces can occur without a landscaped island or median. Landscaping includes shrubs, trees, groundcover (not sod or turf grasses), and flowering plants.

Figure 6.04.02.B provides an example of vehicle use and landscaping. Figure 6.04.02.C identifies the areas of landscaping that may be counted towards fulfilling the vehicle use area landscaping requirement.

- C. Proportional amounts of landscaping shall be provided for fractional areas.
- D. Vehicle use areas designed to accommodate vehicles that are larger or smaller than automobiles, or that do not have designated parking areas, shall meet the requirements of the above figures except that in place of 24 parking spaces, the square footage of 4,800 square feet shall be used.

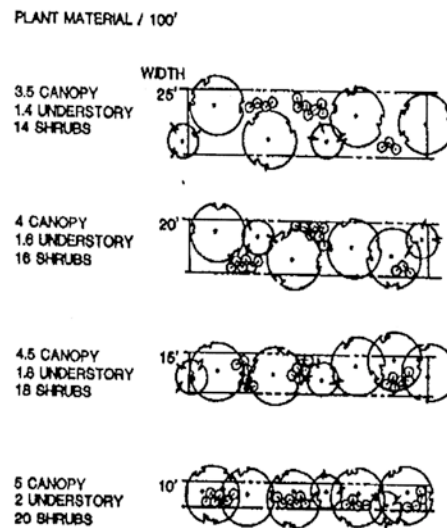
#### Figure 6.04.02.A: Plant Key For Vehicle Use Area Landscaping Standards




**Figure 6.04.02.B: Vehicle Use Area Landscaping Example****Figure 6.04.02.C: Areas Eligible To Be Counted To Meet Vehicle Use Area Landscaping Requirements**

### 6.04.03 Buffer Zones

- A. A buffer zone is a landscaped strip along parcel boundaries that servers as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a Planning Development Zoning District Master Plan must meet these requirements.
- B. The standard for buffer zones is set out in the following illustration that specifies the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer. The developer may choose among the width/planting options shown in Figure 6.04.03.A.

**Figure 6.04.03.A Buffer Plant Material per 100 linear feet**

C. The foregoing buffer shall be provided between abutting parcels as follows:

Buffer to be provided by this use 	AG	COMM	IND	INST	REC	RES	CONS
AG	N	20'	25'	20'	15'	15'	N
COMM	N	N	10'	N	N	10'	N
IND	N	N	N	10'	10'	10'	N
INST	N	10'	15'	N	N	10'	N
REC	N	10'	25'	N	N	N	N
RES	N	15'	25'	15'	15'	N	N
CONS	25'	25'	25'	25'	25'	N	N

**Note:** This table is based on buffers between uses. If a use is proposed adjacent to vacant property, the buffer shall be implemented based upon the vacant property's zoning district. In the event that the vacant property is a mixed-use district, the buffer shall be implemented based upon the most intense use allowed by the mixed-use district.

**Key:**

AG: Agriculture  
 COMM: Commercial  
 IND: Industrial  
 INST: Institutional  
 REC: Recreation

RES: Residential  
 CONS: Conservation  
 N: No buffer required.

- D. The use of existing native vegetative in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, the Town may allow a variance from the strict planning requirements of this Section if:
1. The variance is necessary to prevent harm to the existing native vegetation; and,
  2. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.
- E. Where the use that is required to provide a buffer is subject to approval by a special exception, the buffer requirements of this Section may be increased or decreased as a condition upon good cause supported by written findings in the final order.
- F. In any case where a buffer is required, the buffer may be crossed by driveways, trails, or other features of the development designed to provided connectivity or recreational opportunities.

## **SECTION 6.05 COMMERCIAL DESIGN STANDARDS**

**6.05.01 Application.** The guidelines shall apply to all commercial development, construction, renovations, and alterations of any new or existing building located within the Town of Fort White. These regulations do not apply to the interior of any such buildings.

### **6.05.02 Commercial Design Standards**

- A. Building Envelopes.
1. **Primary Entrance.** The primary entrance to a building must face the public right of way, an internal drive, or a public intersecting street. The design of entrances shall comply with all applicable requirements within these regulations. A walkway shall be provided to link the parking and the primary entrance.
  2. **Secondary Entrances.** A secondary pedestrian entrance may be provided in the back or side of the building to provide direct access to the building from parking areas. The design of entrances shall comply with all applicable requirements within these regulations.
  3. **Primary Frontage.** Placement of the primary entrance determines the primary frontage. If an entrance is placed on the corner, either adjacent side may be identified as the primary frontage. The primary frontage is also referred to as the “storefront”.
  4. **Distance Between Buildings.** A minimum distance of 15 feet is required between any two buildings not joined by a common wall.
  5. **Common Walls.** Common walls are permitted provided that there are sufficient façade breaks.

- B. Stormwater Management. Stormwater treatment shall require the appropriate permits through the Suwannee River Water Management District. Stormwater management facilities shall be designed so as not to require security fencing. In order to reduce the amount of land required for stormwater management facilities, the Town encourages the use of pervious surfaces, LEED – approved site management and building practices, and bio-retention.
- C. Lighting. Lighting shall be designed to meet Illumination Engineering Society of North America (IES) standards and guidelines. Exterior lighting shall enhance motorist and pedestrian safety. Signs and lighting shall be designed so as to not provide glare onto streets or residential land uses.
1. Design Standards. The following table provides a summary of established design standards for lighting applications. It is important to note that recommended lighting levels differ depending on land use. All lighting shall comply with the appropriate standards in the table. Uniformity ratios shall comply with IES Standards.

**Table 6.05.02.C.1: Lighting Standards**

<b><i>Lighting Application</i></b>	<b><i>Maximum Foot-candle*</i></b>	<b><i>Lighting &amp; Lamp Style</i></b>	<b><i>Maximum Mounting Height</i></b>
Parking Lots	0.2 – 2.5 0.8 average	Metal Halide Full cut off fixture	16 feet
Internal Roads / Drives	0.6 – 1.1	Metal Halide Full cut off fixture	16 feet
Walkways & Building Mounted Lighting	0.5 – 1.5	Metal Halide or Incandescent Decorative post and land or post/bollard mounted light	12 feet or 36 to 42 inches on bollard or stairway 10 feet for building mounted lights
Signs	1 – 2	Metal Halide or Incandescent Ground or sign mounted and shielded	As required

\* Horizontal foot-candle measured at grade. A foot-candle is defined as the illumination the inside surface of a 1-foot radius sphere would be receiving if there were a uniform point source of 1 candela in the exact center of the sphere.

2. Shielding. Fixtures and housing shall employ fully shielded and directed lighting; lighting shall not result in excessive shadows or high contrast bright areas versus dark areas.
3. Light Trespass. Lighting shall be designed to minimize the trespass onto adjacent land uses. Fixtures shall be designed and placed so that the cone of light does not extend beyond the property line.
4. Color and Materials. Dark colored fixtures shall be used for all pole-mounted lights. All light fixtures, whether purely decorative or functional, shall complement the architectural style and color of the building and other site features.

5. Street Lighting. Lighting shall be provided along all internal streets and between buildings. Light fixtures shall be located at every crosswalk. Fixtures shall be fully shielded or “full cut off” according to IES standards.
  6. Pedestrian Lighting. All pedestrian walkways shall be adequately lighted through the use of light features such as standard luminaries, street lamps, and/or bollards. Fixtures shall be fully shielded or “full cut off” according to IES standards.
  7. Parking Lot Lighting. Lighting shall be provided for all parking lots. Fixtures shall be “full cut off” according to IES standards.
  8. Gas Station Lighting. Lighting shall be from luminaries recessed into the ceilings of the canopy, so that the lighting elements themselves are not visible from or beyond the lot lines.
- D. Fences and Walls. Fences and walls shall comply with the LDR requirements. Fences and walls abutting a building shall be designed as an extension of the building wall. Walls may be of brick, stone, wood, stucco, or similar materials matching the principal building. Chain link, plastic, and PVC fencing is prohibited.
- E. Façade Standards.
1. Human Scale. New commercial construction shall remain consistent with the human scale of development currently found in many of the commercial buildings in Fort White. Buildings should be smaller rather than larger so that the users do not feel overwhelmed by the scale. A building may be human scaled even if the building is several stories in height or of large square footage when the units of which it is composed bear a comparable relationship to the dimensions of the human body. Windows and doors are traditionally scaled to human size for ease in operation, passage, and fabrication. Bricks, clapboards, and shingles are units of building materials scaled for area of handling by builders. Other elements that contribute to “human-scale” and create a level of comfort at the pedestrian level include porches, recessed entryways, bands of storefront windows, divided-light windows, and appropriately scaled signs and light fixtures. Features that are prohibited include large expanses of glass and monolithic-appearing surfaces with sprayed on synthetic stucco.
  2. Façade Articulation. Buildings shall be designed with the use of projected and recessed sections or breaks to reduce their overall bulk. These breaks shall be a minimum of 8 inches wide and project or recess a minimum of 4 inches from the façade. Façade breaks are required on primary frontages and any frontage along US 27 or SR 47.
  3. Vertical Façade Articulation. Breaks shall occur a minimum of 25 feet on center. Entries on the primary frontage shall be recessed or project a minimum of 3 feet and each entry shall be considered one break.
  4. Horizontal Façade Articulation. Horizontal façade breaks shall occur between the first and second stories of multi-story buildings. Additional breaks are encouraged. Architectural features such as canopies, balconies, and arcades may also serve as horizontal façade articulation.



- F. Interstitial Spaces. The following standards apply to commercial buildings separated by a minimum of 15 feet. The design of a “pocket park”, a common green, or square is encouraged within these spaces.
1. Landscaping. One under-story tree or sabal palmetto shall be placed at a distance no greater than 20 feet on center along the length of the interstitial space. Shrubs, sod, mulch, or gravel shall be installed where paving or other landscaping does not exist.
  2. Paving. Paving within interstitial spaces shall be concrete, pavers, stone on a concrete base. Bituminous materials shall not be used. No more than 75 percent of an interstitial space may be paved.
  3. Utilities. Utilities or service functions placed within interstitial spaces must be screened by a fence, wall, or hedge to comply with Section 1.14, as applicable. If pedestrian use occurs within this space, at least 5 feet shall be provided beyond the screen for pedestrian circulation.
  4. Maintenance. Interstitial spaces shall be properly maintained in accordance with approved plans and LDC requirements.
- G. Commercial Entrances. Adequate lighting shall be provided for security, pedestrian safety, and decorative purposes. Planters, awnings, and/or landscaping may be used to identify entrances, as well as improve the appearance of the structure. If a building entrance is located on a corner, both adjacent facades shall be articulated using such details as chamfered corners, canopies, cornices, or other similar building features.
1. Primary Entrances. The primary entrance shall be easily identifiable. Doors and entryways shall be articulated with architectural details and shall be compatible with the architectural style of the structure. Primary entrances shall be from the front sidewalk, except in a courtyard design. Secondary entrances may be placed at the rear or side of a building.
  2. Rear Entrances and Façade. When rear parking is provided, the provision of secondary rear entrances and finished facades is required. The design of rear entrances and facades shall be appropriately detailed to provide an attractive appearance, but shall not be embellished so as to compete with the main storefront. If signs are provided, they shall be scaled appropriately to the size of the entrance and to fit the character of the more utilitarian rear façade. Trash and service areas, utility lines, mechanical equipment, and meter boxes shall be appropriately screened from customer entrances.
- H. Rooflines and Roofing.
1. Roof Types. Gabled and flat-roofed buildings with parapets are the preferred roof type in Fort White. Flat roofs may be used on single-story buildings only when attached to a multiple story flat-roofed mass. Flat roofs shall have articulated parapets and/or cornices.
  2. Roof Pitch. On buildings with gabled or shed roofs, the pitch shall be between 4/12 and 12/12. Pitched roofs shall use eaves of no less than 12 inches.
  3. Materials. Acceptable roof materials include shingles (wood, stamped metal, or composition), slate, concrete tile, and metal roofs.

