

CHAPTER 1 – GENERAL PROVISIONS

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CHAPTER 1 – GENERAL PROVISIONS

1.00.00 TITLE

This code shall be known and may be cited as the “Town of Century Unified Land Development Code” and may be referred to as the “land development code,” as the “LDC,” or as the “code.”

1.01.00 AUTHORITY AND PURPOSE

This land development code is adopted pursuant to the requirements and authority of Section 163.3202, Florida Statutes (F.S.), the Local Government Comprehensive Planning and Land Development Regulation Act, and the general powers established in Chapter 166, F.S. The town council finds that the regulations set forth in this code are a necessary and proper means for planning and regulating the development of land in the town and for otherwise protecting and promoting the public health, safety and general welfare of its citizens.

1.02.00 APPLICABILITY

1.02.01. General applicability.

Except as specifically provided below, the provisions of this Code shall apply to all development within the corporate limits of the Town of Century, and no development shall be undertaken without approval and issuance of a development order pursuant to the provisions of this code.

1.02.02. Exceptions.

A. Previously issued development permits.

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

B. Previously approved development orders.

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

1.02.03. Exempt structures and uses.

Except where specifically provided for in this code, the following structures and uses shall be exempt from the regulations of this code:

A. Utility Installations.

Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or storm water operated or maintained by a governmental

entity or a public utility including customary meter pedestals, telephone pedestals and distribution transformers, whether any such installation is located underground or aboveground but not including any substation located on or above the surface of the ground.

B. Railroad Facilities.

Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

C. Public Schools.

Public schools shall be required to adhere to all requirements of this code except those requirements for which public schools are not required to meet under Chapter 235, F.S.

1.03.00 INTENT

The provisions of this code shall be construed and implemented to achieve the following intentions and purposes of the town:

1. To establish the regulations, procedures and standards for review and approval of all proposed development in the town.
2. 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 its comprehensive plan, as amended and periodically updated.
3. To adopt a development review process that is:
 - a. Efficient, in terms of time and expense;
 - b. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and
 - c. 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 of Century.
4. To implement the comprehensive plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act."
5. 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.

1.04.00 CONSISTENCY WITH COMPREHENSIVE PLAN.

The goals, objectives, and policies of the comprehensive plan shall take precedence in the event of inconsistency with this code, and this code shall be interpreted and administered consistent with the overall goals, objectives, and policies of the comprehensive plan. It is intended that this LDC implement the town's planning objectives and policies adopted as part of the comprehensive plan, as amended and periodically updated. The comprehensive plan shall govern where a land use regulation is not included or addressed in this code.

As required by Chapter 163, F.S. this code contains specific and detailed provisions which regulate the subdivision of land; the use of land and water; areas subject to flooding; environmentally sensitive lands; signage; landscaping; stormwater management; and protection of potable water well fields. This LDC also requires that all development be reviewed for its impact on public facilities and services, and that adopted levels-of-service are maintained.

1.05.00 INCORPORATION BY REFERENCE

The future land use map, contained in the future land use element of the comprehensive plan and the original copies of which are filed in the office of the Century Town Hall, are hereby designated, established and incorporated as a part of this code, and are as much a part of this code as if the information contained therein were set out in full in this code.

1.06.00 RULES OF INTERPRETATION**1.06.01. Generally.**

In the interpretation and application of this code 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.

Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State of Florida for the same terms. The terms used in this code are intended for use with this code only and may not apply to other codes or regulations. When a section number within this code is referred to, then all subsections shall apply.

In the interpretation and application of any provision of these regulations, the provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this code imposes greater restrictions upon the subject matter than a general provision imposed by another provision of these regulations or other Town ordinances, unless stated otherwise the provision imposing the greater restriction or regulation shall be deemed to be controlling.

It is not the intent of this code to interfere with, abrogate or annul any order of a court of competent jurisdiction, statute, or other provision of law. Further, this code is not intended to abrogate any legally enforceable easement, covenant, or any other private agreement, or restriction; provided that where the provisions of this code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this code shall govern.

1.06.02. Responsibility for interpretation.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of this code, the town shall be responsible for interpretation and shall look to the comprehensive plan for guidance. Responsibility for interpretation by the town shall be limited to standards, regulations and requirements of this code but shall not be construed as overriding the responsibilities given to any council, commission, board or official named in other sections or chapters of this code. An applicant may appeal the interpretation of the town in accordance with Section 12.11.00 of this code.

A. 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 recognized by the town, that day shall be excluded. The next regular business day shall then be considered the last day.

B. Delegation of authority.

Whenever a provision of this code requires any specific town department or some other Town officer or employee to do some act or perform some duty, it is to be construed to allow the performance of such act or duty by the department or its successor that normally performs such act or duty. In the instance of a conflicting delegation, the Mayor shall designate the department, Town officer or employee responsible for such act or duty.

C. Gender.

Words importing the masculine gender shall be construed to include the feminine and neuter.

D. Number.

Words in the singular shall include the plural and words in the plural shall include the singular.

E. Shall, may

The word "shall" is mandatory; "may" is permissive.

F. Written or in writing.

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

G. Year.

The word "year" shall mean a calendar year, unless otherwise indicated.

H. Day.

The word "day" shall mean a business day, unless a calendar day is indicated.

I. Relationship of specific to general provisions.

More specific provisions of this code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

J. Non-technical and technical Words.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning of law shall be construed and understood according to such meaning.

K. Tense.

Words used in the past or present tense include the future as well as the past or present.

L. Connected terms.

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by a conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected terms, conditions, provision, or events shall apply.
2. "Or" indicates that the connected terms, conditions, provisions or event may apply singularly and in any combination.
3. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.

1.07.00 EFFECTIVE DATE

These land development regulations adopted in Ordinance Number 2-91 on April 29, 1991 shall be effective on May 1, 1991.

1.08.00 NONCONFORMING USES AND STRUCTURES.**1.08.01. Intent.**

It is the intent of this code to permit lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this LDC, but which may be later prohibited, regulated, or restricted under the terms of this code to continue until they are abandoned or removed, but not to encourage their continuation. Such lots, structures, uses of land and structures, and characteristics of use are declared by this LDC to be incompatible with those permitted in the zoning districts involved. It is further the intent of this code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as regulated by this section.

1.08.02. Nonconforming lots.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in a recorded subdivision or a lot in an unrecorded plat which was the subject of a contract to purchase or article of agreement executed prior to May 1, 1991, the effective date of this code, notwithstanding limitations imposed by other provisions of this section. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Variance of yard requirements shall be obtained only through action of the town council (see Section 10.02.00 of this code).

1.08.03. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of this code by reason of restrictions of area, lot coverage, height, yards, appearance (architectural conformity), its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Decreasing nonconformity.

Any such nonconforming structure or portion thereof may be altered to decrease its nonconformity.

B. Increasing nonconformity.

A nonconforming structure may be enlarged or altered in a way which increases its nonconformity, provided, however, that the gross floor area of the structure may be expanded only by ten percent or 4,000 square feet, whichever is less, and only if the enlargement or expansion complies with the standards applicable to the zoning district as set forth in this LDC.

C. Damage to nonconforming structures.

1. Nonconforming structures in Special Flood Hazard Areas (SFHA).

If a structure in an SFHA has sustained substantial damage (see definition of "substantial damage, Appendix A to this code), then that structure must be brought into compliance, with this code, as amended, and with NFIP requirements for new construction, including the requirement that lowest floors be elevated to or above the base flood elevation (BFE). Meeting this requirement can also be accomplished by demolition followed by construction of new buildings that meet the NFIP requirements on the same sites or by relocating buildings to locations outside of the SFHA.

2. Nonconforming structures outside SFHAs.

a. Principal place of residence.

If the principal place of residence within the town limits, but outside an SFHA, has sustained substantial damage (see definition of "substantial damage, Appendix A to this code) or been destroyed by accidental fire, hurricane, tornado or other act of God, said home owner may rebuild said residence to original type and size of structure; or said home owner or mobile home owner may rebuild or replace such residence with a superior type of material; provided the new construction conforms to the LDC requirements previously existing or in compliance with the requirements of this code, as amended.

b. Structures other than principal place of residence.

Should a nonconforming structure or nonconforming portion of a structure sustain substantial damage (see definition of "substantial damage, Appendix A to this code) it must be brought into full compliance with this code, as amended.

1.08.04. Nonconforming uses of land involving mobile homes.

Where, at the time of passage of this code, lawful use of land existed which would not be permitted by the regulations imposed by this code and where such use involves mobile homes, the use may be continued so long as it remains otherwise lawful, provided:

1. No additional mobile homes shall be located on any parcel in excess of the number of mobile home sites, consisting of the appropriate slabs and utility connections which were in existence at the effective date of adoption or amendment of this code.
2. If any individual mobile homes located on any individually owned parcel or lot of record shall be moved for more than a period of six months, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located.
3. These regulations are not intended to prohibit the continued operation of existing mobile home parks as of the effective date of adoption or amendment of this code and such mobile home parks are expressly permitted to continue operation in the manner conducted prior to the effective date of adoption or amendment of this code.
4. If any individual mobile home located on any parcel of property on the effective date of adoption of this code shall be bound by a fence or other boundary mutually agreed to by the adjoining land owners or occupants, and provided said lots abut a state, county, or town street or public right-of-way said lots may be sold or otherwise conveyed by metes and bounds description and such use continued so long as not abandoned pursuant to subsection B of this section.

1.08.05. Nonconforming uses of structures and premises in combination.

If lawful use exists at the effective date of this code, as amended, that would not be allowed in the district under the terms of this code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the town council makes a finding in the specific case that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the town council may require appropriate conditions and safeguards in accordance with the provisions of this code.
4. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six consecutive months (except when government action impeded access to the premises), the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this sub-section is defined as damage to an extent of more than 75 percent of the replacement cost at the time of destruction.

1.08.06. Repairs and maintenance.

1. On a nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty- five (25) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
3. Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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CHAPTER 2 – ZONING DISTRICTS AND OVERLAYS

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CHAPTER 2 – ZONING DISTRICTS AND OVERLAYS

PART I GENERAL

2.00.00 ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL MAPS

2.00.01. Establishment of districts.

For the purposes of this code the Town of Century is divided into future land use and zoning districts in the manner provided for elsewhere in this code. Each land use district shall contain a set of zoning districts that may be permitted within its boundaries and are consistent with its allowable uses.

2.00.02. Official maps.

The boundaries of the zoning districts are hereby established and shall be delineated on an official map for the town entitled "The Zoning Map of the Town of Century" which, with all explanatory matter set forth thereon, are incorporated in and hereby made a part of this code. The official zoning map shall be identified by the signature of the mayor, attested by the town clerk, and bearing the seal of the town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 2.00.02 of the Town of Century Land Development Code," together with the date of the adoption of this code.

2.00.03. Changes to district boundaries.

If changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official map promptly after the amendments have been approved by the town council. A zoning number and an ordinance number shall be given to each change and a file of such changes kept by the Town Clerk.

2.00.04. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply.

1. Where district boundaries appear to follow centerlines of streets, alleys, easements, railroads and the like, they shall be construed as following centerlines.
2. Where district boundaries appear to follow lot, property or similar lines, they shall be construed as following such lines.
3. In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
4. Where a district boundary line divides a lot or parcel of land the uses permitted in the zoning district on either portion of the lot may be extended a distance not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
6. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

2.00.05. Relationship of future land use and zoning districts.

In the establishment, by this chapter, of the respective zoning districts, the town council has given due and careful consideration to the peculiar suitability of each district for the particular regulations

applied thereto, and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the town. In order to regulate and limit the height and size of buildings, to regulate and limit the intensity of the use of lot areas, to regulate and determine the areas of open spaces surrounding buildings, to classify, regulate and restrict the location of trades and industries, and to regulate the location of buildings designed for specified industrial, business, residential, and other uses, the town is hereby divided into the following districts:

Conservation Future Land Use	
CON	Conservation Zoning District
Parks & Recreation Future Land Use	
PR	Parks & Recreation Zoning District
Public/Institutional Future Land Use	
PI	Public & Institutional Zoning District
Agriculture Future Land Use	
AG	Agriculture Zoning District
Environmentally Sensitive Future Land Use	
ES	Environmentally Sensitive Zoning District
Rural Residential Future Land Use	
R-R	Rural Residential Zoning District
Low Density Residential Future Land Use	
R-1	Low-Density Residential Zoning District
Medium-Density Residential Future Land Use	
R-2	Medium-Density Residential Zoning District
High-Density Residential Future Land Use	
R-3	High-Density Residential Zoning District
Mixed Use Future Land Use	
MU-H	Historic Mixed Use Zoning District
MU-C	Corridor Mixed Use Zoning District
Commercial Future Land Use	
C	Commercial Zoning District
Industrial Future Land Use	
I	Industrial Zoning District

PART II ZONING DISTRICTS

2.01.00 ZONING DISTRICTS ESTABLISHED

2.01.01. Intent and general requirements.

The following zoning districts are established for the purpose of regulating the location and development of residential and non-residential uses. The rezoning of land to any of the zoning districts established in this code must be consistent with the comprehensive plan directives, must discourage non-residential strip development along transportation corridors, shall not adversely impact the facilities and services of the town, and shall not set a precedent for the introduction of inappropriate use into an area. All development and redevelopment activities shall be consistent with the comprehensive plan regarding permitted uses and densities and intensities of uses, as well

as applicable performance criteria, best management practices and standards set forth in the comprehensive plan and this code.

2.01.02. Zoning districts.

A. CON: Conservation Zoning District.

The CON District is intended to preserve and protect distinct areas of open space, vegetative habitat, natural drainage systems, aquifer recharge areas, soils, and wildlife habitats located on public property or on privately-held lands as desired by the property owner. Conservation lands are intended primarily for the purpose of preserving natural resources.

B. PR: Parks and Recreation Zoning District.

The PR zoning district is established to provide sufficient space for public parks for active and passive recreation use. The PR district is intended to accommodate existing public parks and recreation areas as well as committed public and semi-public open spaces.

C. PI: Public and Institutional Zoning District.

The PI zoning district is established to accommodate public and semi-public services including government administration buildings; public schools and not-for-profit educational institutions; public hospital facilities and health care units; arts, cultural or civic facilities; essential public services and facilities; cemeteries; fire and emergency operation facilities; utilities; public and semi-public open spaces and other similar uses.

D. AG: Agriculture Zoning District.

The AG zoning district is intended to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses generally consistent with agricultural activities. Residential density is limited to one dwelling unit per 10 acres. In addition, it is intended that agricultural areas be protected from the encroachment of incompatible uses and that development be guided within the district.

E. ES: Environmentally Sensitive Zoning District.

The ES zoning district is intended to protect the environmental resources on privately-owned land that is comprised of a majority of features such as wetlands, floodplains and abandoned mining operations. Very low density single-family development is allowed at one dwelling unit per five acres, as well as passive recreation and open space uses.

Development within an ES zoning district shall be required to submit a resource management plan that identifies how the resources will be protected and any mitigation plans that may be necessary if limited resources of the land are affected.

F. R-R: Rural Residential Zoning District.

The RR zoning district is intended to emphasize the rural character by accommodating a maximum density of one dwelling unit per acre and shall be comprised of single-family detached homes on individual lots. Performance standards ensure the accommodation of low intensity agricultural uses.

G. Residential Zoning Districts.

The purpose of the residential zoning districts is to provide for predominantly suburban residential uses ranging from low to high densities, to accommodate and support non-residential uses, and to protect these areas from the encroachment of incompatible uses.

1. R-1: Low-Density Residential Zoning District.

The low density residential zoning district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of four dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas.

2. R-2: Medium-Density Residential Zoning District.

The medium density residential zoning district is established for the purpose of providing a mixture of single-family and low-intensity multi-family dwellings with a maximum density of six dwelling units per acre. Recognizing that, for the most part, this zoning district is located in older areas of the town, the zoning regulations are intended to promote infill development which is in character with the density, intensity and scale of the existing neighborhoods.

3. R-3: High-Density Residential Zoning District.

The high density zoning district is established to provide for the efficient use of land for primarily multi-family residential development at a maximum density of ten dwelling units per acre. Generally acting as a buffer between low and medium density residential developments and commercial, industrial, major transportation arteries, or other uses that are not compatible with a low-density residential environment, the high density zoning district shall encourage the establishment and maintenance of a suitable residential environment for high-density housing. The zoning regulations are intended to provide for development criteria to maintain a high standard of quality in development of multifamily housing.

H. Mixed Use Zoning Districts.

The mixed use districts are established for the purpose of providing for a mixture of residential housing types and densities and low intensity commercial uses. Residential and nonresidential uses shall be allowed on the same parcel and within the same structure. When the mixed use district is located in older, developed areas of the town, the zoning regulations are intended to provide for infill development at a density, character and scale compatible with the surrounding area. In some cases the mixed use districts are also intended as a transition area between residential uses and higher intensity commercial uses. Mixed use districts shall comply with standards and guidelines established in Section 2.06.00.

1. MU-H: Historic Mixed Use Zoning District.

The MU-H zoning district is intended to provide for a mixture of predominantly offices and low-intensity business uses and residential uses at a maximum density of six units per acre. Design standards and guidelines ensure development is designed in a way to be compatible with and enhance the existing character of the Alger-Sullivan Lumber Company Overlay Zone, including the Alger-Sullivan Residential Historic District, which is listed on the National Register of Historic Places.

2. MU-C: Corridor Mixed Use Zoning District.

The MU-C zoning district is intended to provide for a mixture of office and commercial while allowing for residential uses at a maximum density of ten units per acre. This district is not intended for the development of low density, detached, single-family residences. Any existing single-family detached residences will be permitted to remain and shall not be considered a non-conforming use; however, the minimum density for any new residential development is six units per acre. Design standards and guidelines include streetscape treatments, joint access, and shared parking facilities.

I. C: Commercial Zoning District.

The commercial zoning district is established for the purpose of providing areas of primarily commercial development ranging from compact shopping areas to limited high intensity commercial uses. The C district is not intended for low-density residential development. Any existing single-family or duplex, low-density residential development will be permitted to remain and shall not be considered a non-conforming use; however, no new platted or master planned developments of single-family or duplex residences shall be allowed at a density lower than six units per acre. The maximum residential density allowed is ten dwelling units per acre.

J. I: Industrial Zoning District.

The industrial zoning district is established for the purpose of providing areas for industrial development for a community and regionally oriented service area. The industrial zoning district's regulations are intended to facilitate the manufacturing, warehousing, distribution, wholesaling and other industrial functions of the town and the region. Residential uses are prohibited in the industrial zoning district. The industrial district regulations are designed to:

1. Encourage the formation and continuance of a compatible environment for industries, especially those which require large tracts of land and/or employ large numbers of workers;
2. Protect and reserve undeveloped areas which are suitable for industries; and
3. Discourage development of new residential or other uses capable of adversely affecting or being affected by the industrial character of this district.

2.02.00 SCHEDULE OF USES BY ZONING DISTRICT

2.02.01. Applicability.

Except as specifically provided in this code, regulations governing the use of land and structures within the various zoning districts in the corporate limits shall be as shown in Table 2-1 below, and no development shall be undertaken without approval and issuance of a development order pursuant to the provisions of this code.

2.02.02. Interpretation of uses.

A. Uses not listed in the schedule of uses by zoning district.

Uses of land or structures not expressly listed in Table 2.1 below are prohibited and shall not be established in that district.

B. Classification of a use.

Whenever there is any uncertainty as to the classification of a use, the mayor or designee shall determine the classification, if any, within which the use falls, based on its characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited.

Table 2-1: Schedule of Permitted Uses by Zoning Districts

Specific Use	Zoning Districts												
	CON	PR	PI	AG	ES	R-R	R-1	R-2	R-3	MU-H	MU-C	C	I
Agricultural Uses													
Agricultural Research Facilities				P									P
Agriculture				P									
Animal Shelter/Boarding Facility				P								P	
Kennels				P								P	
Stables or Equestrian Centers													
Private				P		P							
Public				P									
Residential Uses													
Assisted Living Facilities								P	P		P		
Bed and Breakfast Homes											P		
Boarding Houses											P		
Group Care Homes													
Large								P	P				
Small							P						
Manufactured Home Parks						P			P		P	P	
Residential Dwelling Units													
Apartments								P	P	P	P		
Condominiums								P	P	P	P		
Duplexes								P	P		P		
Manufactured Homes													
Residential Design				P	P	P	P	P	P		P		
Standard Design				P		P							
Single-Family Detached Homes				P	P	P	P	P	P	P	P		
Townhomes								P	P		P		
Public/Institutional Uses													
Cemetery, Human and Pet			P										
Churches & Other Worship Places			P										
Cultural Facilities			P										
Day Care Centers			P										
Emergency Shelters			P										
Environmental Preserve	P		P										
Public Community Uses		P	P										
Communications Facilities			P	P		P					P	P	P
Recreation Uses, Private		P		P								P	
Recreation Uses, Public		P	P										
Passive Recreation Uses	P	P	P	P									P
Resource Recovery Facilities			P	P									P
Schools, Public			P										
Schools, Private				P		P	P	P	P		P		
Utility Uses			P	P								P	P
Business and Commercial Uses													
Adult Entertainment												P	
Bars, Lounges											P	P	
Building Materials Sales											P	P	P
Car Wash											P	P	
Construction Services												P	P

Table 2-1: Schedule of Permitted Uses by Zoning Districts

Specific Use	Zoning Districts												
	CON	PR	PI	AG	ES	R-R	R-1	R-2	R-3	MU-H	MU-C	C	I
Dry Cleaners										P	P	P	
Eating Establishment										P	P	P	
Financial Institutions										P	P	P	
Flea Market, Open												P	
Funeral Home										P	P	P	
Health Services													
Clinic										P	P	P	
Hospital											P	P	
Medical and Dental Laboratories										P	P	P	
Nursing Home									P	P	P	P	
Outpatient Treatment Facility											P	P	
Professional Office										P	P	P	
Hotel/Motel											P	P	
Industrial Services												P	P
Lawn Care/Landscaping												P	P
Lumberyard				P								P	P
Man. Home/RV Sales, Rental, Leasing												P	P
Motor Vehicle Repair											P	P	P
Motor Vehicle Sales, Rental, Leasing												P	P
Offices											P	P	P
Outdoor Storage												P	P
Parking, Commercial											P	P	P
Personal Services										P	P	P	
Printing Services										P	P	P	P
Rental Services											P	P	P
Repair Services											P	P	P
Restaurants										P	P	P	
Retail Sales, <35,000 sf										P	P	P	
Retail Sales, >35,000 sf												P	
Service Station											P	P	P
Sign Painting												P	P
Storage Facilities, Mini-Warehouses											P	P	P
Taxi-Cab, Limousine Service											P	P	P
Towing Service/Storage Establishment												P	P
Veterinary Clinic										P	P	P	P
Wholesale Trade Establishment												P	P
Industrial Uses													
Manufacturing, Heavy													P
Manufacturing, Light												P	P
Research & Development Activities												P	P
Sawmills													P
Warehouses												P	P

PART III PERFORMANCE STANDARDS

2.03.00 BULK AND DIMENSIONAL REGULATIONS

In order to carry out the purposes, intent and provisions of this code, bulk and dimensional regulations for particular zoning districts are hereby established. Except as may be qualified by the provisions of this code, no structure or part thereof, shall hereafter be built or moved on to a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which the structure is located; and except as may be qualified by the provisions of this code, no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which such structure is located.