4. Color. Roof color shall be traditional, muted, or natural color.
  5. Gas Station Canopy. Gas station canopy ceiling clearance shall be a maximum height of 16 feet.
  6. Parapets. Parapets, where used, on the primary frontage of a building shall not exceed 3 feet in height, measured from the bottom of the parapet to the top thereof. The height of the parapet on the remaining sides of the building may exceed 3 feet provided that the height of the top of the parapet, as measured from the finished grade may not exceed the height of the top of the parapet on the primary frontage of the building.
- I. Exterior Wall Finishes. Allowed exterior wall materials include stucco, clapboard (including wood or cement-based imitation clapboard siding, e.g., hardiboard), native stone, or brick of a shape, color, and texture similar to that found in Fort White. Specifically prohibited shall be metal siding, plywood siding, and untreated concrete. The number of different exposed exterior wall materials (excluding windows and doors) shall be kept to a minimum. Where wall materials are combined horizontally on one façade, the visually heavier material shall be used on the lower part of the building.
- J. Exterior Wall Color. Colors shall be chosen from the Benjamin Moore Historical Color Collection, which contains 174 colors. Highly reflective, black, or metallic colors are prohibited. Bright, gaudy colors are also prohibited.
- K. Windows.
1. Transparency. A minimum of 60 percent of all commercial ground floor facades on primary frontages shall be transparent glass, and 50 percent of secondary frontages fronting public rights-of-way, providing views into a commercial use or window display.
  2. Glass Types. Clear glass (providing a minimum 88 percent light transmission) shall be used on ground floor windows. Tinted glass providing a minimum of 50 percent light transmission is allowed above the ground floor. The use of bronze tinted or reflective glass is prohibited. The use of transoms and/or multi-pane windows with dimensional muntins is strongly encouraged.
  3. Window Frames. If aluminum window frames are used they shall be either factory-coated or anodized with a color chosen from those referenced in Section 1.12.0. Color choices shall be compatible with other façade colors and finishes. Mill finished bare or gold colored aluminum window frames are prohibited.
- L. Balconies, Porches, and Colonnades. Porches and balconies are best left open. Open porches act as a transitional zone for visitors and help lend a welcoming appearance. Enclosed or screened porches shall be counted as part of the total square footage of a building. The construction of open colonnades or other structures over a privately-owned sidewalk adjoining storefront buildings is permitted.
- M. Utilities and Service Areas. Trash containers, mechanical equipment, and outdoor storage shall be to the rear or side of a building. These and other related services shall be screened from public view with a fence, wall, gate, hedge, landscaping, or any combination thereof, and shall be set back at least 5 feet

from the property line. The Planning and Zoning Board may, as part of site plan approval, approve exceptions to this requirement provided that the intent of this Section is met. Conduit, meters, vents, and other equipment attached to or protruding from the building façade shall be painted to match surrounding surfaces. All rooftop equipment must be enclosed or painted to match the surrounding surfaces or primary structure. Equipment shall be integrated into the building and roof design to the maximum extent feasible. Satellite dishes shall be placed in the location least conspicuous from primary and US 27 and SR 47 frontage in compliance with Federal Communications Commission (FCC) regulations.

- N. Doors. Doors located on the primary frontage or used for public entrance shall have a minimum 40% transparency. Doors shall be painted or finished to be compatible with the overall building façade. Screen doors are an acceptable addition to a primary door and must be of compatible material, color, and design with the primary doors.
- O. Building Mounted Signs. Building-mounted signs, including wall signs, awnings, and canopy signs, and are allowed subject to the LDR requirements.
- P. Ground Signs. Ground signs are allowed subject to the LDR requirements.
- Q. Material Required for Submittal. In addition to all data, information, and materials otherwise required by the LDC, the data, information, and materials specified in this Section shall be submitted for all commercial projects as part of site plan review. Any application that fails to include the required data, information, and materials shall be deemed insufficient and may not be considered for site plan approval. If the application is deemed insufficient, the Town shall provide the applicant with a statement of the item(s) required to make the application sufficient for further processing.

## SECTION 6.06. UTILITIES

### 6.06.01. Requirements for All Developments

- A. *Generally.* The following basic utilities are required for all developments subject to the criteria listed herein.
- B. *Electricity.* Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. New subdivisions shall be required to have underground electric utility lines.
- C. *Telephone.* Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable need of such use and every lot within such subdivision.
- D. *Water.*
  - 1. Every principal use and every lot within a subdivision shall have central potable water whenever required by the Town Comprehensive Plan and where the topography permits the connection to a town water line.

2. Residential densities in excess of 1 dwelling unit per acre shall only be allowed within areas served by the centralized potable water system.

E. *Septic Tanks and/or Sanitary Sewer Service.*

1. Every principle use and every lot with shall have a septic tank or sanitary sewer service.
2. Residential densities in excess of 2 dwelling units per acre shall only be allowed within areas served by a centralized sanitary sewer system, unless the County Health Department certifies that densities in excess of 2 dwelling units per acre may be allowed. In this instance, the lots must be served by the Town potable water system.

F. *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants.

#### **6.06.02. Utility Infrastructure Restrictions**

A. The following facilities owned or operated by publicly regulated entities shall not be sited within 500 feet of any single or multi-family residence, group living facility, school, or hospital, said distance to be measured from the transmission lines, as constructed, or the fenced area of substations:

1. Electrical transmission lines and substations
2. Natural gas transmission lines and substations
3. Radio, telecommunications, and television antennas.

B. In addition, all radio, telecommunications, and television antennas shall maintain the rated self-collapsing distance from any of the above listed uses.

### **SECTION 6.07. STORMWATER MANAGEMENT**

#### **6.07.01. Performance Standards.**

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

- A. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of storm water runoff that occurred under the site's natural unimproved or existing state, such that the development is in conformance with the Level of Service (LOS) Standard set forth in the Comprehensive Plan.
- B. The proposed development and development activity shall not violate the water quality standards as set forth in Florida Law.

**6.07.02. Design Standards.**

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

- A. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
- B. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
- C. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20)-year life.
- D. No surface water may be channeled or directed into a sanitary sewer.
- E. The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
- F. The banks of detention and retention areas should be sloped to accommodate, and should be planted with, appropriate vegetation.
- G. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be minimized and performed in accordance with the administrative rules and guidelines of the Suwannee River Water Management District.
- H. Natural surface waters shall not be used as sediment traps during or after development.
- I. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be sinuous rather than straight.
- J. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
- K. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or man-made surface waters.
- L. In phased developments the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this Code.
- M. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from a street or public right-of-way.

**ARTICLE 7.  
SIGNS****Table of Contents**

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**ARTICLE 7. SIGNS****SECTION 7.01 GENERAL PROVISIONS****7.01.01 Permit Required**

- A. A permit from the Town shall be obtained prior to the erection any sign, unless the sign is specifically exempted below from the permitting requirement.
- B. The Town shall issue a permit for the erection of a sign when the permit application is properly made; all required information has been provided; all fees have been paid as required; and, the proposed erection conforms with the provisions of this Article. Notwithstanding any other provision of this Article or the Fort White Land Development Code, a sign permit application shall be acted upon within 10 working days of receipt by the Town of a complete application.
- C. A denial of a sign permit shall be provided to the applicant in writing, and shall include a brief written statement of the reasons for the denial. An appeal may be filed with the Town and heard, as expeditiously as possible, in accord with appeal procedures set forth in Section 10.10 of this Land Development Code.
- D. The Town may, through written notice, suspend or revoke a permit issued under the provisions of this Article whenever the permit is issued on the basis of fraud or a misstatement of fact.
- E. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

**7.01.02 Relationship To Building And Electrical Codes**

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

**7.01.03 Maintenance**

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



**7.01.04 Severability**

- A. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.
- B. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A., above, or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- C. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the regulation of Outdoor Advertising Signs in this Article.

**7.01.05 Definitions**

*Accessory Sign* means a permanent ground or building sign that is permitted under this Article as incidental to an existing or proposed use of land.

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

*Building Sign* means a sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of 45 degrees or steeper.

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

*Copy* means the linguistic or graphic content of a sign.

*Electric Sign* means any sign containing electric wiring.

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

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

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

*Harmful to Minors* means, with regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

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

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

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

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

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

*Occupant (Occupancy)* means a commercial use, i.e. any use other than residential or agricultural.

*Outdoor Advertising Sign* means a permanent ground sign located on an otherwise undeveloped parcel of property.

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

*Permanent* means designed, constructed and intended for more than short term use.

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

*Roof Line* means a horizontal line intersecting the highest point or points of a roof.

*Roof Sign* means a sign placed above the roof line of a building or on or against a roof slope of less than 45 degrees.

*Sign* means any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any

architectural embellishment of a building not intended to communicate information. The term “sign” shall not include religious displays nor holiday decorations.

*Sign Face* means the part of a sign that is or may be used for copy.

*Sign Face Area* means the area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

*Sign Structure* means any construction used or designed to support a sign.

*Street* means a public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

*Temporary* means designed, constructed, and intended to be used on a short-term basis.

*Undeveloped Parcel* means a parcel of property on which there is located no structure with walls and a roof.

*Unit* means that part of a multiple occupancy complex housing one occupant.

*Vehicle Sign* means any sign affixed to a vehicle.

## **SECTION 7.02 EXEMPTIONS**

- A. The following signs are exempt from the operation of these sign regulations, including the requirement in this Code that a permit be obtained for the erection of a sign:
1. Signs that are not designed or located so as to be visible from any street or adjoining property.
  2. Signs erected by a governmental unit, or with proper permission from a governmental unit, that are necessary to promote the health, safety and welfare of the citizens, including regulatory, statutory, traffic control or directional signs erected on public property. It is specifically found by the Town that in order to serve the compelling public interest in traffic and pedestrian safety, such signs may flash, move, blink, or otherwise draw attention to themselves. It is further specifically found by the Town that prohibiting all other signs that flash, move, blink, or otherwise draw attention to themselves in similar ways serves the compelling public purpose of ensuring that safety-related governmental signage is clearly visible and distinguishable from other non-safety-related signage.
  3. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Town Council for a prescribed limited period of time.
  4. Legal notices and official instruments.
  5. Works of art that do not constitute advertising.
  6. Signs carried by a person.
- B. The following signs are exempt from the requirement in this Code that a permit be obtained for the erection of a sign, but must otherwise comply with applicable provisions of this Article, including that

no such sign may constitute a sign prohibited by **Section 7.03** below.

1. Temporary signs.
2. Signs of two square feet or less, and signs that include no letters, symbols, logos or designs in excess of two inches in vertical or horizontal dimension.
3. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
4. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.

C. Murals

## **SECTION 7.03 PROHIBITED SIGNS**

### **7.03.01 Generally**

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

### **7.03.02 Specifically**

The following signs are expressly prohibited unless exempted by Part 7.02 of this Article or expressly authorized by Part 7.04, Part 7.05, or Part 7.06 of this Article:

- A. Signs that are in violation of the building code or electrical code adopted by the Town.
- B. Any sign that, in the opinion of the Town, does or will constitute a safety hazard.
- C. Outdoor Advertising Signs
- D. Blank temporary signs.
- E. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- F. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- G. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- H. Strings of light bulbs used on commercially developed parcels for commercial purposes.

- I. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- J. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- K. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the Town.
- L. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- M. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- N. Non-governmental signs that use the words "stop," "look," "danger", or any similar word, phrase, or symbol.
- O. Signs, within 10 feet of public right of way or 100 feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
- P. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- Q. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- R. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- S. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to Section 337.407, Florida Statutes.
- T. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes.
- U. Signs erected over or across any public street except as may otherwise be expressly authorized by this Article.
- V. Vehicle signs with a total sign area on any vehicle in excess of 10 square feet, when the vehicle:
  - 1. is parked for more than sixty consecutive minutes within 100 feet of any street right of way;
  - 2. is visible from the street right of way that the vehicle is within 100 feet of; and

3. is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.

X. Signs displaying copy that is harmful to minors as defined by this Article.

## **SECTION 7.04 TEMPORARY SIGNS**

### **7.04.01 Where Allowed**

Temporary signs are allowed throughout Fort White, subject to the restrictions imposed by this section and other relevant parts of this Article.

### **7.04.02 Sign Types Allowed**

- A. A temporary sign may be a ground or building sign, but may not be an electric sign.
- B. Special event or grand opening signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind. Searchlights may be used for special events to advertise or promote a business or to attract customers to a property.
- C. Portable signs.

### **7.04.03 Removal Of Illegal Temporary Signs**

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.

### **7.04.04 Restrictions On Content Of Temporary Signs**

- A. On a parcel used primarily for residential purposes, a temporary sign may display any message so long as it is not harmful to minors as defined by this Article.
- B. On undeveloped parcels, or parcels the primary use of which is non-residential, a temporary sign may display any message except as follows:
  1. The message may not be harmful to minors as defined by this Article; and
  2. Advertising, as defined in this Article, is limited to the following:
    - a. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
    - b. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding 14 days within the first three months that the occupancy is open for business.

- c. To identify construction in progress. Such message shall not be displayed more than 60 days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within 60 days after the message is displayed, or if construction is discontinued for a period of more than 60 days, the message shall be removed, pending initiation or continuation of construction activities.
- d. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall occur first.
- e. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, yard sale, or any public, charitable, educational or religious event or function. Such message shall be removed within 5 days after the special event.

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

- A. *One-Family and Two-Family Residences.* A parcel on which is located a single one-family or two-family residence may display not more than 2 temporary signs with an aggregate sign area of not more than 10 square feet. No individual sign shall exceed 6 square feet nor exceed 6 feet in height.
- B. *Three-Family and Four-Family Residences.* A parcel on which is located a single three-family or four-family residence may display not more than 4 temporary signs with an aggregate sign area of not more than 16 square feet. No individual sign shall exceed 6 square feet nor exceed 6 feet in height.
- C. *On All Other Parcels.* All other parcels may display two temporary signs, plus an additional temporary sign for each full 50 feet of frontage in excess of 50 feet of frontage. The total sign area allowed shall not exceed 16 square feet, plus an additional 16 square feet each full 50 feet of frontage in excess of 50 feet of frontage. No individual sign shall exceed 48 square feet nor exceed 10 feet in height.

#### **7.04.06 Removal of Election-Related Temporary Signs**

All temporary signs that are related to an election, referendum, or other ballot measure, shall be removed within 30 calendar days of the last election to which the signs pertain. Signs left beyond this deadline are hereby declared illegal and may be immediately removed and destroyed by the Town.

### **SECTION 7.05 PERMANENT ACCESSORY SIGNS**

#### **7.05.01 Sign Types Allowed**

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

#### **7.05.02 Content**

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

**7.05.03 Number, Area, Spacing And Height**

- A. *Ground Signs.* The permissible number, area, spacing, and height of ground signs for each premises shall be determined according to the following tables and text:
1. The maximum height of such a sign shall be 12 feet.
  2. If the premises' frontage on a public right of way is less than 300 feet, only one such sign shall be allowed. If such frontage is greater than or equal to 300 feet, and less than 400 feet, 2 such signs at least 100 feet apart shall be allowed. If such frontage is greater than or equal to 400 feet, 3 such signs at least 100 feet apart shall be allowed.
  3. The following shall be used to determine total square feet of combined sign area allowed for all such signs on each premises, and the minimum allowable distance in feet from any side property line, according to the frontage on a public right of way:

TOTAL FRONTAGE ON RIGHT-OF-WAY	SIGN AREA	DIST. TO SIDE PROPERTY
Less than 50 feet	24	10
At least 50 feet but less than 100	32	15
At least 100 feet but less than 200	48	20
At least 200 feet but less than 300	64	50
At least 300 feet but less than 400	72	50
400 feet or more	96	50

If a premises has frontage on 2 or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for 1 frontage may not be combined with that permitted on another frontage to increase the permitted sign area on the frontage.

- B. *Building signs.*
1. Each single occupancy premises shall be entitled to building sign(s), the sign face area of which, in the aggregate, shall not exceed the lesser of 10 percent of the building exterior area upon which said building signs are to be located or 100 square feet. For the purposes of this subsection, a multi-family residential complex shall be considered a single occupancy premises.
  2. Multiple occupancy complexes.
    - a. Each occupant of a multiple-occupancy complex may display building signs on any unit exterior of the complex that is part of the occupant's unit (not including a common or jointly owned area), the sign face area of which, in the aggregate, shall not exceed the lesser of ten percent of the unit exterior area upon which said building signs are to be



located or 100 square feet.

- b. Format for multiple-occupancy complexes. Building signs for multiple-occupancy complexes constructed or remodeled after the effective date of this code shall conform to an approved sign format. The sign format shall be included as part of the application to erect such a sign and shall be maintained on file by the Town. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Town Clerk or designee to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this code) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement of color, shape or style of lettering, which lend a unified appearance to the signs of the occupants within the complex.

3. The maximum building sign height for structures of two stories or less shall be 35 feet. In addition, no signs shall be permitted above the roofline, cornice line, parapet, or the highest point of a facade of any structure, whichever is higher.

- C. *Multiple Frontages.* If a building has frontage on two or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no ground sign on one right of way may be closer than 100 feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

#### **7.05.04 Directional Signs**

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

#### **7.05.05 Signs At Entrances To Residential Developments**

- A. *Generally.* A permanent accessory sign may be displayed at the entrance to residential developments, farms and ranches.
- B. *Restrictions.*
  1. One sign is permitted at only one entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 32 square feet in size, and may be illuminated in a steady light only.
  2. When considering the placement of such signs, the Town, as the case may be, shall consider the location of public utilities, sidewalks and future street widenings.
  3. The Town shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally

accountable under a maintenance arrangement approved by the Board. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the signs shall be removed by the developer or owner.

#### **7.05.06 Flags**

Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land.

### **SECTION 7.06 MEASUREMENT DETERMINATIONS**

#### **7.06.01 Distance Between Signs**

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two signs.

#### **7.06.02 Sign Area**

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

#### **7.06.03 Number of Signs**

- A. *Generally.* In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.
- B. *Special Situations.*
  - 1. Where two sign faces are placed back to back and are at no point more than three feet apart, it

shall be counted as one sign.

2. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.

#### **7.06.04 Sign Height**

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

### **SECTION 7.07 DESIGN, CONSTRUCTION, AND LOCATION STANDARDS**

#### **7.07.01 Generally**

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

#### **7.07.02 Compliance With Building And Electrical Codes Required**

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

#### **7.07.03 Illumination Standards**

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

#### **7.07.04 Placement Standards**

- A. *In Right Of Way.* Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.
- B. *Over Right Of Way.* No ground sign shall project over a public right of way.
- C. *Blocking Exits, Fire Escapes, Etc.* No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

#### **7.07.05 Clearance Standards**

- A. All signs over pedestrian ways shall provide a minimum of nine (9) feet of clearance.
- B. All signs over vehicular ways shall provide a minimum of thirteen (13) feet of clearance.

**7.07.06 Relationship To Building Features**

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

**7.07.07 Maximum Projection**

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

**7.07.08 Maximum Window Coverage**

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

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

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

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

**ARTICLE 8.  
HARDSHIP RELIEF**

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## ARTICLE 8. HARDSHIP RELIEF

### SECTION 8.01. EXISTING NONCONFORMING DEVELOPMENT

#### 8.01.01. Defined

Nonconforming development is development that does not conform to the use regulations in Article 2 and/or the development design and improvement standards in Article 6.

#### 8.01.02. Continuation of Nonconforming Development

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this Code, remain in use in its nonconforming state.

Mobile homes are specially allowed to be replaced in all areas should they be destroyed by fire or any other natural or man-made disaster.

#### 8.01.03. Termination of Nonconforming Development

- A. *Generally.* Nonconforming development must be brought into full compliance with the use regulations in Article 2 of this Code, and the development design and improvement, standards in Article 6 of this Code, in conjunction with the following activities:
1. Expansion of the gross floor area of the development by more than 50%. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.
  2. Reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity. A structure is "substantially destroyed" if the cost of reconstruction is 50% or more of the fair market value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures.
  3. Reoccupation after twelve months of continuous non-occupation. Occupation shall be defined by currency of an occupational license for non-residential uses and by payment of water bills for residential uses.
- B. Special Provisions for Specific Nonconformities
1. Nonconformity with the Stormwater Management Requirements of this Code. In addition to the activities listed in Section 8.01.03 A, existing development that does not comply with the stormwater management requirements of this Code must be brought into full compliance when the use of the development is intensified, resulting in an increase in

stormwater runoff or added concentration of pollution in the runoff.

2. Nonconformity with the Parking and Loading Requirements of this Code. In addition to the activities listed in Section 8.01.03 A, full compliance with the requirements of this Code shall be required where the seating capacity or other factor controlling the number of parking or loading spaces required by this Code is increased by 50% or more.
3. Nonconforming Signs. In addition to the activities listed in Section 8.01.03 A, full compliance with the requirements of Article 7 of this Code shall be required when a nonconforming sign is substantially replaced or reconstructed at a cost equal to or greater than 50% of total replacement cost.

## **SECTION 8.02 VESTING**

### **8.02.01 Generally**

The Town hereby establishes the following administrative procedures and standards by which a property owner may demonstrate that private property rights have been vested against the provisions of this Code prior to adoption of the Code. These administrative procedures shall provide determination for the consistency of development with the densities and intensities set forth in this Code.

### **8.02.02 Administration**

Applications for vesting determinations shall be filed with the Town. The application shall include all pertinent evidence and/or shall include a request for a hearing. The Town Council shall, within 30 days, schedule a hearing, if necessary, and make a determination to grant or deny exemption from specific provisions of this Code and the Comprehensive Plan based on evidence presented and on the standards set forth below. An application for vesting determination may be filed as part of development review or may be filed independently.

### **8.02.03 Standards**

Applications for vesting determinations shall be evaluated pursuant to the following standards:

- A. *Common Law Vesting.* A right to develop or to continue the development of property notwithstanding this Code may be found to exist whenever 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 Town, has made such 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.
- B. *Statutory Vesting.*

The right to develop or to continue the development of property shall be found to exist if a valid and unexpired final development order was issued by the Town prior to adoption of this Code, substantial development has occurred on a significant portion of the development authorized in

the development order and is completed, or development is continuing in good faith as of the adoption of this Code. A "final development order" shall be any development order which approved the development of land for a particular use or 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" shall mean that 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.

- C. *Presumptive Vesting for Consistency or Concurrency.* Any structure on which construction has been completed pursuant to a valid building permit shall be presumptively vested for the purposes of consistency and concurrency and shall not be required to file an application to preserve their vested rights status.
- D. *Presumptive Vesting for Density Only.* All lots of record as of the adoption of this Code, whether located within a subdivision or without, but only to the extent of one single family residence per lot, shall be presumptively vested for the purpose of density and shall not be required to file an application to preserve their vested rights in this regard, provided such lots abut a public street and provided such lots are not contiguous, as of the adoption of this Code, to any other lot(s) owned by, or under contract for deed to, the person(s) applying for the single family residence building permit.

## **SECTION 8.03 VARIANCES**

### **8.03.01 Generally**

- A. *Granted by Board of Adjustment.* The Board of Adjustment may grant a variance from the strict application of provisions of this Code if the following procedures are followed and findings are made.
- B. *Variances to Be Considered as Part of Development Review.* Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the Town must be approved by the Board of Adjustment if a variance is sought. The variance shall be granted or denied in conjunction with the application for development review.

### **8.03.02. Limitations on Granting Variances**

- A. *Initial Determination.* The Board of Adjustment shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Board of Adjustment shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board of Adjustment shall make the



required findings based on the cumulative effect of granting the variance to all who may apply.

- B. *Required Findings.* The Board of Adjustment shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:
1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
  2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
  3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazards to the public.
  4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.
  5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
- C. *Imposition of Conditions.* In granting a development approval involving a variance, the Board of Adjustment may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

**Article 9.  
SUBDIVISION**

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## Article 9. SUBDIVISION

## SECTION 9.01        GENERALLY

## 9.01.01        Policy

- A.     It is hereby declared to be the policy of the Fort White Town Council to consider the subdivision of land and the development of a subdivision plat as subject to the control of the Fort White Town Council pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.
- B.     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 of the several instruments of implementation for the Comprehensive Plan.

9.01.02        Purpose. It is the intent of these subdivision regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the residents of the Town.

9.01.03        Conditions. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the Town. The

subdivider has the duty of compliance with reasonable conditions established by the Town for design, dedication, improvement, and restrictive use of 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.

9.01.04        Character of the Land. Land which the Fort White Town Council finds to be unsuitable for subdivision or 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 Town Council to solve the problems created by the unsuitable land conditions.

9.01.05        Jurisdiction

- A.        These regulations shall apply to all subdivisions of land, as defined herein, located within the Town of Fort White.
- B.        No land shall be subdivided within any area subject to these land development regulations until:
  - 1.        The subdivider or his agent has obtained approval of the final plat by the Town Council; and,
  - 2.        The approved final plat is filed with the Clerk of Circuit Court of Columbia County.
- C.        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 subdivision regulations.

9.01.06        Maintenance. Nothing in these subdivision regulations shall be construed as meaning that the Town shall take over maintenance any road, street, utility, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with Town requirements and accepted for maintenance by specific action of the Town Council.

9.01.07        Plats Straddling Local Government Boundaries. Whenever access to the subdivision is required across land in another government's jurisdiction, the Town Council may request assurance from that government's attorney that access is legally established, and that the access road is adequately improvements or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

9.01.08        Self-imposed Restrictions. If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by these land development regulations, such restriction or reference thereto shall be indicated on the subdivision plat and/or recorded with the Clerk of Circuit County of Columbia County.

9.01.09 Subdivision by Metes and Bounds. The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease, shall be subject to all of the requirements of these subdivision regulations.

9.01.10 Subdivision Name. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or similar to a subdivision name appearing on another recorded plat within Columbia County so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his or her successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The Town Council shall have final authority to approve the names of subdivisions.

9.01.11 Public Purpose Sites. The Town Council may require the dedication to the public of public purpose sites (school sites, parks, playgrounds, or other public areas) as are attributable by the Town Council to the demand created by the subdivision. At the discretion of the Town Council, the subdivider may be required to pay in cash an amount equal to the fair market value of such public purpose sites, said fair market value to be estimated on the basis of platted land without improvements.

## SECTION 9.02 DEFINITIONS

Words or phrases used in this Section shall be defined as set forth below or, if not set forth below, as defined in Chapter 177, Florida Statutes, or if not defined in either location, the work or phrase shall be interpreted so as to give it the meaning it has in common usage and to give this Section its most reasonable application.

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

*Alley* means a public or private right-of-way that affords only a secondary means of access to property abutting thereon.

*Block* means a tier or 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.

*Collector Streets* mean streets that serve as the connecting link for local streets and arterials. The traffic characteristics generally consist of relatively short trip lengths with moderate speeds and volumes.