2.03.01. Maximum density.

In no instance shall the maximum density specified for a given zoning district be exceeded in the approval of any application for development approved, except where bonuses are permitted. For residential zones, maximum density shall be expressed in number of dwelling units per gross residential acre. In the determination of the maximum number of units to be allowed on a parcel or lot, the permitted number shall be made proportional to any fraction of the acreage that is part of the parcel or lot.

2.03.02. Lot requirements.

A. Generally.

Except as may be qualified by the provisions of this code, including Section 1.08.00, Nonconforming uses and structures, no structure or part thereof shall hereafter be used, occupied or arranged for use on a lot which does not meet all the minimum lot size requirements presented for the zoning district in which such structure or land is located.

B. Number of primary single-family or duplex residential dwellings per lot.

1. All zoning districts that allow residential uses except for the agriculture (AG) district

Only one primary single-family or duplex residential dwelling is allowed per lot.

2. The AG zoning district.

In the AG zoning district, up to four single-family residential dwellings are allowed as long as the total residential density for the lot does not exceed the maximum density for the zoning district.

C. Measurements

1. Lot width is the horizontal distance between side lot lines measured at the mid-point between the endpoints of the side lot lines.

2. Setbacks

a. Setbacks are measured as the shortest distance from the exterior building wall to the property line.

b. The rear yard setback for any waterfront lot is measured to the mean high water line.

c. Eave overhangs shall not be included as a main part of any building, provided, however, that no eave overhang shall exceed three feet and shall not be less than eight feet from ground level.

3. Specific measurement requirements for flag lots

a. A flag lot is exempt from the frontage requirements set forth in this LDC, provided that the width of the pole or access portion of the lot is not less than 20 feet.

- b. The maximum length of the pole portion of the lot, measured from the right-of-way to the end of the pole at the point of connection to the flag is 150 feet.
 - c. The setbacks for a flag lot are measured for the flag portion of the lot, excluding the pole portion of the lot.
- D. Reduction of lot size or yards; subdivision.

No lot or yard existing on the effective date of this code shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation and purchase. Lots or yards created after the effective date of this code shall meet the minimum requirements established herein. Only a lot that exceeds the minimum provisions of this code may be subdivided, in accordance with Chapter 12 of this code, to create more lots, and only then where the resultant lots shall themselves meet such minimum provisions; however, this limitation shall not bar the re-subdivision of lots for the alteration of dimensions or boundary locations where each lot conforms to the zoning requirements and the total number of lots is not increased.

E. Minimum front lot line.

Every lot shall have a front lot line which is at least 80 percent of the minimum required lot width, except flag lots, lots with curvilinear street lines or which front on a cul-de-sac or a curve in a street, where the radius of the arc of such street line, cul-de-sac, or curve is 70 feet or less, may have a front lot line not less than 60 percent of the minimum lot width, or 20 feet, whichever is less. Flag lots shall be established in conformance with Section .

2.03.03. Maximum Building Height.

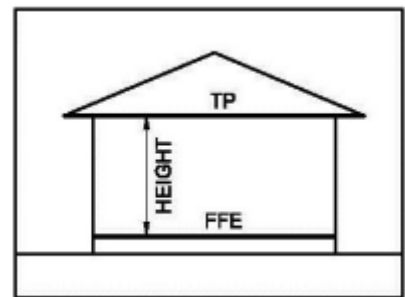
A. Measurement.

1. Building height is measured from the top of the floor at the finished floor elevation to the top plate of the highest habitable floor.
2. Calculation of maximum building height shall not include the roof above the top plate of the highest habitable floor.

B. General height exclusions.

Calculations of maximum building heights shall not apply to barns, agricultural silos, residential chimneys, spires, cupolas, gables, scenery lofts, domes, birdhouses, flues, religious symbols, monuments, water towers, water tanks, smokestacks, or other similar roof structures and mechanical appurtenances; or any similar structure approved by the mayor or designee provided, however:

1. No such structure, when located on a building roof, shall occupy an area greater than ten percent of the total roof area.
2. No such structure shall be used for any purpose other than a use incidental to the main use of any principal building.
3. No such structure over 35 feet in height, excluding signs, shall be located nearer to a lot line less than a distance equal to its height, except for public or private utility facilities/use. Structures which are self-collapsing within the lot lines, without impacting overhead utility lines, are exempt from this requirement. All structures shall maintain appropriate clearance from overhead electrical conductors in accordance with applicable codes and regulations.



4. No such accessory freestanding structure shall be located except in strict accordance with the provisions of Chapter 8.00.00 of this code.
5. A parapet wall, cornice, or similar projection may exceed the height limit established for a given zoning district by not more than four feet, but such projection shall not extend more than four feet above the roof level of the building of which it is a part.

C. Telecommunication Height Exclusions.

The district height limitations of this code shall not apply to telecommunications towers, antennas, or facilities which are a principal use. Telecommunication towers and antennas shall comply with Section ?.

2.03.04. Required Yards.

A. Generally.

Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures as they relate to the lot lines, except as otherwise specifically provided in this code or as exempted below.

B. Exemptions.

1. The following structures shall be exempt from the minimum yard requirements set forth in this code, provided however that these exemptions shall not permit encroachment into the visibility triangle:
 - a. residential air conditioning units
 - b. telephone booths and pedestals
 - c. underground and overhead utility equipment
 - d. U.S. Post Office authorized mail boxes
 - e. bus shelters and bus benches
 - f. public bicycle shelters
 - g. backflow preventers
 - h. any similar structure or device as determined by the mayor or designee.
2. Individual lots within any office, commercial or industrial project may share a common wall when approved under a unified preliminary or final site plan for the entire project. Side yard setbacks shall not be required for contiguous units within shopping centers if a common wall agreement is included within the recorded deeds. Projects approved under this section shall be considered as one premise, regardless of ownership.

C. Corner lots—required yards.

Corner lots shall provide the required minimum front yard on one street frontage and a minimum ten foot yard on the other street frontage. Remaining yards shall be provided as side yards.

D. Through lots—required yards.

Front yards shall be provided on both street frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the mayor or designee may substitute a special yard requirement which shall not exceed the average of the yards provided on the two adjacent lots.

E. Reverse frontage lots—required yards.

Notwithstanding any other provision of this code, on any lot designed to have reverse frontage along a major thoroughfare, the minimum front yard requirements, as set forth for a given zoning district, shall be deemed to apply to that yard in front of the principal entrance or containing the approach to the principal building occupying the lot. The opposing yard shall be deemed to be the rear yard and shall be subject to the requirements set forth for such yards.

F. Yards adjacent to agricultural operations.

On all lots created after the effective date of this code, which are adjacent to active agricultural operations involving orchards, field crops, cattle/pasture land, or truck farming, all yards contiguous to such operations shall be at least 25 feet, unless separated from such agricultural operations by a street or other designated open space at least 25 feet in width.

2.03.05. Yard encroachments.

Every part of a required yard shall be open and unobstructed from 30 inches above the finished grade of a lot upward, except as hereinafter provided or as otherwise permitted in this code. Structures less than 30 inches in height above final grade are not considered yard encroachments, except in drainage swales and easements, where no encroachments are permitted, except as described in paragraphs A – E below. No structure shall be built or erected which would require railings or construction to encroach or extend upward above thirty (30) inches above the finished grade, except as provided under paragraph A below. No structure shall be built or finish grade to be constructed or altered that will cause stormwater to flow onto adjacent property. In those developments where yard requirements are determined by a specified distance between buildings, this regulation shall likewise apply and the midpoint of the shortest line that can be drawn between the two buildings shall be employed as the lot line. No structure shall be placed in front of and within three feet of an egress window required by the Florida Building Code.

A. Cornices and Similar Features.

Cornices, awnings, eaves, gutters or other similar features shall be at least eight feet above finish grade and may extend three feet into any required yard or yard setback, but not nearer to any lot line than a distance of three feet. Such features may encroach a maximum of 18 inches into an easement.

B. Sills, Leaders, and Belt Courses.

Sills, leaders, belt courses and similar ornamental features may extend 12 inches into any required yard.

C. Fences and Hedges.

Fences and hedges are permitted in required yards, subject to the provisions of Section 8.01.05 of this code, provided however that fences shall not encroach into the visibility triangle.

D. Balconies, Chimneys, Bay Windows, etc.

Bay windows, oriel, balconies and chimneys not more than ten feet in width may extend three feet into any required front or side yard; ten feet into any required rear yard; but not nearer to any side lot line than a distance of three feet nor to any rear lot line than a distance of ten feet.

E. Outside Stairways.

An outside stairway, unenclosed above and below the steps thereof, may extend four feet into any required side or rear yard, but not nearer to any side lot line than a distance of three feet.

2.03.07. Schedule of Area, Height, Bulk and Placement Regulations.

Except as specifically provided in this code, regulations governing the minimum lot area, width and area per dwelling unit, required front, side and rear yards, maximum permitted floor area ratio, maximum permitted height of structures, maximum permitted lot coverage, maximum permitted impervious surface and related matters for the standard districts shall be as shown in Table 2-2, Schedule of Area, Height, Bulk and Placement Regulations.

Permitted variations shall result from peculiar shapes of land, the necessity of extending streets, or other unusual circumstances, but shall not be permitted simply because the existing lots, manufactured home spaces, streets, buffers, etc., do not meet these standards. Improvement of nonconforming conditions in existing developments may be required as a precedent to expansion of such developments when such improvement is feasible.

Table 2-2: Schedule of Area, Height, Bulk and Placement Regulations

Standards		AG	ES	Residential				Mixed Use*		C	I
				R-R	R-1	R-2	R-3	MU-H	MU-C		
Max. Density (units/acre)		1/10 ac	1/5 ac	1/ac	4/ac	6/ac	10/ac	6/ac	10/ac	N/A	N/A
Max. Building Height (ft)		35'	35'	35'	35'	45'	50'	45'	50'	45'	N/A
Single-Family Detached Dwellings, Duplexes and Manufactured Homes											
Min. Lot Width/Lot (ft)		50	50	40	30	30	30	30	30		
Max Lot Coverage (%) ¹		20	25	30	50	50	75	75	75		
Min. Setbacks (ft)	Front	CS ²	CS	25	25	10/20 ³	10/20	10/20	15/20		
	Side	25	15	10	5	5	5	5	5		
	Rear	25	25	20	20	20	20	20	20		
Single-Family Attached Townhomes⁴											
Min. Lot Width/Lot (ft)											
Max Lot Coverage (%)											
Min. Setbacks (ft)	Front					See Note 4	See Note 4		See Note 4	See Note 4	
	Side										
	Rear										
Single-Family Attached Dwellings (Condominiums)											
Min. Lot Width/Lot (ft)						60	40	40	40	40	
Max Lot Coverage (%)						75	75	75	75	75	
Min. Setbacks (ft)	Front					10/20	10/20	10/20	10/20	10/20	
	Side					5	5	5	5	5	
	Rear					20	20	20	20	20	
Multi-Family Dwellings (3 or more units)											
Min. Lot Width/Lot (ft)						60	40	30	40	40	
Max Lot Coverage (%)						75	75	75	75	75	
Min. Setbacks (ft)	Front					10/20	10/20	10/20	10/20	10/20	
	Side					5	5	5	5	5	
	Rear					20	20	20	20	20	
Other Allowed Nonresidential Use(s)											
Min. Lot Width (ft)		50	50	50	50	50	50	N/A	50	40	40
Max Lot Coverage (%)		20	20	50	50	50	50	75	75	75	75
Min. Setbacks (ft)	Front	CS ⁴	CS	25	25	10/25 ⁵	10/25	10	CS/15	CS	CS
	Side	25	10-25 ⁵	10-25	10-25	10-25	10-25	0-25	0-35	10-35	10-35
	Rear	25	10-25	20-25	20-25	20-25	20-25	10-20	10-20	10-35	10-35
Max. FAR (floor area ratio) ⁶		0.5	0.5	0.5	0.5	0.5	0.5	1.0	1.0	2.0	2.0
Note: Minimum open space shall be required as established subsection 6.01.06 of this code (Table 6-1)											

Notes for Table 2-2

- Maximum lot coverage means the total area of the lot or parcel that may be covered by principal and accessory buildings. Swimming pools are exempted from this provision.
- CS = Centerline Setback (if a slash is included, i.e. CS/15 it means use centerline setback or the number listed, whichever is smaller)
- For front setbacks shown with two numerals separated by a slash mark (i.e., 10/20), the first number indicates the setback if the townhouse, condominium or multi-family dwelling has no front-loaded driveways and the parking will all be from alleys or parking lots elsewhere on the lot.
- Townhomes shall be built in units as determined by density criteria. No more than six units are permitted per building. Each townhome shall provide a minimum 900 square feet of habitable space.
- For side or rear setbacks shown with two numerals separated by a dash mark (i.e., 10-25), this means there is no specific setback and the range of the setback depends on the landscape and buffer regulations.
- FAR = Floor Area Ratio (the ratio of all floor area to the gross area of the lot or parcel).

2.04.00 DENSITY AND INTENSITY BONUS PROVISIONS**2.04.01. Purpose.**

The purpose of this section is to outline the standards for obtaining additional density and floor area above the maximum allowed in a zoning district, but not to exceed one and one-half (1.5) times the maximum base density and intensity. The density and intensity bonuses set forth in this section are intended to encourage the provision of affordable housing and public open space and recreational amenities. Any additional density provided through these bonus provisions may only be used for the provision of affordable housing. The bonus provisions set forth are generally intended to offset the added impact that additional density and intensity may have on the environment and the public welfare.

2.04.02. Applicability and eligibility.

Additional density and intensity beyond the maximum base standards for zoning districts listed in Table 2-2 may be obtained by demonstrating compliance with standards set forth in Table 2-3, below, that add up to a corresponding number of points. Eligible sites include property in the eligible zoning districts that are proposed for new development or redevelopment. This includes improvements to existing buildings.

Table 2-3: Development Features Available and Corresponding Bonus Points

Category	Points for Each Zoning District				
	R-1	R-2	R-3	MU-H	MU-C
1. Low Impact/Site Design Features					
• Installation of pedestrian scale awning or canopy that covers building entrance/frontage	N/A	N/A	10	N/A	15
• Provision of outdoor seating	N/A	N/A	N/A	15	15
• Mix of uses within one building that provides retail and/or offices on ground floor and offices and/or residential units on upper floor(s)	N/A	N/A	N/A	15	20
• Site provides internal interconnected pedestrian ways to buildings or open areas	10	20	30	20	20
• Project is LEED certified or Florida Green Building certified	20	20	30	20	30
2. Water Quality & Conservation					
• Landscaping integrates 75% or more native vegetation	N/A	20	30	20	30
• Project utilizes on site-collection and re-use of storm water (rain barrels or engineered re-use system)	N/A	20	30	20	30
• Use of pervious parking areas	10	20	30	20	30
• All water fixtures are low flow (exceed current federal and state requirements)	10	20	30	20	30
• Site contains bio-retention areas or rain gardens	10	20	30	20	30
3. Public Improvements					
• Installation of sidewalk when not required by LDC, replacement of dilapidated sidewalk, or installation of sidewalk wider than required	10	15	30	15	30
• Provision of more than required open space, including public space such as a public plaza	10	15	30	15	30
• Installation of pedestrian scale street lights	10	15	30	15	30
• Installation of pedestrian scale street furniture	10	15	30	15	30
• Installation of active recreation facilities	10	15	30	15	30
4. Affordable/Workforce Housing					

• Project provides 15-25% units for sale that meet the criteria for affordable housing	20	20	20	20	20
• Project provides 15-25% units for rent that meet the criteria for affordable housing	20	20	20	20	20
• Project provides 26% or more units for sale that meet the criteria for affordable housing	30	30	30	30	30
• Project provides 26% or more units for rent that meet the criteria for affordable housing	30	30	30	30	30

2.04.03 Density and Intensity Available with Bonus Points (Bonus Scorecard)

Table 2-4 contains the maximum allowable dwelling units or floor area as it corresponds to the accumulated points obtained from completed bonus features.

Table 2-4: Bonus Scorecard

Points Accumulated	R-1	R-2	R-3	MU-H		MU-C	
	DU/Acre	DU/Acre	DU/Acre	DU/Acre	FAR	DU/Acre	FAR
10-30	4.2	6.5	11	6.5	1.1	11	1.1
31-50	4.5	7	12	7	1.2	12	1.2
51-70	5.2	8	13	8	1.3	13	1.3
71-90	5.5	8.5	14	8.5	1.4	14	1.4
91-100	6	9	15	9	1.5	15	1.5

2.04.04 Application and review for density or intensity bonuses.

A. Submittals.

Applicants shall demonstrate desire for additional density and/or intensity by submitting a completed bonus scorecard and depicting proposed improvements in the development application submitted to the town. Application requirements are set forth in Chapter 12 of this code.

B. Review of density/intensity bonus applications.

1. After a duly noticed public hearing, the town council may grant density and/or intensity bonuses for projects that meet the eligible requirements.
2. If the density and/or intensity bonus is approved, the developer shall enter into an agreement with the town. The town attorney shall approve all such agreements prior to execution.

2.04.05. Additional requirements for affordable housing.

A. Location of Affordable Units

In order to qualify for a density bonus, the affordable units may be located on-site and integrated into the development project, or off-site, provided that the applicant makes a satisfactory showing to the town council that the units will be located in an area with a demonstrated need for affordable housing units.

B. Terms and conditions for affordable housing.

1. A housing unit shall be considered affordable if it meets one of the two following conditions:
 - a. For rental unit, has a monthly rental rate that falls within that affordable for families within 30 to 80 percent of the median family income limits for Escambia County; or,

- b. For an owner-occupied unit, has a monthly cost (including property taxes and homeowner's insurance), after an agreed-upon down payment, that falls within that affordable for families within 30 to 80 percent of the median family income limits for Escambia County.
2. The median family income shall be that figure published and periodically updated for Escambia County by the U.S. Department of Housing and Urban Development (HUD).
3. The development agreement between the developer and the town shall contain, among other items, the terms and conditions of the deed restrictions to be placed on any affordable residential units to ensure that the units remain affordable to low and moderate income persons for a period of at least 30 years. The restrictions shall run with the land and shall be enforceable by the town until such restrictions expire.

2.04.05 Criteria for open space and active recreational facilities.

A. Submittal requirements.

A proposal for a project that includes active recreational facilities beyond those otherwise required by the town shall be accompanied by an agreement to be recorded with the town clerk, guaranteeing the construction of those facilities in a timely manner acceptable to the town. The documents shall not be accepted until approved by the town attorney.

B. Open space and recreational facilities standards.

The town shall find that the recreation facilities are provided in addition to the minimum open space requirements contained in Section 6.01.00 of this code, that there exists a demonstrated need for the facilities in the proposed location, and that the proposal is consistent with the Recreation and Open Space Element of the Comprehensive Plan. The types of recreational facilities that would qualify a project for a density or intensity bonus include, but are not limited to:

1. pedestrian walking trails, bikeways and equestrian trails;
2. swimming pools;
3. tennis courts;
4. playgrounds equipped with a full complement of playground equipment; and golf courses.

2.05.00 RESIDENTIAL DESIGN STANDARDS AND GUIDELINES

2.05.01. Generally.

All single-family and duplex dwellings, whether site-built or built off-site and moved onto the lot shall comply with the following design standards.

1. The minimum width of the building shall equal to or exceed 14 feet.
2. All homes shall be situated on the lot so that the conventional front of the home faces the front yard/street frontage.
3. The dwelling shall be attached to a permanent foundation system, including supporting, blocking, leveling, securing, and anchoring the home and connecting multiple and expandable sections of the home. The foundation shall be designed and constructed according to the requirements of the Florida Building Code.

4. For manufactured homes, all tongues, wheels, axles, transporting lights and other towing apparatus shall be removed from the site prior to occupancy.
5. At each exterior door, there shall be a landing that is a minimum of 36 inches by 36 inches. Such landing shall be permanently affixed to the residence or on the ground.

2.05.02. Specific Requirements for Zero Lot Line Development

A parcel may be developed as a zero lot line development, according to the standards set forth in this subsection.

A. Purpose.

Zero lot line development is intended to meet the following purposes:

1. More efficient and affordable single-family development.
2. Design of dwellings that integrate internal-external living areas, resulting in more pleasant and enjoyable living facilities.
3. Designing and using outdoor space to its maximum benefit by placing the dwelling along one property line.

B. Applicability.

1. Zero lot line development shall be permissible in R-2 and R-3 zoning districts.
2. Zero lot line development shall comply with the standards of the R-2 and R-3 zoning districts, except where such standards are in conflict with the standards set forth in this subsection. The standards in this subsection shall supersede the standards for the applicable zoning district.
3. Zero lot line development shall meet the subdivision standards set forth in Chapter 12, except where such standards are in conflict with the standards set forth in this subsection. Standards in this subsection shall supersede the subdivision standards.
 - a. A zero lot line development in the R-2 zoning district shall have a minimum of ten (6) lots.
 - b. A zero lot line development in the R-3 zoning district shall have a minimum of three (3) lots.
4. Nothing in this section shall be construed to permit the construction of a zero lot line structure in a platted subdivision in existence as of the effective date of this code.

C. Site development standards.

1. The uses permissible on a lot in a zero lot line development are limited to detached single-family dwellings on individually platted lots, including customary accessory uses according to standards for accessory uses set forth in Chapter 8 of this code.
2. Fencing, walls, trellises, and other similar features may be used as connecting elements between single-family dwellings on adjacent lots. Garages, carports, and utility storage structures shall not be constructed or used as connecting elements.
3. Lots shall be designed and buildings placed to meet the setback standards in Table 2-5. There is no minimum lot width or lot area requirement. The lot width and lot area shall be determined by the site design, meeting the lot coverage and building setback requirements.

Table 2-5: Site Development Standards for Zero Lot Line (ZLL) Development

Development Feature (measured in feet)	R-2	R-3
Minimum Lot Width		
Minimum Front Yard Setback	10/20	10/20
Minimum Interior Side Yard Setback	0	0
Minimum Opposite Interior Side Yard Setback (within ZLL plat)	15	10
Minimum Side Yard Setback, adjacent to non ZLL platted lot	5	5

4. Setbacks shall not include connecting elements. Patios, garden elements, and other similar elements are permissible within the side setback area.
5. The total lot coverage shall not exceed 50 percent of the total lot area.
6. The maximum building height shall not exceed 45 feet.
7. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or other openings. However, atriums or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three walls of the dwelling unit and a solid wall of at least eight feet in height is provided on the zero-lot line. Such wall shall be constructed of the same material as the exterior walls of the unit.

D. Maintenance and drainage easements.

A perpetual four-foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment, unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area.

2.05.02. Specific requirements for townhome development.

A townhome development shall be designed and developed as a single, integrated development project. The development and the individual townhome units shall comply with the following standards.