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

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

*Lot Split* means the division of a Parent Parcel, not located in a recorded or certified unrecorded subdivision, into two lots or parcels where the division creates at least one lot or parcel of 20 acres or less.

*Minor Subdivision* means a subdivision meeting the following criteria:

1. No more than 5 lots are created by the subdivision.
2. Each lot fronts on and takes direct access from an existing public roadway.
3. The subdivision encompasses the entire parent parcel.
4. The Parent Parcel is not part of a previous minor subdivision.
5. The lots in the subdivision do not take access from a major collector or arterial roadway as defined in the Fort White Comprehensive Plan.
6. The subdivision is not located within a ½-mile of another minor subdivision which: (1) was approved within the prior 5 years, and (2) was subdivided by the same person or entity that has a fee simple interest or an option to obtain fee simple interest in the proposed subdivision.

*Open Spaces* means undeveloped lands suitable for passive recreation or conservation uses.

*Parent Parcel* means:

- a. Each parcel or tract of land created prior to January 1, 2013, where such parcel was lawfully created under the Fort White subdivision regulations in effect at the time the parcel or tract was created.
- b. Each lot within a recorded subdivision.

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

*Right-of-Way* means land dedicated, deeded, used, or to be used for a street, alley, pedestrian way, crosswalk, sidewalk, bikeway, drainage facility, or other public uses, wherein the owner gives up his or her rights to the property so long as it is being or will be used for the dedicated purpose.

*Soil Survey* means the United States Department of Agriculture, Soil Service Soil Survey for Columbia County.

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

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

*Subdivision* means the division of a parent tract, whether improved or unimproved, into 2 or more lots or parcels of land, for the purpose whether immediate or future, of transfer of ownership, whether by deed, metes and bounds description, devise, lease, map, plat or parcel. The term shall not mean the division of land into parcels of more than 20 acres not involving any change in street lines; the transfer in property by sale, gift, or succession (testate or intestate) by the property owner to his or her spouse or lineal descendants in any undivided interest; the transfer of property between tenants in common for the purpose of dissolving the tenancy in common among those tenants if ordered by a court of competent jurisdiction. However, a transfer of property by sale, gift or succession (testate or intestate) shall not ensure that the new parcels are lots of records from the purpose of the Town's land development regulations. The term includes a re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivider.

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

## SECTION 9.03        LOTS

9.03.01        Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the land development regulations of the Town and other applicable regulations, and in providing driveway access to buildings on such lots from an approved street.

9.03.02        Dimensions and Design. Lot dimensions, shall comply with any minimum standards as established within any land development regulations of the Town and provided that the lot length shall not exceed three (3) times the width of lots. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot plan. The entrance of automobiles from the lot to the street shall be approximately right angles or radial to street lines. Corner lots shall be sufficiently wider and larger to permit additional yard area. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage



shall be coordinated with the general storm water drainage pattern for the area in accordance with approved construction plans.

9.03.03 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.

9.03.04 Access. Lots shall not derive access from an existing street except within a minor subdivision.

9.03.05 Use of Subdivided Lots. The proposed use of lots within any subdivision shall comply with those uses permitted by the Comprehensive Plan and these land development regulations.

#### Section 9.04 GENERAL IMPROVEMENT REQUIREMENTS

9.04.01 Generally.

- A. Where required by these land development regulations, the subdivider shall grade and improve streets; install sidewalks, street name signs, street lights, fire hydrants, and curbs and gutters, place monuments and corner stakes and install sanitary sewer and water mains and stormwater facilities in accordance with the specifications of these land development regulations and any other specifications established by the Town. Required improvements shall be paid for by the subdivider.
- B. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
  - 1. Applicable state statutory provisions and state and regional agency rules, including the rules and regulations of the Florida Department of Transportation if the subdivision or any lot contained therein abuts a State highway. The roadway and drainage regulations of Columbia County shall apply if the subdivision or any lot contained therein abuts a County road.
  - 2. The Florida Building Code in effect at the time of submission.
  - 3. Other applicable land development regulations of the Town.
  - 4. The Comprehensive Plan in effect at the time of submission.

9.04.02 Monuments. The subdivider shall adhere to the requirements of Chapter 177, Florida Statutes.

9.04.03 Stormwater Management. All subdivisions shall comply with the stormwater management requirements of the Suwannee River Water Management District.

**SECTION 9.05        STREETS.****9.05.01        General Requirements.**

- A.     The arrangements, character, extent, width, grade, and location of all streets shall conform with the Comprehensive Plan, where applicable, and shall be considered in their relations to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of land to be served by such streets. Streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these land development regulations. However, the Fort White Town Council may approve private streets when constructed to the specifications of these land development regulations and when adequate provision for initial installation and future private maintenance is made for such streets.
- B.     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 (FDOT) Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways, latest edition and amendments, (Florida Greenbook) 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.
- C.     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.
- D.     Where a subdivision borders on an existing street or when the Comprehensive Plan or these land development regulations or other local, regional, or State agency plan or program indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate at his or her expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be dedicated by the subdivider at his or her own expense to the full width as required by these land development regulations.
- E.     It is the policy of the Fort White Town Council to require paving for the development of all streets and roads in the Town of Fort White.

**9.05.02        Street Improvement Standards.**

- A.     Street improvements shall be provided as required by the street improvement schedule below.
- B.     For purposes of the street improvement schedule, subdivisions are divided into the following classifications:

- A-Type: Commercial and industrial subdivisions
- B-Type: Residential subdivisions where any lot is less than or equal to 40,000 square feet.
- C-Type: Residential subdivisions where all lots are greater than 40,000 square feet but less than or equal to 5 acres.
- D-Type: Residential subdivisions where all lots are greater than 5 acres.

C. Where the proposed subdivision includes an existing street, said street shall also be improved as required to conform with this schedule.

D. Street Improvement Schedule

Subdivision Classification >>	A	B	C	D
<b>Grading and Centerline Gradients</b>	Maximum: 8% Minimum: 0.3%	Maximum: 8% Minimum: 0.3%	Maximum: 8% Minimum: None	Maximum: 8% Minimum: None
<b>Collector Streets</b>	Wearing Surface: 36 feet Minimum ROW: 80 feet	Wearing Surface: 36 feet Minimum ROW: 80 feet	Wearing Surface: 36 feet Minimum ROW: 80 feet	Wearing Surface: 36 feet Minimum ROW: 80 feet
<b>Local Streets</b>	Wearing Surface: 24 feet Minimum ROW: 60 feet	Wearing Surface: 20 feet Minimum ROW: 60 feet	Wearing Surface: 20 feet Minimum ROW: 60 feet	Wearing Surface: 20 feet Minimum ROW: 60 feet
<b>Curb and Gutter</b>	Required	Required	Curbs not required	Curbs not required
<b>Stabilized Shoulders</b>			If no curbs, shoulders shall be stabilized with a minimum Limerock Bearing Ratio (LBR) of 30 and have a minimum compacted thickness of 6 inches.	
<b>Roadside Swales</b>			If no curbs, swales shall have side and back slopes no steeper than 4 to 1. Run-off may be accumulated and carried in the swales in the	

Subdivision Classification >>	A	B	C	D
			ROW up to but not above the point where flooding of the shoulders or roadside property would occur. Water in excess of this quantity shall be diverted from the roadside swales and carried away by storm sewers or other approved means.	
Subgrade	Subgrade shall have a compacted thickness of 12 inches, LBR of 40, and compacted to the density required by FDOT Florida Greenbook. Where soil classified as American Association of State Highway Transportation Officials (AASHTO) soil groups A-6 or A-7 are encountered in the subgrade, such materials shall be removed to a minimum depth of 24 inches below the road base and replaced with acceptable material. Where soil classified as AASHTO soil group A-8 is encountered in the subgrade, all such materials shall be removed.			
Pavement Base	Six (6) inches of compacted limerock shall be placed above the subgrade and stabilized to have a minimum Florida Bearing Value (FBV) of 75 and compacted to 98% of Standard Proctor Density (American Society for Testing Materials (D1557)).			
Wearing Surface: Arterials	1 ½ inches of Type S-III asphaltic concrete surface course.			
Wearing Surface: All Other Streets	1 ¼ inches of Type S-III asphaltic concrete surface course.			
Grassing	Seeding and mulching shall be performed on all areas within the ROW, except that part of the ROW covered by a wearing surface or, where these land development regulations do not require a wearing surface, that part covered by the pavement base. Sodding may be required in areas of high erosion potential.			
Concrete Sidewalks	Required by commercial uses, but not industrial	Required.	Not required.	Not required.
Quality	The subdivider shall required to have a qualified soils and			

Subdivision Classification >>	A	B	C	D
Control	materials testing laboratory certify to the Fort White Town Council that all materials and improvements entering into the compelte work and in compliance with these land development regulations. All costs shall be borne by the subdivider and copies of the test results shall be submitted to the Fort White Town Council with the final plat. There shall be a minimum of one (1) LBR test for each ½ - mile of roadway or fraction thereof. Additional tests for LBR shall be required if, in the opinion of the Town, a change in soil is apparent.			

#### 9.05.03 Arrangement of Streets and Street Names.

- A. Streets shall be related appropriately to topography. All streets shall be arranged so as to place as many building sites as possible at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- B. 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.
- C. 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 Fort White Town Council, such extension is neither necessary nor desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.
- D. In commercial and industrial development, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
- E. All street names shall conform to Columbia County's street naming and addressing system and shall be coordinated with Columbia County.

#### 9.05.04 Blocks.

- A. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to existing streets, railroads, or adjacent property lines.

- B. 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 800 feet, nor less than 200 feet in length.
- C. The Fort White Town Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- D. Pedestrian ways or crosswalks, not less than 10 feet wide, may be required by the Fort White Town Council through the center of blocks that are 800 feet long or more where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

#### 9.05.05 Traffic Control and Street Name Signs.

- A. Traffic control signs as stop signs, speed limit signs, etc., for all subdivisions, all road and street signs shall be designed in number and location to meet FDOT standards and shall be shown on the preliminary plat. Prior to approval of the final plat, the subdivider shall install all required traffic control signs as approved by the Fort White Town Council.
- B. Street name signs shall be placed by the subdivider at all intersections within or abutting the subdivision. The type and location of the sign shall be approved by the Fort White Town Council, shall be submitted as part of the preliminary plat, and shall conform to the Columbia County's street naming and addressing system.

#### 9.05.06 Street Lights.

- A. Installation of street lights is not required unless the Fort White Town Council determines the public's safety justifies installation of street lights.
- B. If street lights are required, they shall be installed by the subdivider and constructed in accordance with the standards of the Fort White Town Council.

#### 9.05.07 Termination of Streets.

- A. Dead-end streets are not permitted in any proposed subdivision under these land development regulations. For purposes of these land development regulations, stub streets, as provided below, are not to be considered dead-end streets.
- B. 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 to convenient movement of traffic, effective fire protection, efficient provision of utilities, or where such continuation is in accordance with the Comprehensive Plan.
- C. If property adjacent to the proposed subdivision is undeveloped and the street must temporarily be a stub street (a street planned for future continuation), the street right-of-way shall be extended to

the property line of the proposed subdivision. All stub streets that are 250 feet or less shall have a temporary T-shaped or L-shaped turnabout, while stub streets that are greater than 250 feet shall have a temporary cul-de-sac turnabout.

- D. There shall be a notation on the final plat that the land used for a temporary T-shaped or L-shaped cul-de-sac or turnabout that is outside the normal street right-of-way shall revert to abutting landowners whenever the street is continued. The subdivider of the adjoining area shall pay the cost of restoring any stub street to its original design cross-section and extending the street. The Fort White Town Council may limit the length of the temporary stub street in accordance with the design standards of these land development regulations.
- E. Cul-de-sacs shall be provided with a turnaround having an outside radius of at least 75 feet, and a street property line radius of at least 85 feet. Cul-de-sacs shall have a maximum length of 1,320 feet including the turnaround.

#### 9.05.08 Intersections.

- A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 10 feet therefrom. No more than two streets shall intersect at any one point unless specifically approved by the Fort White Town Council.
- B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with an existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 125 feet shall not be permitted. Where proposed streets intersect major streets, their alignment shall be continuous.
- C. Minimum curb radii at the intersection of two local streets shall be at least 20 feet, and a minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standards engineering practice to permit safe vehicular movement.

### Section 9.06 UTILITIES.

#### 9.06.01 Generally

- A. New central water and sanitary sewer systems where required by the Town's Comprehensive Plan shall be designed by a Florida registered engineer in accordance with all applicable regulations of the County Health Department, the Florida Department of Environmental Protection, the Suwannee River Water Management District, and the Florida Department of Health.
- B. Normally, utility easement across lots or centered on rear or side lot lines will not be permitted. Where, due to topography or other circumstances beyond the control of the subdivider, such

easements are deemed by the Fort White Town Council to be necessary to the reasonable development of the property, such easements shall be at least 15 feet wide and centered as near as practical between the lots.

#### 9.06.02 Sanitary Sewer

- A. The requirements of the Infrastructure Element of the Fort White Comprehensive Plan shall be met with regard to the provision of sanitary sewer facilities within a subdivision.
- B. All sewer lines serving lots within the subdivision shall be designed to operate on a gravity flow basis wherever possible. All sewer lines shall be installed by the subdivider prior to the paving streets within the subdivision.
- C. Where lots are not required to be served by the extension of the publicly-owned sanitary sewer system, an alternate method of sewage disposal for each lot may be used in compliance with all applicable standards of the County and State health departments, the Florida Department of Environmental Protection, and any other regional, state, or federal agency, as applicable. Alternative methods of sewage disposal shall be so installed as to simplify later connections to a publicly-owned sanitary sewer system as service becomes available.

#### 9.06.03 Water Supply.

- A. The requirements of the Infrastructure Element of the Fort White Comprehensive Plan shall be met with regard to the provision of potable water facilities within a subdivision.
- B. Where connection to the publicly-owned water supply is not required, an alternate supply may be used when in compliance with all applicable standards of the County and State health departments, the Florida Department of Environmental Protection, and any other regional, state, or federal agency, as applicable.
- C. Where connection to the publicly-owned water supply is required, the water lines shall be sized, and shall have stub outs, to allow for the installation of fire hydrants within the subdivision in such a manner as to comply with all applicable County and State fire code requirements.
- D. New subdivisions shall be constructed to meet relevant ISO fire flow standards.

### Section 9.07 REVIEW PROCEDURES.

9.07.01 Plat Approval Required. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his or her authorized agent, shall apply for an secure approval of such proposed subdivision in accordance with the procedures set forth in this Article.



9.07.02 Pre-application Conference. The subdivider or his or her representative shall have a pre-application conference with the Development Review Coordinator and other departments or agencies as the case may require, in order that the subdivider may become familiar with the requirements of these land development regulations, and any provisions of the Comprehensive Plan affecting the land in which the proposed subdivision is located.

9.07.03 Modified Procedure for Minor Subdivisions. Proposed subdivisions meeting the criteria of a Minor Subdivision as defined herein shall be reviewed by the Planning and Zoning Board prior to final approval by the Fort White Town Council, but shall not otherwise have to comply with Sections 9.07.06 and 9.07.07. A final plat may be prepared directly following the pre-application conference in accordance with the final plat procedure as outlined in Section 9.07.08.

9.07.04 Modified Procedure for Lot Splits.

A. Proposed subdivisions meeting the criteria of a Lot Split as defined herein shall not have to comply with the platting requirements herein so long as all of the conditions below are met:

1. Each proposed lot must conform to the requirements of these land development regulations and the Town of Fort White Comprehensive Plan, and must be shown on a boundary survey prepared by a Florida Registered Survey.
2. Each lot shall abut and take direct access from a public street. In the alternative, the two lots may share a joint driveway providing access to a public street. Such access shall be direct and may not be by way of any other access easement serving other lots or parcels.
3. If the street right-of-way does not conform to the design specifications of these land development regulations, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

B. If the proposed lot split meets the conditions of this section and otherwise complies with all applicable laws and ordinance, the Development Review Coordinator shall approve the application and the attached boundary survey. The Development Review Coordinator shall establish a procedure for recording and monitoring lot splits.

C. Any further division of a parent tract shall be deemed a subdivision and shall comply with all platting requirements of these regulations.

9.07.05 Master Plans and Phasing

A. If a subdivision is going to be developed in multiple phases, then a master plan for the entire development site must be approved by the Fort White Town Council.

B. A master plan shall provide the following information for the entire subdivision. These requirements do not substitute for any information required to be provided as part of a preliminary plan, final plat, or construction plans as provided in this Section.

1. A concept plan for the entire master plan area.
  2. A development phasing schedule including the sequence for each phase.
  3. Total acreage in each phase and gross density (residential) and intensity (non-residential) of each phase.
  4. Number, height, and type of residential units.
  5. Floor area, height, and types of residences, office, commercial, industrial, and other proposed uses.
  6. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
  7. Approximate location of proposed and existing streets, sidewalks, and bicycle lanes, including points of ingress and egress.
  8. Approximate location and acreage of any proposed public use facilities such as parks, school sites, and similar public or semi-public land uses, if any.
  9. Each proposed phase of the development shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.
  10. A vicinity map of the area within one-half mile surrounding the site showing land use and zoning designations, traffic circulation systems, major public facilities, and municipal boundary lines.
  11. Other documentation necessary to permit satisfactory review under the requirements of these land development regulations and Comprehensive Plan, or other federal, state, or regional regulations that may be applicable and required by special circumstances in the determination of the Land Development Regulation Administrator.
- C. The master plan must be submitted simultaneously with an application for review of a preliminary plat for the first phase of the development, and must be approved prior to approval of the preliminary plat for the first phase. Once a complete master plan has been submitted to the Town, it will be considered, in the first instance, at a regularly-scheduled public meeting of the Planning and Zoning Board. After the Master Plan has been considered by the Planning and Zoning Board, it will then be forwarded to the Fort White Town Council where it will either be approved, denied, or approved with conditions at a regularly-scheduled public meeting.

- D. An approved master plan shall provide vested rights for residential density, non-residential intensity, conceptual site layout, common areas, and ingress and egress points. A master plan shall not be treated as a zoning district. Any and all development and subsequent use of land, water, and structures within the area covered by a master plan must be in compliance with the provisions of the land use district in which the development is located.
- E. After the approval of a master plan, and the conditions and auxiliary documentation that govern it, and all development and subsequent land, water, and structures within the area covered by a master plan must be substantially in compliance with the approved master plan and its conditions and auxiliary documentation.
- F. Approval of a master plan shall not be construed as the issuance of any development order or as an approval of preliminary or final plats for any phase of a subdivision. Any material change to a master plan must be approved prior to any preliminary or final plat being approved based on the change.
- G. When considering proposed plats based on an approved master plan, the Fort White Town Council shall approve plats, or elements thereof, that are substantially in compliance with an approved master plan. This shall not be construed as limiting the ability of the Fort White Town Council to enforce any adopted subdivision regulations, zoning district regulations, and other land use regulations that pertain to items that are not vested through a master plan, as outlined in D above.
- H. If the Town discovers noncompliance with an approved master plan, the Town may withhold any permit, certificate, or license to construct, occupy, or use any part of the development. This will not be construed to injure the rights of tenants of previously completed and property occupied phases.
- I. Access points (e.g. driveways) directly onto the City street system must be in substantial compliance with the approved master plan. Access points other than those approved locations shown on the master plan are not guaranteed or vested.

#### 9.07.06 Preliminary Plat Review.

- A. The subdivider shall submit to the Development Review Coordinator preliminary plat materials in accord with Section 9.08.
- B. In order to allow review of the safety of the proposed locations where new subdivision roads will connect with Town, County, or State roads, all such points of connection shall, at the time of submittal of the preliminary plat materials, be flagged at the right-of-way line.
- C. The Development Review Coordinator shall transmit copies of the preliminary plat materials to Town departments or agencies as may be required for proper review of the proposed plat.

- D. Following review by Town staff, the Development Review Coordinator shall place the preliminary plat on the next available agenda of the Planning and Zoning Board for review 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 Fort White Town Council. In approving subject to conditions or in disapproving, the reasons for such action shall be stated in writing to the subdivider and to the Fort White Town Council. Reference shall be made to the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations with which the preliminary plat do not comply.
- E. After review and recommendation of the Planning and Zoning Board, the Fort White Town Council shall consider approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the preliminary plat subject to conditions or disapproving shall be stated in writing to the subdivider. Reference 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 do not comply.
- F. The action of the Fort White Town Council shall be noted on two (2) copies of the preliminary plat. One copy shall be returned to the subdivider and the other retained in the office of the Development Review Coordinator.
- G. Approval of the preliminary plat shall not constitute approval of the final plat. Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. Any change in the number and configuration of lots and/or the addition of a new street subsequent to preliminary plat approval shall require the subdivider to re-submit the preliminary plat and follow the procedures for approval of the preliminary plat. Approval of the preliminary plat shall be valid for a period of 24 months, but may be extended by a request from the subdivider and approval of the Fort White Town Council for a period not to exceed an additional 12 months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the subdivider must re-submit the preliminary plat and follow the procedures for approval of the preliminary plat.

#### 9.07.07 Construction Plan Review.

- A. Following preliminary plat approval by the Fort White Town Council, the subdivider shall submit to the Development Review Coordinator construction plan materials in accord with the requirements of Section 9.08 below.
- B. The Development Review Coordinator shall transmit copies of the construction plan materials to the members of the Technical Review Committee. The subdivider shall transmit copies to other non-Town departments or agencies as may be required.

- C. The Development Review Coordinator shall transfer the construction plan materials to the Town Engineer for property review of the plans. Upon review and input from the Town Engineer, the Development Review Coordinator shall approve the plans, approve the plans with conditions, or disapprove the plans. If the construction plans are approved subject to conditions, or disapproved, the Development Review Coordinator shall state in writing to the subdivider the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations of the Town with which the construction plans do not apply.
- D. Upon approval of the construction plans by the Development Review Coordinator, the subdivider may 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 and any requirement of the Town for building or construction permits. In the event of minor changes or deviations from the approved construction plans are necessary due to requirements caused by actual construction or other necessary causes, the Development Review Coordinator may authorize such minor changes or deviations. If the Development Review Coordinator finds the changes to be significant, the subdivider shall re-submit the construction plans and follow the procedures for approval of the construction plans.

9.07.08 Final Plat Review.

- A. Following approval of the preliminary plat and construction plans and while the preliminary plat approval is in effect, the subdivider shall submit to the Development Review Coordinator final plat materials in accord with the requirements of Section 9.08 below.
- B. The final plat shall include the information showing compliance with any conditions imposed at the time of conditional approval of the preliminary plat or of the construction plans. Also, the final plat shall conform to all applicable provisions of Chapter 177, Florida Statutes.

9.07.09 Options for Installation and Maintenance of Improvements.

- A. A final plat shall not be approved by the Town Council unless:
  - 1. Required improvements have been installed and accepted by the Town pursuant to the requirements of B below; or
  - 2. The developer provides assurance that the required improvements will be installed within a reasonable period of time pursuant to the requirements of C below.
- B. When improvements are installed and completed prior to final plat approval, the following shall occur prior to final plat approval by the Town Council:
  - 1. The Development Review Coordinator, Town Engineer, and any other necessary Town officials have inspected the construction work and have determined that the work has been

completed in a satisfactory manner in compliance with the construction plans and the requirements of these land development regulations.

2. A maintenance agreement and security shall be provided to assure the Town that all required improvements shall be maintained by the developer, according to the following requirements:

- a. The period of maintenance shall be a minimum of one (1) year.
- b. The maintenance period shall begin with the acceptance by the Town of the improvements.
- c. The security shall be in the amount of 15% of the construction cost of the improvements. At the end of the one-year period, the subdivider shall apply to transfer such improvement maintenance to the Town. Before said improvements are accepted for maintenance and the surety released by the Town Council, the Town Engineer shall certify that such improvements are in good repair.

- C. When required improvements are to be installed after final plat approval, the Town Council shall not approve the final plat unless:

1. The developer has offered a surety device that will guarantee construction of the improvements within a reasonable period of time as set by the Town Council. Such surety shall:
  - a. Cover at least 125 percent of the estimated cost of all required improvements with estimated costs to be established by bona fide bids of one or more contractors on the required improvements, or a copy of all executed contracts for the installation of the required improvements.
  - b. Be conditioned upon the faithful performance by the subdivider of:
    - (1) All work required to complete all improvements and installations for the subdivision or unit division thereof, in compliance with these land development regulations and within a specified time as determined between the subdivider and the Fort White Town Council; and
    - (2) Maintenance of the improvements for one (1) year after acceptance of the improvements by the Town. The surety amount may be reduced to 15% of the construction cost during the one-year maintenance period.

**9.07.10 Required Dedications.**

- A. Where the improvements within a subdivision are to be dedicated to the Town of Fort White, dedication in substantially the following form shall appear on the final plat:

[NAME OF OWNER] certifies ownership of [COMPLETE NAME OF PLAT] shown and described hereon, and does hereby dedicate and set apart all of the [INDICATE ONLY THE FOLLOWING WHICH ACTUALLY APPLY - streets, alleys, walks, thoroughfares, front, rear, and side lot line utility easements, parks and other open spaces, canals and drainage and other easements] shown and described on this plat, for said uses and purposes to the Town of Fort White forever.

- B. Where the improvements within a subdivision are to be privately owned and maintained, a dedication in substantially the following form shall appear on the plat:

[NAME OF OWNER] certifies ownership of [COMPLETE NAME OF PLAT] shown and described hereon, and does hereby dedicate and set apart all of the [INDICATE ONLY THE FOLLOWING WHICH ACTUALLY APPLY - streets, alleys, walks, thoroughfares, front, rear, and side lot line utility easements, parks and other open spaces, canals and drainage and other easements] shown and described on this plat, for said uses and purposes to the property owners of [COMPLETE NAME OF PLAT], their successors, assigns, respective guests, licensees, invitees, utilities serving the Subdivision, emergency and law enforcement personnel serving the Subdivision, and other persons providing essential services to the Subdivision forever. Subject, however, to any rights dedicated to the Town of Fort White by this Plat.