1. There shall be a minimum of three, and a maximum of six, individual townhome units within one structure.
2. At least half of the townhome units shall be a minimum of two stories.
3. An individual townhome unit shall be located on a platted lot, established in compliance with the standards for subdivisions set forth in Chapter 12.
 - a. The minimum lot area for an individual townhome unit is 900 square feet.
 - b. The minimum lot width for all individual townhome units, other than the end unit, is 18 feet.
 - c. The minimum lot width for an individual townhome unit at the end of a group of units and adjacent to an interior side property line shall be 25 feet.
 - d. The minimum lot width for an individual townhome unit at the end of a group of units and adjacent to a street on the side property line shall be 30 feet.
4. The structures containing townhome units shall comply with the zoning standards setting forth maximum lot coverage, maximum height, and maximum density on a development site.

- a. Each individual townhome unit shall have a private entrance.
- d. The front façade of each structure shall include projections.
- 5. Where a townhome development abuts property zoned or used for single-family or duplex development, a six-foot fence and landscaped buffer as prescribed in subsection 6.01.13 of this code shall be established. The finished side of the fence shall face outward. No fence is required where an alley or street separates the townhome development from the single-family or duplex development. Each portion of the fence and buffer shall be the property of the owner of the townhome lot on which it is located; such owner is responsible for maintenance of that portion of the fence and buffer.
- 6. Standards for refuse containers.
 - a. Individual refuse containers shall be provided for each townhome and all such containers shall be located together on a paved area not larger than four feet by five feet.
 - b. The refuse area shall be set back a minimum of 20 feet from any property line. Where an alley is provided, the dumpster or refuse area may be located adjacent to the alley.

2.06.00 DESIGN STANDARDS AND GUIDELINES FOR MIXED USE DISTRICTS

2.06.01. Standards for mixing uses on one lot.

- 1. Uses identified in Table 2-1 for the MU-H and MU-C zoning districts may be combined on one development lot or parcel.
- 2. When combining uses, the development may include the maximum number of residential units based on the density calculation plus the maximum amount of floor area based on the floor area ratio. Residential dwelling units are not included in the calculation of floor area.
- 3. Shared parking is required. A parking study shall be prepared according to the standards set forth in subsection 6.02.05 of this code to demonstrate the actual parking requirements for the project.
- 4. Where multiple uses and multiple buildings are proposed on one lot, there is no buffer requirement between buildings containing different uses.
- 5. Multiple buildings proposed on one lot shall have an integrated design. An integrated design shall not be construed to mean that buildings are identical.
- 6. Access to residential units shall be separated from access to nonresidential development in order to provide privacy for residents. A shared entrance to the lot may be established, provided that the interior entrances to the residential areas and nonresidential areas are separated.
- 7. Balconies, courtyards, plazas, recreation areas, and outdoor gathering places shall be located and designed to ensure privacy for residents.
- 8. Buildings may have a common wall. However, when separated, the separation shall be a minimum of five feet to ensure space for maintenance of each building.

2.06.02. Standards for mixing uses within one building.

- 1. Uses identified in Table 2-1 for the MU-H and MU-C zoning districts may be combined within one building. The building may stand alone on a development parcel or may be integrated into a mixed use development consisting of multiple buildings.

2. When combining uses, the development may include the maximum number of residential units based on the density calculation plus the maximum amount of floor area based on the floor area ratio. Residential dwelling units shall not be included in the calculation of floor area.
3. Shared parking is required. A parking study shall be prepared according to the standards set forth in Section 7.2 to demonstrate the actual parking requirements for the project.
4. Access to residential units shall be separated from access to nonresidential development in order to provide privacy for residents within the building. This requirement may be met when an elevator serves upper floor residential units through a secured access method, such as key-activated access to residential floors.
5. Balconies, courtyards, plazas, recreation areas, and outdoor gathering places shall be located and designed to ensure privacy for residents.

2.06.03. Historic Mixed Use (MU-H) district standards and guidelines.

A. Purpose.

The historic mixed use district is established to preserve its existing development pattern and distinctive architectural character. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles, and to encourage a compact, convenient arrangement of buildings.

B. Procedure for review and submission of development plan.

1. Submission of plans.

Every application for a building permit to erect, construct, renovate and/or alter an exterior of a building, or sign, located or to be located in the district shall be accompanied by plans for the proposed work. As used herein, "plans" shall mean drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building or sign, (both before and after the proposed work is done in the cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plat plan or site layout, including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. Such plans shall be promptly forwarded by the building official to the historic preservation board.

2. Review and approval by the historic preservation board.

All such plans shall be subject to review and approval by the historic preservation board as established in subsection 5.08.03 of this code. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs, emergency repairs and minor deviations in projects already approved by the board.

C. Architectural review of proposed exterior development.

1. General considerations.

The board shall consider plans for existing buildings based on their classification as significant, supportive, compatible or nonconforming. In reviewing the plans, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof, materials, textures and colors; plot plan or site layout, including features such as walls, walks, terraces, plantings, accessory buildings, signs, lights, awnings, canopies, and other appurtenances; and conformity to plans and themes promulgated, approved and/or amended from time to time by the town council; and relation of the building to immediate surroundings and to the district in which it is located or to be

located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and is not restricted to those exteriors visible from a public street or place. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction.

2. Decision guidelines.

Every decision of the board, in their review of plans for buildings or signs located or to be located in the district, shall be in the form of a written order stating the findings of the board, its decision and the reasons therefor, and shall be filed with and posted with the building permit on site. Before approving the plans for any proposed building, or signs located or to be located in the district, the board shall find:

- a. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building or if due to a new use for the building the impairment is minor considering visual compatibility standards such as height, proportion, shape, and scale.
- b. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value or character of buildings on adjacent sites or in the immediate vicinity.
- c. In the case of a proposed new building, that such building will not be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, and scale.
- d. In the case of the proposed razing or demolition of an existing building, that the regulations established in Section 5.08.04 of this code shall apply.

3. Recommendation for changes.

The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.

4. Board review standards.

The historic preservation board shall use the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings as the general governing standards for existing structures. New construction shall maintain scale and quality of design. All new construction shall be reviewed in terms of massing, rhythm, materials and details, building elements and site. Generally, all structures should be compatible in these categories to surrounding structures. In addition the following standards shall apply:

a. Signs.

In the case of any proposed new or altered sign, that the sign will not impair the architectural or historical value of any building to which it is attached, nor any adjacent building, and that such sign is consistent with the theme and spirit of the block where it is to be located, and that such sign is consistent with the following provisions:

b. Building fronts, rears, and sides abutting streets and public areas.

All structural and decorative elements of building fronts, rears, and sides abutting streets or public improvement areas shall be repaired or replaced to match as closely as possible the original materials and construction of that building.

c. Windows.

- (1) Window openings in upper floors of the front of the building shall not be covered from the outside.
- (2) Window panes shall not be painted.
- (3) The number of window panes and use of shutters should reflect the style and period of the structure.
- (4) Windows not in front of buildings shall be kept properly repaired or, with fire department approval, may be closed, in which case sills, lintels and frame must be retained and the new enclosure recessed from the exterior face of the wall.

(d) Show windows and storefronts:

- (1) A show window shall include the building face, porches, and entrance area leading to the door, sidelights, transoms, display platforms, and devices including lighting and signage designated to be viewed from the public right-of-way.
- (2) Show windows, entrances, signs, lighting, sun protection, porches, security grilles, etc., shall be compatible with the original scale and character of the structure and the surrounding structures.
- (3) Show windows shall not be painted for advertising purposes but may be painted for authorized identification of the place of business as authorized by the architectural review board.
- (4) Show windows with aluminum trim, mullions, or muntins shall be placed or painted consistent with and compatible to the overall facade design as authorized by the board.
- (5) Solid or permanently closed or covered storefronts shall not be permitted, unless treated as an integral part of the building facade using wall materials and window detailing compatible with the upper floors, or other building surfaces.

(e) Exterior walls:

- (1) All exterior front or side walls which have not been wholly or partially resurfaced or built over shall be repaired or replaced in a manner approved by the board. Existing painted masonry walls shall have loose material removed and painted a single color except for trim which may be another color. Patched walls shall match the existing adjacent surfaces as to materials, color, bond and joining.
- (2) Historic painted advertising on walls should be preserved at the discretion of the board.
- (3) Rear and side walls, where visible from any of the streets or alleys, shall be finished so as to harmonize with the front of the building.

(f) Roofs:

- (1) Chimneys, elevator penthouses or other auxiliary structures on the roofs shall be repaired or replaced to match as closely as possible the original.
- (2) Any mechanical equipment placed on a roof shall be so located as to be hidden from view or to be as inconspicuous from view as possible. Equipment shall be screened with suitable elements of a permanent nature or finished in such a manner as to be compatible with the character of the building or to minimize its visibility.

(g) Walls and fences.

The size, design and placement of these features shall be consistent with the architectural character within the immediate area of their location.

(h) Landscaping and screening.

All service areas (i.e. trash collection containers, compactors, loading docks) shall be fully screened from street and adjacent buildings by one of the following techniques: Fence or wall, six (6) feet high; Vegetation six (6) feet high (within three (3) years); A combination of the above.

D. District rehabilitation, repair and maintenance guidelines.

The following rehabilitation, repair and maintenance guidelines shall be applied to all existing structures and land parcels respectively, whether occupied or vacant. In cases where an owner owns property comprising a total block, the board shall consider the burden on the owner and may approve an incremental adherence to the standards or guidelines.

1. Building fronts, rears, and sides abutting streets and public areas.

Rotten or weakened portions shall be removed, repaired and replaced to match as closely as possible the original.

2. Windows.

(a) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with new glass.

(b) Window openings in upper floors of the front of the building shall not be filled or boarded-up. Window panes shall not be painted.

3. *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.

4. Exterior walls.

a. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.

b. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary.

c. Rear and side walls shall be repaired and finished as necessary to cover evenly all miscellaneous patched and filled areas to present an even and uniform surface.

5. Roofs.

Roofs shall be cleaned and kept free of trash, debris or any other element which is not a permanent part of the building.

6. Auxiliary structures.

Structures, at the rear of buildings, attached or unattached to the principal structure, which are structurally deficient shall be properly repaired or demolished as authorized by the architectural review board.

7. Front, rear, and side yards, parking areas and vacant parcels.

When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district in which the space is located, provided, however, that the site shall be

properly maintained free of weeds, litter, and garbage in accordance with applicable provisions of the code.

8. Walls, fences, signs.

Walls, fences, signs and other accessory structures shall be properly maintained.

2.06.04. Corridor Mixed Use (MU-C) district standards and guidelines.

A. Purpose.

The purpose of the corridor mixed use district is to allow for the orderly development and redevelopment over time of a compatible mixture of residential and business uses, while maintaining the quality of the district by implementation of design guidelines, which will enhance the corridor's visual appearance. These objectives will be accomplished through comprehensive site planning on the part of the developer, combined with site plan review and approval by the town planner, engineer and if applicable, the district office of FDOT.

B. General conditions, procedures and standards.

Prior to obtaining a building permit and/or obtaining a certificate of occupancy for non-residential development, the developer must submit a site plan that meets the access management requirements listed below. The developer shall submit this site plan to the town planner to obtain input and review of the following:

1. The relationship between the proposed development plan and the surrounding land uses.
2. The character and/or design of the following factors:
 - a. traffic egress and ingress to the site;
 - b. parking;
 - c. preservation of existing vegetation and proposed landscaping;
 - d. applicable screening, fencing and buffering;
 - e. signage; and
 - f. preservation of the quality of the district through architectural and design guidelines as outlined in paragraph (F) below.

C. Development requirements.

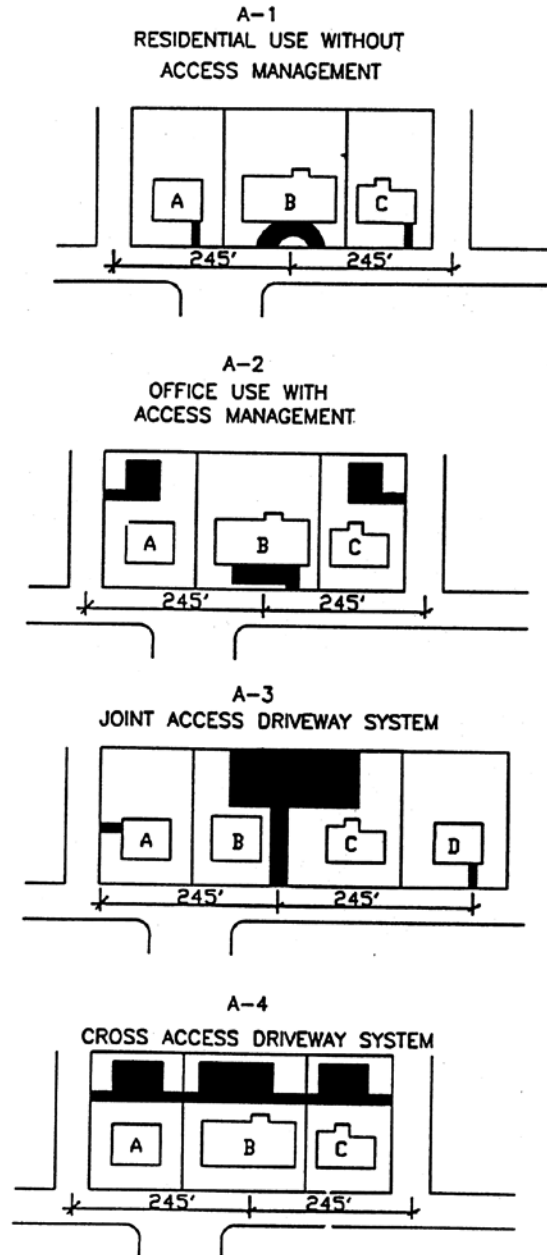
1. Access management.

In keeping with the goal of access management of vehicular traffic, each non-residential lot or parcel under single ownership must address access management objectives in its initial site plan. In the interest of vehicular safety and traffic circulation driveways to non-residential parcels of property should be at least 245 feet from the next adjacent driveway in either direction. This requirement can be accomplished by one of the following methods:

- a. A property owner requesting approval of non-residential use shall own a sufficiently sized parcel of land so as to gain the required frontage to meet the 245-foot spacing requirement.
- b. A property owner may assemble multiple parcels of land so as to achieve the 245-foot spacing requirement.
- c. In the event that the 245-foot spacing requirement cannot be met on an individual parcel, one driveway will be allowed; however an access management plan

incorporating the concept of shared driveways with adjoining parcels that will accomplish this spacing requirement may be submitted to, and approved by, the planning staff.

Under this scenario, existing driveways will be designated interim driveways until such time as shared access development plans can be completed and shared driveways are constructed. To accomplish this objective, property owners must submit an easement allowing cross access to and from other properties served by joint and cross access drives and an agreement within their deed that the remaining access rights will be relinquished to the town and that preexisting driveways along the thoroughfare will be closed and eliminated after construction of the joint access system. These easements will be recorded by the town in the Public Records of Escambia County and be kept on file in the town clerk's office. A joint maintenance agreement should also be established in order to define the maintenance responsibilities of the property owners. See Exhibit A below.



NOT TO SCALE

EXHIBIT A

Parcels located on corner lots are encouraged to use the side street locations for their driveways and will not be permitted to access the more intense roadway unless the minimum two hundred forty-five-foot spacing requirement on the more intense roadway can be met.

2. Driveway design standards.

In order to permit a safe transition from the roadway to the site, driveways must have a minimum width of 24 feet and a ten-foot minimum flare on both sides in accordance with Florida Department of Transportation Standard Index 515, Roadways and Traffic Design

Standard Indices, latest edition. Further, to prevent the stacking of vehicles on the roadway, driveways should have a minimum length of 36 feet from the edge of the roadway to the beginning of the parking area for business developments. The placement of parking areas towards the rear of the site for business establishments where the site is less than 200 feet in depth is strongly encouraged as this will enhance safety and the aesthetic appearance of the development. For sites that are 200 feet in depth or more, placement of parking is encouraged toward the front of the site with sufficient landscaping to enhance the aesthetic appearance of the development.

D. Design guidelines:

1. Landscaping and buffer guidelines.

Preservation of existing vegetation and new plantings of understory vegetation is strongly encouraged to visually link the development to the wooded character and mature landscape of the district. The use of native plant species is recommended.

2. Guidelines for the aesthetic use of signs.

a. The use of monument signs is recommended within the corridor.

b. Design materials.

The architectural character of the building to which the sign relates should be reflected in the lettering and materials used in the sign.

c. Lighting.

Lighting should be indirect, uplit and concealed by landscaping and/or vegetation.

3. Guidelines for architectural design and building elements.

(a) Buildings or structures which are part of a present or future group or complex should have a unity of character and design. The relationship of forms and the use, texture, and color of materials should be such as to create a harmonious whole within the residential context and nature of the district.

(b) Buildings or structures located along strips of land or on single sites and not a part of a unified multi-building complex should strive to achieve visual harmony with the surroundings. It is not inferred that the buildings must look alike or be of the same style to be compatible with the district. Compatibility can be achieved through the proper consideration of scale, proportions, site planning, landscaping, materials and use of color.

2.07.00 OPERATIONAL PERFORMANCE STANDARDS

2.07.01 Noise.

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

A. Method of noise measurement.

Noise shall be measured with a sound level meter that meets the standards of the ANSI Section 51.4-1979, Type 1 or Type 2. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises shall be measured using the fast response of the sound level meter. Other noises shall be measured using the slow response. Measurements shall be taken from the property line of the receiving land use.

B. Maximum permissible sound levels by receiving land use.

1. Maximum sustained sound.

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

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use District	Time	Sound Level Limit DBA
Residential, Conservation	7 AM to 10 PM	60
	10 PM to 7 AM	55
Commercial, Public or Recreational	7 AM to 10 PM	70
	10 PM to 7 AM	65
Industrial	At all times	75

C. Exemptions.

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

1. Activities covered by the following: stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning, air-handling equipment for residential purposes, operating motor vehicles, and refuse collection vehicles.
2. Railway locomotives and cars.
3. Construction or routine maintenance of public service utilities.
4. Houses of worship bells or chimes.
5. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

D. Notice of violations.

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

E. Pre-existing uses not in conformance.

Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

2.07.02 Air pollution.

A. Standard.

To protect and enhance the air quality of the town, all sources of air pollution shall comply with rules set forth by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Protection (DEP), Chapter 17-2, Florida Administrative Code (F.A. C.). No person shall operate a regulated

source of air pollution without a valid operation permit issued by the DEP).

B. Testing.

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the DEP and submitted to the state. These tests shall be carried out under the supervision of the state and at the expense of the person responsible for the source of pollution.

2.07.03 Glare.

Any operation or activity producing glare shall be conducted so that direct light or indirect light from the source shall not cause illumination in excess of .5 foot candles when measured from the property line of a residential property.

2.07.04 Odor.

Every use shall be operated to prevent the emission of objectionable or offensive odors in such a concentration as to be readily perceptible at or beyond property lines on which the use is located, as required in Chapter 17.2, "Rules of the Department of Environmental Regulation: Air Pollution," Florida Administrative Code, as revised.

2.08.00 SUPPLEMENTAL STANDARDS

2.08.01 Generally.

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards set forth in other sections of this code. These uses are listed in this part together with the specific standards that apply to the specified use or activity. These standards shall be met in addition to all other standards of this code, unless specifically exempted.

2.08.02 Manufactured housing sited in residential land use districts.

Any person desiring to site a manufactured housing unit in a residential land use district shall comply with the following standards:

A. Standards for siting manufactured housing units in residential districts.

1. Manufactured housing units proposed to be located in residential districts shall meet the following requirements:

- a. The unit shall comply with the U. S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act; and
- b. The minimum horizontal dimension of the main body, as assembled on the site, shall not be less than 14 feet, as measured across the narrowest portion.

2. Additional design standards for designated neighborhoods.

The Town Council may designate neighborhoods where, in order to preserve the character of the neighborhood, manufactured housing must comply with additional design standards. A public hearing on the designation shall be held by the town with due notice to the homeowners within the boundaries of the neighborhood.

Manufactured housing units proposed to be located in these neighborhoods shall meet the following requirements:

- a. The unit shall comply with the U. S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act;
- b. The minimum horizontal dimension of the main body, as assembled on the site, shall

not be less than 20 feet, as measured across the narrowest portion;

- c. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run and the minimum distance from eave to ridge is one-half the minimum horizontal dimension;
- d. The roofing material used shall be similar in texture, color, and appearance as that of detached single-family dwelling units in the same character district in which it is to be located ; and,
- e. The materials used for the exterior finish and skirting shall be similar in texture, color, and materials to detached single-family dwelling units in the same character district in which it is to be located and are applied in such a manner as to make the manufactured housing unit similar in appearance with the surrounded detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

B. Exemptions.

Manufactured housing units located within a mobile home park designed exclusively for manufactured housing are exempt from the requirements of this section.

C. Application contents.

1. Any person proposing to site a manufactured housing unit in a residential land use district, unless exempted by paragraph 2.08.02 (B) above, shall submit the following application information to the town:
 - a. The applicant's name and address;
 - b. Legal description, street address, lot number, and subdivision name, if any, of the property upon which the manufactured housing unit is to be located;
 - c. State of ownership;
 - d. Size of subject property in square feet and acres;
 - e. Proof that the manufactured housing unit has met the requirements of either the U. S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act; and,
 - f. Statement describing the type and dimensions of the manufactured housing unit proposed to be located on the property.
2. In addition to the application requirements above, applicants proposing to site a manufactured housing unit in neighborhoods designated by the town council pursuant to subparagraph 2.08.02 (A) (2) above, unless located in a mobile home park designed exclusively for manufactured housing, shall submit the following information to the town:
 - a. Elevations and photographs of all sides of the manufactured housing unit proposed to be located on the property;
 - b. A statement describing the exterior dimensions and roof slope of the manufactured housing unit proposed to be located on the property;
 - c. A description of the exterior finish of the manufactured housing unit including exterior walls and roof;
 - d. A description of the skirting materials to be used; and,
 - e. A schematic design of the manufactured housing unit showing the roof, skirtings, and other improvements.

D. Procedure for review of applications.

1. Within 20 days after an application has been submitted, the planning administrator shall determine whether the application is complete. If the planning administrator determines the application is not complete, they shall send a written statement specifying the application's deficiencies to the applicant by mail. The town shall take no further action on the application unless the deficiencies are remedied.
2. When the planning administrator determines the application is complete, it shall review the application, and shall decide whether the proposal complies with the standards for manufactured housing units sited in residential districts. Notification of the decision shall be filed with the Town Planner and shall be mailed to the applicant.

2.08.03 Institutional residential homes.

A. Institutional residential homes shall be allowed in residential districts subject to the following conditions:

1. When a site for an institutional residential home has been selected by a sponsoring agency in a residential land use district, the agency shall notify the town in writing and include in the notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the Department of Health and Rehabilitative Services indicating the need for the licensing status of the proposed institutional residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of clients in the home. The district administrator shall also provide to the town the most recently published data compiled that identifies all institutional residential homes in the district in which the proposed site is to be located. The town shall review the notification of the sponsoring agency in accordance with applicable requirements of this Code.
2. Pursuant to such review, the town may:
 - a. Determine that the siting of the institutional residential home is in accordance with applicable requirements and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
 - b. Fail to respond within 60 days. If the town fails to respond within such time, the sponsoring agency may establish the home at the site selected.
 - c. Deny the siting of the home.
3. The town shall not deny the siting of an institutional residential home unless the town establishes that the siting of the home at the site selected:
 - a. Does not otherwise conform to existing regulations applicable to other institutional uses in the area; or,
 - b. Does not meet applicable licensing criteria established by the Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home; or,
 - c. Would result in such a concentration of institutional residential homes in the area in proximity to the site selected, such that the nature and character of the area would be substantially altered. A home that is located within a radius of one thousand two hundred feet (1,200') of another existing institutional residential home shall meet the requirements for overconcentration of such homes that substantially alters the nature and character of the area.

4. All distance requirements shall be measured from the nearest point of the existing home to the nearest point of the proposed home via path of travel.
- B. The town shall, within 20 days of the receipt of the application provided for in subparagraph 1, above, review the application and provide the applicant with a written decision outlining reasons for the decision. The applicant may appeal the decision of the town by notifying the planning administrator within ten days from the date of the town's decision. Appeals of the decision of the town shall be in accordance with Section 12.11.00.

2.08.04 Recreational vehicle parks.

A. General requirements.

A recreational vehicle park shall meet the following general requirements:

1. It shall be primarily for recreational use by persons with transportable recreational housing and with appropriate accessory uses and structures.
2. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
3. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a part.
4. The park shall be developed according to comprehensive and detailed plans that include streets, utilities, lots, and building sites.
5. The park shall have a program for provision, maintenance and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated, or maintained at general public expense.

B. Allowable uses.

The allowable uses in a recreational vehicle park include the following:

1. Recreational vehicles.
2. Park trailers (park models) as defined by Chapter 320, Florida Statutes, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than ninety (90) consecutive days.
3. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking area, occupy more than five percent (5%) of the area of the park and shall not be so located so as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.

C. Site design requirements.

The following site design requirements shall be met:

1. The minimum land area for a recreational vehicle park shall be eight acres.
2. The maximum density for a recreational vehicle park shall be 18 spaces per gross acre. Storage spaces shall be included in the density calculation.

3. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way;
4. Access to the recreational vehicle park shall be from a collector or arterial roadway.
5. Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained and dust-free surface that is of adequate width to accommodate anticipated traffic.
6. Camping spaces shall be so located in relation to internal streets so as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space.
7. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within one hundred feet (100'), except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.
8. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
9. No minimum dimensions are specified for spaces, but each shall provide the clearances specified herein, and the boundaries of each space shall be clearly indicated.
10. Spaces for dependent units shall be located within 200 feet by normal pedestrian routes of toilet, washroom, and bath facilities.
11. Spaces for self-contained units, operating as such, may not be located more than 400 feet by normal pedestrian routes from toilet, washroom, and bath facilities.
12. Stands shall be so located that when used, clearance from units, including attached awnings and the like, shall be as follows:
 - a. From units on adjoining stands: 10 feet
 - b. From internal streets of common parking area: 10 feet
 - c. From portions of building not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space: 25 feet
 - d. From any other use or fueling facility: 50 feet
13. Where fireplaces, cooking shelters, or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.

2.08.05 Junkyards.

A. Restrictions as to location.

No junkyard, junk, or automobile graveyard shall be kept, operated, or maintained in the incorporated areas of the town of Century within three hundred feet (300') of the right-of-way

of any public street or highway, except the following:

1. Junkyards which are entirely enclosed by a solid wall or wood fence at least six feet in height, but in no case lower than the material contained in the junkyard. The fence or wall enclosing the junkyard shall not be used for bill postings or other advertising purposes, except that a space not larger than 6 feet by 12 feet may be used for the advertisement of the business of the owner thereof. The fence or wall shall have no more than one opening for each 300 feet of street frontage. The opening shall not exceed 20 feet in width and shall be provided with a solid gate or door which must be kept closed except for the passage of vehicles.
2. Junkyards or scrap metal processing facilities which are located in areas which are within industrial land use districts designated on the Town of Century Future Land Use Map.
3. Two or fewer unlicensed motor vehicles which are located on the private property of the owner or owners of said unlicensed motor vehicles.

PART III OVERLAY ZONES

2.09.00 OVERLAY ZONES

2.09.01. Purpose and intent.

The purpose of this part is to describe certain overlay zones used to impose special development restrictions on identified geographical areas. The location of overlay zones is established by the Town of Century based on the need for measures to protect or enhance special historical, environmental, neighborhood, or corridor characteristics. The underlying uses in the area, as determined in this chapter, remain undisturbed by the creation of the overlay zone. The overlay zone merely imposes additional or different development standards than those that would otherwise apply.

2.09.00 ALGER-SULLIVAN LUMBER COMPANY HISTORIC OVERLAY DISTRICT.

2.08.01. Purpose.

The Alger-Sullivan Lumber Company Historic Overlay District is established to preserve the development pattern and distinctive architectural character of the district through the restoration of existing buildings and construction of compatible new buildings. The official listing of the Alger-Sullivan Lumber Company Historic Residential District on the National Register of Historic Places and the authority of the town's historic preservation board reinforce this special character. Performance standards and guidelines are intended to ensure that future development is compatible with and enhances the pedestrian scale of the existing structures and period architectural character of the district.

2.09.02. Regulations and guidelines for all development within the Alger-Sullivan Lumber Company historic overlay district.

These regulations and guidelines are intended to address the design and construction of elements common to any development within the Alger-Sullivan Lumber Company historic overlay district which requires review and approval by the historic preservation board.

A. Off-street parking.

Design of, and paving materials for, parking lots, spaces and driveways shall be subject to approval of the historic preservation board. For all parking lots, a solid wall, fence or compact hedge not less than three feet high shall be erected along the lot line(s) when automobiles or parking lots are visible from the street or from an adjacent residential lot. All non-residential development shall comply with off-street parking requirements established in Chapter 6. The required parking may be provided off-site by the owner/developer as specified in Section 6.?

B. Signs.

Refer to Chapter 9 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the historic preservation board. Only the following signs shall be permitted in the Alger-Sullivan Lumber Company historic overlay district:

1. Temporary accessory signs.

- a. One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.
- b. One non-illuminated sign not more than 50 square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

2. Permanent accessory signs.

- a. One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area and eight feet in height, provided, however that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public property and shall not exceed a height of 12 feet six inches. The sign may be mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. The sign may be illuminated provided that the source of light is not visible beyond the property line of the lot on which the sign is located.
- b. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached to the dwelling. This section shall be applicable to occupants and home occupations.
- d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the board.

C. Fences.

All developments shall comply with fence regulations as established in Section 8.?. Fences are subject to approval by the historic preservation board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed-wire fences will be permitted. Chain-link fences shall be permitted in side and rear yards only.

2.09.03. Restoration, rehabilitation, alterations or additions to existing contributing structures in the Alger-Sullivan Lumber Company historic overlay district.

The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations which are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved by the historic preservation board only if circumstances unique to each project are found to warrant such variances.

2.09.04. Renovation, alterations and additions to non-contributing and modern infill structures within the Alger-Sullivan Lumber Company historic overlay district.

Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. In review of these structures the historic preservation board may make recommendations as to the use of particular building elements which will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

2.09.04. Regulations for new construction in the Alger-Sullivan Lumber Company historic overlay district.

New construction shall be built in a manner which is complementary to the overall character of the overlay zone in height, proportion, shape, scale, style and building materials.

2.09.05. Demolition of contributing structures.

The demolition provisions established in Section 5.?, applicable to contributing structures within the Alger-Sullivan Lumber Company Historical Residential District, shall apply in the preservation district.

2.010.00 RESERVED.

CHAPTER 4 – CONCURRENCY

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CHAPTER 4 – CONCURRENCY

4.00.00 **GENERALLY**

4.00.01. **Purpose and intent.**

The purpose of this chapter is to describe the requirements and procedures necessary to implement the concurrency provisions of the Town of Century Comprehensive Plan (comprehensive plan). Specifically, this chapter is intended to ensure the availability of public facilities and services and the adequacy of those facilities at adopted levels of service concurrent with impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact for a development upon the adopted minimum acceptable level of service for potable water, sewer, solid waste, drainage, parks and recreation, roadways and mass transit facilities, and/or services as provided in the comprehensive plan.

4.01.00 **GENERAL RULES**

4.01.01. **Certificate of concurrency required.**

A certificate of concurrency shall be required prior to the issuance of any development permit, with the exception of those listed in subsection 4.02.02. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial development permit.

4.01.02. **Initial determination of concurrency required.**

At the request of the applicant or at the discretion of the town, an initial determination of concurrency may be performed for preliminary development orders and a conditional certification of concurrency issued for development permits shall be binding.

4.01.03. **Expiration of certificate of concurrency.**

A certificate of concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specific expiration date, the certificate of concurrency shall expire six months from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, the accompanying certificate of concurrency shall automatically be renewed for the duration of the extension given to the accompanying development permit. Should the extension exceed one year from the date of the issuance of the original development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.

4.01.04. **Burden of proof.**

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The town will assist in the preparation of the necessary documentation and information, if requested, in writing.

4.02.00 **DE MINIMIS EXEMPTIONS**

4.02.01. **Generally.**

If a proposed development relates to land use of such low intensity as to have a de minimis effect, if any, upon the level of service (LOS) standards set forth in the comprehensive plan, the development shall be exempt from the concurrency review.

4.02.02. De minimis activities.

The following development activities shall be deemed de minimis:

A. The construction of:

1. Room additions to residences, pursuant to item (D) (3) below;
2. Accessory structures, but not accessory apartments;
3. Swimming pools;
4. Fences;
5. Signs; and
6. Communications towers.

B. Removal of trees.

Removal of trees, except that tree removal shall not be considered a de minimis activity for the purpose of determining compliance with the stormwater drainage LOS.

C. The replacement of structures destroyed by fire, hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.

D. Limited de minimis exemptions for single family dwellings.

Single-family dwelling units shall be deemed de minimis for the following facilities and/or services:

1. Roads, providing that the dwelling unit is not located within ¼ mile of a road segment that is operating below the adopted LOS.
2. Stormwater drainage, provided that the single-family up to quadruplex (in this case only) is not part of a larger development.
3. Sewer, provided that the construction meets the requirements of the Department of Health and Rehabilitative Services (HRS) related to wastewater systems. Specifically excluded from this exemption are room additions consisting of bedrooms or bathrooms.

4.03.00 CONCURRENCY REVIEW

4.03.01. Generally.

The town shall use the procedures listed below to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent. An applicant for a development permit shall provide the town with all information required so as to enable the concurrency evaluation to be made.

Upon receipt of a complete concurrency review application, the town shall perform the concurrency evaluation for each of the public facilities and services. A concurrency review application shall not be deemed complete until all applicable permits, verification letters, or other proof has been submitted pursuant to subsection 4.03.02 below.

4.03.02. Evaluation.

A. Roads.

1. Generally.

The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the town Comprehensive Plan for the impacted roads. The level of service shall be determined for conditions on the existing

roads, to include any committed or funded improvements to those roads, meeting the minimum requirements for concurrency set forth in subsection 4.03.03.

2. Submittals.

The applicant seeking a certificate of concurrency and a development permit, shall submit to the town the following information:

- a. The legal description of the development site;
- b. The street address of the development site, if applicable;
- c. A written statement indicating the nature and extent of the proposed development.
- d. Three copies of the site plans and specifications.

3. Town review.

The town will apply a concurrency check to the subject property based on the following:

- a. Transportation system – Level of Service development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Traffic Circulation Element of the comprehensive plan:

Roadway Quality/Level of Service (Q/LOS) – The following minimum roadway Q/LOS standards are established for monitoring intersection capacity based on annual average daily trips (AADT) as follows:

Arterials (4-lane and 6-lane)	E + 10%
Arterials (2-lane)	E + 30%
Collectors	D
Local Roads	D

- b. Infrastructure.

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service as established in the Infrastructure Element of the comprehensive plan for potable water, sanitary sewer, stormwater management and solid waste:

- (1) Potable Water.

Level of Service - 100 GPCD

GPCD = gallons per capita per day

- (2) Sanitary sewer.

<u>Type of Use</u>	<u>Level of Service</u>
Residential	70 GPCD
Commercial/Industrial	500 GPCD
Institutional	210 GPCD

(Ordinance 1-90 requires all development within the corporate limits to connect to the municipal wastewater system.)

GPCD = gallons per capita per day

(3) Stormwater management.

Level of Service - Pursuant to Chapter 62-346, Florida Administrative Code (F.A.C.), 25-year frequency, 24-hour duration; treatment of the first one-half inch of runoff for sites less than 100 acres, and treatment of the first inch for sites greater than 100 acres.

(4) Solid waste.

Level of Service - 3.0 pounds per person per day

c. Recreation.

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the comprehensive plan:

Level of Service - 5 acres per 1,000 population

4.03.03. Minimum requirements for concurrency (determination of availability).

In order to obtain a certificate of concurrency, one of the following conditions must be satisfied for each of the public facilities and services, and such condition given in the certificate of concurrency:

A. For potable water, sanitary sewer, solid waste, and stormwater management:

At a minimum, provisions in the comprehensive plan that ensure the following standards will be met to satisfy the concurrency requirement:

1. The necessary facilities and services are in place at the time a development order is issued; or
2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
3. The necessary facilities are under construction at the time a permit is issued; or
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of subsection 4.03.03 A. (1-3) above. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F. S., or an agreement of development order issued pursuant to Chapter 380, F. S. The facilities and services are in place when the impacts of the development occur.

B. For parks and recreation:

The concurrency requirement may be satisfied by complying with the standards in subparagraphs 4.03.03 A(1-4) above or by the following:

1. At the time the development permit is issued, the necessary facilities and services are subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
2. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development permit may include, but is not limited to, development agreements pursuant to Section 163.3220, F. S., or an agreement or development order issued pursuant to Chapter 380, F. S.

C. For roads:

The concurrency requirement may be satisfied by complying with the standards of paragraphs 4.03.03 A and B above.

4.03.04. Strategies to rectify lack of concurrency.

Should a development not pass the above concurrency evaluation, several strategies may be used to rectify this, including the following:

1. An enforceable development agreement between the town and the developer which may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S.
2. A change in the funding source.
3. A reduction in the scale or impact of the proposed development.
4. Phasing of the proposed development.

4.04.00 ADOPTED LEVELS OF SERVICE

The adopted LOS standards for public facilities and services as contained in the comprehensive plan are hereby adopted by reference.

4.05.00 MONITORING

4.05.01. Annual report.

The purpose of the annual report is to provide monitoring of public facilities and services to ensure maintenance of the adopted levels of service in a format which is accessible to the public.

4.05.02. Contents.

The town shall prepare an annual report as part of the concurrency management system that includes:

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
2. A summary of building permit activity, indicating:
 - a. Those that expired without commencing construction;
 - b. Those that are active at the time of the report;
 - c. The quantity of development represented by the outstanding building permits;
 - d. Those that result from the development permits issued prior to the adoption of this code; and
 - e. Those that result from development permits issued pursuant to the requirements of this code.
3. A summary of development permits issued, indicating:
 - a. Those that expired without subsequent building permits;
 - b. Those that were completed during the period;
 - c. Those that are valid at the time of the report but do not have associated building permits or construction activity; and
 - d. The phases and quantity of development represented by the outstanding development permits.

4. An evaluation of each facility and service indicating:
 - a. The capacity available for each at the beginning of the reporting period and at the end of the reporting period.
 - b. The portion of the available capacity held for valid preliminary and development permits;
 - c. A comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits;
 - d. A comparison to actual capacity and levels of service to adopted levels of service from the comprehensive plan.
 - e. A forecast of the capacity for each facility and service based on the most recently updated schedule of capital improvements in the Capital Improvements Element of the comprehensive plan.

4.05.03 Prima Facie Evidence

The concurrency management system annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development permits during the 12 months following completion of the annual report. The annual report shall be presented to the town at a public hearing no later than November 1 of every year.

4.05.04 Assurances

The town shall make available suitable land for the building and expansion of service facilities, and shall require that future land uses be assured of adequate infrastructure and services. The town shall conduct an ongoing review and analysis of the infrastructure and services to meet the needs of future land uses adopted in the comprehensive plan. Development shall be required to provide such lands by dedication where appropriate.

4.06.00 APPEALS

Appeals related to determination of concurrency shall be made pursuant to the provisions in Section 12.11.00 of this code.

CHAPTER 5 – ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION STANDARDS

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CHAPTER 5 – ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION STANDARDS

5.00.00 GENERALLY

5.00.01. Purpose and intent.

The purpose of this chapter is to:

1. Preserve, protect, conserve, manage, restore, and/or enhance natural and human-related resources that provide potable water, clean air, productive soils, and a healthful array of human, plant and animal life;
2. Implement the comprehensive plan, with particular emphasis on preserving and protecting the ecological values and functions of uplands, wetlands, open bodies of water and flowing streams, floodplains, groundwater, and other significant geologic features, soils and slopes, flora and fauna; and
3. Protect the natural resources, open spaces, and historic character of the town in a manner that preserves and cultivates a unique sense of place while fostering economic well-being, maintaining adequate quality and quantity of water and land, and minimizing the present and future vulnerability to natural and man-made hazards.

5.00.02. Use of sound environmental practices.

The provisions in this chapter are intended to accommodate development while also protecting and preserving valuable natural and historic resources. In furtherance of this objective, applicants shall be required to use sound environmental practices to plan for proposed activities and projects in the context of natural systems and historic features of the landscape. Applicants are encouraged to use conservation design techniques such as clustering to produce marketable projects while protecting natural and historic resources.

A. Satisfaction of open space requirements.

When land development involves a parcel that contains regulated natural or historic resources, the town's open space requirements shall be fulfilled first with regulated natural or historic resources.

B. Minimize impact within environmentally sensitive areas.

Avoidance or minimization shall be required for all environmentally sensitive areas in accordance with this chapter. Where the applicant demonstrates that all reasonable steps have been taken in the attempt to avoid significant adverse impact to regulated natural resources, and proposed impact is consistent with environmentally sensitive area limitations, development in regulated environmentally sensitive areas may be authorized as follows and shall not constitute a significant adverse impact:

1. Density will be calculated at the lowest density allowed by the established zoning district.
2. Development plans and subdivision plats shall be configured to minimize overall impact to ecosystem integrity, including the roadway and other infrastructure design.
3. For residential and non-residential uses, location of buildings, drives, parking, stormwater, and other site infrastructure shall be designed to avoid or minimize adverse impacts on the resource(s) protected under the development plan, balancing such resource protection with the need for safe access to the site.
4. No impact shall be allowed to environmentally sensitive areas, except as consistent with the requirements of this chapter.

5.00.03. Resources assessment requirements.

All applications for proposals with potential adverse impact to natural or historic resources, including but not limited to applications for land use change, zoning change, and development plan approval, shall include an assessment of natural and historic resource information. The assessment shall be complete before the development review stage. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications, and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the town.

A. Methodology.

The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource on the site, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground truthing.

B. Minimum contents.

The assessment shall include site-specific identification, mapping, and analysis of each natural and historic resource or characteristic present on the site, with aerial map review and fence line ground truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided along with other requirements for any development application:

1. Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.
2. Data and analysis that includes assessment and evaluation of the following:
 - a. Existing quality and characteristics of regulated natural or historic resources.
 - b. Impact of the proposal on each individual natural resource and on the ecosystems in which they function.
 - c. Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.
 - d. Methods of stormwater pollution prevention.

C. Additional information.

Additional data and analysis may be required as appropriate to the complexity of the proposed activity and types of natural or historic resources identified. Such information may include, but is not limited to:

1. Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.
2. Land use and land cover classifications per Florida Land Use Classification Code or the Northwest Florida Water Management District (NFWMD).
3. Wetlands, surface waters, or special flood hazard areas identified by the National Wetlands Inventory, United States Geological Survey (USGS), NFWMD, or Federal Emergency Management Association (FEMA).
4. Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Environmental Protection (DEP), Florida Natural Areas Inventory (FNAI), or West Florida Regional Planning Council (WFRPC).

5. Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.
6. Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.
7. Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.
8. A mitigation and monitoring plan.
9. A resource management plan.

D. Use of assessment.

The town shall review and evaluate the natural and historic resources assessment to determine whether the proposal is consistent with the comprehensive plan and LDC and to identify appropriate site designs and strategies that maintain and protect the functions and values of natural and historic resources.

5.00.04. Exemptions.

The following activities are allowed subject to specific limitations, restrictions and conditions. Applicants shall submit a natural resource inventory or comparable administrative notice in order to demonstrate that they qualify for exemption prior to initiating any of the following activities:

A. Removal of invasive vegetation.

Projects for which a plan has been approved by a federal, state, or local agency or water management district for the removal of undesirable invasive or non-native vegetation on lands owned, controlled, or managed for conservation purposes, excluding vegetation in surface waters and wetlands.

B. Parks and recreation.

Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves.

C. Activities authorized by town-approved management plan.

Activities consistent with a management plan adopted by, or reviewed and approved by the town, provided that the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences.

D. Existing utility installations and road right-of-way.

Alteration of vegetation within an existing utility easement post installation, where the vegetation is interfering with services provided by a utility, or alteration of vegetation within an existing road right-of-way for normal maintenance activities. Alteration associated with new construction, or with the acquisition or transfer of easements or right-of-way, is not an exempt activity.

E. Fencing.

The minimal removal of trees or understory necessary to install a fence or wall, provided that no regulated tree is removed, the path cleared for the fence does not exceed ten feet in width, no equipment heavier than a one-ton pick-up truck, hand-held outdoor power equipment or a standard farm tractor is used in clearing or installing the fence, no dredge or

fill activity is required other than the installation of posts and fence materials, and navigational access will not be impaired by the fence construction. Notwithstanding the above, the installation of farm fencing is exempt pursuant to section 604.50, F.S.

F. Survey or other test required.

The necessary removal of vegetation by, or at the direction of, a Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no regulated tree is removed and the path cleared does not exceed five feet in width.

G. Miscellaneous.

Those other projects for which the planning administrator determines, in writing, that there will be no significant adverse impacts based on the factors and criteria set forth in this chapter.

PART I ENVIRONMENTAL RESOURCE PROTECTION STANDARDS

5.01.00 SURFACE WATERS AND WETLANDS

5.01.01. Applicability.

A. Waters included.

Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative, and soil criteria (definition in Appendix A).

B. Regulated activities.

Except as otherwise expressly provided in this section, no alteration shall occur in, on or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

5.01.02. Jurisdiction and delineation.

A. Delineation methodology.

The town shall utilize the uniform statewide methodology adopted by the DEP and the NFWFMD to delineate wetlands, as outlined in Rule 62-340.300, Florida Administrative Code (F.A.C.) for wetlands, and Rule 62-340.600, F.A.C. for surface waters. The town shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.

B. General mapping.

The locations and general extent of surface waters and wetlands in the town are depicted on multiple digital map sources. The maps are intended for use only as a general reference for determining location and approximate extent of surface waters and wetlands. The provisions of this section shall apply to all surface waters and wetlands and adjacent areas, and shall not be limited to those depicted on maps described above.