**9.07.11 Vacation and Annulment of Plats.**

- A. The vacation and annulment of plats shall be according to Chapter 177, Florida Statutes. In addition, the Fort White Town Council may, on its own motion, order the vacation and revision to acreage of all or any part of a subdivision within its jurisdiction including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, when: (1) the plat of which subdivision was recorded as provided by law not less than five (5) years before the date of such action, and (2) in which subdivision or part thereof not more than 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 Fort White Town Council that the proposed vacation and reversion of subdivided land to acreage conforms to the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the Fort White Town Council shall hold a public hearing thereon with due public notice.
- B. No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access to existing facilities to which such parcel has theretofore had access, provided that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonable equivalent thereto.

- C. If land in a subdivision or part thereof is proposed for reversion to acreage, the Fort White Town Council shall conduct proceedings for amending the zoning district designation of such acreage as may be deemed advisable in view of the conditions that will exist subsequent to such revision to acreage.

9.07.12 Notice.

- A. The contents of notices, and the description of the different types of notice, shall be as set forth in Section 10.12 of this Code.
- B. Notice shall be provided under this Article as set forth in the Table below.

Required Notice	
Preliminary Plat Review by Planning & Zoning Board and Town Council	<ul style="list-style-type: none"><li>• Site Posting</li><li>• Newspaper Notice</li></ul>
Final Plat Review by Town Council	<ul style="list-style-type: none"><li>• Newspaper Notice</li></ul>

SECTION 9.08 SUBMITTALS

Section 9.08.01 Generally.

- A. All preliminary and final plats shall be prepared by a Florida Registered Surveyor.
- B. Construction plans and specifications for required improvements shall be prepared by a Florida Registered Professional Engineer.
- C. The subdivider shall present a letter to the Fort White Town Council certifying that he or she has employed a Florida Registered Surveyor and a Florida Registered Professional Engineer to prepare the required documents.

Section 9.08.02 Preliminary Plat.

- A. The preliminary plat shall be drawn clearly and legibly at a scale of at least one (1) inch equals 100 feet using a sheet size of 24 inches by 36 inches, reserving a 3-inch binding margin on the left side and a ½ - inch margin on the other three (3) sides. If more than one (1) sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.
- B. Four (4) sets of the preliminary plat and necessary supporting material shall be submitted for Town staff review. Once the preliminary plat has been reviewed and revised, nine (9) revised copies shall be submitted for the Planning and Zoning Board review hearing. In addition, the applicant shall submit an electronic PDF version of the preliminary plat.
- C. The preliminary plat shall contain the following information:



1. Proposed name of subdivision, and existing name if resubdivision is proposed.
2. Name, address, telephone number of the subdivider and agent of the subdivider.
3. Name, address, telephone number, and registration number of surveyor and engineer.
4. Date of boundary survey, north arrow, graphic scale, date of plat drawing, and space for revision dates.
5. Existing contours at 5-foot intervals based on U.S. Coastal and Geodetic Datum for the tract to be subdivided and extending 25 feet beyond the tract boundary.
6. Vicinity map showing location with respect to existing roads, landmarks, section lines, and quarter section lines, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required, but at a scale of not less than 1 inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the vicinity map.
7. Boundary line of the tract, by bearing and distance, shown with a heavy line.
8. Legal description of the tract to be subdivided.
9. Names of owners of adjoining land with the land acreage or, if developed, names of abutting subdivisions.
10. Existing streets, utilities, and easements on and adjacent to the tract, including the name, purpose, location, and size of each and the invert elevation of sewers.
11. Other existing improvements including buildings on adjacent to the tract.
12. Preliminary layout including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and any land to be used for purposes other than single-family dwellings.
13. Block letters and lot numbers, lot lines, and scaled dimensions.
14. Zoning district boundaries on and abutting the tract.
15. Proposed method of water supply, sewage disposal, drainage, and street lighting.
16. Minimum building front yard setback lines as required by these land development regulations.

17. Typical street cross-sections for each street type and the location of all road and street signs and street name signs as required within these land development regulations shall also be noted on a separate sheet.
18. Natural features, including areas of high aquifer recharge, native communities and ecosystems, listed plant and animal habitat, and heritage and champion trees.
19. Surface drainage and direction of flow and method of disposition and retention indicated.
20. Soil survey map.
21. Subsurface conditions of the tract showing: subsurface soil, rock and groundwater conditions, location and results of soil percolation tests, and location and extent of poor soils.
22. Existing and proposed covenants and restrictions.
23. Inscription stating "NOT FOR FINAL RECORDING".
24. Any other information that may be considered necessary by either the subdivider, the Planning and Zoning Board or the Fort White Town Council for full and proposed consideration of the proposed subdivision.

9.08.03 Construction Plans.

- A. Plans for the required improvements shall be prepared for the approval by the Development Review Coordinator prior to construction and after approval of the preliminary plat. Construction plans shall show the proposed locations, sizes, grades, and general design features of each facility.
- B. Four (4) sets of the construction plans and necessary supporting material shall be submitted for Town staff review. In addition, the applicant shall submit an electronic PDF version of the preliminary plat.
- C. Construction plans shall be drawn to a scale of 1 inch represents 100 feet or larger and shall consist of the following:
  1. A topographic map of the subdivision with a maximum contour interval of 1 foot where overall slopes are 0 percent to 2 percent, 2 feet where slopes are over 2 percent, based on U.S. 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 all existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration. Each

drainage area shall be clearly delineated. Flow paths shall be indicated throughout. Existing and proposed structures affecting the drainage shall be shown.

3. Plans showing proposed design features and typical sections of canals, swales and all other open channels, storm sewers, all drainage structures, and other proposed subdivision improvements.
  4. Plans and profiles for all proposed streets and curbs are required. Where proposed streets intersect existing streets, elevations and other pertinent details shall be shown for existing streets for a minimum distance of 300 feet from point of intersection.
  5. Plans of any proposed water distribution system and sanitary sewer collection system showing pipe sizes and location of valves, pumping stations, and fire hydrants, where the installation of such facilities are required by these land development regulations.
  6. Plans for all road and street signs and street name signs showing the location of such signage and any other traffic safety control devices, which is required or proposed. In addition, the specifications for such signage shall be provided as part of this plan, which shall detail in diagram form as necessary the size, material, color, and specifications for installation of such signage.
  7. Other information on the construction plans as may be required by the Technical Review Committee.
- D. Upon completion of improvements in the subdivision, the subdivider shall submit three (3) blue line sets and one (1) reproducible set of blue prints showing “as-built” improvements.

#### 9.08.04 Final Plat.

- A. The final plat shall be drawn clearly and legibly at a scale of at least 1 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 the sheet and placed so as to leave a 3-inch binding margin on the left side and a ½ - inch margin on the other three (3) sides. If more than one (1) sheet is required, an index map relating to each sheet to the entire subdivision shall be shown on the first sheet.
- B. Four (4) sets of the final plat and necessary supporting material shall be submitted for Town staff review. Once the final plat has been reviewed and revised, nine (9) revised copies shall be submitted for the Town Council review hearing. In addition, the applicant shall submit an electronic PDF version of the preliminary plat.
- C. The final plat shall contain the following information:
  1. Name of subdivision shall be shown in bold legible letters, as stated in Chapter 177, Florida Statutes. The name of the subdivision shall be shown on each street included and shall

have legible lettering of the same size and type including the words “section,” “unit,” “replat,” “amended,” etc.

2. Name and address of subdivider.
3. North arrow, graphic scale, and date of plat drawing.
4. Vicinity map showing location with respect to existing streets, landmarks, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required, but at a scale of not less than 1 inch equals 2,000 feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map.
5. Exact boundary line of the tract, determined by a field survey, giving distances to the nearest 1/100 foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed 1 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 subdivision.
8. Locations of environmentally sensitive areas to be set aside as open space or protected through a conservation easement.
9. Bearing and distance to permanent points on the nearest existing street lines of benchmarks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
10. Municipal and County lines shall be accurately tied to the lines of the subdivision by distance and angles which such lines traverse or are reasonable close to the subdivision.
11. The closest land lot corner shall be accurately tied to the lines of the subdivision by distance and angles.
12. Location, dimensions, and purposes of any land reserved or dedicated for public use.
13. Exact locations, width, and names of all streets within and immediately adjoining the new subdivision.
14. Street right-of-way lines shall show deflection angles of intersection, radii, and lines of tangents.
15. Lot lines shall be shown with dimensions to the nearest 1/100 foot and bearings.

16. Lots shall be numbered in numerical order and blocks lettered alphabetically.
  17. Accurate location and description of monuments and markers.
  18. Minimum building front yard setback lines as required by these land development regulations.
  19. Reference to recorded subdivision plats of adjoining platted land shall be shown by recorded names, plat book, and page number.
  20. Covenants and restrictions notice in accordance with Chapter 171.091(28), Florida Statutes.
- D. The following certificates shall appear on the final plat, and shall be properly signed before the final plat is submitted to the Fort White Town Council and the Certificate of Approval by the Fort White Town Council shall be properly signed after the final plat is approved by the Town Council.
1. Certificate of Surveyor.
  2. Certificate of Approval by the County Property Appraiser.
  3. Certificate of Approval by the Town Reviewing Surveyor.
  4. Certificate of Approval by County Health Department.
  5. Certificate of Approval by the Town Attorney.
  6. Certificate of Approval by the Fort White Town Council.
- E. The following shall also be included on the final plat:
1. A dedication to the public by the owners of the land involved of all streets, drainage easements, and other rights-of-way however designated and shown on the plat for perpetual use for public purposes, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner of the mortgage shall join in the dedication or in some other manner subordinate the mortgagee's interest to the dedication of public right-of-way.
  2. Certification that all payable taxes have been paid and all tax sales against the land redeemed.
  3. Title certification as required by Chapter 177, Florida Statutes.



**ARTICLE 10.  
ADMINISTRATION AND ENFORCEMENT**

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## **Article 10. Administration & Enforcement**

### **SECTION 10.01 GENERALLY**

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

#### **10.01.02 Authorization Required for All Development**

- A. Unless otherwise expressly exempted by this Code, or unless a specific type of permit is otherwise expressly provided for elsewhere in this Code, no Development as defined in B. below shall be undertaken unless authorized by a building or other development permit issued by the Town pursuant to Section 10.08 below. Failure to obtain such authorization shall be a violation of this Code and shall be subject to any enforcement mechanisms available to the Town.
- B. *Development* shall mean any of the following activities:
1. The construction of any building or structure regulated by the Florida Building Code.
  2. The clearing, filling, excavating, or grading, of a site in anticipation of constructing one or more structures regulated by the Florida Building Code.
  3. The clearing, filling, excavating, or grading, of a site for the purpose of installing improvements, such as paved roads, parking lots, or stormwater management facilities.
  4. The dredging, mining, drilling, scraping, excavating, or otherwise removing the soil or other elements of the earth for transport to another location.
  5. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
  6. Changing the use of a site so that the need for parking is increased.
  7. The removal of a protected tree as defined in this Code.
  8. Erection of a sign requiring a permit pursuant to this Code.

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

**10.01.04 Effect of Denial or Withdrawal on Subsequent Applications.** No application for development approval shall be entertained within twelve months after the denial or withdrawal of a request for the same use for the same property. The Development Review Coordinator may waive this limitation upon a showing of good cause.

**10.01.05 Amended Application.** Amendment of any application by the applicant may be permitted

up to 10 days prior to the public hearing, provided the amendment shall not make the case different from its description in the notice for public hearing. Otherwise, the matter shall be re-noticed at the expense of the applicant.

#### **10.01.06 Definition**

*Development Review Coordinator* means the Town Clerk, or designee, who shall have such responsibilities as set forth in this Code.

### **SECTION 10.02 SITE PLAN REVIEW**

**10.02.01 When Required.** Site plan review is required for all Development as defined in 10.01.02 above, except for the following:

- A. Construction of a single family or duplex home.
- B. Alteration of an existing structure where such alteration does not create the need for additional parking or other modifications to the site.
- C. Any activity for which a special review process is specifically provided for elsewhere in this Code.

**10.02.02 Existing Site Plans.** Where development requiring site plan review is proposed on a site governed by an approved site plan, the development shall be reviewed as an amendment to the existing site plan and shall be subject to the same site plan review procedures set forth herein.

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

**10.02.04 Optional Review Of Concept Plans.** Site plans may be submitted to concept review as follows:

- A. The applicant shall file a completed application and a Concept Plan as a prerequisite to obtaining concept review.
- B. Within 5 working days of receipt of an application and Concept Plan, the Development Review Coordinator shall take one of the following actions:
  - 1. Determine that the submittals are incomplete and inform the applicant in writing as to the deficiencies. The applicant may submit an amended application within 30 working days without payment of a re-application fee, but, if more than 30 working days have elapsed, must thereafter re-initiate the application and pay an additional fee.