C. Site specific determination.

1. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment

- that includes identification of all surface waters, wetlands, and buffers.
2. If the applicant has received a delineation of the extent of a surface water or wetland by the DEP or the NFWMD, pursuant to a formal determination under section 373.421(2), F.S., or pursuant to a permit issued under chapter 373, F.S. in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the town for the duration of the formal determination or state permit.
- D. Final drawings. All final drawings for applications other than work on a private single-family residential lot shall be sealed or certified by:
1. A Florida registered professional engineer; or
 2. A Florida registered professional surveyor; or
 3. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

5.01.03. Design standards.

A. Buffers.

Buffers are integral to the maintenance of surface water and wetland structure and function. A buffer shall be required between all proposed activity and the delineation of the surface water or wetlands line as established in this section.

1. The width of a surface or wetland buffer shall be 30 feet, measured upland from the jurisdictional delineations of a wetland or surface water as adopted by the DEP and the NFWMD and described in paragraph 5.01.02.A, above.
2. The buffer shall retain the existing undisturbed vegetation. No activity shall occur within a buffer area, except as expressly provided in this section or as approved by the town. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

B. Protective measures.

1. Wetlands shall not be used as sediment traps during development and construction. Sediment traps shall be constructed on site to prevent escape of sediments to wetlands.
2. The developer shall completely restore any portion of a protected environmentally sensitive zone damaged during construction. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.
3. Other reasonable protective measures necessary to prevent significant adverse effects on a protected environmentally sensitive zone may be required. The factual basis of the decision to require the measure shall be stated as a finding in the written record. Protective measures may include, but are not limited to:
 - a. Maintaining natural drainage patterns.
 - b. Limiting the normal removal of vegetation to the minimum necessary to carry out the development activity.
 - c. Expediently replanting denuded areas.
 - d. Stabilizing banks and other unvegetated areas by siltation and erosion control measures.
 - e. Minimizing the amount of fill used in the development activity.

- f. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
4. All stormwater management facilities discharging into surface waters or wetlands shall be designed to meet or exceed, where possible, the design and performance standards specified in chapter 62-346, F.A.C, Design and Performance Standards.
5. Septic tanks shall be prohibited or located away from high groundwater areas and peaty soils.

5.01.04. Clustered development and density transfer.

- A. To alleviate any hardship caused by development restrictions on the use of environmentally sensitive areas, the clustering of residential or commercial development within the non-sensitive portions of the project site shall be permitted if other provisions imposed by this code, adopted ordinances, or Florida Statutes are otherwise met by the proposed development. Density and intensity of development shall be applied under the provisions of any approved residential or commercial land use classification.
- B. Clustered development.

If the site of proposed development encompasses environmentally sensitive areas, the density and intensity of dwellings or commercial units may be authorized to a level that would be permitted for the total square footage of the area including restricted portions.

1. Such development must be clustered only on non-sensitive portions of the development site.
2. If it is determined during the review of development applications described in Chapter 12 of this code that the parcel proposed for development reflects unique or unusual circumstances, or that development of the parcel at the maximum density would affect surrounding land uses in a manner contrary to the public health, safety and welfare, or would be inconsistent with the comprehensive plan, the town council may recommend that the density or intensity of development rights be capped at a specific level. In such case, the town council shall be provided findings of fact on which the restriction is based and any mitigating recommendations that would make the parcel eligible for maximum density and intensity potential. In making a final decision in such cases, the town council shall have full latitude to prescribe limited use of the property or density transfer ratios if a one-for-one transfer cannot be accomplished.

5.01.05. Exemptions.

The following activities are allowed on regulated surface waters, wetlands and wetland buffers, subject to the specified limitations, restrictions and conditions. Persons wishing to make use of an exemption shall submit a natural resources inventory in order to demonstrate that they qualify for exemption prior to initiating any of the following activities in surface waters, wetlands, and buffers:

- A. Bona fide agricultural activities.
 1. Silvicultural activities. Forestry operations conducted in accordance with the practices outlined in Best Management Practices 2008 for Silviculture (Florida Department of Agriculture and Consumer Services), as updated.
 2. Non-silvicultural activities.
 - a. Existing bona-fide agricultural activities that did not require approval prior to the effective date of this code provided that the activities are conducted according to applicable best management practices.
 - b. Operations that cannot qualify for an exemption pursuant to this subsection may apply for an administrative determination. The town may approve administratively the

pursuit of agricultural activities in, on or over a surface water or wetland area or buffer, or adjacent to or connected to a surface water or wetland area, if it is determined that the proposal:

- (1) Will have minimal impact on navigational access, water quality, fish, wildlife, exceptional associations of plant life, listed species or hydrologic characteristics critical to the support of the surface water and/or wetland system; and
 - (2) Will not result in the draining or permanent filling of a surface water or wetland area; and
 - (3) Will incorporate mitigating conditions where necessary to ensure minimal impact.
- c. Minor nature trails. Construction and maintenance of public or private nature trails no greater than ten feet in width, including boardwalks and foot bridges, provided that no more dredging or filling is performed than necessary to install, repair or replace pilings.
- d. Minor docks and boardwalks. The installation of a dock and/or boardwalk less than 1,000 square feet in total surface area, excluding walkways, provided that the requirements of paragraph c, above, are met.
- e. Treatment wetlands. In the case where specific permitted use(s) and associated required modifications are allowed in a "wetlands application" or in a "wetlands stormwater discharge facility" pursuant to rules 62-611 and 62-25.042, F.A.C., respectively. Failure to comply with operating conditions of such permit(s) shall nullify this exemption.
- f. Connection of stormwater facilities. Dredging or filling which is required to connect stormwater management facilities permitted by the NFWFMD, or the public works department to nontidal wetlands and which is incidental to the construction of such stormwater management facilities. Incidental dredging or filling shall include:
1. Headwalls and discharge structures; and
 2. Erosion control devices or structures to dissipate energy that are associated with discharge structures; and
 3. Outfall pipes less than 20 feet in length, provided the pipe does not interfere with navigation; and
 4. The connection of ditches dug through the uplands where the dredging or filling for the connection to wetlands extends less than 20 feet in length into the wetland; and
 5. Other dredging or filling which the public works department determines will have a similar effect as those activities listed above.
- B. Repair or replacement.
- The repair or replacement of existing vehicular bridges, functional piers, boat ramps, or stormwater discharge pipes, at the same location and of the same dimensions and configuration as the original being repaired or replaced, provided that no more dredging or filling is performed than necessary, and no debris from original structures shall be allowed to remain in jurisdictional wetlands.
- C. Emergency repairs.
- Emergency repairs consistent with the requirements of rule 62-312.090, F.A.C.
- D. Maintenance dredging.

The performance of maintenance dredging of existing man-made ditches, canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters, provided no more dredging is performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications, and provided further that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters.

E. Previously approved permits.

1. Dredge and fill permits. Specifically permitted dredge and fill or surface water management activities that were approved by a federal or state agency or the NFWFMD prior to the effective date of this ordinance.
2. Other permits. Projects for which the applicant demonstrates that formal development approvals or permits have been issued by other regulatory agencies prior to the effective date of this ordinance.

F. Altered wetlands.

In instances where the water regime of a wetland has been artificially altered, but the dominant vegetation of the area in question continues to be comprised of listed species, a feasibility of hydrologic restoration shall be made by town staff. Hydrologic restoration that can be accomplished by minor earth work or drainage controls, and would not be contrary to the public health, safety, and welfare, shall be viewed as the preferable alternative to the proposed development activity. This provision for exemption is not intended to apply in the case where a surface water and/or wetland has been filled or altered in violation of any rule, regulation, statute, or this chapter.

G. Artificial wetlands.

All man-made impoundments, lakes, streams, ponds, artificial or created wetlands, and all stormwater management facilities, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project they shall not be exempt from this chapter. If any wetlands or surface waters are part of a stormwater management facility approved by the town, the same function must be provided and any modifications shall be subject to approval by the town engineer.

5.02.00 GROUNDWATER AND WELLHEAD PROTECTION

5.02.01. Purpose and intent.

The purpose and intent of this section is to ensure the protection of all sources of water for domestic, agricultural, and industrial use. Therefore, standards are provided in this section for regulating the use, handling, production, storage, or disposal of regulated hazardous substances (as defined in Appendix A) so as to preclude the introduction of these substances into groundwater. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

5.02.02. Applicability and responsibility.

A. Applicability.

1. The standards in this section apply to all land and surface water within the limits of the town.

2. This section shall be applicable to any person who transports, handles, generates, or stores hazardous materials in the town.
3. Residential storage of hazardous materials for personal, family, or household uses shall be exempt from this code, with the exception of paragraph 5.02.03.A, below.
4. Certain nonresidential uses of hazardous materials shall be exempt if under approved state or federal cleanup, abatement, or monitoring plans.

B. Responsibility.

For the purposes of this section, it shall be the policy that the property owner and/or responsible party shall be held liable for all activities that may contribute to groundwater contamination that occurs on their property.

5.02.03. Prohibitions.

A. Discharge and releases.

No person shall discharge or cause or permit the discharge of a hazardous material to the soils, air, groundwater, or surface waters in the town. No person shall cause or permit the discharge or release of hazardous wastes (as defined in Appendix A) to a septic tank or other type of on-site sewage disposal system. No person shall cause or permit the discharge or release of a hazardous material to a sewage treatment plant or treatment plant collection system without the express permission of the owner or operator of the sewage treatment plant.

B. Construction, operation, and closure.

No person shall construct, modify, install, replace, operate, or close a hazardous materials storage facility without complying with the requirements of this section.

C. Compliance with state and federal regulations applicable to regulated hazardous materials.

No person shall store, handle, or dispose of hazardous materials or construct, operate, or close a hazardous material storage facility in violation of any applicable state or federal regulations.

5.02.03. Administration.

The planning administrator is responsible for the administration of the town's "Small Quantities Hazardous Waste Permit Program." The Escambia County Department of Solid Waste is responsible for the administration of the county's hazardous wastes management and permitting code, including within the jurisdictional limits of the town.

5.02.04. Small quantities hazardous waste generators.

Discharges may occur involving the storage and handling of Small Quantity Generators (SQG) of hazardous wastes (as defined in Appendix A) that have adverse significant impacts to the environment of the town and to other interests deriving livelihood in the town.

A. Requirements of a small quantity hazardous waste generator.

The State of Florida adopted by reference the federal regulations governing small quantity hazardous waste generators. The EPA published these regulations in the Federal Register on March 24, 1986. The small quantity generator (100-1,000 kilograms of waste per month) is required to:

1. Use a multiple copy manifest
2. Obtain an EPA/DEP identification number

3. Accumulate no more than 6,000 kilograms (13,200 pounds) of hazardous waste for no longer than 180 days
 4. Implement a "Preparedness and Modified Contingency Plan"
 5. Use a DEP-registered transporter for off-site shipment of hazardous waste
 6. Dispose hazardous waste only at a permitted RCRA facility
 7. Maintain the original copy of the manifest for a period of three years
 8. File an exception report if the original manifest is not returned from the disposal facility within 60 days of the date the waste was shipped
 9. Manage containers holding hazardous waste so they are in good condition and do not leak or deteriorate, and
 10. Conduct weekly hazardous waste container inspections
- A. Business activities likely to produce small quantities of hazardous waste.
1. Repair and maintenance of motor vehicles
 2. Electroplating
 3. Operation of printing and copying equipment
 4. Dry cleaning and laundering services
 5. Processing photographs
 6. Operation of laboratories
 7. Medical facilities
 8. Building, construction, and demolition
 9. Pest control services
 10. Preserving wood
 11. Making or refinishing furniture

5.02.05. Small quantity generators of hazardous waste permit program.

A. Generally.

The purpose of this subsection is to establish a system for licensing Small Quantity Generators (SQG) of hazardous waste, and to provide for the collection of fees necessary to pay the town's expenses of issuing such permits and verifying the management practices of small quantity generators of hazardous waste.

B. Registration and permit required.

No person shall be a small quantity generator of hazardous waste without possessing a current small generator of hazardous waste permit issued pursuant to this subsection.

C. Application for and issuance of permits.

An application for a small quantity generator of hazardous waste permit must be submitted to the town in the form and manner prescribed by the town. The town shall issue the permit upon receipt of a complete application and payment of the applicable fee.

D. Term and scope of permit.

A small generator of hazardous waste within town must apply for and receive a valid small generator of hazardous waste permit prior to November 1 of each year. The permit document shall identify the specific activity or facility permitted, the specific location or

locations at which such activity or facility is to be conducted or operated, and the person or persons to whom the permit is issued. The permit shall be valid only for the identified activities or facilities conducted or operated at the identified locations by the identified persons and shall be valid to the next November 1 at which time a renewal application shall be made.

- E. Generation or transportation of small quantities of hazardous waste without a valid permit.

The generation of small quantities of hazardous waste by any person or persons not holding a valid unrevoked permit for purposes or in location specified in this code is unlawful and subject to penalties.

- F. Revocation of permit.

The small quantity generator of hazardous waste permit may be revoked by the town council upon a finding that the identified activities or facilities or the identified location on the application for the permit are substantially different than the actual activities or facilities of the permit holder.

5.02.02. Restricted development in wellfield protection zones.

- A. Fixed zones of protection.

Except as otherwise expressly provided for a specific wellfield, the following zones of protection are established for each public wellfield in the corporate limits of Century. A map of public water supply wells shall be maintained and updated by the planning administrator.

1. Secondary wellfield protection zone. The secondary wellfield protection zone is the land area immediately surrounding the primary wellfield protection zone, and the land area within a 500-foot radius surrounding a public water supply well.
2. Primary wellfield protection zone. The primary wellfield protection zone is the land area immediately surrounding a public water supply well, and the land area within the 200-foot radius surrounding a public water supply well.

- B. Modification of zones of protection.

Zones of protection may be revised for a specific public water system based on best available scientific data, including results of scientific modeling, which demonstrates that a larger or smaller zone of protection is necessary to protect water quality. Absent such demonstration, protections shall be applied based on the zones of protection defined in Paragraph A, above.

- C. Protection standards for public wellfields.

Requirements that apply to each wellfield protection zone are presented below, in order of increasing restrictiveness by zone. Requirements for the secondary protection zone are generally applicable to the primary protection zone. Requirements for the primary protection zone are most restrictive, and incorporate restrictions of the secondary protection zone.

1. *Secondary wellfield protection zone.*
 - a. The following new uses or expansions of existing uses shall be prohibited:
 - (1) Solid waste disposal facilities, including landfills;
 - (2) Domestic and industrial wastewater treatment facilities, including wastewater treatment plants and percolation ponds, wastewater reuse and discharge facilities, except for expansions as part of facility upgrade;
 - (3) Any land applications of septage;

- (4) Unlined storage and treatment of dairy waste, high intensity areas, and land applications of dairy waste;
 - (5) Feedlots or other animal feeding operations;
 - (6) Mines;
 - (7) Excavation of waterways or stormwater management facilities that intersect the water table;
 - (8) Stormwater retention and detention basins except pursuant to performance controls where configuration or topography of a lot of record precludes location of a required retention or detention basin outside the wellhead protection area;
- b. The following standards and provisions shall apply:
- (1) No new wells shall be constructed in the surficial, intermediate, or Floridan aquifer system, except as set forth in subparagraph D.2, below.
 - (2) Existing wells posing a threat to groundwater quality, as determined by the town, shall be properly abandoned or repaired as set forth in subparagraph D.1.a, below. Wells allowed to remain shall meet the requirements which are set forth in subparagraph D.1.e, below.
 - (3) Expansion or construction of a new storage facility, as defined below, shall be prohibited.
 - (a) Aircraft maintenance and repair with plating facility.
 - (b) Analytical laboratories, more than ten employees.
 - (c) Anodizing shops.
 - (d) Asphalt plants.
 - (e) Automobile salvage yards and junk yards.
 - (f) Battery manufacturers and reclaimers.
 - (g) Boat manufactures.
 - (h) Chemical manufacturing.
 - (i) Fleet maintenance operations.
 - (j) Hospitals.
 - (k) Paint manufacturing.
 - (l) Pest control, ten or more vehicles.
 - (m) Pesticide sales or distribution centers storing more than 275 gallons of materials.
 - (n) Portland cement manufacturing.
2. *Primary wellfield protection zone.* The following provisions shall apply:
- a. No new non-residential septic tank systems shall be allowed.
 - b. No uses of land which require or involve storage, use, or manufacture of hazardous materials are allowed.
 - c. No uses of land which involve storage or treatment of solid waste in tanks.
 - d. All provisions of subparagraph C.1, above, "Secondary wellfield protection zone."

3. Exemptions.

- a. The transportation of any hazardous material through a wellhead protection area provided that the transporting motor vehicle is in continuous transit.
- b. The use of hazardous materials substances for maintenance and cleaning of existing residential, commercial or office buildings provided best management practices are followed.
- c. Retail sales establishments that store and handle, for resale, hazardous materials in the original and unopened containers.
- d. Storage tanks which meet the auxiliary power provisions of rule 62-555.320(6), F.A.C.

D. Wells within protection zones.

The following provisions are applicable within all wellfield protection zones.

1. Existing wells.

- a. All existing wells that are not in use or that pose a threat to groundwater quality shall be properly abandoned or repaired, as approved by the town, within 90 days of their identification. Wells that pose a threat to groundwater include, but are not limited to, wells with deteriorated casings, wells that interconnect aquifers allowing downward movement of poor quality water or contaminants, and other conditions, as determined by the town, that would allow water quality degradation.
- b. The owner or operator of any well to be abandoned shall comply with the following requirements:
 - (1) Obtain any water management district or state permits required for proper well abandonment.
 - (2) Provide the town with 60 days written notice of the proposed abandonment.
 - (3) Properly abandon the well, using approved techniques to fill and seal the well, in accordance with rule 62-532.500(4), F.A.C., or other applicable water management district requirements.
 - (4) Provide the town with a copy of the permit (if required) and a copy of the well completion report that has been submitted to the appropriate water management district.
- c. The town may allow existing wells to remain for the following uses:
 - (1) Potable supply for domestic use;
 - (2) Groundwater monitoring;
 - (3) Water withdrawal or injection as part of a federal, state, or local approved groundwater assessment, remediation, or monitoring program;
 - (4) Irrigation;
 - (5) Part of a system for air conditioning or for the exchange of non-contact cooling water;
 - (6) Uses authorized by a valid water management district or state permit.
- d. The town may require the property owner or agent for the owner to conduct testing of mechanical integrity and water quality monitoring. The owner or agent shall complete the required work within 14 days of notice by the town, and submit to the town a report of results within 45 days of notice. If the property owner does not conduct the

required testing and monitoring, the town shall be allowed access to the well for testing and monitoring purposes.

- e. If the town allows existing wells to remain, the owner shall comply with all of the following conditions:
 - (1) Within 90 days of termination of use, properly abandon the well, as set forth in subparagraph D.1.b, above;
 - (2) Secure with a protective casing and lock all wells used exclusively for monitoring purposes; and
 - (3) Install backflow prevention on all non-domestic production wells and where otherwise required to prevent contamination.
2. New wells.
 - a. The town may allow the construction of new wells for the uses specified in subparagraph D.1, above, "Existing wells."
 - b. New wells shall be constructed according to the requirements and standards set forth by the state and by the town, including, but not limited to, the following: chapters/rules 40B-3, 40C-3, 62-520, and 62-524, F.A.C.
 - c. New wells shall conform to all conditions for existing wells set forth in this section.
 - d. Owners of new wells which are two inches or greater in diameter but do not require a water management district or state permit must show proof of economic hardship.
3. *Geotechnical borings*. Geotechnical borings greater than 20 feet in depth are exempt from the provisions of this section, except that they must be properly abandoned.

5.03.00. WILDLIFE HABITAT AND UNIQUE NATURAL AREAS

5.03.01. Require study for FNAI inventoried areas.

Areas identified in the Florida Natural Areas Inventory (FNAI) as endangered or threatened species habitats and unique natural areas shall be inventoried prior to development. Such inventory shall consist of both a field survey and a management/mitigation plan. The study shall be prepared by an ecologist, biologist or other related professional as a consultant to the town. Such expense shall be borne by the applicant. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management strategies to protect the subject wildlife. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species in coordination with the Florida Game and Freshwater Fish Commission. The results of the survey, as well as mitigation measures, shall be submitted as part of the land development permit application submitted for the project.

5.03.02. Prohibit development causing loss of viability.

Areas containing endangered or threatened species habitat and unique natural areas, such as those designated in the FNAI, shall not be developed for any use that would cause loss of viability of the community or habitat.

5.04.00. FLOODPLAIN MANAGEMENT.**5.04.01. General.****A. Scope.**

The provisions of this section 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.

B. Intent.

The purposes of this section 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 (NFIP) for community participation as set forth in the Title 44 Code of Federal Regulations (CFR), Section 59.22.

C. Coordination with the Florida Building Code.

This section is 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.

D. Warning.

The degree of flood protection required by this section and the Florida Building Code, as amended by the town, 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 section 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 (FIRM) and the requirements of Title 44 CFR, Sections 59 and 60 may be revised by FEMA, requiring the town to revise these regulations to remain eligible for participation in the NFIP. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

E. Disclaimer of Liability.

This section shall not create liability on the part of the town council or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

5.04.02. 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 section applies.

This section shall apply to all flood hazard areas within the Town of Century, as established in paragraph C, below.

C. Basis for establishing flood hazard areas.

The Flood Insurance Study for Escambia County, Florida and Incorporated Areas dated September 29, 2006, and all subsequent amendments and revisions, and the accompanying FIRM, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this code and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Office of the Town Clerk, Century Town Hall, 7995 North Century Boulevard, Century, Florida 32535.

1. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to subsection 5.04.04 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 town indicates that ground elevations:

- a. 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 section and, as applicable, the requirements of the Florida Building Code.
- b. 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 this section shall not be deemed to nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions.

This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing sections of this code, including but not limited to land development regulations, zoning ordinances, or stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is

subject to such interests shall also be governed by this section.

G. Interpretation.

In the interpretation and application of this section, 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.

5.04.03. Duties and powers of the floodplain administrator.

A. Designation.

The planning administrator 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 this section. The floodplain administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section 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 section without the granting of a variance pursuant to subsection 5.04.07.

C. Applications and permits.

The floodplain administrator, in coordination with other applicable town staff, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas:
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section:
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 section is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

D. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and

any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section 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 pursuant to subsection 5.04.07.

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 this section.

G. Inspections.

The floodplain administrator shall make the required inspections as specified in subsection 5.04.06 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 paragraph C, above;
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 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 FIRM if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations: such submissions shall be made within six months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete: and
5. Notify FEMA when the corporate boundaries of the town 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 section 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 this section: 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 this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Office of the Town Clerk, Century Town Hall, 7995 North Century Boulevard, Century, Florida 32535 or the Escambia County Building Inspections Division, 3363 West Park Place, Pensacola, Florida 32505.

5.04.04. Permits.

A. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, 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 shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section 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 this section 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 NFIP (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 this section:

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 FIRM.
- 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 town. 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 subsection 5.04.05.
 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 this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other ordinance of the town. 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 this section or any other ordinance, regulation or requirement of the town.

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 NFWFMD; section 373.036, F.S.
2. The DOH for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. The DEP for activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. The DEP 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.

5.04.05. Site plans and construction documents.

A. Information for development in flood hazard areas.

1. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
 - a. 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.
 - b. 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 paragraphs B.2 or 3, below.
 - c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five 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 paragraph B.1, below.
 - d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 - e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - f. 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.
 - g. Existing and proposed alignment of any proposed alteration of a watercourse.

2. Waiver of plans.

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

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 the 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 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 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 in paragraph D, below, 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 foot at any point within the town. 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 in paragraph D, below.

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.

5.04.06. 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 this ordinance 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 this ordinance and the conditions of issued floodplain development permits or approvals.

1. 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:

- 1a. 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
- b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subparagraph 5.04.05(3)(b), above, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

2. 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 subparagraph C.1.a., above.

D. 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.

5.04.07. Variances and appeals.

A. General.

The town council shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to subsection 553.73(5), F.S., the town council 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 town council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the town council may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on authority to grant variances.

The town council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in paragraph D below, the conditions of issuance set forth in paragraph E below, and the comments and recommendations of the floodplain administrator and the building official. The town council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

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 in paragraph 5.04.05.C.
2. 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.
3. 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 subparagraph 1, above, 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.

D. Considerations for issuance of variances.

In reviewing requests for variances, the town council 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 town;
 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.
- E. 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 town council 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.

5.04.08. Violations.

A. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this

section 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 this ordinance 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.

5.05.00 FLOOD RESISTANT DEVELOPMENT

5.05.01 Buildings and structures.

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant paragraph 5.04.04.C, 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 of subsection 5.05.07.

5.05.02. 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 five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with paragraph 5.04.05.B; and
3. Compliance with the site improvement and utilities requirements of subsection 5.05.03.

5.05.03. 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 in subparagraph 5.04.05.C.1 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 this section, 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.

5.05.04. 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 section.

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 subparagraphs 1 and 2, below, as applicable.

1. General elevation requirement. Unless subject to the requirements of subparagraph 2, below, 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 subparagraph 1, above, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
 1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
 2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 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.

5.05.05. 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 in paragraph A, above, for temporary placement shall meet the requirements of subsection 5.05.04 for manufactured homes.

5.05.06. 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 paragraph C, below, 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.

5.05.07. 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 this ordinance or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of paragraph 5.05.03.D 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 paragraph 5.05.03.D.

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 paragraph 5.05.03.D.

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 paragraph 5.05.03.D. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of paragraph 5.04.05.C.

5.06.00 SOIL EROSION AND SEDIMENTATION CONTROL

5.06.01. Applicability.

Appropriate measures shall be taken during any land clearing and building operations to assure that exposed, destabilized or otherwise altered soil is expeditiously covered with an acceptable erosion control material. This provision shall be applicable to the act of subdividing and installation of related improvements as well as during the development review process including the period during which improvements may occur as well as the length of time soil may be exposed to the environment

A. Soil erosion and sedimentation control plan.

In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for site plan review whenever a development will involve any clearing, grading, or other form of land disturbance by the movement of earth.

B. Tree Protection, Landscaping and Buffers.

The requirements of subsection 6.01.12 of this code shall be applicable to all clearing and grading activities and shall include specifications for management principles guiding the removal or placement of vegetation. All development activities must be implemented in conjunction with precautionary measures, where necessary, to avert destruction or damage to native vegetation.

5.06.02. Erosion control measures.

All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be implemented. The following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required.

1. Erodible slopes. Prevent detachment and transportation of soil particles from slope.
2. Streams, stream beds, stream banks, bodies of water, lake shorelines. Prevent detachment and transportation of soil particles.

3. Drainageways. Prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit or sediment loads (traversing these areas) before these reach bodies of water.
4. Land adjacent to streams, ponds, lakes, and wetlands. Prevent detachment and transportation of soil particles. The applicant shall not adversely impact vegetation within the sensitive transition zone between surface water or wetlands and uplands. No such vegetation shall be disturbed without approval of the town. Any such approval shall be based on a demonstrated necessity which promotes the overall public health, safety and welfare. Furthermore, any such disturbance of vegetation shall be compensated by revegetation based on a plan approved by the town as provided herein. Where deemed appropriate by the town, the site plan shall include the planting of native indigenous vegetation to promote stability of the shoreline.
5. Enclosed drainage structure. Prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within system or beyond it.
6. Large flat surface areas (unpaved). Prevent detachment of soil particles and their off-site transportation.
7. Impervious surfaces. Prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).
8. Borrow and stockpile areas. Divert runoff from face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition and plant native groundcover to assist such stabilization.
9. Adjacent properties. Prevent their erosion and/or being deposited with sediment.

PART II CULTURAL RESOURCE STANDARDS

5.07.00 ARCHEOLOGICAL RESOURCES.

5.07.01. Purpose.

It is the purpose of this section to preserve, protect, and restore archaeological resources. These resources constitute the physical evidences of past human activity, as well as evidences of the effects of that activity on the environment, including but not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other sites, landforms, properties, objects or features with intrinsic archaeological value.

5.07.02. Significant archaeological resources.

Significant archaeological resources are those archaeological resources that are listed, or are eligible for listing, on the National Register of Historic Places (36 CFR, Part 60; www.cr.nps.gov/places.htm).

5.07.03. Identification.

A. General mapping.

Maps of known archaeological sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File.

B. Site-specific determination.

Surveys and analyses for archaeological resources shall be required prior to alteration of a property known or likely to contain resources of archaeological significance.

5.07.04. Prohibited activities.

Except as otherwise expressly provided in this section, no development activity involving ground disturbance shall occur on a property containing, or having reasonable potential to harbor, resources of archaeological significance, without the appropriate analysis and opportunity for mitigation as specified in subsection 5.07.06.

5.07.05. Standards for protection.

1. Avoidance, minimization, and mitigation (in that order of preference) of adverse impacts on significant archaeological resources shall be required as appropriate to the scale and significance of the resource.
2. Development orders for parcels containing known or suspected areas of archaeological significance shall be conditioned, where appropriate based on recommendation from qualified professional, to accomplish the following:
3. Insure proper archaeological investigation prior to construction and, where appropriate, avoidance, minimization, and mitigation of impacts.
4. Preserve and provide perimeter buffering around significant archaeological sites in order to maintain the security and integrity of the resource. This may include, if necessary, alteration to the proposed or originally approved development plan.
5. Where archaeological sites are to be preserved, incentives to encourage retention of these areas may be provided.

5.07.06. Mitigation.

Mitigation of archaeological resources may include, but is not limited to, the following:

1. The excavation of an archaeological resource or an object or property that is integrally related to a significant archaeological resource shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the resource(s).
2. Adaptive use of archaeological landforms or properties consistent with preservation of their archaeological character shall be encouraged.

5.07.07. Discovery of unmarked human remains.

When unmarked human remains are discovered during excavation, construction, development or any other circumstances, such discovery must be reported to the state archaeologist, or to the county medical examiner, as appropriate. Any activities on the site that may disturb the remains shall not be resumed until authorized in writing by such offices.

5.08.00 HISTORIC RESOURCE STANDARDS

5.08.01. Purpose.

The purpose of this section is the identification, protection, enhancement, perpetuation and use of districts, sites, building, objects, and structures located within the town, both public and private, which are reminders of past eras, events and persons important in local, state, or national history, or which provide significant examples of architectural styles of the past, or which are unique and

irreplaceable assets to the town and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.

5.08.02. Local register of historic places.

A. Created.

A local register of historic places is hereby created as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The local register will be kept by the planning administrator.

B. Initiation of placement on the local register.

Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the town council or the historic preservation board. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.

C. Placement on the Local Register.

The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the local register:

1. A nomination form, available from the town, shall be completed by the applicant and returned to the planning administrator.
2. Upon receipt of a completed nomination form, including necessary documentation, the planning administrator shall place the nomination on the agenda of the next regularly scheduled meeting of the historic preservation board. If the next regularly scheduled meeting of the board is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
3. Adequate notice of the historic preservation board's consideration of the nomination shall be provided to the public at large, and to the owner(s) of the nominated property(ies), at least seven days in advance of the meeting at which the nomination will be considered by the board.
4. The historic preservation board shall, within 30 days from the date of the meeting at which the nomination is first on the board's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall also include any owner's objection to the listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing to the historical significance of the district. If the 30-day period runs and the board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the board, the nomination may be submitted directly to the planning administrator for review by the town council.
5. Approval for the placement of the nominated sites, buildings, structures, objects or districts on the local register shall follow the public hearing review process prescribed in Chapter 12 of this code.

D. Criteria for listing on the local register.

1. A site, building, or district must meet the following criteria before it may be listed on the local register:

- a. The site, building, or district possesses integrity of location, design setting, materials, workmanship, feeling and association; and
 - b. The site, building, or district is associated with events that are significant to local, state, or national history; or the district site, building, structure, or object embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
 2. A site or building located in a local register of historic places district shall be designated as contributing to that district if it meets the following criteria:
 - a. The property is one which, by its location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.
 - b. A property should not be considered contributing if the property's integrity of location, design, setting, materials, workmanship, feeling and association have been so altered that the overall integrity of the property has been irretrievably lost.
 - c. Structures that have been built within the past 50 years shall not be considered to contribute to the significance of a district, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.
- E. Effect of listing on local register.
1. The planning administrator may issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The mayor is authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.
 2. Structures and buildings listed individually on the Local Register or judged as contributing to the character of a district listed on the Local Register shall be deemed historic and entitled to modified enforcement of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.
 3. No demolition, alteration, relocation or construction activities may take place except as provided in subparagraph 5.08.04.B below.

5.08.03. Alger-Sullivan Lumber Company Historic Residential District.

The Alger-Sullivan Lumber Company Historic Residential District was listed on the National Register of Historic Places in 1989 to preserve the development pattern and distinctive architectural character of the district through the restoration of existing buildings and construction of compatible new buildings. The authority of the historic preservation board reinforce this special character. Performance standards and guidelines set forth in section 2.05.00 are intended to ensure that future development is compatible with and enhances the pedestrian scale of the existing structures and period architectural character of the district.

A. Submission of plans.

Every application for a building permit to erect, construct, renovate and/or alter an exterior of a building, or sign, located or to be located in the district shall be accompanied by plans for the proposed work. As used herein, "plans" shall mean drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building or sign, (both before and after the proposed work is done in the cases of altering, renovating, demolishing or razing a building or structure) including proposed materials,

textures and colors, and the plat plan or site layout, including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. Such plans shall be promptly forwarded by the planning administrator to the historic preservation board.

B. Review by the historic preservation board.

All such plans shall be subject to review and recommendation for the approval of a certificate of appropriateness by the historic preservation board in accordance with the provisions of subsection 5.05.04. The board shall adopt written rules and procedures for abbreviated review by the town for paint colors, minor repairs, emergency repairs and minor deviations in projects already approved by the board.

C. Restoration, rehabilitation, alterations or additions to existing contributing structures in the Alger-Sullivan Lumber Company Historic Residential District.

The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations which are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved by the historic preservation board only if circumstances unique to each project are found to warrant such variances.

D. Renovation, alterations and additions to non-contributing and modern infill structures within the Alger-Sullivan Lumber Company Historic Residential District.

Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. In review of these structures the historic preservation board may make recommendations as to the use of particular building elements which will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

E. Regulations for new construction in the Alger-Sullivan Lumber Company Historic Residential District.

New construction shall be built in a manner which is complementary to the overall character of the overlay zone in height, proportion, shape, scale, style and building materials.

1. Architectural review of proposed exterior development.

- a. General considerations. The board shall consider plans for existing buildings based on their classification as significant, supportive, and compatible or nonconforming. In reviewing the plans, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof, materials, textures and colors; plot plan or site layout, including features such as walls, walks, terraces, plantings, accessory buildings, signs, lights, awnings, canopies, and other appurtenances; and conformity to plans and themes promulgated, approved and/or amended from time to time by the town council; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and is not restricted to those exteriors visible from a public street or place. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction.

- b. Decision guidelines. Every decision of the board, in their review of plans for buildings or signs located or to be located in the district, shall be in the form of a written order stating the findings of the board, its decision and the reasons therefor, and shall be filed with and posted with the building permit on site. Before approving the plans for any proposed building, or signs located or to be located in the district, the board shall find:
 - (1) In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building or if due to a new use for the building the impairment is minor considering visual compatibility standards such as height, proportion, shape, and scale.
 - (2) In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value or character of buildings on adjacent sites or in the immediate vicinity.
 - (3) In the case of a proposed new building, that such building will not be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, and scale.
 - (4) In the case of the proposed razing or demolition of an existing building, that the regulations established in subparagraph 5.08.04.B.3 below shall apply.
- c. Recommendation for changes. The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.

F. District rehabilitation, repair and maintenance guidelines.

The following rehabilitation, repair and maintenance guidelines shall be applied to all existing structures and land parcels respectively, whether occupied or vacant. In cases where an owner owns property comprising a total block, the board shall consider the burden on the owner and may approve an incremental adherence to the standards or guidelines.

- 1. Building fronts, rears, and sides abutting streets and public areas. Rotten or weakened portions shall be removed, repaired and replaced to match as closely as possible the original.
- 2. Windows.
 - a. All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with new glass.
 - b. Window openings in upper floors of the front of the building shall not be filled or boarded-up. Window panes shall not be painted.
- 3. Show windows and storefronts. All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
- 4. Exterior walls.
 - a. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.
 - b. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary.
 - c. Rear and side walls shall be repaired and finished as necessary to cover evenly all miscellaneous patched and filled areas to present an even and uniform surface.

5. Roofs. Roofs shall be cleaned and kept free of trash, debris or any other element which is not a permanent part of the building.
6. Auxiliary structures. Structures, at the rear of buildings, attached or unattached to the principal structure, which are structurally deficient shall be properly repaired or demolished as authorized by the historic preservation board.
7. Front, rear, and side yards, parking areas and vacant parcels. When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district in which the space is located, provided, however, that the site shall be properly maintained free of weeds, litter, and garbage in accordance with applicable provisions of the code.
8. Walls, fences, signs. Walls, fences, signs and other accessory structures shall be properly maintained.

G. Demolition of contributing structures.

The demolition provisions established in subparagraph 5.08.04.B.3 below shall apply to all applicable to contributing structures within the Alger-Sullivan Lumber Company Historical Residential District.

5.08.04. Certificate of appropriateness.

A. When required.

1. A certificate of appropriateness must be obtained before making certain alterations, described below as regulated work items, to contributing structures and structures listed individually on the local register or in the Alger-Sullivan Lumber Company Historic Residential District.
2. For each of the regulated work items listed below, the following applies:
 - a. Ordinary maintenance: If the work constitutes "ordinary maintenance" as defined in this section, the work may be done without a certificate of appropriateness.
 - b. Town approval: If the work is not "ordinary maintenance," but will result in the "original appearance" as defined in this section, the certificate of appropriateness may be issued by the planning administrator.
 - c. Board approval: If the work is not "ordinary maintenance" and will not result in the "original appearance," a certificate of appropriateness must be obtained from the historic preservation board before the work may be done.
3. The following are regulated work items:
 - a. Installation or removal of metal awnings or metal canopies.
 - b. Installation of all decks above the first-floor level and/or on the front of the structure.
 - c. Installation of an exterior door or door frame, or the infill of an existing exterior door opening.
 - d. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.
 - e. The installation or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
 - f. The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.
 - g. Painting unpainted masonry including stone, brick, terracotta and concrete.

- h. Installation or removal of railings or other wood, wrought iron or masonry detailing.
 - i. Abrasive cleaning of exterior walls.
 - j. Installation of new roofing materials, or removal of existing roofing materials.
 - j. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
 - k. Installation of new exterior siding materials, or removal of existing exterior siding materials.
 - l. Installation of new exterior siding materials, or removal of existing exterior siding materials.
 - m. Installation or removal of exterior skylights
 - n. Installation of exterior screen windows or exterior screen doors.
 - o. Installation of an exterior window or window frame or the infill of an existing exterior window opening.
 - 4. A certificate of appropriateness must be obtained from the town to erect a new building or parking lot within a district listed on the local or national register of historic places.
 - 5. A certificate of appropriateness must be obtained from the town to relocate a building, structure, or object listed individually on the local or national register of historic places, or designated as contributing to a district listed on the local or national register of historic places.
- B. Criteria for Issuing.
- 1. The decision on all certificate of appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
 - a. Height. Height shall be visually compatible with adjacent buildings.
 - b. Proportion of building, structure or object's front facade. The width of building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
 - c. Proportion of openings within the facility. The relationship of the width of the windows in a building, structure, or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.
 - d. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.
 - e. Rhythm of buildings, structures, or objects on streets. The relationship of the buildings, structures, or objects to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.
 - f. Rhythm of entrance and/or porch projection. The relationship of entrances and projections to sidewalks of a building, structure, or object shall be visually compatible to the buildings and places to which it is visually related.
 - g. Relationship of materials, texture, and color. The relationship of materials, texture and color of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

- h. Roof shapes. The roof shape of the building, structure, or object shall be visually compatible with the buildings to which it is visually related.
 - i. Walls of continuity. Appurtenances of a building, structure, or object such as walls, fences, landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, structure, or object to the building and places to which it is visually compatible with the buildings and places to which it is visually related.
 - j. Scale of building. The size of the building, structure, or object, the building mass of the building, structure or object in relation to open space, the windows, door openings, porches, and balconies shall be visually compatible with the buildings and places to which it is visually related.
 - k. Directional expression of front elevation. A building, structure, or object shall be visually compatible with the buildings and places to which it is visually related in its directional character.
2. In addition to the guidelines provided in subparagraph 1, above, issuance of certificates of appropriateness for relocations shall be guided by the following factors:
- a. The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
 - b. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
 - c. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, or object.
3. Issuance of certificates of appropriateness for demolitions shall be guided by the following factors:
- a. the historic or architectural significance of the building, structure, or object;
 - b. the importance of the building, structure, or object to the ambience of a district;
 - c. the difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;
 - d. whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the town, the county, or the region;
 - e. whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect of those plans on the character of the surrounding area would be;
 - f. whether reasonable measures can be taken to save the building, structure, or object from collapse; and
 - g. whether the building, structure, or object is capable of earning reasonable economic return on its value.

C. Procedure.

- 1. A person wishing to undertake any of the actions specified in paragraph 5.08.04.A above shall file an application for a certificate of appropriateness, along with supporting documents, with the planning administrator.
- 2. The prospective applicant shall confer with the planning administrator concerning the nature of the proposed action and requirements related to it. The planning administrator

shall advise the applicant of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such advice shall not preclude the historic preservation board from requiring additional material prior to making its determination in the case. Following the conference with the planning administrator, a pre-application conference shall be held with the historic preservation board if requested by the applicant.

3. Upon receipt of a completed application and all required submittals and fees, the planning administrator shall place the application on the next regularly scheduled meeting of the historic preservation board allowing for notice as required herein. Applications for certificates of appropriateness may be heard at specially called meetings of the historic preservation board provided all notice requirements are met. Upon mutual agreement between the applicant and the director, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.
4. At least 15 days, but not more than 30 days, prior to the meeting at which the application is to be heard, the planning administrator shall give the following notice:
 - a. Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests with the town.
 - b. One advertised notice in a newspaper of general circulation.
5. The hearing shall be held at the time and place indicated in the notice. The decision of the historic preservation board shall be made at the hearing.
6. The historic preservation board shall use the criteria set forth in paragraph 5.08.04.B above to review the completed application and accompanying submittals.
7. The board shall make written findings and conclusions that specifically relate to the criteria for granting certificates of appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross examination or other means.
8. Within 30 days from the date of the meeting at which the board reviews the application after fulfilling the public notice and hearing requirements set forth in subparagraph 4, above, the board shall forward their findings and conclusions to the town council with one of the following recommendations:
 - a. That the certificate of appropriateness be approved by the town council with an immediate effective date;
 - b. That the certificate of appropriateness be approved by the town council with special modifications and conditions; or
 - c. That the town deny the certificate of appropriateness.
9. The planning administrator shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the historic preservation board, and the findings and conclusions of the board. All records shall be filed with the town clerk.
10. Any person aggrieved by a decision reached by the Historic Preservation Board may appeal the decision within 30 days to the town council. Any party appealing the decision by the Historic Preservation Board shall state, in writing, the basis for such appeal.
11. No work for which a certificate of appropriateness is required may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.

CHAPTER 6 – SITE DESIGN STANDARDS

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CHAPTER 6 – SITE DESIGN STANDARDS

6.00.00 PURPOSE AND INTENT

The purpose of this chapter is to provide site development standards applicable to all development activity within the town. The provisions are intended to ensure functional and attractive development. The standards allow for flexibility in site design while ensuring compatibility of neighboring uses through design features such as landscaped buffers. All development shall be designed to avoid unnecessary impervious surface coverage and adverse effects of traffic, noise, and drainage on surrounding properties.

6.01.00 OPEN SPACE, TREE PROTECTION, LANDSCAPING, AND BUFFERS

6.01.01. Purpose and intent.

The purpose and intent of this article is to promote the preservation of open space and preserve the natural habitat to the greatest extent possible by achieving the following objectives:

1. Use of existing and planted native trees, shrubs and ground cover to the extent feasible in conjunction with appropriate soils and moisture regimes.
2. Integrate the landscape or planting plan and stormwater management areas of proposed developments with existing topography, hydrology and soils, particularly the drainage systems and internal circulation systems.
3. Promote water conservation through the use of “Florida-friendly landscaping” as defined in subsection 373.185(1)(b), Florida Statutes (F.S.).
4. Design stormwater management facilities to resemble natural areas in form and function resulting in a facility that is not required to be fenced, if practicable.
5. Limit stormwater management facilities to the maximum extent practicable through the reduction of impervious surfaces.
6. Address visual privacy and noise attenuation relative to adjacent developed properties.
7. Alleviate noise, heat, glare, water runoff and other conditions associated with the construction of expanses of building or pavement within the parcel.

6.01.02. Applicability.

1. The standards established in this section are to be considered the minimum requirements for the design, plant selection, installation and maintenance of landscape elements and site improvements and shall apply to all new development, including development of publicly-owned property.
2. The requirements of this section shall also apply to the redevelopment, reconfiguration, expansion or change of use of a previously developed site unless any of the following exemptions apply:
 - a. The existing developed impervious area to be retained is 5,000 square feet or less, and the proposed expansion of impervious surface is 500 square feet or less.
 - b. The existing developed impervious area to be retained is greater than 5,000 square feet, and the proposed expansion of impervious surface is less than 2,000 square feet, and also less than ten percent of the existing impervious area on the parcel or lot.
 - c. If at any time during a five-year period, expansions exceed the aggregate of the allowable exemptions listed above, the permit for construction that exceeds the exempted amount shall require full compliance with this article.

3. In the event that a principal use and some or all of the parking area (required or otherwise) serving the principal use are located on separate parcels, the open space and landscape required by this article may be apportioned among all parcels in complementary use as approved by the development order, specifically as it relates to the landscape or planting plan.

6.01.03. Exemptions.

Single family or duplex residential dwellings on platted lots or parcels shall be exempt from the provisions of these landscaping regulations, unless otherwise specified in this section. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

6.01.04. Hardship determination.

If the town engineer and planning administrator determine that the requirements of this section would create a hardship because of the unique and peculiar circumstances or needs resulting from the size, configuration or location of the site or for the renovation of existing structures or vehicular use areas, the above stated town staff may approve a buffer yard with a width no less than five feet, provided such buffer yard meets the visual screening requirements of this section.

6.01.05. General provisions for open space, landscaped areas and buffers.

1. No structures are permitted in required open space, landscape areas and buffers except fire hydrants, concrete valve markers, underground utility markers, switches, bus shelters or benches, incidental signs not exceeding two square feet in area, and screening.
2. No parking is permitted within required open space, landscape areas and buffers. Vehicles may overhang no more than two feet into landscape areas; however, the overhang area shall not be included as part of the landscape requirement.
3. Driveways, sidewalks and utility lines may cross the open space, landscaped area or buffer provided that the amount of buffer compromised is minimized while maintaining the specified number of plantings required in this section.
4. Buffer areas may include portions of the stormwater management system if the applicant demonstrates that the character and intent of the buffer is not diminished. At a minimum, the buffer shall include all of the required plantings at the normal grade of the site at the property line.
5. Existing non-invasive vegetation may be used to fulfill landscaping, buffering and screening requirements where such existing natural vegetation is of sufficient height or can be augmented to reach a sufficient height and opacity to provide an effective visual and acoustical buffer giving consideration to the existing and proposed uses.

6.01.06. Required open space.

A. Minimum open space requirement.

1. The minimum percentage of the total developable site that shall be utilized as open space for a subdivision, mixed use development, or special planned development, unless otherwise specified in this section, shall be 25 percent.
2. The minimum percentage of the total developable site that shall be utilized as open space, unless otherwise specified in this section, shall be as follows for each zoning district:

Table 6- 1: Open Space Requirements

Zoning District	Minimum Open Space
Agriculture (AG), Conservation (CON), Environmentally Sensitive (ES)	80%
Parks & Recreation (PR), Rural Residential (R-R)	50%
Low-density Residential (R-1), Medium-density Residential (R-2)	25%
High-density Residential (R-3), Historic Mixed Use (MU-H), Corridor Mixed Use (MU-C)	20%
Commercial (C), Industrial (I)	15%

3. Required perimeter buffers and roadway perimeter landscaped areas may be counted towards satisfying open space requirements.
4. Stormwater management areas. Stormwater management areas may be counted as credit for open space as long as at least one half of the required open space is fulfilled by non-stormwater qualifying open areas.
5. Public utility development projects are exempted from the minimum open space requirement; however, these projects must comply with perimeter buffer and roadway perimeter landscape area requirements.

B. Primary open space areas.

When land development involves a parcel or a subdivision plat that contains any of the conservation areas listed in paragraph 1, below, the open space requirements shall first be fulfilled with these areas and their required buffers. When the minimum requirement cannot be fulfilled with conservation areas, the requirements shall then be fulfilled with natural areas as listed in paragraph 2, below.

1. Conservation areas and associated buffers.
 - a. Wetlands;
 - b. Surface waters within private ownership;
 - c. Special flood hazard areas;
 - d. Listed species habitat;
 - e. Strategic ecosystems; and
 - f. Significant geologic features.

2. Natural areas.

Significant habitat or other natural features such as steep slopes, ridges, or areas that potentially could be utilized to enhance or restore natural features on or adjacent to the development site. This open space shall be useable to the extent consistent with the character and protection of the resource.

6.01.07. Secondary open space areas.

After conservation areas and associated buffers and other natural areas have been set aside as open space, any remaining required open space may then be fulfilled with the qualifying areas listed in this section, based upon the type of development.

A. Townhome, condominium, and apartment residential development.

Within townhome, condominium, and apartment developments, the following areas may be credited toward open space requirements:

1. Community green spaces. Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares. Pedestrian amenities and other minor structures that enhance the open space may be permitted within these qualifying open space areas.
2. Pedestrian trails. Pedestrian trails located within a qualifying open space may be counted towards the required open space area.
3. Landscaped areas. Landscaped areas with a minimum area of 500 square feet and a minimum width of 20 feet containing native species canopy and understory trees, shrubs, and groundcovers consistent with xeriscape principles.

B. Non-residential development, including publicly-owned property.

Within non-residential developments, the following areas may be credited toward open space requirements:

1. Community green spaces. Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community greens, and pervious areas of plazas or squares. Pedestrian amenities and other minor structures that enhance the open space may be permitted within these qualifying open space areas.
2. Landscaped areas. Landscaped areas with a minimum area of 500 square feet and a minimum width of 20 feet containing native species canopy and understory trees, shrubs, and groundcovers consistent with xeriscape principles.

C. Mixed-use development.

Within mixed-use developments the following areas may be credited toward open space requirements:

1. Civic spaces. Open areas designed for active or passive recreation that are intended primarily for recreational or pedestrian use, such as community fields, greens, plazas or squares. The use of semi-pervious materials, such as pavers or porous pavement, is required for those portions of civic spaces requiring hardscaping (walkways, courtyards, etc.).
 - a. The boundaries of civic spaces shall be clearly delineated during development plan review.
 - b. A minimum of 15 percent of any civic space shall be planted.
 - c. Civic spaces shall be designed to accommodate stormwater from impervious areas within their own boundaries.
 - d. Hardscaping of civic spaces shall be accomplished by utilizing semi-pervious materials such as porous pavement, permeable pavers, gravel or wood.
 - e. Civic spaces shall not contain parking or motor vehicle use areas.
2. Landscaped areas. Landscaped areas containing native species canopy or understory trees, shrubs, or groundcovers consistent with xeriscape principles and that have a minimum area of 40 square feet and a minimum width of five feet. Landscaped areas may be depressed to accommodate stormwater runoff.

3. Pedestrian trails. Paved or mulched pedestrian trails up to five feet in width and located within a qualifying open space may be counted towards the required open space area.

6.01.08. Designation of open space areas.

1. Prior to submitting a development plan or subdivision plat, or as part of the pre-application conference when applicable, an applicant shall consult with the planning administrator to identify the most appropriate portion of the development site to be designated as open space.
2. In addition to the specific standards and priorities set forth in this subsection, the following goals shall guide the designation of open space:
 - a. Primary open space areas shall be useable and connected to the extent consistent with the character and protection of the resource.
 - b. Primary open spaces should be contiguous to greenways, trails, public parks, or other open spaces on adjoining parcels in order to promote the creation of larger open spaces with greater usability, resource protection, and connectivity.
 - c. Open spaces should preserve existing natural features that perform stormwater management functions, such as wetlands, riparian vegetation, floodplains, and woodlands, to the greatest extent possible, and incorporate Low Impact Development (LID) techniques to further minimize, convey, pretreat, treat, and reduce the volume of stormwater runoff generated by development.

6.01.09. Access to open space.

1. Required open space shall be accessible from the development. Access to the open space areas shall be provided in the form of pedestrian paths that connect the open space to the transportation network, a mowed path around stormwater facilities, and open spaces on adjacent developments. These pedestrian paths shall be shown clearly on the development plan, maintained, and marked formally at entrances with explanatory signs describing their function and purpose.
2. For purposes of this section, the following factors shall be considered in determining whether the open space is useable and accessible:
 - a. Areas useable for passive recreation such as walking, picnicking, wildlife viewing and similar activities shall be considered accessible for purposes of this requirement;
 - b. Wet and natural areas that are not directly or easily accessible may be considered to meet the requirements of this section if they can be viewed easily from adjacent land areas that are also part of the stormwater or open space system;
 - c. A periodic lack of public access due to significant rainfall shall not disqualify such areas from counting toward the required open space percentage.

6.01.10. Protection and maintenance of open space areas.

1. All open space areas shall be maintained and remain undeveloped.
2. All open space areas shall be defined in detail on the development plan and delineated on plats. It shall be a condition of all development approval that such open spaces shall remain as shown on the development plan or plat, shall remain useable and accessible as required by this article, and shall be maintained accordingly. Any failure to abide by this condition shall be deemed a violation of the development plan or plat.
3. All conservation areas including those that contribute towards the required open space shall be identified and protected in accordance with Chapter 5 of this LDC.

4. Where deemed necessary to ensure the protection or accessibility of the required open space, the approval of the development may be conditioned on the open space being protected by easements, restrictive covenants, or other legally enforceable instruments that run with the land. All such restrictions shall be recorded in the public records of Escambia County.
5. A responsible entity, which may include the owner, a property owner's association, the city, another public agency or a non-profit organization, shall be designated to be responsible for maintaining the open space in a manner that is consistent with all applicable town requirements and the purpose for which it was created.
6. Any conditions necessary for stormwater facilities to meet open space requirements shall be incorporated into the stormwater maintenance plan. The responsible entity is required to inform the acting maintenance contractors of these conditions.

6.01.11. Alternative compliance.

1. An applicant may submit an open space plan which varies from the strict application of the requirements of this article in order to accommodate unique site features or characteristics, to provide specialized open space amenities, or to take advantage of innovative design. In no event, however, shall there be variation from the requirement to provide a minimum of 15 percent of the development site or subdivision plat as open space area.
2. An alternative compliance open space plan may be approved only upon a finding that it fulfills the purpose and intent of the comprehensive plan and of this article as well as or more effectively than would adherence to the strict requirements.
3. In evaluating proposed alternative compliance plans for open space areas, considerations shall be given to proposals which preserve native vegetation, incorporate low impact development techniques, and use Florida-friendly and other low water use landscape design principles and where the design ensures preservation of the maximum existing vegetation on the site.

6.01.12. Tree protection.

A. Protected trees.

1. A heritage tree is any tree with a single trunk diameter of at least thirty inches or, if multi-trunked, at least eight feet, in circumference, measured at a point 54 inches above ground level. Heritage trees shall be considered protected trees. No heritage tree shall be removed without a finding by the town that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.
2. All other protected trees are those trees identified by species and size in Table 6-2, below, if living and viable, except that all noninvasive trees with a diameter at breast height (DBH) of 18 inches or greater shall be protected.

Table 6- 2: Protected Tree List

Species Type A (Small, 4" + diameter trunk)	
1.	Dogwood (<i>Cornus florida</i>)
2.	Redbud (<i>Cercis canadensis</i>)
Species Type B (Medium, 6" + diameter trunk)	
1.	American Holly (<i>Ilex opaca</i>)
2.	Eastern Red Cedar (<i>Juniperus virginiana</i>) **
3.	Southern Red Cedar (<i>Juniperus silicicola</i>) **
Species Type C (Large, 14" + diameter trunk)	
1.	Live Oak (<i>Quercus virginiana</i>)**
2.	Laurel Oak (<i>Quercus laurifolia</i>)**
3.	Pecan (<i>Carya illinoensis</i>)**
4.	Red Maple (<i>Acer rubrum</i>)**
5.	Southern Magnolia (<i>Magnolia grandiflora</i>) **
6.	Sweet Gum (<i>Liquidambar styraciflua</i>)**
7.	Sycamore (<i>Platanus occidentalis</i>)**
8.	Water Oak (<i>Quercus nigra</i>)**
** Shade trees.	
Note: Diameter Breast Height (DBH) is the diameter of the tree at 54 inches above ground.	

B. Exemptions

The following uses shall be exempt from the tree protection requirements:

1. Single family and duplex dwelling units.

Lots or parcels of land on which a single-family or duplex home is used as a residence shall be exempt from all provisions of the tree protection regulations, except as regards protection of heritage trees and except for those residences located within the Alger-Sullivan Historic District. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

2. Utility operations.

Tree pruning and removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. All pruning and trimming shall be done in accordance with National

Arborist Association Standards.

3. Rights-of-way/surveyors.

The clearing of a path for existing or new roadway rights of way, provided that the rights of way are for existing roadways that are built in conformance with Town standards or for new roadways that will be built in conformance with Town standards. To qualify for the exemption for new roadways, the developer must post a bond, letter of credit, cash, or other security guaranteeing the repair or replacement of the roadways in accordance with Section 12.02.11. The width of the path shall not exceed the right of way width standards for each type of roadway established in Section 7.01.00 of this code. A Florida licensed land surveyor in the performance of his duties provided such land alteration is limited to a swath three feet or less in width.

4. 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 and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

5. Emergencies.

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

D. Protection of trees during development activities.

1. Generally. To assure the health and survival of protected trees that are not to be removed. The developer shall avoid the following kinds of tree injuries during all development activities:

- a. Mechanical injuries to roots, trunk, and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;
- d. Injuries by excavations; and
- e. Injuries by paving.

2. Tree protection zone. A circular tree protection zone shall be established around each protected tree as follows:

- a. If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of 16 feet around the tree.
- b. If the drip line is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.
- c. If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.

3. Development prohibited within the tree protection zone. All development activities except those specifically permitted by subparagraph 6.03.04.D.5, below shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces, and stormwater retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection zones, including all digging, storage of construction material, and parking of construction vehicles.

4. Fencing of tree protection zone. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:
 - a. Wooden or similar posts at least 1.5 × 3.5 inches shall be implanted in the ground deep enough to be stable and with at least three feet visible above ground.
 - b. The protective posts shall be placed not more than six feet apart, and shall be linked together by a rope or chain.
 5. Permitted activities within the tree protection zone.
 - a. Excavating or trenching by duly constituted utilities, except where the trees are heritage, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots.
 - b. Placement of sod or other ground covers, and the preparation of the ground surface for such covers.
- E. Removal of protected trees.
- Protected trees may be approved for removal if one or more of the following conditions are present:
1. Visibility hazard. Necessity to remove trees which will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.
 2. Safety hazard. Necessity to remove trees which will threaten to cause disruption of public services or which will pose a safety hazard to persons or buildings or adjacent property or structures.
 3. Construction of improvements. Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or planner shall make every reasonable effort to locate such improvements so as to preserve any existing tree.
 4. Site conditions. Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor or his or her designee.
 5. Diseased or weakened trees. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
 6. Compliance with other ordinances or codes. Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.
- F. Replacement of removed Trees.
1. Trees removed pursuant to paragraph E above, shall be replaced at the expense of the developer.
 2. A replacement tree may be a tree moved from one location to another on the site.
 3. Removed protected trees shall be replaced with a tree species identified on the tree replant list, Table 6-3.

Table 6- 3: Tree Replant List

A. Small Trees:	
1.	Crabapple (<i>Malus angustifolia</i>)
2.	Crape Myrtle (<i>Lagerstroemia indica</i>)
3.	Dogwood (<i>Cornus florida</i>)
4.	Fringe Tree (<i>Chionanthus virginicus</i>)
5.	Eastern Red Bud (<i>Cercis canadensis</i>)
6.	Goldenrain Tree (<i>Koelreuteria elegans</i>)
7.	Hawthorne (<i>Crataegus spp.</i>)
8.	Holly, Dahoon (<i>Ilex cassine</i>)
9.	Hop-hornbeam (<i>Ostrya virginiana</i>)
10.	Hornbeam (<i>Carpinus caroliniana</i>)
11.	Loquat (<i>Eriobotrya japonica</i>)
12.	Pear, Bradford (<i>Pyrus calleryana</i> Bradford)
13.	Plum, American (<i>Prunus Americana</i>)
14.	Plum, Wild (<i>Prunus angustifolia</i>)
15.	Red Buckeye (<i>Aesculus pavia</i>)
16.	Red Bud (<i>Cercis canadensis</i>)
17.	Rusty Blackhaw (<i>Viburnum rufidulum</i>)
18.	Savannah Holly (<i>Ilex attenuata/cassine</i> × <i>opaca</i>)
19.	Smooth Redbay (<i>Persea borbonia</i>)**
20.	Sparkleberry Tree (<i>Vaccinium arboretum</i>)
21.	Wax Myrtle (<i>Myrica cerifera</i>)
22.	Yaupon Holly (<i>Ilex vomitoria</i>)
B. Medium and Large Trees:	
1.	Ash, White (<i>local</i>) (<i>Fraxinus americana</i>) **
2.	Birch, River (<i>Betula nigra</i>) **
3.	Basswood (<i>Tilia caroliniana</i>)
4.	Catalpa (<i>Catalpa bignonioides</i>)
5.	Cedar, Atlantic White (<i>Chamaecyparis thyoides</i>)
6.	Cedar, Southern Red (<i>Juniperus silicicola</i>)
7.	Cottonwood (<i>Populus deltoides</i>)
8.	Cypress, Bald (<i>Taxodium distichum</i>)
9.	Cypress, Pond (<i>Taxodium ascendens</i>)

10.	Elm, Florida (<i>Ulmus americana</i> var. <i>floridana</i>) **
11.	Elm, Florida (<i>Ulmus American floridana</i>) **
12.	Elm, Winged (<i>Ulmus alata</i>) **
13.	Hickory (<i>Carya spp.</i>) **
14.	Loblollybay (<i>Gordonia lasianthus</i>) **
15.	Maple, Florida (<i>Acer barbatum floridanum</i>) **
16.	Maple, Red (<i>Acer rubrum</i>) **
17.	Maple, Swamp Red (<i>Acer rubrum</i> var. <i>drummondii</i>)
18.	Mulberry, Red (<i>Morus rubra</i>)
19.	Oak, Live (<i>Quercus virginiana</i>) **
20.	Oak, Post (<i>Quercus stellata</i>) **
21.	Oak, Shumard (<i>Quercus shumardii</i>) **
22.	Oak, Swamp Chestnut (<i>Quercus michauxii</i>) **
23.	Oak, Southern Red (<i>Quercus falcata</i>) **
24.	Palm, Cabbage (<i>Sabal palmetto</i>)
25.	Palm, Pindo (<i>Butia capitata</i>)
26.	Persimmon (<i>Diospyros virginiana</i>)
27.	Pine, Longleaf (<i>Pinus palustris</i>)
28.	Pine, Slash (<i>Pinus elliottii</i>)
29.	Pine, Spruce (<i>Pinus glabra</i>)
30.	Sweetbay (<i>Magnolia virginiana</i>) **
31.	Sweet Gum (<i>Liquidambar styraciflua</i>)
32.	Tulip Tree (<i>Liriodendron tulipifera</i>)
33.	Tupelo, Water (<i>Nyssa aquatica</i>)
34.	Walnut, Black (<i>Juglans nigra</i>) **
35.	Southern Magnolia (<i>Magnolia grandiflora</i>) **

4. Size of replacement trees shall be as follows:

- a. Replacement of protected small trees. The size of replacement trees shall be a minimum two-inch caliper and minimum six feet in height;
- b. Replacement of protected medium and large trees. The size of replacement trees shall be a minimum three-inch caliper and minimum eight feet in height.

G. Mitigation for protected tree removal.

1. If the applicant demonstrates to the satisfaction of the town that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the applicant shall provide a monetary contribution to the town for the

planting of trees on public property, or other designated sites, within the corporate limits of the town. The amount of such contribution shall be determined as follows: For every small tree that is being removed, which would otherwise be required, the contribution shall be equal to the retail value of a planted two inch caliper nursery grown tree of the same species and the retail value of a planted three-inch caliper nursery-grown tree of the same species for medium or large trees.

2. Any replacement tree, planted for credit that dies within one year of planting shall be replaced by a tree of a minimum of three inches in diameter at the time of planting.

6.01.13. Required buffers.

A. Purpose.

The purpose of establishing buffer yard and screening requirements is to protect and preserve the appearance, character and value of property within the town and to recognize that the transition between certain uses requires attention to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, signs, parking areas, and different building styles and scales associated with different land uses. The buffer yard and screening requirements are not meant to replace regulations for specific zoning district side and rear property line requirements, except that buffer yard and screening requirements may be more stringent than specific zoning district regulations.

B. Application of buffer yard and screening requirements.

The provisions of this subsection must be met at the time that building sites are developed or redeveloped.

C. Locations for required buffer yards and screening of specific uses or facilities.

1. Required buffer yards.

- a. Within or adjacent to a residential zoning district. Any developing land use other than a single-family or duplex residential land use, adjacent to a single-family or duplex residential land use or a vacant parcel, shall be responsible for providing a buffer yard.
- b. Within or adjacent to a cumulative or mixed-use zoning district. Any developing land use other than a single-family or duplex residential land use, adjacent to a single-family or duplex residential land use, shall be responsible for providing a buffer yard. A developing land use adjacent to a vacant parcel within or adjacent to a cumulative zoning district shall not be responsible for providing a buffer yard.
- c. Adjacent to a local or national registered historic district or site. Any developing land use other than a single-family or duplex residential land use, adjacent to any existing local or national registered historic site or a vacant parcel in a local or national registered historic district shall be responsible for providing a buffer yard.

2. Specific uses or facilities. The following specific uses or facilities must be screened from public view from a public street and from adjoining property when the subject site is adjacent to a single-family or duplex residential land use, vacant property zoned for only single-family and duplex residential land use, or a local or national registered historic district or site. Screening material shall meet the requirements of paragraph D, below.

- a. Dumpsters or trash handling areas.
- b. Service entrances or utility facilities.
- c. Loading docks or spaces.

D. Requirements for buffer yards.

1. *Description of buffer yard.* Where relationships exist between land uses or zoning districts which would require a buffer yard, as described in paragraph C, above, a minimum ten-foot buffer yard shall be required.
 - a. Said buffer yard shall extend the entire length of the common property line or zoning district boundary except when the boundary is located within a public street or right-of-way. The buffer yard may be located within a larger required yard or may supersede the requirements for smaller required yards depending on the specific zoning district regulations.
 - b. The buffer is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the buffer area, are allowed. The edges of the landscaped buffer may meander provided that:
 - (1) the total area of the buffer is equal to or greater than the total area of the required landscaped buffer; and,
 - (2) the landscaped buffer measures at least five feet in width at all points along the perimeter of the property line of the site requiring a buffer.
2. Buffer material requirements. A buffer yard must contain trees and screening materials as specified in this paragraph.
 - a. Existing Native Plant Material
 - (1) The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading, and sodding within the landscaped buffer. Where the planting requirements of subparagraph 6.02.12 (D)(b) require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbance to natural species.
 - b. Screening materials for required buffer yards are described below.
 - (1) The full width of the buffer must be planted with a combination of trees, shrubs, grass, and ground cover so as to cover bare soil.
 - (2) A fence, wall, or earth berm that is located within the required buffer yard must comply with maximum height requirements established in Section 8.01.00 of this code, applicable to fences.
 - (3) Trees.
 - (a) Prohibited tree. The Popcorn Tree or Chinese Tallow Tree (*Sapium sebiferum*) is an invasive tree and shall not be installed as a landscape material.
 - (b) One medium or large tree and one small tree shall be provided for each 50 linear feet of a required buffer yard or fractional part thereof.
 - (c) Trees may be evergreen or deciduous and shall be selected from the tree replant list, Table 6-3, or approved by the planning administrator.
 - (d) Medium and large trees shall be: at least three inches in circumference at one foot above grade at the time of planting; a minimum eight feet in height; and be spaced so as to allow their mature growth.

- (e) Small trees shall be: a minimum of two inches in circumference at one foot above grade at the time of planting; be a minimum six feet in height; and spaced among the medium and large trees for most effective growth.
 - (f) Protection of existing healthy trees within a required buffer yard is encouraged, and when existing trees are protected the spacing requirements and the number of trees required may be adjusted to take into account the growth characteristics of the trees.
- (4) Shrubs.
- (a) A sufficient number of shrubs shall be planted within a required buffer yard that will form a continuous screen that will provide a minimum of 75 percent opacity at maturity. This does not mean the shrubs have to be planted in a straight row or pruned as a hedge; they may be planted in irregular lines and grouped to provide a natural appearance.
 - (b) The shrubs must be at least two feet tall when planted and shall be planted no further apart than five feet. They must be of a variety and adequately maintained so that a minimum height of six feet could be expected as normal growth within three years of planting. Protection of existing healthy shrubs is encouraged, and when existing shrubs are protected the spacing requirements may be adjusted to take into account the growth characteristics of the shrubs.
 - (c) Required shrubs shall be selected from Table 6-4 or other shrubs identified by a landscape architect or biologist and approved by the planning administrator:

Table 6- 4: Recommended Shrubs for Buffer Yard Visual Screen

1.	Azalea (Rhododendron indicum, Rhododendron simsii, Rhododendron obtusum)
2.	Chinese holly (Ilex cornuta)
3.	Chinese juniper (Juniperus chinensis)
4.	Cleyera (Cleyera japonica)
5.	English holly (Ilex aquifolium)
6.	Ligustrum (Ligustrum japonicum)
7.	Japanese holly (Ilex crenata)
8.	Oleander (Nerium oleander)
9.	Pampas grass (Cortaderia selloana)
10.	Red top (Photinia glabra and Photinia fraseri)
11.	Rocky Mountain juniper (Juniperus scopulorum)
12.	Savin juniper (Juniperus chinensis)
13.	Silverberry (Elaeagnus macrophylla)
14.	Thorny elaeagnus (Elaeagnus pungens)

15.	Wax Myrtle (<i>Myrica cerifera</i>)
16.	Yaupon holly (<i>Ilex vomitoria</i>)

- (5) Any earth berm used to meet the requirements of this section must be stabilized to prevent erosion and must be landscaped with grasses, shrubs, or other materials.
- (6) Grass, other ground cover or permeable mulching material shall be planted or placed on all areas of the buffer yard required by this section which are not occupied by other landscape materials.
- (7) There are other landscaping and tree planting requirements contained in this section. Nothing in this section will exempt any development from complying with those other requirements when they would require a higher level of performance.

6.01.14. Landscaped roadway perimeter requirements.

1. A strip of privately-owned land, located along the front and/or side property line(s) adjacent to a street right-of-way, shall be landscaped, whether abutting an off-street parking area or not.
 - a. Width of sidewalks shall not be included within the front perimeter landscape area.
 - b. this strip be less than ten feet wide when located adjacent to an off-street parking or vehicular use area.
 - c. In zoning districts that have setbacks based on the street centerline, or that require less than a ten-foot setback, the minimum roadway perimeter strip may be reduced with possible conditions recommended by the planning administrator and site plan approval by the town council.
2. Landscaped material requirements in a perimeter area are as follows
 - a. One tree for each 50 linear feet of street frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three inches DBH.
 - b. Trees planted under or within a space of 15 feet of either side of overhead or underground utilities shall be selected from the approved tree list for planting near utility lines listed in Table 6-5. These trees shall measure a minimum of one inch in diameter DBH.

Table 6- 5: Tree Replant List for Use near Overhead and Underground Utility Lines

1.	Ashe Magnolia (<i>Magnolia ashei</i>)
2.	Crabapple <i>Malus angustifolia</i>)
3.	Crape Myrtle (<i>Lagerstroemia indica</i>)
4.	Flatwoods Plum (<i>Prunus umbellate</i>)
5.	Glossy Privet (<i>Ligustrum lucidum</i>)
6.	Hawthorne (<i>Crateagus spp.</i>)

7.	Hoptree (<i>Ptelea trifoliata</i>)
8.	Loquat(<i>iobotrya japonica</i>)
9.	Myrtle Oak (<i>Quercus myrtifolia</i>)
10.	Red Buckeye (<i>Aesculus pavia</i>)
11.	Rusty Blackhaw (<i>Viburnum rufidulum</i>)
12.	Silverbell (<i>Halesia caroliniana</i>)
13.	Virginia Stewartia (<i>Stewartia malacondentron</i>)
14.	Wax Myrtle (<i>Myrica cerifera</i>)
15.	Yaupon holly (<i>Ilex vomitoria</i>)

- c. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three and nine feet above the average grade of the adjacent street and driveway intersections through the perimeter strip.
- d. The remainder of the roadway perimeter landscaped area shall be planted with a combination of shrubs, grass, and ground cover. (Note: Kudzu (*Pueraria lobata*) is an invasive vine/ground cover and shall not be installed as a landscape material. Where paved parking or open storage areas are visible from the roadway, the screening shall consist of sufficient shrubs to provide a visual screen of 75 percent opacity at a maximum height of three feet.

6.01.15. Landscaping of off-street parking and vehicular use areas.

A. Applicability

The requirements of this subsection shall apply to off-street parking facilities and other vehicular use areas that:

- 1. have ten or more parking spaces; or,
- 2. are designed to accommodate vehicles that are larger or smaller than automobiles and are over 3,500 square feet in area.

B. Preservation of protected trees and native vegetation as grounds for reduction in required parking.

- 1. A reduction of required parking spaces may be allowed by the planning administrator when the reduction would result in:
 - a. The preservation of a protected tree with a trunk of 14 inches in diameter or greater; or
 - b. The preservation of over 10 percent of the total acreage of the site that is covered by native shrubs and/or ground cover.
- 2. The reduction in required parking may be granted only if it will prevent the removal of a protected tree or native vegetation that is located within the area of the site designated as a vehicular use area. The following reduction schedule shall apply.

Table 6- 6: Parking Space Reduction Schedule

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or above	10 percent of total number of spaces (total reduction regardless of number of trees or percentage of vegetation preserved).

C. Interior Planting Areas

1. At least ten percent of the gross area of the interior vehicular use area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, or between rows of cars. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
 - a. No more than ten parking spaces shall be permitted in a continuous row without being interrupted by an interior planting area, unless approved by the planning administrator. In no cases shall more than fifteen spaces be permitted in a continuous, uninterrupted row.
 - b. Trees shall be required at the minimum rate of one shade tree for every 3,500 square feet of total vehicular use area. All vehicular use areas located within the same block that serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be selected from the designated shade trees on the protected tree list (Table 6-2) or the tree replant list (Table 6-3) and shall be at least eight feet in height and three inches DBH.
2. Minimum size of interior planting areas.
 - a. A minimum of 90 square feet of planting area shall be required for each new small shade tree;
 - b. A minimum of 125 square feet of planting area shall be required for each medium or large shade tree.
3. A minimum planting area of 50 percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than 50 percent is needed to preserve the tree, additional areas may be negotiated between the applicant and the town.
4. In no case shall the minimum planting area be less than 90 square feet.

D. Vehicle overhang.

1. Vehicles shall not overhang more than two feet into any interior planting area or roadway perimeter strip.

2. Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands, or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

6.02.00 OFF-STREET PARKING AND LOADING

6.02.01. Purpose.

The requirements of this section are intended to ensure that every building, structure, or use erected or instituted, except for agricultural uses and buildings, shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, and patrons, and that certain uses shall be provided with adequate off-street loading facilities, thereby reducing congestion on public streets and promoting the safety and welfare of the public.

6.02.02. Applicability.

A. Existing structures and uses.

Buildings or structures existing as of the effective date of this code may be modernized, altered, or repaired without providing additional off-street parking or loading facilities, provided there is no increase in floor area or capacity and no change of occupancy classification.

B. Expansion of structure.

The proposed expansion in floor area, volume, capacity, or space occupied of any buildings or structure existing on or before the effective date of this code, shall result in the compliance with all off-street parking and loading requirements contained in this section for both the existing structure and the expansion.

C. Change in use.

If, after the effective date of this code, a change in the use of a building or structure would result in a requirement for additional parking over that required for the existing use, then all off-street parking and loading requirements contained in this code shall be complied with for the new use.

6.02.03. General provisions.

1. Area calculations are based on gross square footage.
2. Where the required number of parking spaces results in a fraction, the number of spaces required shall be construed to be the next whole number.
3. Where parking spaces are required based on number of employees or students/clients, the number of employees must reflect the largest shift and the number of students/clients must reflect the maximum capacity allowed.
4. For multiple land use developments, additional parking spaces will be required for each different land use and/or accessory use.
5. Handicapped parking spaces are required as a percentage of total required parking spaces for all developments other than single-family, duplex or zero-lot-line residential.

6. With respect to any parking lot that is required to be paved, the number of parking spaces required may be reduced by one, if the developer provides a bicycle rack or similar device that offers a secure parking area for at least five bicycles.
7. Except as provided in subsection 6.02.05 below, all required parking spaces must be located on the same lot or parcel with the building or use served or on an adjacent lot or parcel owned or leased by the same owner of the building site for which the parking is required. If the required parking is provided on an adjacent property separated from the common boundary by a street, appropriate measures shall be undertaken to provide pedestrian safety. Such measures include, but are not limited to, pedestrian crosswalk or pedestrian crossing with automated traffic control.
8. Reserved parking areas.

Where, in the determination of the town, the required number of spaces is excessive for a specific use, the owner or agent may substitute landscaping in lieu of paving, provided said areas are reserved for future parking should the town find those spaces are needed, and further provided:

1. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the town, to be filed with the town clerk, with enforcement running to the town ensuring that the reserved parking area shall never be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the reserved parking area serves as the off-street parking facilities are required;
2. The owner of the land upon which such said reserved parking is located agrees to bear the expense of recording the agreement which shall bind his heirs, successors, or assigns; and
3. The written agreement shall be voided by the town if the reserved parking area is converted to usable parking area or if the reserved parking area is no longer required.

6.02.04. Parking space requirements for specific land uses.

1. The required number of off-street parking spaces that shall apply for any land use that is permitted within any zoning district is provided for in Table 6-7 below.
2. Parking space requirements for a use not specifically listed in Table 6-7 shall be derived from the report entitled "Parking Generation," published by the Institute of Traffic Engineers (ITE), as updated.

Table 6- 7: Off-Street Parking Space Requirements

Amusement Place, Dance Hall, Swimming Pool or Exhibition Hall	1 space per 200 sq .ft. of gross floor area
Auditorium, Theater, Gymnasium or Convention Hall	1 space per 3 seats or seating spaces *
Banks	1 space per 300 sq. ft. of gross floor area
Barbershop/Beauty Parlor	2 spaces/chair
Boarding and Rooming Houses, Dormitories	1 space per each guest bedroom
Mobile Home and Travel	1.5 spaces per each mobile home unit, or travel trailer space, plus 1 additional for manager or owner
Boarding House	1 space for owner/manager plus 1 space/ sleeping room

Bowling Alley	3 spaces per bowling lane plus spaces required for accessory uses
Car wash	
Full-service	2 spaces per washing still
Self-service	2 stacking spaces and 1 drying space per wash stall
Place of Worship	1 space per 4 seats or seating spaces in main assembly room *
<i>Note: On-street parking within five hundred (500) feet of the building, except in residential districts, may be used towards fulfilling this requirement.</i>	
Fraternal Organization	1 per 300 sq. ft. of gross floor area, plus 1.5 per room for overnight accommodations
Boarding and Rooming Houses, Dormitories	1 per each guest bedroom
Hospital	1.5 spaces per bed
Hotel and Motel	1 per unit room or suite, plus spaces required for accessory uses
Laundromat	1 space/2 washing machines
Libraries, Museums	2 per each 1,000 sq. ft. of gross floor space 1 space/300 s.f.
Lodging House	1 space for owner/manager plus 1 space/ sleeping room
Miniature Golf Course	2 per hole
Mini-Warehouse	4 spaces/1,000 s.f. of office
Plant Nursery	1 space/1,000 s.f. of lot area
Nursing Homes or Similar Institutions	1 space/2 beds 1 per each 4 beds, plus 1 per each 4 employees, including nurses
Office	
General Offices <10,000 s. f. gross floor area	1 spaces per 200 sq. ft.
General Offices >10,000 s. f. gross floor area	1 spaces per 300 sq. ft.
Medical/Dental and Health Offices and Clinics	1 space per 150 sq. ft. of gross floor area
Automobile Service Station	2 spaces plus 4 spaces per service bay
Day Care Facilities	1 space per staff member plus 1 space per 5 children (based on maximum capacity) 1 space/300 s.f.
Amusement Park or Outdoor Attraction	10 spaces per each acre of amusement park or outdoor attraction area
Funeral Parlors or Mortuaries	5 per parlor chapel unit or 4 seats, whichever is greater *
Dwellings	
Apartment, Condominium, Townhouse, Cooperative or Duplex	
Efficiencies, Studios, 1 Bedroom	1.5 per unit
2 or More Bedrooms	2 per unit
Duplex	2 per unit
Restaurant	

Drive-in or Drive-through Only	1 space/100 s.f.
Sit-Down Only	1 space/100 s.f. (including outdoor dining areas)
Combination Drive-through/Sit-down	1 space/100 s.f. (including outdoor dining and/or activity areas)
Retail Sales/Rental	
General Business, Commercial or Personal Service Establishment Catering to Retail Trade	1 space per 200 sq. ft. of gross floor area
Furniture Stores	1 space per 500 sq. ft. of gross floor area
Vehicle Sales/Rental	1 space/400 s.f. sales area
Grocery Stores	1 space per 200 sq. ft. of gross floor area
Home Improvement, Hardware	1 space/500 s.f.
Lumber and Building Materials	1 space/600 s.f.
Machinery and Equipment	1 space/600 s.f.
Schools	
Business or Trade	1 space/2 employees plus 1 space/200 s.f.
High School	8 spaces per classroom1 space/2 employees plus 1 space/10 students
Colleges and Universities	10 spaces per classroom1 space/2 employees plus 1 space/10 students
Elementary and Middle/Junior High Schools	2 spaces per classroom1 space/2 employees plus 1 space/10 students
Self-Service Storage Facility	4 spaces/1,000 s.f. of office plus 1 space/employee
Shopping Center	1 space/300 s.f.
Veterinary Clinic, Animal Hospital or Kennel	1 per 300 sq. ft. of gross floor area
Commercial, Manufacturing, and Industrial Establishments not Catering to Retail trade	2 spaces per 1,000 sq. ft. of gross floor area for each square foot up to 100,000 sq. ft., plus 1 space per 1,000 sq. ft. for each square foot over 100,000 sq. ft. of gross floor area 1 space/2,000 s.f.
Wholesale, Manufacturing, Processing, or Assembly	2 spaces per 1,000sq. ft. of gross floor area for each square foot up to 150,000 sq. ft., plus 1 space per 1,000 sq. ft. for each square foot over 150,000 sq. feet of gross floor area 1 space/1,000 s.f.

6.02.05. Off-site parking.

The off-street parking requirements set forth in Section 6.02.04 above, may be provided off-site through a shared parking facility or leased parking facility.

A. Options for off-site parking.

1. Shared use parking facility shared by uses which have different principal operating hours. The schedule of operation of all such land uses shall provide that none of the uses sharing the facilities normally require off-street parking facilities at the same time as other uses sharing them. The total number of required off-street parking spaces shall be

determined by the combined peak hour parking requirement for all uses sharing the facility.

2. Off-site parking spaces which are leased on an annual basis from a private owner or public agency.
3. Off-site parking spaces located on a site owned and controlled by the owner/developer of the building site for which the off-street parking is required.
4. Written agreement. When a portion or all of the required off-street parking is provided pursuant to one of the options specified above in subparagraphs (1), (2) and (3) a written agreement shall be drawn in a form satisfactory to the town attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
 - a. Such written agreement shall be required as a prerequisite for the approval of a building permit for the new development or redevelopment proposed for which the parking is required.
 - b. Such written agreement shall be reviewed annually as a condition for renewal of a business license.
 - c. If a written agreement securing the number of parking spaces is not provided as part of the annual business license certification, the license may be revoked by the town unless the required off-street parking is otherwise provided.
5. Sign required. When a portion or all of the required off-street parking is provided pursuant to one of the options specified above in subparagraphs (1), (2) and (3) a sign directing business patrons to the off-street parking shall be required and shall be placed in a clearly visible location in accordance with the provisions of Chapter 9.00.00 of this code.

B. Approval of off-site parking.

Approval of off-site parking will be based upon consideration of the following factors:

1. The location of the business and the proposed off-site parking;
2. The number of off-site parking spaces proposed;
3. Intended users of the proposed off-site parking (i.e. employees, patrons or both);
4. The distance of the proposed off-site parking measured along the shortest legal pedestrian route (i.e. along public sidewalks, crosswalks) from the nearest lot line of the building site for which the off-site parking is proposed to the nearest lot line of the off-site parking lot, as attested by the developer, is within 300 linear feet;
5. Pedestrian safety;
6. Nature of the business proposing the off-site parking;
7. Potential conflicts/overlaps in any off-site shared parking arrangement;
8. Recommendation of town attorney regarding the form of the written agreement specified in subparagraph (D)(4) above.

6.02.06. Design of parking facilities.

A. Off-street circulation.

1. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety, and clearly marked as required by the town.

2. Vehicular circulation shall be completely contained within the property and vehicles located within a portion of the development must have access to all other portions without using the adjacent street system; however, access that allows connectivity to adjacent properties is encouraged whenever feasible.
3. Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas, or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property. A driveway that is only wide enough for one-way traffic shall be signed for one-way operation.
4. Single-lane driveways shall be a minimum of 16 feet wide. Two-lane driveways shall be a minimum of 24 feet wide, unless a median is provided. Required driveway widths may be increased according to vehicle type or if the number of parking stalls connected to the number of trips generated justifies such increase based upon traffic engineering and safety considerations.

B. Grading and surfacing.

1. All parking facilities shall be graded and provided with permanent storm drainage facilities meeting the construction specifications set by the town. Surfacing, curbing, and drainage improvements shall be sufficient to preclude the free flow of water onto adjacent properties or public streets or alleys, and to provide adequate drainage.
2. Parking lots that include lanes for drive-in windows or contain more than ten parking spaces:
 - a. Access drives and aisles for all parking areas, required handicapped spaces, and lanes for drive-in windows shall be surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust.
 - b. Up to 25 percent of the required parking spaces may remain unpaved subject to the approval of the town and upon approval of the design by the town engineer.
3. Parking lots with ten or less parking spaces. Parking lots with ten or less parking spaces may be surfaced with alternative surface materials (crushed stone, gravel, or other suitable material) other than those specified in subparagraph (a), with the approval of the town engineer, to provide a surface that is stable and will help to avoid dust and erosion.
 - a. The perimeter of such parking shall be defined by bricks, stones, railroad ties, or other similar devices as approved by the town engineer.
 - b. Whenever a parking lot abuts a paved street, the driveway leading from such street to such area, shall be paved as provided in subparagraph 2(a) above.
 - c. The required handicapped parking space and aisle are required to be paved as provided in subparagraph 2(a) above.
4. Public or Institutional uses without daily parking needs.
 - a. A place of worship or other institutional use without daily parking needs may be allowed to leave 50 percent of all parking spaces unpaved, subject to approval of the town and upon approval of the design by the town engineer.
 - b. The applicant shall supply evidence that the unpaved parking area will be grassed or otherwise covered with material that will not cause erosion, reduce water quality, or any other degradation of the natural or built environment.
 - c. The unpaved parking area shall not be calculated as part of a minimum required landscaped buffer or open space.

C. Demarcation of parking spaces.

Parking spaces in paved areas surfaced in accordance with subparagraph (B)2 shall be demarcated with a white pavement striping that is six inches wide. Parking spaces in areas surfaced in accordance with subparagraph (B)3 shall be demarcated in a matter acceptable to the town engineer.

D. Maintenance.

Parking lots shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

E. Lighting.

Lighting shall be provided for parking lots with more than ten (10) spaces, and this lighting shall be arranged to reflect away from the adjoining properties. The minimum illumination level required for the entire paved area shall be an average maintained 1.0 footcandle. The lowest footcandle value at any point on the pavement shall not be less than one-fourth of the required average.

F. Parking space dimensions.

Standard parking spaces shall be sized according to Table 6-8.

Table 6-8: Parking Space Standards

Parking Angle (in degrees)	Width of Stall (in feet)	Depth of Stall (in feet)	Aisle Width (in feet)	Curb Length Per Car (in feet)	Lot Width (two rows plus aisle in feet)
0°	9	10	12	23	32
45°	9	21.2	12	14.1	54.4
60°	9	22.3	18	11.5	62.6
90°	9	20	24	10	64

A = PARKING ANGLE

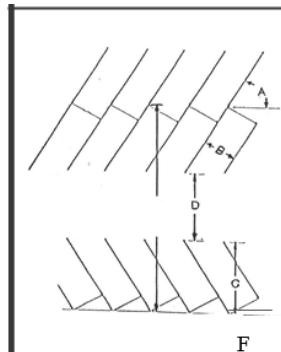
B = STALL WIDTH

C = STALL DEPTH

D = AISLE WIDTH

E = CURB LENGTH

F = LOT WIDTH



6.02.07. Bicycle parking.**A. Applicability.**

All developments (except for single-family and duplex platted lots) requiring off-street parking shall provide parking for bicycles in accordance with the following standards:

1. Multifamily development shall provide the equivalent of ten percent of the required vehicular parking spaces.
2. Nonresidential developments shall provide bicycle rack spaces in accordance with Table 6-9.

Table 6-9: Bicycle Rack Ratios

Required Number of Automobile Parking Spaces	Minimum Number of Required Bicycle Rack Spaces
1—40	2
41—60	3
61—80	4
Over 80	5

B. Bicycle rack facilities.

1. Shall be designed to allow each bicycle to be secured against theft.
2. Shall be installed in a permanent manner to resist removal.
3. Shall be installed to resist damage by rust or corrosion, or vandalism.
4. Shall accommodate a range of bicycle shapes and sizes and allow easy locking without interfering with adjacent bicycles.
5. Shall not interfere with pedestrian or vehicular movement.

6.02.07. Off-street loading requirements**A. Applicability.**

At the time of construction of the categories of buildings described in this subsection, or at the time of structural alteration for an increase in size or capacity of such buildings, off-street loading spaces with adequate means of ingress and egress from a public alley or street shall be provided.

B. General provisions.

1. Loading spaces shall be located on the same lot as the building or structure to which they are accessory.
2. Each required loading space shall be designated as such and shall be used only for loading purposes.
3. Off-street parking spaces shall not be used to meet off-street loading requirements.

Table 6-10: Required Off-Street Loading Spaces

Size of Building (in square feet)	Minimum Number of Spaces
Commercial and Industrial Development	
0 – to 24,999	1
25,000 to 59,999	2
60,000 to 119,999	3
120,000 to 199,999	4
200,000 to 299,999	5
Each additional ninety thousand (90,000) square feet over three hundred thousand (300,000) square feet or major fraction thereof, one (1) space.	1
1. Auditorium, convention hall, exhibition hall, museum, motel, hotel, office building, sports arena, stadium, hospital, or similar use having an aggregate floor area of:	
Over 10,000 square feet but less than 40,000	1
For each additional 60,000 square feet or fraction thereof	1

C. Design and Maintenance

1. An off-street loading space shall be an area at grade level at least 12 feet by 55 feet long with a 14-foot vertical clearance.
2. Each loading space shall be accessible without crossing or entering any other required off-street loading space. Such loading spaces shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and trailer.