2. Determine that the submittals are complete and proceed with the following procedures.
- C. The proposal shall be placed on the agenda of the next meeting of the Planning and Zoning Board that allows the giving of required notice.
- D. The Planning and Zoning Board shall consider:
1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
  2. Whether the concurrency requirements of Town of Fort White Comprehensive Plan and this Code could be met if the development were built.
  3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.
  4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
  5. Applicable regulations, review procedures, and submission requirements.
  6. Concerns and desires of surrounding landowners and other affected persons.
  7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.
- E. The Planning and Zoning Board shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

#### **10.02.05 Review Of Site Plans.**

- A. The applicant shall submit an application for site plan approval and a preliminary site plan to the Town. If an application was filed in conjunction with a request for Concept Review, the Site Plan must be submitted no more than 6 months after the date the application was originally filed. If more than 6 months elapse, the applicant must re-apply for site plan review.
- B. Within **10 working days** of receipt of a Site Plan, the Development Review Coordinator shall take one of the following actions:
1. Determine that the information is incomplete and inform the applicant in writing of the

deficiencies. The applicant may submit an amended plan within 60 days without payment of an additional fee, but, if more than 60 days have elapsed, must thereafter initiate a new application and pay a new fee.

2. Determine that the plan is complete and proceed with the following procedures.
- C. Within 5 working days of the filing of a complete site plan, the Development Review Coordinator shall send a copy of the site plan to each Town staff person or consultant who the DRC determines should review the plan.
- D. Within **20 working days** after the filing of a complete site plan, the Development Review Coordinator shall issue a written recommendation that the Planning and Zoning Board:
1. Issue a Development Order complying with 10.02.07 below; or
  2. Refuse to issue a Development Order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.
- E. The Site Plan shall be placed on the next available agenda of the Planning and Zoning Board allowing for the giving of required notice. The Planning and Zoning Board shall conduct a quasi-judicial hearing on the Site Plan to determine whether the plan satisfies the requirements of this Code.
- F. The Planning and Zoning Board shall issue a Development Order with findings and conclusions, and, if applicable, conditions placed on the proposed development.

#### **10.02.06 Rendering Final Development Order.**

- A. The Development Review Coordinator shall set forth the approval or denial in a letter to the applicant. Reasons for a denial shall be set forth in the letter.

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

#### **10.02.08 Submittals.**

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

- B. In addition to the requirements below, an applicant shall submit any concept plan and site plan in an electronic format.
- C. All Site Plans submitted pursuant to this Code shall conform to the following standards:
1. All plans shall be drawn to a scale a scale of 1 inch equals 100 feet, unless the Planning and Zoning Board or Development Review Coordinator determines that a different scale is sufficient or necessary for proper review of the proposal.
  2. The sheet size shall be 24 inches by thirty-six 36 inches. A 3/4- inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided.
  3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
  4. The front cover sheet of each plan shall include:
    - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, town limits, and/or other pertinent orientation information.
    - b. A complete legal description of the property.
    - c. The name, address, and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
    - d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
    - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
    - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
    - g. The area of the property shown in square feet and acres.
  5. Eight (8) copies of the submittals shall be required.
  6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the applicant to

submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

D. Each Concept Plan shall show:

1. Existing Conditions

- a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
- b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.
- c. Topography of the site with contour lines at two-foot intervals and showing all water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types, vegetative cover, and any known historic or archaeological resources.
- d. The parcel's existing land use and zoning designations.
- e. A depiction of property within 400 feet of the boundaries of proposal development site, not including public rights-of-way in the measurement, showing land uses, locations of principal structures and major landscape features, densities of residential use, and traffic circulation systems.

2. Proposed Development Activities And Design

- a. The approximate location and intensity or density of the proposed development.
- b. A general parking and circulation plan, showing points of ingress to and egress from the site, pedestrian ways, and bicycle paths.
- c. Proposed drainage systems.
- d. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
- e. Proposed open space areas and types of activities proposed to be permitted on them.
- f. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
- g. A description of how the plan mitigates or avoids potential conflicts between land uses.

- E. A Site Plan shall include the following information, where applicable. If any of the following items are inapplicable to a proposed development, such item may be omitted, provided the applicant identifies in writing any missing item and includes a brief explanation of why it is inapplicable. The Development Review Coordinator may determine that the missing information is required and find the plan to be incomplete until provided. Site Plans shall be signed and sealed by a Professional Engineer registered in the State of Florida.
1. A legal description of the property under review for site plan approval.
  2. Site conditions information, including:
    - a. A topographic map of the site of a scale a scale of 1 inch equaling no more than 100, showing at least five-foot contours in residential zones and two-foot contours in the 100 year flood prone areas.
    - b. Generalized soil types in the project area and in the surrounding area, if significantly different from the project area.
    - c. A scaled plan indicating the type and location of existing vegetation, including the approximate size and location of protected trees as described in Article 5. Aerial and on-site photographs may be used to show vegetation.
    - d. A preliminary sedimentation control plan shall be submitted indicating the manner by which on-site generated sediment will be retained. The plan shall assure that sediment volume from the development leaving the property shall not be increased above the level existent prior to the beginning of construction activity.
  3. A site condition map including:
    - a. A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities, and recreation/open space areas.
    - b. The location of all existing public streets, rights-of-way, easements, and other reservations of the land in the area of the property in question, means of ingress and egress to all such properties, off-street parking, loading and service areas, if any, for or on such properties and any screening or buffers on such properties and the nature and type thereof.
    - c. The location, size and capacity of all existing utilities, including existing fire hydrant locations.
    - d. The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, storm sewers, and the direction of surface flow.
  4. A dimensional site development plan of professional quality drawn at a suitable scale, but not smaller than one inch equals 60 feet. A smaller scale for very large land area (over 40

acres in size) may be accepted upon approval of the Planning and Zoning Board showing:

- a. The name of the person or firm who prepared the plans, the name of the applicant, the name of the proposed project or development, a north arrow and date.
- b. The location of all proposed streets, driveways or other facilities designed to accommodate vehicular movement in the development and points of ingress and egress, parking areas including the exact number of spaces and loading and service areas (location of dumpsters and any utility buildings) and a traffic impact analysis of projected trip generation, including methods of circulation for the development.
- c. The location and dimensions of all proposed buildings and structures to be included in the development:

For all development, indicating the gross area of all buildings.

For residential development, indicating the exact number of dwelling units classified by numbers of bedrooms (number of one-bedroom units, number of two-bedroom units, etc.).

- d. Dimensions of all yard setbacks and open spaces.
- e. Location of all open space and recreation areas, planned with attention to their adequacy in terms of size and placement, their effect on privacy of adjacent living areas and their relationship to community-wide open spaces and recreation facilities.
- f. The manner of drainage of the property, showing the manner of drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities.
- g. The percentage of the site that will be covered by buildings and structures and the percentage that will be covered by streets, drives, parking and loading areas.
- h. A grading plan including all finished elevations and contours.
- i. The exact location of all public use easements.
- j. The exact location of all utility services, including connection points to the main systems and fire hydrant locations.
- k. A landscape plan.
- l. A drainage plan including depth dimensions, capacities, cross-section dimensions and statement of ratio or percentage of side slope angle of retention or detention facilities. Slope angle to depth of facility must meet Suwannee River Water Management District specifications.



- m. The size, location, and type of all signage.
- n. The size, location, orientation, type, photometrics, and intensity of all exterior lighting fixtures and devices.
- o. Architectural elevations of all buildings and structures.
- p. A development timetable, if project is to be constructed in phases.
- q. A sedimentation plan indicating the manner by which anticipated sediment and debris, generated within the confines of the development, will be retained on site (examples: hay bales, sediment traps, berms, etc., as appropriate to the situation).
- r. Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and all individual trees with a trunk diameter of 12 inches or more at a point 4 feet above ground level. Aerial and on-site photographs may be used to show vegetation.

## SECTION 10.03 SPECIAL USE PERMITS

**10.03.01 Generally.** Where the use regulations of this Code provide that a given use must be authorized by a Special Use Permit, the procedures in this section shall be followed.

### 10.03.02 Application and Staff Review.

- A. An application shall be filed with the Development Review Coordinator on a form available from the Town. In addition, a Site Plan meeting the requirements of this Article shall be submitted, unless the DRC finds that, due to the nature of the special use requested, a site plan is not necessary.
- B. Within five **5 working days** of receipt of the application and site plan, the Development Review Coordinator shall take one of the following actions:
  - 1. Determine that the application is incomplete and inform the applicant in writing of the deficiencies. The applicant may submit an amended application and site plan within 60 days without payment of an additional fee, but, if more than 60 days have elapsed, must thereafter initiate a new application and pay a new fee.
  - 2. Determine that the application is complete and proceed with the following procedures.
- C. Within 5 working days of the filing of a complete application, the Development Review Coordinator shall send a copy of the application and site plan to each city staff person or consultant who the DRC determines should review the application.
- D. Within 20 working days of receipt of a complete application, the Development Review Coordinator

shall issue a written recommendation on whether the special use permit should be approved by the Planning and Zoning Board.

#### **10.03.03 Review by Planning and Zoning Board.**

- A. The Development Review Coordinator shall place the application on the next available agenda of the Planning and Zoning Board allowing time for.
- B. The Planning and Zoning Board shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth at **Section 10.09 of this Article**. The Planning and Zoning Board shall approve the application, approve the application with conditions, or deny the application.
- C. The Planning and Zoning Board shall apply the following standards in the review of special use permit applications, in addition to any specific standards in this Code for the particular special use:
  - 1. That the proposed use and associated development is consistent with the Fort White Comprehensive Plan, and complies with all required regulations and standards of this Land Development Code and other applicable regulations.
  - 2. That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.
  - 3. That necessary public infrastructure is available to the proposed site and that the requirements of concurrency management have been fulfilled by the proposed use or development.
  - 4. That the proposed use or development will have screening and buffers of such dimension, type and character to improve the compatibility and harmony with adjacent and nearby properties.
- D. Review of the decision of the Planning and Zoning Board on a Special Use Permit may be requested as provided in **Section 10.12 below**. If no review is requested, the decision of the Planning and Zoning Board shall be final. It is the intent that such review be a prerequisite to certiorari or other review by a circuit court.

### **SECTION 10.05 PROCEDURE FOR AMENDING THIS CODE OR THE COMPREHENSIVE PLAN**

**10.05.01 State Law Controlling.** The procedures in this section shall be followed in amending this Code and the Comprehensive Plan. This section supplements the mandatory requirements of state law, which must be adhered to in all respects.

**10.05.02 Application.** Any person, or town board, commission or agency, may apply to the Development Review Coordinator to amend this Code or the Comprehensive Plan.

**10.05.03 Planning and Zoning Board Review and Recommendation.**

- A. The Planning and Zoning Board shall hold a legislative hearing on each application to amend this Code or the Comprehensive Plan.
- B. The Planning and Zoning Board shall thereafter submit to the Town Council a written recommendation which:
  - 1. Identifies any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
  - 2. States factual and policy considerations pertaining to the recommendation.

**10.05.04 Decision By Town Council.** The Town Council shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters properly noticed for hearing.

**SECTION 10.06 PROCEDURE FOR OBTAINING BUILDING PERMITS**

**10.06.01 Application.** Application for a building permit shall be made to the Columbia County Building Department. Prior to submittal of a building permit to Columbia County, the applicant shall obtain a Certificate of Land Use Compliance from the Town. An application for a Certificate of Land Use Compliance shall be filed with the Development Review Coordinator on a form available from the Town.

**10.06.02 Certificate of Land Use Compliance.** The Development Review Coordinator shall, within **5 working days**, determine if the proposed construction and use complies with this Code and other regulations of Fort White and, if so, the DRC shall issue a Certificate of Land Use Compliance. If the proposed construction and use does not comply, the DRC shall inform the applicant as to the reasons for non-compliance and refuse to issue the Certificate of Land Use Compliance. A Certificate of Land Use Compliance shall be valid for a period of 6 months.

**10.06.03 Action on Permit Application.** The Development Review Coordinator shall forward the application and Certificate of Land Use Compliance to the Columbia County Building Official, or other staff person responsible for issuing the particular type of permit requested.

**10.06.04 Appeal.** The decision of the Development Review Coordinator to issue or not issue the Certificate of Land Use Compliance may be appealed to the Planning and Zoning Board by filing a Notice of Appeal with the DRC within 30 days of the DRC's decision. The decision of the Planning and Zoning Board shall be final. Review of the Planning and Zoning Board decision may be sought pursuant to **Section 10.10** below.

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**SECTION 10.07 QUASI-JUDICIAL HEARINGS****10.07.01 Generally.**

- A. Whenever a quasi-judicial hearing is expressly called for by this Code, or where a decision to be made by a board or council is in fact quasi-judicial in nature, the procedures in this section shall be followed.
- B. A member of a board or council absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.
- C. No Town officer or employee who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the board or council on the proposal without first declaring for the record the nature and extent of the interest.
- D. The chair of the board or council may set reasonable time limits on the presentation of testimony and other evidence, provided that all parties to the proceedings are given adequate time to fully present their cases.

**10.07.02 Evidence and Burden Of Proof.**

- A. The applicant for any development order shall have the burden of proving by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this Code.
- B. Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the board or council is inadmissible. The chair shall make rulings on objections to the relevance and materiality of the examination. A council member, party, or staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence. During the presentation by the opponents or proponents of an issue before the board or council, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.
- C. All testimony presented by witnesses for any party shall be subject to cross examination, subject to reasonable rules and limitations imposed by the chair.

**10.07.03 Order Of Proceedings.** The order of proceedings at any quasi-judicial hearing shall generally be as shown in the following table. These procedures may, however, be varied by the Town Attorney or decision-making board to address the particular circumstances of the case.

ORDER	ITEM
1	The board or council shall determine whether it has jurisdiction over the matter.
2	Members of the board or council shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case.
3	Members of the board or council shall disclose and place on the record any ex parte communications relating to the matter before the board or council.
4	Introduction of the petition by the chair of the board or council.

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5	Presentation by applicant
6	Presentation by town staff
7	Presentation by affected parties
8	Rebuttal by applicant
9	Rebuttal by staff
10	Rebuttal by affected parties
11	Public input
12	Deliberation and vote of the board or council
13	Preparation and execution of final order

**10.07.04 Ex Parte Communications.**

- A. A Town employee, elected official, or other person who is or may become a party to a quasi-judicial proceeding shall avoid engaging in ex parte communications with a member of the reviewing board.
- B. If a person engages in an ex parte communication with a member of the reviewing board, the member shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum or verbal statement setting forth the substance of all oral communications received, and all oral responses made.
- C. The foregoing is not meant to inhibit discussions between members of the reviewing board and Town staff that pertain solely to scheduling of hearings and other administrative matters unrelated to the merits of the case.

**10.07.05 Challenges to Impartiality.**

- A. A party to an administrative or appellate hearing may challenge the impartiality of any member of the board or council.
- B. The challenge shall state by affidavit facts relating to a bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner.
- C. Except for good cause shown, the challenge shall be delivered by personal service to the Development Review Coordinator no less than 48 hours preceding the time set for the hearing.
- D. The Development Review Coordinator shall forward the challenge to the Town Attorney and attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

**10.07.06 Disqualification.**

- A. No member of a hearing body shall vote or participate in the hearing of a proposal if:
  - 1. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-

law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or

2. The decision-maker has a direct private interest in the proposal; or
3. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.

B. An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum. If the hearing body is reduced to less than a quorum by abstentions or disqualifications, all members present after stating their reasons for abstention or disqualification shall be re-qualified and proceed to resolve the issues.

#### **10.07.07 Final Order and Record.**

- A. Unless the board or council and the applicant agree to an extension, the board or council shall, within 35 days of the hearing, render an order including:
- (1) A statement of the applicable criteria and standards against which the proposal was tested.
  - (2) Findings of facts that established compliance or noncompliance with the applicable criteria and standards of this Code.
  - (3) The reasons for a conclusion to approve, conditionally approve, or deny.
- B. The Town shall retain minutes, either stenographically or electronically, of the proceedings. Pursuant to Section 286.0105, Florida Statutes, in order to appeal the decision of the board or council, applicants or affected parties will need to ensure that a verbatim record is made.
- C. The board or council shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until it may be disposed of in accordance with Florida law.
- D. The findings and order shall be included in the record.

### **SECTION 10.08 LEGISLATIVE HEARING**

**10.08.01 Generally.** Whenever a legislative hearing is expressly called for by this Code, or where a decision to be made by a board or council is in fact legislative in nature, the procedures in this section shall be followed.

#### **10.08.02 Notice and Hearing.**

- A. Notice that complies with the requirements of this Code and State law shall be given.

B. The public hearing shall as a minimum:

1. Comply with the requirements of state law.
2. Present the Development Review Coordinator's analysis of the proposed decision.
3. Present the Development Review Coordinator's summary of reports by other agencies.
4. Permit any person to submit written recommendations and comments before or during the hearing.
5. Permit a reasonable opportunity for interested persons to make oral statements.

## **SECTION 10.9 ENFORCEMENT**

### **10.09.01 Definitions.**

- A. *Minor Deviation* means a deviation from a Site Plan, Special Use Permit, Variance, or other development approval, that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:
1. Alteration of the location of any road, walkway, landscaping or structure by not more than 5 feet.
  2. Reduction of the total amount of open space by not more than 5 percent, or reduction of the yard area or open space associated with any single structure by not more than 5 percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
- B. *Major Deviation* means a deviation other than a Minor Deviation, from a Site Plan, Special Use Permit, Variance, or other development approval.

### **10.09.02 Enforcement of Development Orders and Permits.**

- A. The Development Review Coordinator shall implement a procedure for periodic inspection of development work in progress to insure compliance with the relevant approvals by the Town.
- B. If work is found to have one or more Minor Deviations, the Development Review Coordinator shall amend the approval by the Town to conform to actual development. The DRC may, however, refer any Minor Deviation that significantly affects the development's compliance with the purposes of this Code to the Planning and Zoning Board for treatment as a Major Deviation.
- C. If the work is found to have one or more Major Deviations, the Development Review Coordinator shall:

1. Place the matter on the next agenda of the Planning and Zoning Board, allowing for adequate notice, and recommend appropriate action for the Board to take.
  2. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Development Review Coordinator determines that work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board.
  3. Refer the matter to the Town Council, if it appears that the Applicant has committed violations within the jurisdiction of the Town.
- D. The Planning and Zoning Board shall hold a public hearing on Major Deviations referred to it by the Development Review Coordinator shall take one of the following actions:
1. Order the owner to bring the development into substantial compliance (i.e. having no or only Minor Deviations) within a reasonable period of time. The relevant approval by the Town may be revoked if this order is not complied with.
  2. Amend the relevant approval by the Town to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
  3. Revoke the relevant approvals by the Town based on a determination that the development cannot be brought into substantial compliance and that the approval granted by the Town should not be amended to accommodate the deviations.
- E. After an approval by the Town has been revoked, development activity shall not proceed on the site until a new approval is granted in accordance with procedures for the original approval.
- F. The Development Review Coordinator may, in addition to or in the alternative to the foregoing, pursue the following penalties and remedies, as provided by law.
1. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Development Review Coordinator, through the Town Attorney, may institute an appropriate civil action in any court to prevent, correct, or abate the violation.
  2. Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.



**SECTION 10.10 APPELLATE REVIEW****10.10.01 Generally.**

- A. An aggrieved person may seek review of a final decision of the Planning and Zoning Board or Development Review Coordinator as set forth below.
- B. The following qualify as aggrieved persons for purposes of seeking review of a decision by the Town Council:
  - (1) The applicant; or
  - (2) A person who resides or owns land within 400 feet of the boundary of the property subject to the decision.

**10.10.02 Procedure.**

- A. An aggrieved person may seek review of a decision by filing an application for Town Council review with the Development Review Coordinator.
- B. The application shall be filed within **20 calendar days** of the final hearing at which the challenged decision was made by the Planning and Zoning Board, or within 20 calendar days of the date of the decision by the Development Review Coordinator.
- C. If the Development Review Coordinator finds that the application has been timely filed by an aggrieved person, the matter shall be set for hearing before the Town Council at the next available meeting allowing for required notice.
- D. The Town Council shall hear the matter de novo and make a final decision based on the evidence presented to the Planning and Zoning Board.

**SECTION 10.11 NOTICE****10.11.01 Contents.** At a minimum, all notices shall contain the following information:

- A. The street address and/or general location of the proposed project. A site location map may be included as appropriate.
- B. A description of the proposed development activity and the type of approval sought.
- C. The date, time, and location of the hearing.
- D. Where additional information may be obtained.
- E. The following statement as required by state law:

All persons are advised that if they decide to appeal any decision made by the above-

referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

#### **10.11.02 Specific Types of Notice.**

- A. When mailed notice is required in this Code, the notice shall, unless otherwise specifically provided, be sent to the applicant and all property owners within 400 feet of any boundary of the subject parcel as shown on the Columbia County Property Appraiser records. The notice shall be mailed not more than thirty calendar days prior to the hearing nor less than ten calendar days prior to the hearing.
- B. When newspaper notice is required, the notice shall appear in a newspaper of general circulation within the Town. The advertisement shall appear once, not more than 30 calendar days prior to the hearing nor less than 5 calendar days prior to the hearing. This notice requirement may be met by publishing the agenda of the meeting at which the matter will be heard in a portion of the newspaper not devoted to legal advertisements. Such agenda shall include the application number and a short description of the subject property and the permit or other land use approval or change being sought.
- C. When site posting is required, the notice shall be posted in at least one conspicuous place on the subject site starting not more than 30 calendar days prior to the hearing nor less than 10 calendar days prior to the hearing. Where a parcel has more than one frontage on a public road, a sign shall be posted on each public road frontage.
- D. The notice shall be posted at least 7 days prior to the hearing at Town Hall. The notice shall include the agenda of the meeting with short descriptions of the items to be taken up at the meeting.

**10.11.03 Table of Required Notice.** Notice shall be provided under this Code as set forth in the Table below, or as set forth for specific matters elsewhere in this Code.

<b>REQUIRED NOTICE</b>	
<b>Site Plan Review</b>	
Concept Review by Planning & Zoning Board	Site Posting Newspaper Notice
Preliminary Site Plan Review by Planning & Zoning Board	Site Posting Newspaper Notice
Appellate Review by Town Council	Site Posting Newspaper Notice
<b>Special Use Permits</b>	
Hearing by Planning & Zoning Board	Site Posting Newspaper Notice
Appellate Review of Planning Commission Decision by Town Council	Site Posting
<b>Variances</b>	
Review By Planning & Zoning Board	Site Posting Newspaper Notice
Appellate Review by Town Council	Site Posting
<b>Mapping Decisions or Zoning Map Amendment</b>	
Review by Planning & Zoning Board	Site Posting Newspaper Notice
Review by Town Council	Site Posting As otherwise required by state law.
<b>Amendment to Comprehensive Plan or this Code</b>	
Review by Planning & Zoning Board	Site Posting As otherwise required by state law.
Review by Town Council	Site Posting As otherwise required by state law.

## 10.12 PLANNING & ZONING BOARD

### 10.12.01 Generally.

- A. The Planning & Zoning Board is hereby created with 5 members to perform the functions as set forth in this Section and elsewhere in the Code. Each member shall be appointed to a term of 3 years. The Town Council may appoint alternate members as necessary.
- B. Any interested resident of the Town may be appointed by the Town Council to the Planning & Zoning Board.
- C. The Development Review Coordinator shall serve as staff to the Board, and the Board may request information from any Town department or official. Each department head or official shall supply the requested information or reasonable grounds for unavailability within a reasonable time.

**10.12.02 Duties.**

- A. The Planning & Zoning Board shall perform such duties as assigned elsewhere in this Code.
- B. In addition, the Planning & Zoning Board shall have the following functions, powers and duties:
  - 1 The Board shall obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the Town.
  - 2 Pursuant to and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, the Board is hereby designated as the Local Planning Agency for the Town and shall perform the functions and duties as prescribed in the Act.
  - 3 The Board shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the Town Council that are consistent with the comprehensive plan.
  - 4 The Town Council may ask the Board for advice about specific land use issues and policies.
  - 5 The Board shall keep the Town Council and the general public informed and advised on the land use policies of the Town.
  - 6 The Board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code.
  - 7 The Board may make or obtain special studies on the location, condition and adequacy of specific facilities of the Town, including housing, commercial and industrial facilities, parks, playgrounds, beaches and other recreational facilities, schools, public buildings, public and private utilities, transportation and parking.
  - 8 The Board shall perform other lawfully assigned duties.

**10.12.03 Administration.**

- A. When a position on the Planning & Zoning Board becomes vacant before the end of the member's term, the Town Council shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- B. Members may be removed without notice and without assignment of cause by a majority vote of the Town Council.
- C. The members shall annually elect a chair and vice chair from among the members and may create and fill other offices as the Board deems needed.
- D. The Development Review Coordinator shall appoint a Town employee to serve as secretary to the Board. The secretary shall keep minutes of the Board's proceedings, indicating the attendance of each member and the decision on every question.
- E. Members shall not be compensated, but may be paid for travel and other expenses incurred on Board business under procedures prescribed in advance by the Town Council.
- F. The Town Council shall appropriate funds to permit the Board to perform its prescribed functions.
- G. If any member fails to attend three successive meetings the Chair shall declare the member's office vacant and notify the Town Council.
- H. The Board may adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other Town ordinances, and state law.
- I. A majority of the current members of the Board shall constitute a quorum. Each decision must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance.