

ARTICLE I

GENERAL PROVISIONS

Sec. 1-1. TITLE

- A. This document shall be entitled the "Town of Greenwood, Florida Land Development Regulation Code" and may be hereinafter referred to as the "Code".

Sec. 1-2. AUTHORITY

- A. This Code is enacted pursuant to Sections 163.3161 through 163.3243, Florida Statutes (Local Government Comprehensive Planning and Land Development Regulation Act), Ordinance No. 1-97-1, and the general powers granted under Chapter 166, Florida Statutes.

Sec. 1-3. REPEAL OF PRIOR PROVISIONS

- A. All resolutions, codes or other ordinances in conflict with the provisions of this Code are hereby repealed.

Sec. 1-4. INTERPRETATION

- A. In the interpretation and application of this Code, all provisions shall be:
 - 1) considered as minimum requirements; 2) liberally construed in favor of the Town; 3) deemed neither to limit nor repeal any other power granted to the Town.
- B. The language of this Code shall be interpreted according to the following rules unless that interpretation would be inconsistent with manifest intent of the Town Council.
 - 1. Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
 - 2. Delegation of Authority. Whenever a provision appears requiring the head of a department or some other town officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
 - 3. Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.
 - 4. Number. A word importing the singular number only may extend

and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include single person or thing.

5. Shall, May. The word Shall is mandatory; May is permissive.
6. Tense. Words used in the past or present tense include the future as well as the past or present.
7. Year. The word "Year" shall mean a calendar year, unless otherwise indicated.
8. Boundaries. Interpretations regarding boundaries of land use districts shall be made in accordance with the following:
 - a. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
 - b. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

Sec. 1-5. DEFINITIONS

A. The following definitions shall be used for administration of this Code.

ABANDON. To cease or discontinue the use or activity without intent to resume. Indicators of abandonment shall be prolonged vacancy of a use or activity with disconnection of public utilities and no obvious maintenance. Uses or activities which are vacant but are being offered for sale or lease shall not be considered abandoned.

ABUTTING OR ADJACENT. Having a common border with, or being separated from such a common border, by an alley or easement.

ACCESSORY USE. A subordinate or ancillary use of land, or structure or improvements customarily used in connection with the occupation of the principal use or structure upon the same lot, parcel or property.

ACCESSORY STRUCTURE. A subordinate or ancillary structure detached from the principal structure and customarily used in connection with the occupation of the principal use or structure on the same lot, parcel or property. At a minimum, accessory structures shall include storage buildings, shops, garages, carports, utility buildings, greenhouses, swimming pools, decks, patios, fences and satellite dishes.

ADJACENT. See Abutting.

ADULT CONGREGATE LIVING FACILITY (ACLF). A type of residential care facility as defined in Chapter 400, Part II, Florida Statutes.

AFFORDABLE HOUSING. Dwelling accommodations for which no more than 30% of the occupants gross income is spent for rent or PITI payments.

ALLEY. A roadway dedicated to public use affording only a secondary means of access to abutting property and not intended for general traffic circulation.

APARTMENT. Any building or portion thereof used as a multiple resident dwelling for the purpose of providing three (3) or more separate dwelling units which may share means of egress and other essential facilities.

AREA OR AREA OF JURISDICTION. The total area of jurisdiction for the Town of Greenwood as established by its municipal charter and any subsequent annexations.

ARTERIAL ROAD. A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed, as classified by the Florida trip length, and high operating speed, as classified by the Florida Department of Transportation.

BICYCLE AND PEDESTRIAN WAYS. Any road, path or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

BLOCK. Land usually bounded on all sides by roadways or other physical boundaries such as water or public space, and not traversed by a through roadway (not including alleys).

BOARDING HOUSE. An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation, and where food is placed upon a table for consumption without the ordering of portions from a menu.

BUFFER. A specified land area, together with any planting, landscaping, fencing or any physical structure erected on the land used to visibly separate one use from another or to shield or block views, noise, lights, or other incompatibilities between land uses.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

BUILDING OFFICIAL. The chief building official or building inspector for Jackson County.

BUILDING PERMIT. An official document or certificate issued by the Building Official authorizing performance of building or construction activity.

CHILD CARE FACILITY. Any establishment which provides child care for more than five (5) children unrelated to the operator and which receives payment, fee, or grant for any of the children receiving care, whenever operated, and whether or not

operated for profit.

CHILD CARE, FAMILY DAY CARE HOME. An occupied residence in which child care is regularly for no more than five (5) children, and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit.

CITY. The Town of Greenwood, Florida a municipal corporation.

CITY CLERK. The duly appointed clerk of the Town.

CLINIC. A structure where patients who are not lodged overnight are admitted for examination and treatment by any health care provider.

CLUBS, NEIGHBORHOOD RECREATION OR SOCIAL. Buildings or facilities owned and operated by a corporation or association for neighborhood social or recreational purposes but not operated primarily for profit or the rendering of services which are customarily carried on as a business and not limited to special interests.

CODE ENFORCEMENT OFFICER. Any duly authorized code enforcement official for the Town.

COLLECTOR ROAD. A roadway providing service with a relatively moderate traffic volume, moderate trip length, and moderate operating speed, as classified by the Florida Department of Transportation.

COMMERCIAL USES. Activities within land areas that are predominately connected with the sale, rental and distribution of products, or performance of services for pecuniary gain.

COMMUNITY PARK. A park located near major roadways, and designed to serve the needs of more than one neighborhood.

COMMUNITY RESIDENTIAL HOME. A dwelling which provides a living environment for 7 to 14 unrelated clients of HRS including disabled or handicapped persons, developmentally challenged or handicapped persons, or non-dangerous mentally ill persons or children.

COMPREHENSIVE PLAN. The adopted Comprehensive Plan for the Town.

CONCURRENCY. Necessary public facilities and services to maintain adopted level of service standards are available when the impacts of development occur.

CONDOMINIUM. That form of ownership of real property which is comprised of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

CONTIGUOUS. Next to, abutting, or having a common boundary.

CONSERVATION USES. Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality of quantity of groundwater or surface water, flood plain management, fisheries management, or protection of vegetative communities or wildlife habitats.

COUNTY. Jackson County, Florida.

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

DEVELOPER. Any person, including a governmental agency undertaking any development.

DEVELOPMENT. The word development shall have the same meaning as set forth in Section 380.04, Florida Statutes, as may be amended or superceded.

DEVELOPMENT ORDER. Any order issued by the Town which has the effect of approving with conditions, any development; a development order allows a developer to proceed with obtaining a building permit.

DOCK. A fixed or floating structure, including moorings, used for berthing buoyant vessels.

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

DRAINAGE DETENTION STRUCTURE. A structure which collects and temporarily stores storm water for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the storm water.

DRAINAGE FACILITIES. A system of man-made structures designed to collect, convey, hold, divert or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

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

DRIP LINE. The outermost perimeter of the crown of a tree as projected vertically to the ground.

DUPLEX. A residential building containing two separate dwelling units joined by a common wall.

DWELLING OR DWELLING UNIT. A single housing unit providing complete, independent living facilities for one housekeeping unit.

DWELLING, DETACHED SINGLE-FAMILY. A building containing one dwelling unit not attached to any other dwelling unit.

DWELLING, MULTI-FAMILY. A residential building containing two or more separate dwelling units, including duplexes, triplexes, and quadraplexes.

EASEMENT. An implied grant of way of necessity or a statutory way of necessity exclusive of common-law right as defined in Section 704.01, Florida Statutes.

EDUCATIONAL USES. Any land or structure used for public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

FAMILY. Two or more persons living together in one structure, domicile, house, apartment or dwelling unit, possessing a head, who has a right, at least in a limited way, to direct and control those gathered in the household and who is legally or morally obligated to support himself and any other members and if applicable, other persons who are at least partially dependent on the head of the family for support.

FENCE. A man-made barrier erected to prevent escape or intrusion, mark a boundary or border, or provide a buffer between properties, land uses, or land use districts.

FILLING (SERVICE) STATION. Any building, structure, or land used for the dispensing, sale, or offering for sale at retail any motor fuels, oils, or accessories, and which may offer in conjunction therewith a minor motor vehicle repair service as distinguished from general motor vehicle repairs.

FLOOD INSURANCE RATE MAP (FIRM). The official map of the Town, on which the Federal Insurance Administrator has delineated both the special areas and the risk premium zones applicable to the Town.

FLOOD PLAINS OR FLOOD ZONE. Areas subject to flooding as identified on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

FOSTER CARE FACILITY. A structure which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

GARAGE APARTMENT. An accessory building with storage capacity for not less than two (2) motor vehicles, the second floor of which is designed as a residence for not

more than one family.,

GROUP HOME. (See “Community Residential Home”).

HARD SURFACE. Compacted shell, limestone, asphalt, concrete, or other similar substances.

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

HEIGHT. The vertical distance from the highest point on a structure, except any chimney, antenna, steeple, or similar fixture on a building, to the average ground level where the walls or other structural elements intersect the ground.

HISTORIC RESOURCES. All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the Town as historically, architecturally, or archaeologically significant.

HOME OCCUPATION. Any occupation, profession or service conducted entirely within a dwelling and carried on solely by the resident thereof, the conduct of which is clearly incidental to the use of the structure for residential purposes. A “Home Occupation” does not include retail sales on the premises.

HOME OFFICE OF CONVENIENCE. A quasi-office use where the occupant conducts no business other than by phone or mail, where no persons are employed by the resident, where an office is needed for the purpose of sending and receiving mail and telephone calls, maintaining records, and other similar functions, and where no parcel delivery is conducted.

HOTEL. Any building, or group of building within a single complex of building, which is kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests.

IMPERVIOUS SURFACE. Any surface or material which prevents absorption of water into the land.

IMPERVIOUS SURFACE RATIO. The ratio of the total impervious surface area to the gross area of a lot or parcel.

INDUSTRIAL USES. Any activity within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

INFRASTRUCTURE. Man-made structures which serve the common needs of the Town, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities; piers; docks; wharves; breakwaters; bulkheads; sea walls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

INTENSITY. The degree, to which land is used, developed or occupied.

JUNKYARD. An open area where waste and used or secondhand materials are salvaged, recycled, bought, sold, exchanged, stored, baled, packed, dissembled, or handed, including, but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires and bottles, but excluding motor vehicle wrecking yards.

KENNEL. An establishment, which houses and provides care for household pets and where grooming, breeding, boarding, training or selling of animals is conducted for profit.

KENNEL, PRIVATE. An accessory structure used for purposes of providing shelter, or restraining, six (6) or less household pets.

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

LANDSCAPING. The improvement of appearance or beautification of an area by the planting of trees , grass, shrubs, or other plant materials, or by the alteration of ground contours.

LAND USE. The development, activity, or use that has occurred on or is proposed for the land.

LAND USE DISTRICT. A categorization or grouping of activities (land uses) according to common characteristics.

LAUNDRY, SELF-SERVICE (LAUNDROMAT). A business renting to the individual customers equipment for the washing, drying and otherwise processing laundry, and where the equipment is serviced and its use and operation supervised by the management.

LEVEL OF SERVICE. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility as defined in the Comprehensive Plan.

LOCAL PLANNING AGENCY. The Planning Board of the Town.

LOCAL ROAD. A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land

access for abutting property.

LOT. A parcel, tract, or area of land established by plat, subdivision, deed, or other instrument of conveyance.

LOT, CORNER. A lot abutting two (2) or more intersecting streets.

LOT COVERAGE. The area of a lot or parcel covered by building, structures, pavement, or other impervious surface.

LOT OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the official records of the County.

LOT LINE, FRONT. The property line which separates the lot from the roadway right-of-way providing principal access; principal access being that from which mail delivered by the US Postal Service is normally received.

LOT DEPTH. The depth of lot is the distance measured from the midpoint of the front lot line to the midpoint of the opposite rear lot line.

LOT SPLIT. Division of land into two where no drainage, roadway or other improvement except installation of water and sewer connections is required.

LOT, SUBSTANDARD. Any lot that does not conform in area or width to established minimum requirements.

LOT WIDTH. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

LOW AND MODERATE INCOME FAMILIES. "Lower income families" as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area.

MAJOR THOROUGHFARE. Any principal arterial, minor arterial or collector roadway as classified by the Florida Department of Transportation.

MANUFACTURED BUILDING. A factory-constructed building not constructed on a chassis, built to comply with the Standard Building Code, and inspected by the Florida Department of Community Affairs.

MANUFACTURED HOUSING. A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length; and when erected on site, is 320 or more square feet in living area; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. If fabricated after June 15, 1976, each section must be built to standards prescribed by the U. S.

Department of Housing and Urban Development.

MIXED USE. Areas intended to provide a functional mix of residential and low intensity commercial activities or land uses.

MOBILE HOME. A structure, including manufactured homes, transportable in one or more sections, which is eight (8) body feet or more in width and over thirty-five (35) body feet or more in length, and which is built upon an integral chassis and designed to be used as a dwelling when connected to the required utilities including plumbing, heating, air conditioning and electrical systems contained therein. The term “mobile home” includes any of these types of structures whether fabricated before June 15, 1976 or not, but does not include “manufactured buildings” as defined in Chapter 553, Part IV, F. S. or “recreational vehicles” as defined in Section 320. 01, F. S.

MOBILE HOME PARK. A use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

MOBILE HOME SUBDIVISION. A subdivision occupied by mobile homes where the individual lots are owned by owners, and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer.

MOTEL, TOURIST COURT, MOTOR LODGE. A group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, and designed for use primarily by automobile transients.

MOTOR VEHICLE. The word “motor vehicle” shall have the meaning set forth in Chapter 320, Florida Statutes.

MULTIPLE-RESIDENT DWELLING. A structure designed or used for residential occupancy by more than two related or unrelated residential groups, with or without separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boardinghouses, fraternities, sororities, dormitories, and similar housing types.

NEIGHBORHOOD PARK. A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

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

NONCONFORMING USE. A lawful land use existing at the time of passage of this

Code of amendments thereto, which does not conform to the provision of this Code.

NURSING HOME. A facility for treatment of the ill, infirm, or elderly, as defined in Chapter 400, Part I, Florida Statutes.

OPEN SPACE. Land in its natural state or essentially unencumbered by either buildings, structures, or impervious surfaces, except for drainage control structures or retention ponds.

OPEN SPACE RATIO. The amount of open space area remaining on a lot or parcel as compared to the impervious surface area of the same lot or parcel.

PARCEL OF LAND. A quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

PARK. A neighborhood, community, or regional park.

PARKING LOT. An area or parcel of land used for temporary, off-street parking of vehicles.

PERSON. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PERSONAL SERVICE. Business providing services which are primarily non-retail and conducted entirely inside a building including: Professional and business offices, clinics, laboratories, educational services, and beauty salons.

PLAYGROUND. A recreation area with play apparatus.

POLLUTION. The presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

POTABLE WATER FACILITIES. A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

PREMISES. A lot or parcel of land together with all structures, buildings, ground or other appurtenances located thereon.

PRINCIPAL STRUCTURE. The main or primary structure located on a lot or parcel.

PUBLIC ACCESS. The ability of the public to physically reach, enter or use recreation sites and other public facilities.

PUBLIC/INSTITUTIONAL USES. Structures or lands that are owned, leased, or operated by a government, quasi-public, or non-profit entity, such as civic and community centers, churches, hospitals, libraries, police stations, fire stations, and government administration buildings, education and military facilities.

PUBLIC FACILITIES. Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, park and recreation systems or facilities and public health systems or facilities.

QUADRAPLEX. A residential building with four separate dwelling units.

RECREATIONAL USES. Sites, facilities and land where recreation activities occur.

RECREATIONAL VEHICLE. Motor vehicles or trailers as defined in Section 320.01, Florida Statutes.

RESIDENTIAL USES. Activities within land areas used predominantly for housing.

RESIDENTIAL CARE FACILITIES. Residential care facilities are those facilities providing both a residence (for varying periods of time) and a care component. Among such facilities are adult congregate living facilities, group care homes, recovery homes, residential treatment facilities, emergency shelters, and nursing homes, as any of the preceding may be defined in Chapter 400, Florida Statutes.

RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of a wide range of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: Food and/or beverages are usually served in disposable containers; this includes all drive in restaurants.

RESTRICTIVE COVENANT. A contract between two or more persons which involves mutual promises or reciprocal benefits and burdens among the contracting parties (usually involves additional land restrictions beyond the city requirements).

RIGHT-OF-WAY. Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

ROADWAY FUNCTIONAL CLASSIFICATION. The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be sub-categorized into principal, major or minor levels.

Those levels may be further grouped into urban and rural categories.

SALVAGE YARD. A land use on which waste material, inoperative appliances, inoperative motor vehicles, or other products or machinery is collected, dismantled, salvaged or stored for the purpose of re-sale either as used parts or reusable materials.

SANITARY SEWER FACILITIES. Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes truck mains, interceptors, treatment plants and disposal systems.

SERVICES. The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the comprehensive plan or required by local, state, or federal law.

SETBACK. The distances between the lot line or other specified point and the total area of the structure, including roof overhang or eaves, or any other attached structure or fixture.

SHORELINE. The interface of land and water as determined by the ordinary high water line or mean high tide line.

SIGN. Any device, structure, fixture or placard using graphics, symbols, and /or written copy designed for the purpose of advertising or identifying any establishment, product, goods, or services.

SITE PLAN. The development plan for one or more lot (s) or parcel (s) which depicts existing and proposed conditions of the lot (s) or Parcel (s) including all the requirements set forth in this Code.

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

STORM WATER. The flow of water that results from a rainfall event.

STREET OR ROADWAY. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

STREET LINE. The boundary line or right-of-way line of a street.

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a lot or parcel of land, including a moveable structure while it is located on land and which can be used for housing, business, commercial, recreational, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards,

swimming pools, poles, pipelines, advertising signs, etc.

STRUCTURAL ALTERATIONS. Any change, except for repairs or replacement, in the supporting members of a building, such as load-bearing walls, columns, beams, girders, floor joists, or roof joists or any extension of them.

SUBDIVISION. The division of a -parcel of land, whether improved or unimproved, into three (3) or more contiguous lots of parcels of land, designated by reference to the number or symbol of the lot or parcels contained in the plat of such subdivision, for the purpose whether immediate or future, or transfer of ownership or, if the establishment of a new street is involved, any division of such parcel; provided however, that the division of land into parcels of more than five (5) acres not involving any change in street lines or public easements of whatsoever kind is not to be deemed a subdivision.

TOWNHOUSE. A single-family dwelling unit constructed as part of a group of not less than two (2) dwelling units with individual entrances, all of which are contiguous, customarily owner-occupied, and share a common wall.

TREE. Any living, self-supporting, woody perennial plant which has a trunk diameter of no less than three (3) inches and normally grows to an overall height of no less than fifteen (15) feet.

TRIPLEX. A residential building with three separate dwelling units joined by common walls.

TOWN COUNCIL. The elected legislative body of the Town.

USED CAR LOT. A parcel of land used only for the storage, display, and sales of used automobiles, excluding junkyards and storage of wrecked autos.

VARIANCE. An administrative action granted to aggrieved or adversely affected property owners as a method of alleviating hardship by allowing a reasonable use of the land, building structure, or property, which, because of unusual or unique circumstances, is restricted by the provisions of this Code.

VEGETATION (NATURAL). Species of indigenous, naturally occurring plants normally found in the absence of development or landscaping.

VIOLATION. Any conduct, act, or activity that is in conflict or contrary to the provisions and requirements of this Code.

WATER-DEPENDENT USES. Activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

WETLANDS. Transitional areas between terrestrial and aquatic systems that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated or hydro soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or other improvements permitted herein.

YARD, FRONT. A yard across the full width of the lot, extending from the front line of the building or any projections thereof, to the front lot line (see Lot Line, Front).

YARD, REAR. A yard extending across the full width of the lot and between the rear lot and rear line of the building, or any projections thereof.

YARD, SIDE. An open unoccupied space on the same lot with the main building, situated between the side line of a building, or any projections thereof, and side lot line.

ZERO LOT LINE HOUSE. An attached single-family housing unit with one or more common walls designed for owner occupancy. Zero lot line houses include patio houses, garden homes, townhouses, row houses, duplexes, and the like.

Sec. 1-6. Purpose And Intent

Generally

- A. The purpose of this Code is to utilize and strengthen the existing role, processed and power of the Town in the establishment and implementation of comprehensive planning programs and land development regulations in order to maintain present advantages as well as guide and control future development.
- B. It is the intent of this Code that its adoption is necessary so that the Town can preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of the land within its area of jurisdiction.
- C. Through the process of comprehensive planning and land development regulation, it is intended that the Town can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of

population; facilitate the adequate and efficient provision of transportation, water, sewerage, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within the Town's area of jurisdiction.

- D. The provisions of this Code in their interpretation and application are declared to be the minimum requirements necessary to protect human, environmental, social, and economic resources, and to maintain, through orderly growth and development, the character and stability of present and future land use and development within the Town.

1-6.2 Comprehensive Plan

- A. This Code is further intended to provide detailed and specific provisions necessary or desirable to implement the Comprehensive Plan including but not limited to:

- 1.Regulating the subdivision of land;

- 2.Regulating the use of land and water for those land use categories included in the future land use element of the Comprehensive Plan and ensure the compatibility of adjacent uses and provide for open space;

- 3.Regulating areas subject to seasonal or periodic flooding and provide for drainage and storm water management;

- 4.Ensuring the protection of environmentally sensitive lands designated in the Comprehensive Plan;

- 5.Regulating signage;

- 6.Providing the public facilities and services meet or exceed the standards established for public facilities in the Comprehensive Plan, and such public facilities and services are available when necessary to serve proposed development or when development permits are conditioned upon the availability of such public facilities and services in an enforceable development agreement.

- 7.Ensuring safe and convenient on-site traffic flow considering needed vehicle parking.

Sec. 1-7. APPLICABILITY

- A. The provision of this Code shall govern all development undertaken in the Town.

1-7. 1 Exceptions

- A. The provision of this Code or any amendments thereto shall not affect the validity of any lawfully issued and effective permit if:
 - 1. The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto' and,
 - 2. The development activity continues without interruption (except reason of war, natural disaster, or act of God) until the development is complete. If the permit expires, any further development on that site shall occur only in conformance with the requirements of this Code, or any amendments thereto.
- B. Previously Approved Permits
 - 1. Projects with permits that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the ordinance (s) under which the development was originally approved, must meet only the requirements of the ordinance in effect when the development plan was approved. If the permit expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code, or any amendments thereto.
- C. Consistency With Comprehensive Plan
 - 1. Nothing in this Code shall be constructed to authorize development, which is inconsistent with the Comprehensive Plan.

Sec. 1-8. ABROGATION

- A. This code is not intended to repeal, abrogate or interfere with the conditions or limitations of any existing easements, covenants, or deed restrictions duly recorded in the public records of the County.

Sec. 1-9. RELATIONSHIP TO OTHER LAWS

- A. If any subject of this Code is controlled by any other law, statute, ordinance or regulation, then that which imposes the more stringent standard or requirements shall govern.

Sec. 1-10. SEVERABILITY

- A. If any section, paragraph, sentence, or clause hereto or any provision of this Code is declared to be invalid or unconstitutional, the remaining provisions of this Code shall be unaffected thereby and shall remain in full force and effect.

Sec. 1-11. ENFORCEMENT AND PENALTIES

- A. In the event of a violation of this Code, the Town may pursue any or all of the following actions. The rights and remedies of the Town hereunder are cumulative and not exclusive of any other rights or remedies contained in this Code, or other applicable ordinance, rule or law. No delays on the part of the Town in exercising any right, power or privilege hereunder shall operate as a waiver thereof nor shall any or partial exercise of any right, power or privilege hereunder preclude the Town from exercising such right, power or privilege at a later date.

1-11.1 Enforcement Responsibilities

- A. The provisions of this Section shall be administered by the Town Clerk, or a designated representative. In addition to other remedies provided by this Code and other applicable laws, regulations or ordinances, the Town Clerk shall take the following actions when a violation has been determined to exist:
 - 1. No subsequent development approval or order shall be issued until the violation has been corrected;
 - 2. The violator shall be informed that no further work or construction under an existing development approval or order may proceed until the violation is corrected. Such "stop-work" order shall be issued by the Town Clerk and shall become effective at the time of delivery to the violator.
 - 3. Any building, structure, accessory structure, land clearing or other form of development which is constructed, erected, placed or otherwise located in the Town without a duly authorized development order or not in conformance with conditions of such order, or not in conformance with the provisions of this Code, may be declared a public nuisance by the Town Council.

1-11.2 Enforcement Procedures

- A. It shall be the duty of the Town Clerk to initiate proceedings against violators of this Code. No member of any appointed board or body shall have any authority to initiate such enforcement proceedings.
- B. Except as provided in paragraph 3., when a violation of this Code has been determined to exist the Town Clerk shall issue a written warning in the form of a "Notice of Intent" to find a violation. The notice of intent shall be delivered to the violator and shall include specific provisions of this Code to which the violations (s) apply. The violator shall have ten (10) working days to correct or remedy the violation (s) specified in the notice of intent, or to enter a written agreement with the Town which specifies what actions will be

taken to correct or remedy the violation by a date certain. If, after the applicable period, the violation has been corrected or remedied the Town Clerk shall issue a "Notice of Violation" to the violator. Such notice of violation shall constitute a formal citation and shall subject the violator to the penalties prescribed in subsection 2-11.3.

- C. If the Town Clerk has reason to believe that any violation of this Code presents as eminent threat to the public health, safety and welfare, a notice of violation shall be issued immediately without any notice of intent.
- D. Extensions of the ten (10) day period to correct or remedy violations may be approved by the Town Clerk upon demonstration of extenuating circumstances by the violator.
- E. Any "Notice of Intent" or "Notice of Violation" shall be served personally by a duly authorized law enforcement officer or in the alternative, shall be sent to such parties by registered or certified mail, return receipt requested, to the owner of record of the real property upon which the violation is occurring, to the lessee or occupants or to the violator, whichever applies. If the name of any such party or his place of residence or his post office address cannot be ascertained after diligent search, or in the event a show cause notice which is sent by either registered or certified mail shall be returned undelivered, constructive service will be perfected by publishing a copy thereof, once a week for two consecutive weeks in a newspaper of general circulation within the Town. A copy of such show cause notice shall be posted in a conspicuous place in Town Hall

1-11.3 Appeals

- A. Any person charged with a violation of this Code may initiate an appeal of any notice of violation. Appeals proceedings shall be as specified in subsection 2-6.5 of this Section.
- B. Initiation of an appeal as specified herein shall state the imposition of penalties provided in subsection 2-11.3 until such time as the Town Council issues a final order.

1-11.4 Penalties or Remedies

- A. Criminal Penalties
 - 1. Any person failing to comply with the provisions of this Code shall be charged with a misdemeanor of the second degree and shall, upon conviction, be subject to fine and imprisonment as provided by law. Each day of a continued violation shall constitute a separate offense.
- B. Civil Remedies
 - 1. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained, or any building, structure, land, or water is used in any violation of this Code, the Town may institute appropriate civil action in a court of competent jurisdiction to

prevent, correct, or abate the violation, including, but not limited to, the Town seeking injunctive relief to prevent the continued violation of this Code.

C. Expenses, Lien

1. If, after enforcement action has been initiated pursuant to this Section, a violation continues to exist the Town may cause the violation to be remedied at the expense of the property owner.

Sec. 1-12. Effective Date

This Code shall take effect on June 10, 1997 in accordance with Town Ordinance No. 27

ARTICLE II

ADMINISTRATIVE PROCEDURES

Sec. 2-1. PURPOSE

- A. The purpose of this Article is to describe and set forth responsibilities and procedures for the administration of this Code and for approval of development undertaken within the Town.

Sec. 2-2. APPROVAL REQUIRED

- A. No development activity may be undertaken within the area of jurisdiction by any person unless such activity has been reviewed and approved by the Town in accordance with the provision of this Code, or such activity has been exempted from the provisions of this Code. "Development activity" shall be synonymous with the word "Development" as defined in this Code and shall include, but not be limited to: land clearing for purpose of construction; construction of principal or accessory structures; construction of necessary or required appurtenances; substantial rehabilitation or redevelopment of existing structures or building; and, any other action which will materially change the use or appearance of land as set forth in Section 380.04, Florida Statutes.

Section 2-3. EXEMPTIONS

- A. Development activities shall not be required to undergo development review nor shall additional approval be required by the Town pursuant to this Code when:
- B. The development has been duly authorized by the Town and a Valid building permit has been issued by Jackson County prior to the adoption of this Code, provided that development has commenced and continued based on substantial reliance upon the issued permit; or,
- C. The development activity is part of larger plan of development for which a valid permit has been issued for the entire plan of development including all principal and accessory structures, utilities, parking, or any other appurtenant structures.

Section 2-4. DEVELOPMENT REVIEW

2-4.1 Applicability

- A. Unless otherwise exempted, all proposed development and redevelopment activities shall be subject to review by the Town. Such review shall be in conformance with the provisions of this Code and shall constitute the basis for approval, conditional approval or denial of development applications.

2-4.2 Development Review Process

- A. The following process shall be adhered to during the course of development review.

8. Developers wishing to engage in development activities shall first obtain from the Town an application for development approval. Such application shall be in the form prescribed by the Town Clerk and shall be completed by the developer or an agent authorized to act on behalf of the developer.

9. Development reviews shall be conducted using only those forms or materials established and approved by the Town, including the site plan requirements specified herein or any other information considered necessary for purposes of development review.

10. Development review shall be undertaken at one of the following two (2) levels of detail as follows.

a. Minor Development

The term "Minor Development" shall include, but not be limited to the following, shall be allowable uses in each land use district as described in Section 4-1:

1. Construction, renovation, placement or substantial rehabilitation of an individual single-family detached, duplex, triplex, or quadraplex residential dwelling on one lot or parcel,
2. Placement or location of a single mobile home or manufactured housing unit on one lot or parcel, whether temporary or permanent;
3. Construction or placement of accessory structures which are not intended for human occupancy or habitation including fences, garages/carports, storage sheds, swimming pools, decks, etc. (See Section 4-2);
4. Any remodeling, renovation, expansion or other similar activity involving alterations or additions to an existing residential or nonresidential structure provided such activity does not increase the total lot coverage consistent with the maximum allowed in Section 4-1 of this Code;
5. Construction, location or placement of public utilities such as water and sewer lines, streets, lift stations or other similar structures.
6. In addition to any other required information an applicant for approval of a Minor Development must submit a site plan, drawn to an acceptable scale, which shows the following:

- (a) Boundaries, property lines, and configuration of the property upon which the proposed development will take place;
- (b) Location of the proposed development on the property along with the location of existing structures;
- (c) Existing land use and land use districts for all adjacent properties;
- (d) Location of all driveways or parking areas, if applicable;
- (e) Location and names of adjacent streets and location of driveway access or connection (s) onto adjacent streets, if applicable;
- (f) Location of alleys, easements, or other public ways, if applicable;
- (g) Location of environmental features such as conservation zones, flood zones, wetlands, streams, creeks, protected trees, vegetated buffers or other similar resources, if applicable.
- (h) For habitable structures, location of nearest available water and sewer lines and proposed connection points.
- (i) Drainage and storm water management facilities as specified in subsection 4-5.1.4.

7. After review of the required information, a development order may be granted by the Town Clerk pursuant to Section 2-5 of this Code or, at the discretion of the Town Clerk, referred to the Planning Board for further review.

b. Major Development

The term "Major Development" means any development activity that is not a minor development.

In addition to any other required information, applicants for approval of major development activities must submit detailed site plan drawings which show the following:

- 1. A vicinity sketch showing the relationship of the site in relation to surrounding roadways, land use districts, and flood zones with base flood elevations, if applicable.
- 2. A description of the land; the name, address, and telephone number of the owner, developer, and designer or architect, and the date of site plan preparation.
- 3. The boundary lines and dimensions of the area or lots included in the site plan including angles, dimensions and references; a North directional arrow and map scale; and the proposed use of the land by areas.

The existing and proposed grades, the drainage plan, erosion control plan, and the proposed structures with appropriate topographic contour intervals or spot elevations.

The shape, size and location of all structures, including the floor area and elevations thereof; the floor area and ground coverage ratios and the relative finished ground and basement floor grades.

Natural features such as wetlands, shoreline, lakes or ponds, and protected trees, and man-made features such as existing roads, sidewalks, walls, fences or other structures, indicating which are to be retained, removed or altered and the adjacent properties, their existing uses and land use designations.

Proposed street, driveways, sidewalks, and parking facilities; vehicular turnarounds, curb cutouts, and loading areas; the location of solid waste receptacles; the inside radii of all curves; the width of streets, driveways and sidewalks and the total number of available parking spaces specifying the type of construction and critical dimensions, and the ownership of the various facilities.

The size and location of all existing and proposed public and private utilities and easements; water and sewer tap locations; sewer clean-outs and turns; and water meter types, sizes and locations.

All proposed landscaping and the dimensions and location of all proposed signs (See Article V).

All applicable requirements as specified in Article IV of this Code.

Verification that the concurrency requirements of Article have been met.

Other information as deemed necessary by the Town.

13. Applicants for approval of major development activities must submit all information and site plan drawings as specified in this subsection. In addition, the Town may require the developer to provide a detailed development impact analysis which includes, but may not be limited to, the following parameters:

- (a) Adequacy of public facilities and services available to serve the proposed development;

- (b) Suitability of site conditions including topography and soils, and the extent to which site modifications will be necessary to accommodate the proposed development;

- (c) Ingress and egress to roadways;

- (d) Drainage or storm water management;
- (e) Vehicular traffic, including on-site parking;
- (f) Required permits from other governmental agencies;
- (g) Noise;
- (h) Lighting;
- (i) Public safety and/or potential to create a public nuisance;
- and
- (j) Impacts on natural resources.

- 14. After review of the required information, a development order (s) for Major Development activities may be granted by the Town Council after review by the Planning Board as specified in Section 2-5 of this Code.

Section 2-4.3 Review Periods

- A. All applicants for development approval shall be submitted to the Town Clerk. Required reviews and subsequent final action shall be completed by the Town after the application is deemed complete by the Town Clerk as follows: Minor Development, 30-day review period; Major development, 90-day review period. Submittal of incomplete applications will not start any review period.

Section 2-4.4 Withdrawals of Applications

- A. The Town Clerk, Planning Board, or Town Council may withdraw an application for development approval at any time prior to issuance of the final development order as appropriate; however, the person paying such fees shall forfeit any fees or charges required for development review.

Section 2-4.5 Fees and Charges

- A. The Town Clerk may establish and periodically adjust a schedule of fees or charges for development review, subject to approval by the Town Council.

Section 2-4.6 Certifications

- A. Site plan drawings submitted by applicants for major development activities must be certified by a professional engineer or architect, as applicable, registered with the State of Florida. Such certifications shall be completed and affixed before the application for development approval will be accepted for final action by the Town.

Section 2-5. DEVELOPMENT APPROVAL

- A. Upon review of an application for development approval as set forth in

Section 2-4, the Town may approve, approve with conditions, or deny such application. Action taken by the Town shall be based upon considerations and standards as set forth in this Code and shall constitute either a preliminary or final development order, as may be applicable.

Section 2-5.1 Construction Permits

- A. No permits relating to building construction, electrical, plumbing, gas, or water/sewer connections may be issued within the Town until such time as development approval has been obtained by the developer pursuant to the provisions of this Section.

Section 2-5.2 Other Required Permits or Approvals

- A. In addition to obtaining a development order from the Town, the developer must also obtain all other applicable permits or exemptions as may be required by law, except those associated with building construction. In the event a development order from the Town is prerequisite to obtaining other required permits, the Town may issue a development order which states that the proposed development is in compliance with this Code, and that such development order is conditioned upon the developer obtaining all other required permits. The developer must provide proof to the Town that all required permits or exemptions have been granted prior to starting development. Failure to provide such proof will result in the developer not being able to obtain a certificate of occupancy until such time as all permits or exemptions have been obtained.

Section 2-5.3 Development Approval Standards

- A. The decision by any authorized person or board to issue a development order shall be based upon general standards, including but not limited to:
 - 11. The proposed development must not be contrary to the public interest;
 - 12. Unless otherwise exempted, the proposed development must be in conformance with the Comprehensive Plan and all applicable provisions of this Code;
 - 13. The proposed development must not have the potential to cause significant financial liability or hardship for the Town;
 - 14. The proposed development must not create an unreasonable hazard or nuisance to adjacent property owners, or otherwise constitute a threat to the general health, safety and welfare of the public at-large;
 - 15. The degree to which the proposed development promotes other important community objectives such as redevelopment of underutilized or blighted areas, affordable housing, or economic development.
 - 16. The extent to which the developer is willing to provide improvements

or facilities to either compensate for or mitigate any adverse impacts caused by the proposed development;

17.The availability of public facilities and services needed to accommodate the proposed development;

18.The proposed development must be in conformance with all other applicable laws, statues, ordinances, regulations or codes; and,

19.Other standards as may be considered necessary by the Town.

Section 2-5.4 Responsibility for Development Approval

A. Responsibility for final development order (s) shall be as follows.

20.Minor Development: Town Clerk

Major Development: Town Council, after review and approval by the Planning Board.

Section 2-5.5 Validity

A. Unless otherwise specified in the development order, such order (s) shall only remain valid for a period of six (6) months from the date of issuance. All construction and development activity must be completed within the 6 month period. Extensions may be granted by the Town Council in the event that performance by the developer is prevented due to inability to obtain other applicable permits pursuant to subsection 2-5.2 or other extenuating circumstances to be determined by the Town Clerk.

2-5.6 Development Agreement

A. In order to provide flexibility and additional certainty to the comprehensive planning and land development regulation process the Town may enter into a development agreement with a developer. Development agreements shall be governed by the provisions of Sections 163.3220 through 163.3243, Florida Statutes.

Section 2-6 PROTECTION OF LANDOWNER'S RIGHTS

A. It is the specific purpose and intent of the Town Council to ensure that each and every landowner has beneficial use of his property in accordance with the U. S. Constitution and the Florida Constitution, and to provide conditions and procedures whereby landowners who believe they are deprived of all beneficial use of their property may secure relief through non-judicial procedures.

2-6.1 Development as of Right

A. Development as of right is that which is allowable in a land use district

provided such development is considered to be in conformity with this code and all other applicable laws, statutes, ordinances, codes or regulations.

2-6.2 Vested Rights

- A. A property owner's right of development prior to adoption of this Code shall be vested, even if such development is not in conformance with this Code, subject to the following circumstances.

21. Final development approval has been granted to the developer by the Town and a valid, unexpired building permit has been issued to the developer by the Building Official and development has commenced and continued in good faith prior to adoption of this Plan.

Within six (6) months after adoption of this Plan the property owner has requested and received approval of vested rights status from the Town Council.

All vested development shall be undertaken in strict conformance with the design plans and specification approved by the Town and the Building Official. Any modifications, additions or alterations to the approved plans and specifications shall not be considered vested development.

2-6.3 Nonconforming Development

- A. Non-conforming development is considered to be those lands uses or structures which are in existence on the effective date of this Code and which by use, design or construction do not comply with the provisions of this Code.
- B. Subject to the following restrictions non-conforming development may, if lawfully in existence on the effective date of this Code, remain in its non-conforming state.

22. Public Hazard or Nuisance. The development must not constitute a threat or nuisance to the general health, safety and welfare of the public, or adjacent property owners.

23. Ordinary repair and maintenance. Normal maintenance and repair to permit continuation of non-conforming development may be performed.

24. Expansion or extensions. Non-conforming uses shall not be extended onto adjacent properties or expanded by more than 10% of the floor area or lot coverage, whichever is less, of the existing non-conforming use.

25. Abandonment or discontinuance. Where non-conforming development is abandoned or the use is discontinued for a period of six (6) months such use shall not be continued or resumed, and shall be subject to compliance with the provisions of this Code.

26. Damage or destruction. Where non-conforming development is substantially damaged or destroyed, reconstruction of such development

shall be in compliance with the provisions of this Code. A structure is considered to be substantially damaged or destroyed if the cost of reconstruction is fifty percent (50%) or more of the fair market value of the structure at the time of the damage or destruction. For non-conforming development comprised of multiple structures, the cost of reconstruction shall be compared to the combined fair market value of all of the structures.

27. Change of ownership. Change of ownership or other transfer of an interest in real property on which a non-conforming use is located shall not, in and of itself, terminate the non-conforming status unless the purchaser expands or extends the use of the property as specified in paragraph 3 of this subsection.

2-6.4 Request for Change of Land Use

A. Applicability

1. Any property owner may request a change in the designated land use (s) shown on the official Land Use District Map for properties under his ownership or administration provided the change does not require an amendment to the Comprehensive Plan (for example, change from R-1 to R-2 but within the overall residential category shown on the Future Land use Map. Conversely, a change from any residential category to a commercial category would require a plan amendment and would not be allowable under this subsection).

B. Procedure

1. Requests for change of land use shall be submitted to the Town Clerk on forms to be provided by the Town. Such requests shall be adopted by ordinance after review and approval by the Planning Board.

C. Approval shall be based upon general standards, including but not limited to:

1. The proposed change will not degrade level of service standards established in the Comprehensive Plan, and meet minimum concurrency requirements;

2. The proposed change is in harmony with the general intent of the Comprehensive Plan and this Code;

The proposed change will not cause development which will substantially increase traffic congestion, fire hazard, or other hazard to the public health, welfare and safety;

Changes in land use must be compatible with adjacent land uses and districts, and not create a potential for nuisances.

Changes in land use designations or districts must be the same land

use designation as that for which the change is being requested on at least one (1) abutting boundary, or the land parcel must be sufficient size to justify the designated land use.

- C. Changes in land use districts must be adopted by ordinance pursuant to Section 166.041, Florida Statutes

2-6.5 Variances; Appeals

A. Variances

1. Variances to the provisions of this Code may be granted by the Town Council, after review by the Planning Board, for developments which do not require an amendment to the Comprehensive Plan. Variances allowed under this subsection shall not supercede or abrogate the variance conditions associated with flood damage prevention and/or the requirements of the National Flood Insurance Program.
2. Any person desiring to undertake a development activity not in conformance with this Code may apply to the Clerk for a variance in conjunction with the application for development approval. The variance shall be granted or denied by the Town Council, after review by the Planning Board.
3. The Planning Board shall first determine whether the need for the proposed variance arises out of physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Planning Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that request for similar variances are likely to be received, the Planning Board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.
4. The Planning Board shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial component evidence, on each of the following:
 - (a) There are extreme practical or economic difficulties in carrying out the strict letter of this Code;
 - (b) Conditions from which the variance is being applied are unique or unusual to the site or structure in question;
 - (c) The variance request is based exclusively upon a desire to reduce the cost of developing the site;
 - (d) The proposed variance will not substantially increase

congestion on surrounding public streets, the danger of fire, or other hazard to the public;

(e)The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;

(f)The proposed variance will not decrease level of service standards as established in the Comprehensive Plan; and,

(g)The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area (s) therein

5. In approving a variance, the Planning Board or the Town Council may recommend such conditions and restrictions as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

B. Appeals

1. Any adversely affected party as defined in Section 163.3215, F. S. (Including property owners and adjacent property owners) or person(s) charged with violations of this Code has the right to appeal to the Town Council action taken on any final administrative order or citation issued by the Town Clerk
2. Appeal action must be undertaken by adversely affected party or violator within ten (10) days after the final order or citation is issued. The institution of the appeal shall be on forms provided by the Town Clerk which shall: identify the adversely affected party (ies) or violators (s); identify the nature of the final order or violation being appealed; and, setting forth the grounds or basis for appeal. Within ten (10) days after the filing of notice if appeal, the Town Clerk shall schedule a date for the hearing thereof and give notice of the date for the hearing to the interested parties, in a manner as would afford them not less than ten (10) days notice. Under no circumstances shall the Town establish a hearing date beyond sixty (60) days the filing if the notice of appeal.
3. All appeal proceedings shall be public. The finding(s) of the Town Council shall be the final administrative remedy available to the party(ies), and shall be encompassed in a written decision.
4. An adversely affected party or violator, having exhausted his administrative remedies before the Town Council, may appeal to the Circuit Court in which venue applies. Such an appeal shall not be a hearing do novo, but shall be limited to appellate review of the

record created by the Town. An appeal shall be filed within thirty (30) days of the rendition of the decision by the Town Council.

2-6.6 Public Notice; Due Process

- A. It is the intent of the Town Council that landowners and the public participate in the comprehensive planning and land development regulation process to the fullest extent possible. Toward that end, the Town will undertake procedures designed to promote due process and to provide landowners with notice of all official actions that will regulate or change the official status of their property.

1. Applicability

- (a) The public notice provisions of this subsection shall apply to all actions or forums, as may be applicable, for which an administrative issue may be decided, including: development orders; variances; requests for change of land use; and, appeals. No formal action may be taken by the Planning Board or Town Council until the public notice requirements of this subsection are met.

2. Public Notice Requirements

(a) Development Orders

i. Minor Development

Public notice shall not be required for minor development activities provided the development is "as of right" (see subsection 2-6.1) and does not require any further administrative action such as a plan amendment, variance or change of land use.

ii. Major Development

Development orders for major development activities may be considered at any scheduled meeting of the Planning Board, after development review as specified in Section 2-4 of this Code. Any meeting of the Planning Board at which an application for major development is to be considered shall be advertised in a newspaper of general circulation for the area of jurisdiction.

The advertisement shall not be placed in the legal or classified section.

Headline for the advertisement shall not be less than 18 point. The advertisement shall contain a brief description and location of the proposed development as well as the time, date, and place the meeting will occur. At the advertised Planning Boar

meeting the presiding official will announce the date, time and place final action will be taken by the Town Council.

- (b) Variances
 - i. Public notice requirements for variances shall be the same as those required for major development.
- (c) Appeals
 - i. Public notice requirements for meetings at which appeals will be heard by the Town Council shall be the same as those required for major development.
- (d) Any request for change of land use which does not involve a plan amendment must be advertised as set forth in Section 166.041, Florida Statutes.

3. Public Participation

- (a) At each advertised meeting of the Planning Board or Town Council the presiding body shall provide opportunities for oral or written statements from the public. Any statements received shall become a matter of record and may be introduced at administrative or judicial appellate proceedings.

4. On-Site Public Notice

- (a) For actions involving applications for Major Development, variances, or requests for change of land use, the Town shall provide additional public notice by requiring the placement of a temporary sign on the property to be affected by official action. Such sign shall be of sufficient size and placed so as to be in clear view of the public, and shall describe the type of action to be considered and the date, time and place of the meeting at which official action will be taken. The sign will be installed and kept in place for a period of not less than seven (7) days before the scheduled meeting at which action will be taken.

ARTICLE III

CONCURRENCY MANAGEMENT

Sec. 3-1. Purpose

- A. It is the intent of the Town Council that public facilities and services needed to support development. The purpose of this Article is to provide guidelines and procedures necessary to fulfill this intent and meet the concurrency requirements of state law.

Sec. 3-2. Applicability

- A. Development orders shall not be issued unless public facilities and services, which meet or exceed the adopted level of service standards, are available concurrent with the impacts of the development. Unless public facilities and services, which meet or exceed such standards, are available at the time the development order is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Public facility and service availability shall be deemed necessary by the Town to operate the facilities necessitated by that development are available and meet the adopted level of service standards concurrent with the impacts of the development. Phased facilities and services to be provided by the Town shall be included in and consistent with the Capital Improvements Element of the Comprehensive Plan. Public facilities and services to be provided by the developer shall be guaranteed in an enforceable development agreement, including development agreements pursuant to subsection 2-5.6 of this Code.

3-2.1 Minimum Requirements for Concurrency

- A. For the purpose of determining if concurrency requirements are being met the Town shall use the minimum requirements set forth in Section _____ of the Comprehensive Plan, as a general guideline.

Section. 3-3. Level of Service

3-3.1 Public Purpose

- A. Level of service standards shall be established and maintained for ensuring that adequate facility capacity will be provided for future development and for purposes of issuing development orders, pursuant to Section 163.3202 (2) (g), Florida Statutes. The Town shall establish and maintain a level of service standard for each public facility located within the area for which the Town has authority to issue development orders. Such level of service

standards shall be set for each individual facility or facility type and not on a system wide basis.

3-3.2 Public Facilities and Services

- A. Public facilities and services are those associated with: 1) transportation systems or facilities; 2) sewer systems or facilities; 3) solid waste systems or facilities; 4) drainage systems or facilities; 5) potable water systems or facilities; and, 6) parks and recreation systems or facilities.

3-3.3 Level of Service Standards

- A. The following level of service standards shall be used to evaluate available facility capacity and as a basis for issuance of development orders.

53140. Transportation systems or facilities. Levels of service for transportation systems or facilities shall be based upon the functional classifications of roadways, and volume/capacity standards used by the Florida Department of Transportation.

<u>Functional Classification</u>	<u>Peak Hour Level of Service</u>
<u>URBAN</u>	
Urban Principal Arterial	C
Urban Minor Arterial	D
Urban Collector	D
Local Street	E

53141. Sewer systems or facilities.

(a) The Town shall use sewage flows specified in Table II, "Estimated Domestic Sewage Flows" found in s. 10D-6.048, FAC for purposes of estimating sewage generated by development activities. These estimates shall be used to make certain that available facility capacity exists to serve the proposed development concurrent with the impacts of such development, and to maintain a cumulative allocation of facility capacity dedicated for approved developments.

(b) The Town shall use _____ million gallons per day, based on sustained average monthly flows, as the threshold for denying development permits for compliance with concurrency requirements.

(c) For areas which are not served by central sewer, the level of service shall be presumed adequate when the developer receives an on-site sewage treatment permit pursuant to Ch. 10D-6, FAC.

53142. Solid waste systems or facilities.

(a) The Town shall use 5.06 pounds of solid waste per person

per day to evaluate potential impacts from proposed development and for issuing development permits.

(b) The level of service standards for water quantity and water quality for the 25 Year, 243 hour storm event are as follows:

i. WATER QUANTITY
Post-development runoff from the site shall not exceed peak pre-development runoff rates.

ii. WATER QUALITY
Storm water treatment shall be provided for a volume equivalent to 1/2 of depth over the entire site or the runoff from the first 1 inch of rainfall on the entire site in accordance with Chapter 17-25, F.A.C. in order to meet receiving water quality standards in Chapter 17-302, section 17-302, 500, F.A.C.

(c) These water quality and quantity standards shall apply to development and redevelopment, regardless of project size.

all new

4. Potable water systems or facilities. The Town use 175 gallons per person per day delivered at a pressure of forty (40) pounds per square to evaluate potential impacts of proposed development and for issuing development permits.

5. Parks and recreation systems or facilities. The Town shall use the following standards for evaluating potential impacts from proposed development and for issuing development permits.

(a) Recreation Site Standards

- i. Neighborhood Parks- 2 acres per 1,000 population
- ii. Community Park- 2 acres per 1,000 population

(b)Facilities Standards

- i. Golf 9-hole golf course 25,000
- ii. Golf 18-hole golf course 50,000
- iii. Tennis Tennis court 2,000
- iv. Baseball/Softball Baseball/softball 3,000
- v. Football/Soccer Baseball/soccer field 4,000
- vi. Handball/Racquetball Handball/racquetball Court

10,000

vii.	Basketball	Basketball court	5,000
viii.	Swimming	Swimming pool	8,700

3-3.4 Levels of Service to be Maintained

A. All applications for development approval shall demonstrate that the proposed development does not degrade adopted level of service standards.

1. Development orders may issued for proposed development which exceeds adopted levels of service only when the terms and conditions of such exceedances are consistent with Section 5 of the Comprehensive Plan.
2. Notwithstanding the foregoing, levels of service may be temporarily degraded during actual construction of new facilities, if upon completion of construction the prescribed levels of service will be met.
3. The Town Council may temporarily waive the foregoing requirements as they relate to levels of service for parks and recreation systems or facilities if the sites and facilities needed to maintain levels of service are included in the capital improvements element of the Comprehensive Plan, and conform to the provisions of paragraph 2. of this subsection.

3-3.5 Revision or Adjustments

A. The levels of service specified in the Comprehensive Plan and in subsection 3-3.2 may be revised or adjusted to accommodate changing conditions and circumstances. Revisions or adjustments to levels of services shall be based upon accurate and reliable data or information, and shall be considered a plan amendment subject to the amendment procedures specified in the Comprehensive Plan.

Sec. 3-4. ADEQUATE CAPACITY OF PUBLIC FACILITIES

A. For purposes of issuing development orders the availability capacity of public facilities and services shall be determined as prescribed in this Section.

3-4.1 Presumption of Adequate Capacity

A. Adequate capacity shall be presumed to be available for the approval of

development orders until such time as conditions and circumstances indicate otherwise. Determination of such conditions and circumstances shall be triggered by certain thresholds that demonstrate that public facilities and services are nearing available capacity. Development orders shall not be denied on the basis of concurrency until such time as capacity thresholds are reached and maintained. Presumption of adequate capacity as a basis of meeting concurrency requirements shall not relieve the provisions of this Code, or the responsibility of the Town for maintaining records which indicate the cumulative impacts of development orders.

3-4.2 Capacity Thresholds

- A. The Town shall establish, and revise as necessary, capacity threshold standards to be used for presumptions of adequate capacity. Thresholds shall be indicated for transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, and parks and recreation systems or facilities. The list of capacity threshold standards shall be as specified in subsection 3-4.4 of this Code.

3-4.3 Capacity Threshold Standards

- A. Adequate capacity shall be presumed to be available until such time as the following standards are met or exceeded.

53676.Roadways

- (a) “Annual Average Daily Traffic” (AADT) counts published by the Florida Department of Transportation, or established by other means, reach ninety percent (90%) of the maximum level of service volume as established by the Town.

53677.Sewer

- (a) Monthly sewage flows, based on a six (6) month average, reach 90% of capacity as specified in subsection 3-3.2, paragraph 2.

53678.Solid Waste

- (a) Average daily tons of solid waste collected in the Town reach ___percent (--%) of the disposal capacity of Jackson County solid waste disposal facilities.

53679.Drainage

- (a) Proposed development is in compliance with subsection 4-5. 1.4 of this Code.

53680.Potable Water

- (a) Average daily consumption (million gallons per day) of potable water in the Town reaches ninety percent (90%) of available capacity, or delivery pressure (pounds per square inch, psi) falls below thirty (30) psi on a Town wide basis.

53681.Recreation

- (a) Population demand for recreation sites and facilities, based on annual population estimates, reaches 95% of availability for such sites and facilities.

53682.Population

- (a) All capacity thresholds will be immediately re-evaluated in the event population growth exceeds ten percent (10%) during any one year. Determination of population
- (b) Growth shall be based upon annual estimates of population published by the Bureau of Economics and Business Research (BEBR), University of Florida.

3-4.4 Termination of Presumption of Adequate Capacity

- A. Presumption of adequate capacity for purposes of issuing development orders shall be terminated when it has been determined by the Town that the capacity thresholds have been met or exceeded. At that time, the Town Clerk shall issue a statement to the, the Planning Board, and the Town Council which indicates that all applications for development approval will be subject to the concurrency requirements of this Article and the Comprehensive Plan.

Sec. 3-5. CONCURRENCY MANAGEMENT SYSTEM

- A. Notwithstanding the provisions of Section 3-4., the Town shall evaluate impacts upon public facilities and services caused by proposed development for each application for development approval. Impacts caused by proposed development for which adequate capacity is presumed subject to subsection 3-4.1 shall be recorded by the Town and added to a cumulative total of allotted capacity for purposes of determining when capacity thresholds have been met.
- B. The system for determination of potential impacts on public facilities caused by proposed development for purposes of recording a cumulative total of allocated capacity, and for meeting concurrency requirements when capacity thresholds have been met, shall be as described in subsection 3-5.1.

3-5.1 Determination of Available Capacity

The Town shall maintain an estimate of average daily sewage flow that shall be updated each month. Sewage flow estimates will be derived from an average of monthly sewage flows for the six (6) month period immediately preceding the month for which the estimate is being made. Average sewage flows shall be determined from "Domestic Wastewater Treatment Plant Monthly Operating Reports" as specified in Section 17-1.205 (7), FAC; or equivalent.

a. Estimated average daily flows derived from the average monthly sewage flows shall be used as the basis to determine if capacity thresholds or level of service standards will be met or exceeded. Average daily sewage flow will be estimated for all proposed development using the level of service specified in Subsection 3-3.2, Paragraph 2. Additional sewage flow caused by proposed development shall be added to the estimated monthly sewage flow to determine if adequate capacity is available.

b. The Town shall maintain a cumulative total permitted sewage flows and shall reduce the Town's allocated capacity accordingly on a monthly basis.

53782. Solid Waste

- a. On an annual basis, the Town shall identify available solid waste disposal capability which can be provided by Jackson County. This volume shall provide the basis to determine if capacity thresholds or level of service standards will be met or exceeded.
2. The Town shall apply the level of service standards found in Subsection 3-3.2, Paragraph 3. To estimate volumes of solid waste generated by proposed developments.

53783. Drainage

- a. Unless waived by the Town Clerk, the Town shall require all developers submitting an application for development approval to provide as part of the overall development site plan a storm water and erosion control plan as specified in subsection 4-5.1,4.
- b. Design standards for drainage shall be as specified in subsection 4-5.1,4. In addition no development order shall be issued by the Town until the developer has obtained a storm water permit pursuant to Chapter 17-25, Florida Administrative Code, if applicable, and the developer has a storm water and erosion control plan approved by the Town.

3. Drainage facilities for the proposed development of a single-family detached or duplex dwelling unit on an individual lot or parcel shall be presumed adequate when: 1) the lot coverage requirements of Section 4-1 are met and the site is adequately grassed or landscaped; 2) the proposed development is part of a larger, common plan of development which has had a drainage plan approved by the Town; and, 3) site modifications do not involve the obstruction or alteration of any drainage way.
4. Drainage facilities for any development shall be presumed adequate if storm water runoff from such development is discharged into a permitted storm water management system.
5. Potable Water
 - a. On an annual basis, the Town shall identify the amount of potable water and delivery rate (pounds per square inch) which can be supplied by Town facilities. This amount shall provide the basis to determine whether capacity thresholds or level of service standards will be met or exceeded.
 - b. The Town shall apply the level of service standard found in Subsection 3-3.2, Paragraph 5. To estimate potable water consumption for all proposed development.

Recreation

- a. On an annual basis, the Town shall identify public and private recreation sites and facilities available for use by the general public. These sites and facilities shall provide the basis to determine whether capacity thresholds or level of service standards have been met or exceeded.
- a. The Town shall apply the level of service standards found in Subsection 3-3.2, Paragraph 6. To estimate demand for recreation sites and facilities caused by proposed development.

3-5.2 Action Upon Failure to Show Available Capacity

- A. The project owner or developer may provide the necessary improvements to maintain level of service standards. In such case the application for development approval shall include appropriate plans for improvements, documentation that such improvements are designed to provide the Capacity necessary to achieve or maintain the level of service, and a development agreement guaranteeing the construction, consistent with calculations of capacity above.

- B. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

3-5.3 Burden of Showing Compliance on Developer

- A. The burden of showing compliance with level of service requirements shall be upon the developer. All applications for development approval shall provide sufficient information showing compliance with these standards.

3-5.4 Initial Determination of Concurrency

- A. The initial determination of concurrency occurs during the review of the application for development approval, and shall include compliance with the level of service standards adopted by the Town.

3-5.5 Annual Concurrency Report

- A. Contents
 - 1. The Town shall prepare an Annual Concurrency Report that includes:
 - a. A summary of final development orders issued, indicating:
 - i. Those that expired without subsequent building permits;
 - ii. Those that were completed during the reporting period;
 - iii. Those that are valid at the time of the report but do have associated building permits or construction activity; and
 - vi. The phases and quantity of development represented by the outstanding final development orders.
 - b. An evaluation of each facility and service indicating:
 - i. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - ii. The portion of the available capacity held for valid preliminary and final development orders;
 - iii. A comparison of the annual capacity to calculated capacity resulting from approved applications for development orders;
 - iv. A comparison of actual capacity and levels of service to adopted levels of service from the

Comprehensive Plan.

- v. A forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

B. Use of the Annual Concurrency Report

- 1. The Annual Concurrency Report shall constitute prima facie evidence of the capacity and
- 2. Levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

Sec. 3-6. GUARANTEE OF ADEQUATE CAPACITY

- A. Upon determination of adequate capacity as described in this Article the Town shall guarantee to the developer availability of capacity in the types, amounts, or volume specified in the final development order or development agreement. Such guarantees of available capacity shall be valid for a period of six (6) months from the date the final development order is issued.
- B. Any guarantee of adequate capacity shall become null and void in the event circumstances beyond the control of the Town cause adequate capacity to become unavailable. Such circumstances shall include, but not be limited to: Acts of other governmental agencies; war; act of God; or, changes in laws, rules or other legislative actions.

ARTICLE IV

DEVELOPMENT STANDARDS

Sec. 4-1. LAND USE DISTRICTS

4-1.1 Purpose

- A. In order to promote consistency with the goals, objectives, and policies of the Comprehensive Plan and this Code, it is necessary and proper to establish a series of land use districts to ensure that the Town can: preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, and the general welfare; provide adequate and efficient public facilities and services; conserve and protect natural resources; and, ensure the compatibility of adjacent land uses.

4-1.2 Applicability

- A. All development within each land use district as described in subsection 4-1.3 shall be consistent with the stated purposes, allowable uses and development standards as set forth in this Article.

Sec. 4-1.3 Land Use Districts

- A. The following land use districts or abbreviations shall be used for implementing this Section:
 - 1. R, Residential District;
 - 2. MU-Urban, Mixed Use-Urban District;
 - 28.Com, Commercial Districts;
 - 29.I, Industrial District;
 - 30.REC, Recreation District;
 - 31.P/I, Public/Institutional District;
 - 32.C, Conservation Special Treatment Area;
 - 33.H, Historic Special Treatment Area;
 - 34.AG-2, Agricultural District;

4-1.4 Land Use District Map

- A. The boundaries and designations of land use districts specified in subsection 4-1.3 shall be as shown on the map entitled "Land Use District Map of the Town of Greenwood, Florida." Such map shall be on file in the office of the Town Clerk and shall be available for inspection by all interested parties during normal working hours.

4-1.5 Interpretation of Districts or Boundaries

- A. Where, due to the scale, lack of detail or legibility of the Land Use district Map, the boundary line of any district is uncertain the Town Clerk shall determine its location. Any person aggrieved by the location of a boundary line as determined by the Town Clerk may appeal the determination to the Appeals Board. The Town Clerk and the Appeals Board shall apply the following standards in determining the location of a district boundary line.

54108. Land use district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the right-way lines of alleys, streets, easements, rail lines, or watercourses unless such boundary lines are fixed by dimensions on the Land Use District Map.

1. Where the Land Use District Map indicates a district boundary line along or following a lot line, the lot line shall be the boundary line.

2. Where a land use district boundary line divides a tract or plot of land, the location of the boundary line, unless indicated by dimensions on the land use map, shall be determined by the use of the map scale shown thereon.

3. If, after the application for the foregoing rules, uncertainty still exists as to the exact location of a land use district boundary line, any determination of the boundary line shall give due consideration to the history of the uses of property, the history of building permits, and all other relevant facts.

4-1.6 Scrivener's Error

- A. In the event that an error (s) occurs through drafting, reproduction or other means in the location of a land use district boundary line as shown on the Land Use District Map, the Town Clerk will fully document the error (s) and report the results to the Planning Board. The Planning Board shall hold a Public hearing concerning the correction of such error (s) and, after conduct of the public hearing, shall have the authority to direct the correction of such error (s) to show accurate land use district boundary lines.

4-1.7 Allowable Uses and Development Standards

- A. R, Residential District

54212. Purpose

- a. The purpose of this district is to provide areas for the development of medium to high density residential developments.
- b. Development in this classification would allow a maximum detached single family residential density of two (2) dwellings units per acre where central water and sewer systems are not available, a maximum of four (4) dwelling units per acre where a central water system is available, and

- a maximum of six (6) dwelling units per acre where central water and sewer is provided.
- c. Multifamily residential developments and Mobile Home parks will be allowed as conditional uses in this category.
- d. Maximum density will be determined by water/sewer availability pursuant to Rules 10D-6 and 40A-3, F.A.C. and other applicable sections of this Code

54213.Allowable Uses

- a. The following uses are allowed as of right in Residential districts, all other uses are conditional uses as specified in paragraph C or prohibited:
 - i. Single family detached dwelling on single family lots. (Including manufactured housing, provided only one unit is located on one lot or parcel with: a permanent foundation; wheels, axles, and tongue removed; the bottom enclosed with a customary skirt; and a front entrance porch and driveway provided.)
 - ii. Gardens customary to residential occupancy and accessory structures incidental thereto.
 - iii. Neighborhood Parks;
 - iv. Accessory uses or structures as set forth in section 4-2 of this Article.
 - v. Residential subdivisions as specified in Section 4-7 of this Code;
 - vi. Public utilities customarily found in residential areas.
 - vii. Signs as specified in Article V of this Code.

54214.Conditional Uses

- a. The following uses may be allowed in the Residential district upon approval by the Planning Board subject to the following conditions, or any other conditions that might be considered necessary to maintain the integrity of the Residential district.
 - i. Public/Institutional uses, except for those including maintenance yards, repair yards, vehicle parking lots, equipment storage, or other similar facilities, provided all landscaping and buffer requirements as specified in Section 4-3 are met.
 - ii. Community residential homes shall be allowed when 6 or fewer residents are located in a single-family, noncommercial, residential dwelling provided that such homes are not located within

1,000 feet of one another and when the location of such homes do not substantially alter the nature and character of the area.

- iii. Multifamily residential buildings
- iv. Mobile home parks.
- v. Home office of convenience as specified in Section 4-2.
- vi. Home occupations as specified in Section 4-2.
- vii. Boarding house, rooming house, or guest house. (Including bed and breakfast establishments)
- viii. Mobile home parks or subdivisions subject to the requirements of Section 4-8.
- ix. Child care facilities or family day care home provided that fencing and buffers are provided as specified in Section 4-3 and adequate parking is provided.

54215. Development Standards

- a. Minimum lot area (s):
 - i. With no Town water or sewer service available-21,780 square feet (1/2 acre)
 - ii. With Town or Public water services available-10,890 square feet (1/4 acre)
 - ii. With Town or Public water and sewer services available- 7500 square feet
- b. Minimum lot width (s):
 - i. Square or rectangular: 75 feet
 - ii. Corner: 90 feet
 - iii. Cul-de-sac or curve: 20 feet
- c. Maximum building height: Thirty-five (35) feet
- d. Density: No more than six (6) detached single family dwelling units per acre.
- e. Intensity: No more than 50% lot coverage, 50% required open space.
- f. Minimum building setbacks for principal structures:
 - i. Front: 20 feet from lot line
 - ii. -Side (s): 10 feet from lot line.
 - iii. -Street Side: 20 feet from lot line.
 - iv. -Rear: 20 feet from lot line.
 - v. -Setbacks on odd-shaped lots will be determined by averaging the setback measures at right angles from the lot line to the building corners.
 - vi. -Front setbacks on curves or cul-de-sacs will be determined by measuring at right angles from a line drawn through the front lot line corners to the front

- of the building.
- vii. -Setbacks for corner lots will be determined by measuring the front setback as the distance from the lot line to the side of the building with the main entrance. Side setbacks will be measured from the lot line to the side of the building without a main entrance.
- viii. Minimum setbacks for accessory structures:
3 feet from any abutting property line.
- g. Parking: 2 spaces per dwelling unit
- h. Landscaping: All yards must be grassed or vegetated, or otherwise covered with pervious material so as to prevent storm water runoff and soil erosion.
- i. Buffers: None required

54216.Mixed Use-Urban District (MU-Urban)

a. Purpose

The purpose of the mixed use-urban category is to provide areas for an attractive and functional mix of residential, professional office, neighborhood commercial, and other similar medium intensity land uses. Development in this area has an approximately equal proportion of residential and commercial uses. Maximum detached residential density is four (4) units per acre, with maximum impervious surface ratio for commercial use of 80%. Multifamily housing and mobile home parks will be allowed as conditional uses in accordance with HRS guidelines and other applicable provisions of this code.

b. Allowable Uses

The following uses are allowed as of right in the Mixed Use district, all other uses are conditional uses as specified in paragraph C., or prohibited.

- i. All residential uses and conditional uses allowed in residential districts.
- ii. Neighborhood and community parks.
- iii. Public/Institutional uses
- iv. Public and private recreation uses
- v. Accessory uses and structures as specified in Section 4-2, including home occupations,
- vi. Signs as provided for in Article V.
- vii. Public utilities

c. The following uses may be allowed in the Mixed Use district

subject to the conditions set forth herein provided that no more than 25% of the area may be used for retail commercial or 50% of the area may be used for office/service related land uses within any MU district.

Neighborhood Commercial Uses

Athletic or health clubs	Health products
Antique dealers	Jewelers
Bakery	Laundromat, washateria
Bookstore or newsstand	Locksmith
Card or gift shop	Printing or copying shop
Convenience store	Repair shop, Electronics
Dance or music studio	Restaurant
Child care centers	Shoe repair
Delicatessen or carry-out	Food or supermarket
Drug store	Service or filling station
Dry cleaner	Fast-food restaurant
Florist shop	Other similar low-intensity
Garden supplies	uses as determined by the
	Planning Board

Office, Medical, and Related Uses

Abstract or title companies	Law offices
Advertising agencies	Medical offices or clinics
Agents	Professional office building
Architects, engineers, surveyors	Real estate office
Auditors, accountants	Tailor or seamstress shop
Bonding companies	Travel agency
Book agents	Other related uses as
Business college	Determined by the Planning Board
Employment agency	
Film, photography, or art studio	
Finance companies	

- d. The following conditions shall apply to neighborhood commercial and office, medical and related uses in the Mixed Use District.
 - i. Gross floor area, either singularly or as a complex, shall not exceed 10,000 square feet with a maximum of 35 parking spaces.
 - ii. Hours of operation or opening shall be no more than 7:00 A. M. to 11:00 P. m.
 - iii. Landscaped buffers as specified in Section 4-3 shall be installed between any commercial and residential land use or land use district boundary.

- iv. All performance standards as specified in subsection 4-8.1 must be adhered to.

54217. Development Standards

- a. Minimum Lot Area: 6,500 square feet
 - b. Minimum Lot Width:
 - i. Square or rectangular: 65 feet
 - ii. Corner: 75 feet
 - iii. Curve or cul-de-sac: 20 feet
 - c. Maximum Building Height: 35 feet
 - d. Density: No more than 6 detached dwelling units per acre.
 - e. Intensity: No more than 80% lot coverage, 20% required open space.
 - f. Minimum Building Setbacks for Principal Structures:
 - i. Front- 40 feet from lot line for properties fronting upon US 90- 20 feet from lot line in other areas.
 - ii. Minimum Setbacks for Accessory Structures: 3 feet from any abutting property line.
 - iii. Dwelling with zero lot lines and other complexes with courtyard or common parking areas shall be subject to approval by the Planning Board.
 - g. Parking: As specified in Section 4-6.
 - h. Landscaping: All yards must be grassed or vegetated, or otherwise covered with impervious material so as to prevent storm water runoff and soil erosion. For multi-family or non-residential development parking areas shall be landscaped as specified in Section 4-3.
 - i. Buffers: Landscaped buffers as specified in Section 4-3 shall be required between the following land uses or land use districts:
 - 1) – Any single-family dwelling or residential structure or development;
 - 2) – Any residential use or district and any non-residential use or district.

54218. Commercial District

- a. Purpose
The purpose of the Commercial District is to provide adequate areas for commercial development in the town to serve the needs of the population and the traveling public. Maximum impervious surface ratio will be 90%.
- b. Allowable Uses
The following uses are allowed as of right in the Commercial District, all other uses are conditional uses as specified in

paragraph D, or prohibited.

- i. Any commercial, retail, wholesale, trade, service, profession, Town Code of Ordinances, except for manufacturing, industrial, salvage yards, auto wrecking yards, fuel storage and similar uses.
- ii. Public/Institutional Uses
- iii. Public utilities
- iv. Public and private recreation sites and facilities
- v. Signs as specified article V.

c. Conditional Uses

The following uses may be allowed in the Commercial District upon approval by the Planning Board, subject to the following conditions or any other conditions considered necessary to maintain the integrity of the Commercial District.

- i. Any allowable or conditional use allowed in Residential or Mixed-Use districts provided that adjacent commercial or non-residential uses which abut the residential use shall not be subject to the buffer requirements of Section 4-3. The owner or developer of any residential use within the Commercial District shall provide to the Town Clerk a written, notarized statement which indicated full knowledge of the Commercial District and that buffer requirements do not apply.
- ii. Uses which sell, serve or allow consumption of alcoholic beverages shall be subject to the provisions of Town Ordinance No. _____.

d. Development Standards

- i. Minimum Lot Requirements
Area: 5,000 square feet
Width: Sixty (60) feet at the front lot line.
Depth: One-hundred (100) feet along the side lot line.
- ii. Maximum Building Height: Thirty-five (35) feet.
- iii. Density: No more than sixteen (16) dwelling units per acre for approved conditional residential uses.
- iv. Intensity: No more than 90% lot coverage, 10% required open space.
- v. Minimum Building Setbacks:
 - 1) Front: Forty (40) feet from road right-of-way
 - 2) Side (s): No less than twenty (20) feet from the property line when the side lot abuts a residential district, or ten (10) feet when abutting another commercial use or district.

- 3) Rear: Each lot shall have a rear setback of not less than ten (10) feet from the rear property line, except where the building is serviced from the rear or abuts a residential district in which case the setback shall be thirty (30) feet from the rear property line.
- vi. Parking: As specified in Section 4-6.
- vii. Landscaping: Parking areas shall be subject to the requirements of subsection 4-3.4.
- viii. Buffers: Buffers shall be required between any commercial use and any residential or mixed use land use district as specified in Section 4-3.

54219. Industrial Districts

- a. The purpose of the Industrial District is to provide areas for distribution, warehousing, manufacturing, fuel storage, or limited sales activities which, by nature of their normal operations, have the potential to create excessive noise, smoke, emissions, traffic or other characteristics which have the potential to cause nuisances or hazards. Ancillary commercial development shall be limited to no more than 50% of the lot or parcel area. Ancillary commercial development (use or building) shall be subordinate to, customarily incident to, and located to on the same lot or parcel as the principal use or building.
- b. Limitations
 - 1. Industrial land uses shall be strictly limited to those existing as shown on the Land Use District Map. Any additional industrial areas or expansion of existing industrial areas must be approved by the Town Council on a case-by case basis.
- c. Development Standards
 - 1. Minimum Lot Requirements
 - i. Area: 43,560 square feet (1 acre)
 - ii. Width: One hundred (100) feet at the front lot line.
 - iii. Depth: Two hundred (200) feet along the side lot
 - 2. Intensity: No more than 50% lot coverage, 50% required open space
 - 3. Minimum Building Setbacks:
 - i. Front: Fifty (50) feet from road right-of-way or front property line.
 - ii. Side (s): No less than fifty (50) feet from the property line when the side lot abuts a residential district or road right-of way, ten (10) feet when abutting another commercial use or district.
 - iii. Rear: Each lot shall have a rear setback of not less than ten (10) feet from the rear property line, except where the building is serviced from the rear or abuts

line.

a residential district or road right-of-way in which case the setback shall be fifty (50) feet from the rear property line.

4. Parking: as specified in section 4-6.
5. Landscaping: Parking and storage areas shall be subject to the requirements of section 4-3.
6. Buffers: Buffers shall be required between any industrial and residential or mixed use land use or districts as specified in section 4-3.

54220.Recreation

a. Purpose

1. The purpose of this district is to provide areas for public recreation, and private recreation open to the public.

b. Allowable Uses

1. Public parks, open space, refuges, ballfields, public ways, golf courses and other such activities intended for public recreation;
2. Public building and grounds;
3. Public services and utilities;
4. Private outdoor recreation activities;

c. Development Standards

1. Intensity: No more than 90% lot coverage.
2. Minimum building setbacks
 - i. Front: 20 feet from property line.
 - ii. Rear: 10 feet from property line abutting any Commercial or
 - iii. Public/Institutional land uses or land uses or land use districts, 20 feet from property line abutting Residential or Mixed Use districts.
 - iv. Side (s): 10 feet from property line abutting Residential or Mixed Use districts.
3. Minimum open space: 10% of lot or parcel
4. Parking: As specified in Section 4-6.
5. Landscaping: 10% of the area to be used for off-street parking as specified in subsection 4-3.4.
6. Buffers:
 - i. -Buffers shall be required between abutting Residential or Mixed Use districts;
 - ii. -Buffers shall not be required between abutting Commercial or public/Institutional land uses or land use districts.
 - iii. -Requirements for buffers shall be as specified in

Section 4-3

54221.Public/Institutional

a. Purpose

1. The purpose of this district is to provide areas for public facilities and services. Public facilities include churches, educational facilities, institutions government centers, and prisons. Maximum impervious service ratio will be 80%.
- b. Allowable Uses
 1. The following uses are allowed as of right in the public/institutional district, all other uses are prohibited.
 - i. Churches, tabernacles, synagogues, or other similar houses of worship.
 - ii. Public schools, private schools, colleges, universities
 - iii. Cemeteries
 - iv. Government buildings and grounds
 - v. Hospitals, institutions
 - vi. Public housing
 - vii. Non-profit clubs or organizations.
 - viii. Other similar land uses
- c. Development Standards
 1. Intensity: No more than 80% lot coverage.
 2. Minimum building setbacks
 - i. Front: 20 feet from property line or consistent with existing setbacks.
 - ii. Rear: 10 feet from property line abutting any Commercial or Public/ Institutional land use districts, 20 feet from property line abutting Residential or Mixed Use districts.
 - iii. Side (s): 10 feet from property line abutting Residential or Mixed Use districts.
 - iv. Minimum open space: 10% of lot or parcel
 3. Parking: As specified in Section 4-6.
 4. Landscaping: 10% of the area to be used for off-street parking as specified in subsection 4-3.4.
 5. Buffers:
 - i. – Buffers shall be required between abutting Residential or Mixed Use districts;
 - ii. – Buffers shall not be required between abutting Commercial or Public/Institutional land use or land use districts.
 - iii. – Requirements for buffers shall be as specified in Section 4-3.

54222. Conservation Special Treatment Area

a. Purpose

1. The purpose of the Conservation Special Treatment Area is to provide reasonable levels of protection for locally designated environmentally sensitive resources.

Designation of areas within this district is not intended to preclude or prohibit development but rather to provide an indicator that physical or environmental feature may exist which will require limitations on development, special permit requirements, or special construction methods.

b. Applicability

1. The Conservation Special Treatment Area shall be considered an overlay district on the designated land use district upon which it is superimposed. Unless otherwise specified. The underlying district requirements, including allowable used, densities, intensities, etc. shall also be applicable within the Conservation Special Treatment Area.
2. Conservation Special Treatment Areas as shown on the Land Use District Map include:
 - i. Water wells and cones of influence;
 - ii. Wetlands;
 - iii. Flood zone; and,
 - iv. Soils with severe limitations to building development.

c. Development Standards

1. All development undertaken within Conservation Special Treatment Areas shall be in conformance with the environmental protection standards specified in Section 4-4 of this Code.
2. Unless otherwise specified, lot coverage in Conservation Special Treatment Areas shall be no greater than 50% of the lot or parcel to be developed; and, residential density shall be limited to two (2) dwelling unit per acre.

54223.Historic Special Treatment Areas

a. Purpose

1. The purpose of the Historic Special Treatment Area is to provide for the protection, preservation, or reuse of identified historic sites.

b. Development Standards

1. Development and/or redevelopment in the Historic Special Treatment Area shall be evaluated as to potential impacts on historic resources. Structures identified as being of historic significance will be subject to review by the Planning Board and conditional development requirements prior to permits being issued for demolition or substantial alteration. The Jackson County Survey of Historically Significant Sites shall be used to identify properties to which historic preservation

requirements of this subsection shall apply.

2. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, 1983 shall be used as a basis to determine the need for historic preservation and for providing guidelines for rehabilitation of historic structures.
3. Incentives may be made available to developers for restoration or rehabilitation of historic properties subject to approval by the Planning Board and Town Council.

54224.Agricultural

a. Purpose

1. The purpose of this land use district is to accommodate areas of the Town associated with agriculture or agriculture-related activities. Examples of appropriate uses are crop land, pasture land, orchards and groves, small-scale timber production (less than 1000 acres), and residential development.
2. Maximum residential density shall not exceed one (1) dwelling unit per acre.
3. Impervious service ration shall not exceed 50%.

4-1.8 Supplemental Performance Standards

a. Purpose

1. The performance standards set forth herein are intended to reduce the potential for nuisances between adjacent land uses and land use districts.

b. Applicability

1. The following performance standards shall apply to all multi-family and non-residential land uses within the Town.
2. Noise
 - i. No non-residential development shall be allowed adjacent to residential properties which causes extended sound levels on such residential properties to exceed 60 dBA from 7:00 A.M. to 10:00 P.M., and 55 dBA from 10:00 P.M. to 7:00 A.M. Extended sound levels are those of a continuous or consistently repetitive nature.
3. Lighting and Glare
 - i. No multi-family residential or non-residential development shall be allowed adjacent to any low-density residential properties which causes excessive illumination or glare upon such residential properties.
 - ii. All lightning or illumination proposed as part of any

multi-family or non-residential development shall be located and installed so that no direct or indirect light falls upon adjacent residential properties.

- iii. All driveways, parking lots or other vehicular access associated with multi-family or non-residential development shall be designed and constructed so that no direct light from vehicle headlights is shown upon or into any adjacent residential dwelling.
- 4. Electromagnetic Interference
 - i. In all land use districts, no use, activity or process shall be conducted that produces electric and/or magnetic fields which adversely affect public health, safety or welfare including but not limited to interference with normal radio, telephone, or television reception from off of the premises where the activity is conducted.
- 5. Toxic or Noxious Matter
 - i. The emission of toxic or noxious matter beyond any property line is prohibited.
- 6. Odor
 - i. No offensive odors shall be emitted which are detectable with or without instruments beyond any property line.
- 7. Smoke
 - i. state air quality standards.
- 8. Eyesores and Junk
 - i. No equipment, material, vehicle or product shall be stored or kept in such manner as to present an offensive or unsightly appearance when viewed from any adjacent property.

Sec. 4-2. ACCESSORY LAND USES AND STRUCTURES

4-2.1 Accessory Land Uses

- A. Purpose
This subsection is intended to regulate the type, location, configuration and conduct of accessory land uses in order to ensure that such accessory uses are not harmful
Either physically or aesthetically to residents of surrounding areas.
- B. Accessory Apartments (Granny Flat or Domestic Quarters)
 - 1. Purpose
The purpose of this subsection is to provide for inexpensive

housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes and to provide living quarters for housekeeping or maintenance persons on premises. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.

2. Standards

- a. Accessory apartments may be allowed in single-family homes provided that all of the following requirements shall be met.
- b. No more than one (1) accessory apartment shall be permitted on any residential lot.
- c. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a single-family dwelling unit.
- d. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory apartment.

3. Home Occupations

- a. A home occupation shall be allowed in a bona fide dwelling unit within Residential and Mixed Use districts, subject to the following requirements:
 - i. No person other than members of the family residing on the premises shall be engaged in such occupation.
 - ii. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
 - iii. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding four square feet in area, non-illuminated, mounted flat against the wall.
 - vi. No home occupation shall occupy more than twenty-five (25) percent of the first floor area of the dwelling.
 - v. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street or right of way.

- vi. No equipment, tools, or process shall be used in a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
- vii. Fabrication of articles commonly classified under the terms "arts and handicrafts" may be deemed a home occupation.
- viii. Outdoor storage of materials shall not be permitted.
- ix. The following shall not be considered home occupants: beauty shops and barbershops (more than one chair), band instrument or dance instructors, swimming instructors, studio for group instruction, public dining facility or tea room, antique or gift shops, photographic studio, fortune telling or similar activity, outdoor repair, food processing, retail sales, nursery school, kindergarten, or child day care center.
- x. The giving of individual instruction to one person at a time such as an art or piano teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed in paragraph i, above shall be prohibited.
- b. A home occupation shall be subject to all applicable Town occupation licensing requirements, fees and other business taxes.

4. Home Office of Convenience

- a. A home office of convenience shall be allowed in a dwelling unit within Residential and Mixed Use districts, subject to the following requirements.
- b. No person other than members of the family residing on the premises shall be engaged in the business activity.
- c. The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- d. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of business activity.
- e. No home office shall occupy more than twenty-five (25) percent of the first floor area of the dwelling.

- f. No traffic shall be generated by such home office in greater volumes than would normally be expected in a residential neighborhood.
 - g. No equipment, tools, or process shall be used in a home office which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - h. Any business activity undertaken in a home office shall be limited to that which is conducted by phone or mail only.
 - i. Outdoor storage of materials is prohibited.
 - e. A home office of convenience shall be subject to all applicable Town occupation licensing requirements, fees and other business taxes.
5. Dining Rooms, Recreation Centers, and other Amenities
- a. Generally

Residential and non-residential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided below.
6. Dining Rooms/Cafeterias/Snack Shops, Etc.
- a. A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:
 - i. The facility shall not be open to the general public.
 - ii. There shall be no off-site signs advertising the presence of the facility.
7. Community Centers/Recreation Centers
- a. Residential project may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions.
 - i. Such facilities shall not include health clubs, gift shops, gyms, and the like
 - ii. Offering services to the general public.
 - iii. Parking to serve the building shall be provided as required by this Code.
 - iv. There shall be no identification signs, other than directional signs.
8. Employee Fitness Centers
- a. Non-residential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:

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

4-2.2 Accessory Structures

A. Purpose

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

B. General Standards and Requirements

Any number of different accessory structures may be located on a parcel.

Provided that the following requirements are met:

1. There shall be a permitted principal use on the Parcel, located in full compliance with all standards and requirements of this Code.
2. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
3. Accessory structures shall not be located in required buffer or landscape areas.
4. Accessory structures shall be included in all calculations of impervious surface and storm water runoff.
5. Accessory structures shall be subject to development review and shall require a site development plan with full supporting documentation as required in Article II of this Code.
6. Accessory structures shall be allowed only in side or rear yards, unless otherwise specified herein.

C. Storage Buildings, Shop, Utility Buildings, Greenhouses, Garages, Carports, and Similar Structures

1. No accessory building shall be used for industrial storage of hazardous, incendiary, noxious, or pernicious materials.
2. Storage buildings, greenhouses, and the like shall not be located closer than three (3) feet from any abutting interior property line or five (5) feet from any alley right-of-way.
3. Storage and other buildings regulated by this subsection shall be permitted only in side and rear yards.
4. Storage and other buildings regulated by this subsection shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
5. Motor vehicle, mobile homes, trailers or recreational vehicles shall not be used as storage buildings, utility buildings, or other such uses within any residential district.

D. Private Swimming Pools

1. Swimming pools shall be permitted only in side and rear yard, shall conform to accessory building setback requirements.
2. Enclosures for pools may be considered a part of the principal or accessory structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
3. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than six (6) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors or gates.
4. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.

E. Fences

1. Fences or hedges may be located in front, side and rear yard setback areas. No fences or hedges shall exceed four (4) feet in height when placed in the front yard. Each fence located in the side and rear yard setbacks shall not exceed eight (8) feet in height, and for side yards shall not extend beyond the front of the principal structure.
2. In areas where the property faces two (2) roadways or is located in any other area constructed to be a corner lot, no fence shall be located in the sight distance vision triangle.
3. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
4. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Planning Board upon receipt of satisfactory evidence of the need to exceed height standards.
5. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site, unless such structure is intended for purposes of storm water management. Gates or removable fences may be required to allow access to utility easements.
6. No fence, wall or similar structure shall be located in or upon any body of water or submerged lands, or located in such a manner as to restrict public access to or along any riparian property line.

F. Decks, Patios

1. Decks or patios shall be located in side and rear yards only in residential districts, unless otherwise approved by the City Clerk.
2. Any enclosure of a deck or patio shall be subject to the development review and site plan requirements as specified in Article II of this Code.
3. Decks or patios shall be located closer than three (3) feet from any abutting property line or public right-of-way.
4. If the deck or patio is attached to the principal structure all setbacks for principal structures shall apply, if attached to an accessory building all setbacks for accessory buildings shall apply.

G. Satellite Dishes/Antennae

1. Satellite dishes in the residential districts shall be permitted in side or rear yards only.
2. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the National Electric Safety Code.
3. The satellite dish antenna installation shall meet all FCC and manufacturer specifications, rules, and requirements.
4. The satellite dish antenna shall be of a non-reflective surface material and shall be made, to the maximum extent possible, to conform and blend, taking into consideration color and location, with the surrounding area and structures.
5. The satellite dish antenna shall contain no advertising or signage of any type.
6. The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.
7. Satellite dish antenna installations shall be limited one installation per residential lot.
8. The requirements of this subsection shall not be applicable in Commercial, Public/Institutional or Industrial districts.

Sec. 4-3 BUFFER AND LANDSCAPING STANDARDS

4-3.1 Purpose

- A. The purpose of this Section is to provide for aesthetic improvement during the process of development during the process of development, mitigate loss of natural vegetation, assist in controlling vehicular and pedestrian traffic, provide standards for maintenance of required open space, and to provide buffers between adjacent land uses.

4-3.2 Applicability

- A. Required Buffers
 1. Landscaped buffers are required between land uses or land use districts

as follows:

2. Multi-Family Uses
 - a. Between any multi-family use with more than four (4) dwelling units and any other residential land use or land use districts;
3. Mixed Use District
 - v. Between any single-family through quadraplex residential use and any other multi-family residential use, and
 - w. Between any residential use and any non-residential conditional use;
4. All Other Districts
 - a. Between any residential district and any non-residential district.
5. Buffers shall not be required for land uses or land use districts that are separated by a public roadway.

B. Waivers

1. Buffer requirements may be waived by the Town Clerk upon approval by the Planning Board. Any such waiver shall only be approved upon delivery by the developer of written, notarized statements of no objection from all adjacent property owners.

4-3.3 Location, Size and Composition of Landscaped Buffers

A. Location

1. All required buffers shall be located along the side (s) and rear property lines. Rear buffers shall run the entire length of the property line. Side buffers shall be located so as to screen from view from abutting side properties all parking areas and building, except in no case shall a buffer block sight distance of motor vehicle operators entering onto public roadways.

B. Size and Composition

1. Size

Required vegetated buffers shall be at least 3 feet wide and 6 feet in height and of sufficient density so as to block from view abutting land uses. If existing vegetation is sparse or not of sufficient density to block from view abutting land uses a visual screen or fence may be required in conjunction with the vegetated buffer.
2. Composition
 - a. Required buffers shall be comprised entirely of natural vegetation if such vegetation is of sufficient density and height as to block from view abutting land uses or land use district.
 - b. Required buffers may also be comprised of landscaped trees, shrubs, vines or other vegetation, or a combination of vegetation, screens, berms, or fences, provided any such buffer is of sufficient density so as to block from view abutting land

uses or land use districts.

- c. Screens or fences may be constructed of wood, block, masonry or other common fencing material provided such buffer is 90% solid material.

C. Pedestrian Access

- 1. Pedestrian access such as doors, gates, etc. may be installed, and are encouraged, to provide access between residential areas and adjacent non-residential areas. Such access ways shall only be located so as to provide access to a public right-of-way, unless mutually agreed upon between property owners, and shall not be more than 5 feet in width.

4-3.4 Landscape requirements for off-street parking facilities and vehicular use areas.

A. Areas used for off-street parking or other vehicular storage must be landscaped for ten percent (10%) of parking area developed, in addition to the following requirements:

1. Setback Areas

- a. All parking areas must be set back ten (10) feet from the property lines in front and four (4) feet from the side and rear lot lines. This area between the parking areas and the property lines shall be landscaped and may be counted in computing the ten (10) percent landscape requirements.
- b. Natural vegetation may be used, if not cleared, to meet the 10% requirement.
- c. If natural vegetation is not used, a tree shall be planted for each fifty (50) linear feet of lot frontage. Trees may be clustered rather than evenly spaced.
- d. Acceptable landscaped materials shall include: Vines, lawn grass, ground cover, pebbles, brick pavers, mulch with low growing plants, including the preservation of existing trees and shrubs.

2. Visual Screen for Vehicular Use Areas (not parking lots)

- a. A visual screen or barrier must be used to block from visual view all parking area or vehicular use areas from adjacent public streets, or residential developments, if no buffer exists or is required. The visual screen must have a minimum height of eighteen (18) inches' low shrubs, hedges, berms, fences or a combination thereof are acceptable.

3. Motor Vehicle Overhang

- a. Motor vehicle shall not overhang into any landscaped setback or planted area.

4. Interior Landscape Requirements for Vehicular Use Areas

- a. Vehicular use or parking areas which are ten thousand (10,000) square feet or greater in size must also meet the following requirements.

- i. At least twenty-five (25) percent of the general landscape requirements shall be devoted to separate interior planting areas of one per ten thousand (10,000) square feet of vehicular use areas.
- ii. The interior planting areas shall be located in a manner that assists and helps to control the movement of vehicular and pedestrian traffic.
- iii. Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and shade trees.
- iv. Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.
- v. Provide planting islands (a minimum of nine feet wide) between every 10 to 15 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet.
- vi. Vehicles may not overhang into any interior planting area.

4-3.5 Plant Material Requirements

- A. Any vegetative form used to fulfill any provision of the landscaping requirements must meet the following basic standards:
 - 1. Trees
 - a. Trees must be at least six (6) feet tall when planted and must reach a minimum of fifteen (15) feet at mature height and normal adult drip line of fifteen (15) feet.
 - 2. Shrubs and Hedges
 - a. Shrubs and/hedges must be a minimum height of eighteen (18) inches when planted.
 - 3. Ground Covers
 - a. Ground covers should be planted with a spacing which will provide seventy-five (75) percentage coverage within one year.
 - 4. Lawn Grasses
 - a. Grasses should be planted to a density which will achieve permanent coverage within one year. Planting methods may be seeding sprigging, plugging or sodding.
 - 5. Synthetic Plants and Planters
 - a. Artificial plant material may not be used for any landscaping requirements.
 - b. Architectural planters may be substituted for landscape requirements when live plants.

6. Natural Vegetation
 - a. Use of natural vegetation will involve retention native or natural vegetation occurring plants, shrubs or trees in required landscaping areas.
7. Planters for shrubs are required to have a depth of eighteen (18) inches and ten (10) square feet of area. Planters for trees must have a depth of thirty (30) inches and twenty-five (25) square feet of area.

4-36 Maintenance Requirements for Landscaping or Buffers

- A. Responsibility for property maintenance of required landscaping or buffers shall be with the owner of the property or any consenting lessee.
- B. Maintenance of landscaped areas or vegetated buffers shall consist of:
 1. Mowing , pruning, removal of litter, replacement of dead plant material, and proper watering., fertilizing, etc.
 2. A water supply for irrigation purpose shall be provided for each landscaped or buffered area. Such water supply shall be shown on a landscaping site plan or sketch.
 3. Maintenance of visual barriers or fences shall include keeping such structures in good appearance and repair including replacement of damaged or deteriorated sections

Sec. 4-4. ENVIRONMENTAL PROTECTION STANDARDS

4-4.1 Purpose

- A. The destruction or pollution of environmentally significant resources within the Town constitutes a menace to the public health and welfare; creates public nuisances; is harmful to wildlife, fish and other aquatic life; and can be reasonably expected to decrease quality of life for residents of the Town. It is hereby declared that the prevention, abatement and control of development activities which cause destruction or pollution of environmentally significant resources are affected with a public interest, and the provisions of this Section are established for the purpose of protecting the health, safety, and general welfare of the public. The purpose of this Section is to provide standards intended to prevent or restrict development activities that destroy or pollute environmentally significant resources, when such development activities are contrary to the public interest.

4-4.2 Applicability

- A. This section is intended to establish those resources or areas of a development site that must be protected from harmful affects of development. A developer should apply the provisions of this Section to a

proposed development site before any other development design work is done. Application of the provisions of this Section will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed. No development order may be issued by the Town until such time as the provisions of this section have been met.

4-4.3 Environmentally Significant Resources

- A. Environmentally significant resources are those identified in the Comprehensive Plan and in subsection 4-1.7, 10 of this Code as follows.
1. Soils;
 2. Wetlands;
 3. Flood Zones;
 4. Aquifer Recharge Areas;
 5. Wildlife Habitat;
 6. Water Wells and Cones of Influence; and,
 7. Natural Vegetation

4-4.4 Protection Standards

- A. Soils
- i. All grading, filling, excavation, storage or disposal of soil and earth materials associated with development activities shall be undertaken so as to reduce the potential for soil erosion and sedimentation of water bodies or drainage ways.
 2. Erosion control measures shall be required for all such activities.
 3. As part of the development review process required pursuant to Article II of this Code, a developer of Level 2 or Level 3 developments shall include an "Erosion and Sediment Control Plan". Such plan shall contain:
 - a. Calculations of maximum runoff based on the 25-year, 24-hour storm event;
 - b. A description of, and specifications for, sediment retention devices;
 - c. a description of, and specifications for, surface runoff and erosion control devices;
 - d. A description of vegetation measures;
 - e. A map showing the location of all items listed in (a) through (d) in this paragraph.
 4. A developer may propose the use of any erosion and sediment

control technique provided such technique represent best management practices, and are certified by a registered professional engineer.

5. Once development activity begins, the developer shall maintain in good order all erosion and sediment control measures specified in the Erosion and Sediment Control Plan regardless of whether the development project is completed or not.

B. Wetlands

1. Most wetlands constitute a productive and valuable public resource, the Unnecessary alteration or destruction of which should be considered contrary to the public interest. As, such, the following procedures and restrictions shall apply to development activities in wetlands identified by the Town.

(a) Identification

- i. The Town shall identify those areas that exhibit physical features indicative of wetlands and shall depict such areas on a map. Wetland areas shown on map shall be subject to the restrictions set forth in paragraph (b) unless the developer (s)of such areas can satisfactorily demonstrate to the Town that wetlands do not exist on the site.

(b) Development Restrictions

- ii. The following restrictions shall apply to the development activities in wetlands identified pursuant to paragraph (a), and in wetlands areas identified by jurisdictional interpretation through DER or the Corps of Engineers.

i. Use of fill, by dredging or any other mean, is prohibited.

ii. Building or structures may be constructed on piles, posts or piers in wetlands provided:

- There are no upland areas suitable for development after wetlands have been delineated;
- The building or structure is constructed so as to allow for the continuation of natural functions such as drainage patterns, sedimentation patterns and natural flushing characteristics;
- The elevation of the lowest habitable floor the base flood elevation;
- All development activity is confined to the land area upon which the building is located ("building footprint"); and
- Development is undertaken in a manner so as to preserve

wetlands on the building site.

2. All required permits must also be obtained from the DER or Corps of Engineers, as applicable.
3. Residential density shall not exceed one (1) dwelling unit per ½ acre.
4. Lot coverage shall be no greater than 50% the wetland area.
5. A buffer of natural vegetation at least ten (10) feet in width shall be maintained between delineated wetlands and any upland development.
6. Development shall be clustered on upland areas of the development site where possible.
7. Structures used for public utilities or other public purpose may be located in wetland areas provided that disturbance of the wetland is limited to the immediate area necessary to locate such structure.

C. Flood Zones

All development activity undertaken within designated A-zones as shown on the official Flood Insurance Rate Map for Greenwood, Florida published by the Federal Emergency

Management Agency shall be subject to the restrictions and standards of the Town's Flood

Damage Prevention Ordinance (Ordinance No. _____), as may be amended or superceded.

Development in the flood plain shall be restricted to conservation, recreation, residential, or

public purposes only, except that commercial uses may be allowed adjacent to St. Rd. 71

provided that lot coverage is limited to no more than 50% of the total lot or parcel.

D. Aquifer Recharge Areas

- (A) The Town shall restrict lot coverage to 30% of the lot or parcel to be developed in identified aquifer recharge areas.
- (b) All storm water detention or retention structures shall be constructed so as to comply with minimum groundwater criteria specified in Ch. 17-3, Part IV, FAC.
- (c) A minimum ten (10) foot vegetated buffer shall be required between any structure, including parking areas, and identified aquifer recharge areas.
- (d) The development of public or private facilities otherwise contaminate the surface or deep aquifer shall be prohibited in identified aquifer recharge areas, unless the developer can provide assurances that reasonable measures will be undertaken to prevent

- aquifer contamination.
- (e) All groundwater shall at all places and at all times be free from domestic, industrial, agricultural, or other man-induced non-thermal components of discharges in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal):
 - i. Are harmful to plants, animals or organisms that are native to the soil and responsible for treatment or stabilization of the discharge relied upon by DER permits; or
 - ii. Are carcinogenic, mutagenic, teratogenic, or toxic to human beings, unless specific criteria are established for such components in Rule 17-3. 404; or
 - iii. Are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the groundwater at the point of contact with surface waters; or
 - iv. Pose a serious danger to the public health, safety, or welfare; or
 - v. Create or constitute a nuisance; or
 - vi. Impair the reasonable and beneficial use of adjacent waters.

E. Wildlife Habitat

Development shall not be permitted which will significantly damage or destroy the habitat of species listed as endangered or threatened as specified in the "official Lists of Endangered Fauna and Flora in Florida", published by the Florida Game and Fresh Water Fish Commission. The developer of any areas identified as containing wildlife habitat shall be responsible for the conduct of an analysis to determine the value and extent of such habitat. The habitat analysis shall form the basis of habitat conservation and preservation measures to be established either as a condition of development approval or in an enforceable development agreement pursuant to ss. 163.3220 - .3243, F. S.

F. Water Wells and Cones of Influence

- (a) The Town shall prohibit installation of septic tanks within two-hundred (200) feet of municipal potable water wells.
- (b) Land uses which store, transfer or use hazardous materials shall not be Permitted within two-hundred (200) feet of municipal potable water wells.

(c) Underground storage tanks containing gasoline, diesel fuel, or other hazardous substance shall not be permitted within three-hundred (300) feet of municipal

potable water wells.

(d) No new potable water well shall be located within 500 feet of any known source of groundwater contamination.

G. Natural Vegetation

The Town shall preserve natural vegetation as part of the required buffers specified in subsection and in subsection 4-3.3. All developers are strongly encouraged to preserve as much natural vegetation as possible during design and construction of development projects.

Sec. 4-5. UTILITIES

This Section is intended to provide basic standards for availability of utilities services as follows.

4-5.1 Applicability

54225. Electricity and Telephone

All habitable development shall have available a source of electricity and telephone

Adequate to accommodate the permitted development.

54226. Water and Sewer

All new habitable development within the Town shall be connected onto the Town

water and sewer system or, if Town water and sewer service is not available, within

six (6) months of the availability of such service. All connections or extensions into

either the water or sewer systems shall be as specified in the Standard Plumbing Code

(1988) and/or, if applicable, state rules.

54227. Fire Hydrants

The developer of any commercial, industrial, residential, development or residential

subdivision shall provide a system of fire hydrants which meets or exceeds the

standards set forth in Recommended Standards for Water Works, 1982

Stormwater Design Standards

i. Stormwater Quality

Minimum storm water quality standards is:

-Retention, or detention with filtration of the runoff from the first one inch of rainfall or for drainage areas less than 100 acres, facilities required to provide retention, or detention with filtration, or the first one half inch of runoff from a 24-hour, critical duration storm event.

-Higher standards may be applied in areas of special concern as determined by the Town Clerk.

-All stormwater discharge structures shall have sediment controls and Skimming devices.

-Off-site discharge flows shall be limited to non-erosion velocities.

ii. Storm Quantity

Minimum stormwater quantity standards:

-All developments shall provide facilities required to attenuate the 25-year, 24-hour storm event while limiting discharge to the difference between pre-development levels and post development levels or to the capacity of the receiving water or drainage control structure.

-The minimum time of concentration shall be ten minutes.

-Design engineers shall verify the capacity of the outfall system with

Analytical analysis, unless waived by the Town Clerk.

c. Erosion and Siltation Control

The minimum for erosion and siltation control:

i. Provide an erosion and siltation plan for temporary and permanent vegetative and structural control measures.

ii. Best management practices contained in Florida Department of Environmental Regulation's Florida Development Manual: A Guide to Sound Land and Water Management Will be followed.

iii. Denuded areas shall be stabilized with mulch, sod or other temporary vegetation within 30 days. Final stabilization measures shall be in place within 60 days for final grading.

iv. Soil stockpiles shall be protected from erosion . Dust

Drainage and Stormwater Management Plan Requirements

i. The applicant shall provide sufficient information for the Town to evaluate the characteristics of the affected area, the potential impacts on Town water and the acceptability of compensating measures including: maps, sketches, graphs, tables, photographs, narratives and other information.

ii. The Drainage and Stormwater Management Plan shall be prepared by a professional engineer registered in the State of Florida, unless exempted by the Town Clerk.

iii. The Drainage and Stormwater Management Plan shall include the following, unless exempted by the Town Clerk.

- Name, address, and telephone number of the applicant.
- Location map and aerial photo outlining project boundaries.
- Existing environmental and hydrologic conditions of the site and receiving waters including:
 - , Predevelopment flow rate, direction and volume of stormwater run-off on the site
 - , Off-site adjacent upland acreage, water courses, water bodies and wetlands.
 - , Groundwater levels.
 - , Vegetation and soils.
 - , Other appropriate site-specific information including outfall system information.
- Components of the proposed Stormwater Management System including:
 - , Post development flow rate, direction and volume of stormwater run-off with a comparison to predevelopment conditions.
 - , Construction plans for stormwater system improvements.
 - ◆ Erosion and sedimentation control measure plan (see subsection 4-4.4,1).
 - , Plan and schedule for maintenance of Stormwater Management System and erosion/sediment control measures.
 - , Other appropriate site-specific information.

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Off-site Facilities

- i.Developers may provide off-site quality and quantity stormwater facilities subject to approval by the Town Clerk.
- ii.Developers may request participation by a pro-rata share in existing or planned public or regional stormwater facilities in lieu of on-site facilities subject to a development agreement with the Town.

i.Exemptions to Protection Standards

- i.Any new development, alteration or improvement of existing structures which will not increase the peak discharge rate, the volume of runoff or deposit additional pollution materials beyond the boundaries of the development.
- ii.Maintenance work on existing mosquito control drainage structures for public health and welfare purposes.
- iii.Construction of any structure or addition to an existing structure creating six hundred square feet or less of new impervious surface.
- iv.Emergencies requiring immediate action to prevent material harm or danger as in fires, violent storms, hurricanes, or other extraordinary hazards. A report of the emergency action will be made to the Town as soon as possible.
- v.Developments which discharge into an existing stormwater treatment facility with sufficient reserve quality and quantity capacity as determined by the Clerk.
- vi.Developments which must meet a higher stormwater management standard mandated by another agency.
- vii.Phased completion of development project approved before adoption of this Code.

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Requirements for Drainage and Stormwater Management Plans may be combined with the requirements for an Erosion and Sediment Control Plan as specified in subsection 4-4.1,1 in so far as all requirements for both plans are met.

4-5.2 Placement/Location of Utilities

To the maximum extent practicable, all utilities shall be placed, installed or otherwise located in conformance with Appendix B, "Recommended Guide for Utility Placement."

4-5.3 Utility Easements

When a developer installs, or causes the installation of, water, sewer, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer title to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Sec. 4-6. TRAFFIC CIRCULATION AND PARKING

4-6.1 Purpose

This Section establishes minimum requirements applicable to transportation systems, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices, and to promote a convenient and safe motorized and non-motorized transportation system.

4-6.2 Technical Construction Standards

Design and construction of all highways, roads, or streets including pavement width, right-of-way, sight clearance and all other associated design considerations shall be as specified in the most recently published edition of the Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways, Florida Department of Transportation (the "Green Book"), unless otherwise specified in this Code.

4-6.3 Functional Classification of Roadways

Roadways within the Town have been identified in the Comprehensive Plan as to functional classification established by the Florida Department of Transportation. Functional classification of roadways within the Town are as follows.

54229. Urban Principal Arterial

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4-6.4 General Design Standards

54233. All streets in a new development shall be designed and constructed pursuant to the standards or tests contained in the Technical Construction Standards Manual specified in subsection 4-6.2 and right-of-way standards specified in subsection 4-6.5. Streets may be dedicated to the Town upon completion, inspection, and acceptance by the Town. Testing of materials pursuant to standards specified in Appendix A may be required by the Town.

54234. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.

54235. Streets shall be designed so as to avoid environmentally sensitive areas.

54236. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards specified in this Section and inspected and approved by the Town.

54237. The street layout in all new development shall be coordinated with and interconnected to the street systems of the surrounding area.

54238. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are vacant but platted, stub outs in the new development shall be provided for future connection (s) to the adjacent platted land.

54239. Residential streets shall be arranged to discourage through traffic.

54240. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.

54241. New intersections along one side of an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.

54242. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersecting streets may be no less than 100 feet.

54243. Lots in residential subdivisions shall be designed and arranged so that the

No encroachment, including driveway connections, shall be permitted into Town right-of-way, except as authorized by the Town.

Use of the right-of-way for public or private utilities, including but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications described in Appendix B and other applicable laws or regulations.

Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot that they are intended to serve.

For use not specifically mentioned herein, off-street parking requirements shall be interpreted by the Planning Board.

REPEATED LINE OF CHARACTERS

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DWELLINGS

Single-family, duplex, cluster or town house dwelling units	2 per unit
Apartment or condominium	1.5 per unit (plus 1 per Each 10 units)
Community Residential Homes	1 per bedroom
Hotels, motels and mobile	1 per unit (plus 2 per Office)
Boarding homes	1 per bedroom
Dormitories	1 per each 3 beds

PUBLIC ASSEMBLY

Church, temple or other place of worship	1 per 4 seats in main assembly room
Fraternal organization or private club	1 per 300 sq. Ft. gross Floor area, plus 1.5 per bedroom
Auditorium, theater, gymnasiums or convention hall	1 per 4 seating spaces
Libraries and museums	1 per 500 sq. Ft. gross area
Private schools, kindergartens and day care centers	1 per 4 seats in assembly hall plus 1 per classroom
Amusement place, dance hall, swimming pool or exhibition hall	1 per 4 seating spaces or 1 per each 100 sq. Ft. of Floor or grounds used for Amusement or assembly

HEALTH FACILITIES

Hospitals	1.75 per bed
Sanitariums, convalescent homes or similar institutions	1 per 500 sq. ft. Of gross floor area
Animal hospitals	1 per 200 sq. ft. of gross Floor area and 1 per staff member
Medical, dental and health offices and clinics	1 per 300 sq. ft. of gross floor area and 1 per staff member
Funeral parlors or mortuaries	1 per each 4 chapel seats
BUSINESS	
Bowling Alley	5 per alley
Food stores and drugstores	1 per 300 sq. ft. of gross floor area (over 4,000 sq. ft.: Use 1 per 100 sq. ft. Gross floor area)
Commercial, retail business ness personal services	1 per 300 sq. Ft. of gross floor area
Health Spa or Club	1 per 300 sq. ft. of gross floor area
Business and Professional offices	1 per 300 sq. ft. of gross floor area
Printing, publishing or broadcasting	1 per 300 sq. ft. of gross floor area
Restaurant, lounge or establishment for consumption of beverages on premises	1 per 100 sq. ft. of floor area or 1 per 4 seats, whichever is greater
Drive-in restaurants	Subject to approval by the Town Council
Shopping centers	1 per each 300 sq. ft. Of gross floor area up to 15 acre center, and 1 per each 200 sq. ft. gross floor acre center.

adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

Off-street loading and unloading space shall be provided as follows:

54259. One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand (20,000) square feet of floor area, plus one (1) additional off-street loading and unloading space for each additional twenty thousand (20,000) square feet of floor area up to and including one hundred thousand (100,000) square feet.

54260. There shall be provided an additional off-street loading and unloading space for each additional forty thousand (40,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

54261. Where trailer trucks are involved such loading and unloading space shall be an area twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

54262. All areas devoted to permanent off-street loading and unloading as required under this Section shall be of a sealed-surface construction and maintained in such a manner that no dust will result from continuous use.

4-6. 11 Handicapped Parking Requirements

54263. Any land use offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to Florida Statutes.

54264. Angles or perpendicular parking spaces shall be a minimum of 12 feet wide.

54265. Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to driveway entrances.

54266. Each parking space shall be conspicuously outlined in blue paint and shall be posted and maintained with a permanent, above grade sign bearing the international symbol of handicapped accessibility and the caption "Parking by Disabled Permit Only."

54267. All spaces shall have an adjacent access aisle 5 feet wide minimum.

54268. All spaces shall be accessible to a curb ramp when necessary.

54269. The minimum number of special parking space shall be 1 per 25 total spaces up to 100 spaces. Above 100 spaces total add 1 additional space per 50 total spaces. (Minimum request shall not be less than 1 per occupancy).

Sec. 4-7 SUBDIVISION STANDARDS

4-7.1 Purpose

The procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof are necessary and appropriate in order to provide for economical and sufficient streets with adequate widths and with proper alignment and grades designed to promote the public safety, health and general welfare, to provide for the harmonious development of the Town, for suitable residential neighborhoods with adequate and appropriate building sites, to save unnecessary expenditure of public funds by initial, proper, coordinated construction of streets and to secure adequate provision for water, drainage, sewers and other utilities and to provide proper land records for the convenience of the public and for better identification and permanent location of real estate boundaries.

4-7.2 General Requirements

54270. Any owner of land lying within the area of jurisdiction who wishes to divide such land into three (3) or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Town Clerk for approval and shall obtain the approval of the Town Council prior to the filing of his subdivision plat for record. Any such plat of subdivision shall be presented in the manner specified in the following subsections. No plat of a subdivision of land within the area of jurisdiction shall be filed or recorded by the Clerk of the Circuit Court without the approval of the Town Council as specified herein.

54271. Title Certification

Every plat of a subdivision submitted must be accompanied by a title opinion of an

attorney at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication, if any, as it is shown on the plat and, if the plat does not contain a dedication, that the developer has record title to the land. The title opinion or certification shall also show all mortgages not satisfied or releases of record nor otherwise terminated by law.

54272. Name of subdivision

Every subdivision shall be given a name by which it shall be legally known. Such

name shall not be the same or in be legally known. Such name shall not be the same

or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to identify of the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section", "unit". "replat", "amended", etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

54273. Qualification of Person Making Survey and Plat

Every subdivision of lands made within the provisions of this section shall be made under the responsible direction and supervision of a land surveyor who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and the survey data complies with all the requirements of this section. The certification shall bear the Signature, registration number, and the official seal of the land surveyor.

54274. Approval of Plat

Before a plat is offered for recording, it shall be approved by the Town Council and the Town evidence of such approval shall be placed on such plat. If not approved, Council shall return the plat to the land surveyor.

54275. Dedication and Approval

A. Every plat of a subdivision filed for record must contain a dedication by the developer. The dedication shall be executed by all developer having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

B. When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the developers and mortgages having a record interest in the lands subdivided and the approval of the Town Council has been secured and recorded in compliance with this section, all streets, alleys, easements, right-of-way, and public areas shown on such

Location and width of easements shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated.

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.All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision or a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

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Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet All measurements shall refer to horizontal plane and in accordance with the definition of a foot or meter adopted by the United States Bureau of Standards.

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Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

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The purpose of all areas dedicated must be clearly indicated or stated on the plat.

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|||||.When it is not possible to show curve detail information on the map, a tabular form may be used.

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obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

54276. Instruction for Filing Plat

After the approval by the Town Council, the plat shall be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat.

4-7.3 Review of Proposed Subdivisions

54277. Any developer of any subdivision shall, prior to any land clearing, construction, or improvements, submit to the Director a preliminary sketch plat. Upon approval of the preliminary sketch plat by the Town Clerk and the Planning Board, the developer may proceed with the final plat and any other documents required pursuant to this Section.

54278. All concurrency management requirements as set forth in Article III of this Code must be met.

54279. At least 15 days prior to the meeting at which it is to be considered, the subdivider shall submit to the Town Clerk three (3) copies of a preliminary sketch plat of the proposed subdivision drawn to a scale of not less than one inch equals 100 feet.

54280. The sketch plat which shall meet minimum standards of design as set forth in subsection 4-7.5 and shall contain the following.

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Board files, one (1) copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any required; and one copy shall be filed with the Town.

54283. Failure of the Planning Board to act on the preliminary sketch plat within 45 days will be deemed approval of the plat, subject to final approval by the Town Council.

54284. The approval of the preliminary sketch plat by the Planning Board will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat.

54285. The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within 2 months from the date of such approval unless an extension of time is applied for and granted by the Planning Board.

4-7.4 Final Plat

54286. The final plat shall conform substantially to the preliminary sketch plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these standards.

54287. At least 10 days prior to the meeting at which it is to be considered the subdivider shall submit a reproducible drawing in black drawing ink and three copies (black and white prints or blue line prints) together with any street profiles or other plans that may be required by the Planning Board.

54288. The Planning Board and Town Clerk shall approve or disapprove the final plat within 45 days after its submission. Failure of the Planning Board to act on the final plat within such 45 day period shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Board. Upon approval of the final plat the Planning Board and Town Clerk, or if no action is taken by the Board within 50 days of the submission of the plat, it shall be referred to the Town Council with recommendations of final action. When the plat has been approved by the Town Council, one copy will be returned to the subdivider with the approval of the Town Council certified thereon for filing with the Circuit Court, as the official plat of record. The original tracing containing all required certifications will be returned to the subdivider for his records of the Town. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Town Council.

54289. Approval of the final plat by the Town Council shall constitute the acceptance by the public of the dedication of any streets or other public way or ground.

Certification of approval to be signed by the Mayor and Town Clerk.

4-7.5 Minimum Design Standards

54292. Supervision of Work

All work shall be constructed under the supervision of the developer's engineer, who

shall be authorized to require and who shall require that it be constructed in accordance with the development plan and the requirements of this Section. He shall have authority to make minor changes in the development plan consistent with these

requirements, but major changes shall not be made without the prior approval of the

Town Council. All necessary certificates indicating the satisfactory installation of the

water distribution system and quality of the water as well as the certificates indicating

the approval of the sanitary sewer systems by appropriate state agencies are the

responsibility of the subdivider's engineer.

54293. Measurements and Tests Required

During construction the developer's engineer shall cause to be made such field and

laboratory tests as are needed to assure that the work and materials conform with the

development plan and the requirements of this section. The results of these tests shall

be submitted to the Town Clerk in duplicate. All testing of materials shall be specified in Appendix A of this Code.

54294. Streets and Public Ways

Location and construction of all streets shall be as specified in Section 4-6 of this Code. The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width.

Subdivision that adjoin existing streets shall dedicate additional right-of-way to meet minimum street width requirements.

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Minor terminal streets or courts designed to have one end permanently closed shall be more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the Planning Board may approve an alternate design.

Where, in the opinion of the Planning Board, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the

boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet.

54295.Blocks

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Easements for Utilities

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Except where alleys are permitted for the purposes, the Planning Board may require easements not less than 20 feet in width, for poles, wires, storm and sanitary sewers, gas, water or other utility lines along all lines, along side lot lines if necessary, or if advisable, in the opinion of the Planning Board. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.

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|||||Community Assets

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In all subdivision due regard for all natural features such as large trees and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

54298.Suitability of the Land

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Neither the Planning Board nor the Town Council shall approve the subdivision of land, if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

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Land subject to flooding and land deemed to be topographically unsuitable not be platted for residential occupancy, or for any other uses that may flood hazard, endanger health, life or property, or aggravate erosion. Such within the plat shall be set aside for such uses as shall not be endangered periodic or occasional inundation or shall not produce unsatisfactory conditions.

proposed

Fill may not be used to raise land in areas subject to flood unless the fill does not restrict the flow of water and unduly increase flood heights.

54299.Large Tracts or Parcels

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When land is subdivided into larger parcels than ordinary building lots, parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdividing.

54300.Groups Housing Development

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A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the Town Council although the design of the project does not include standards streets, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

54301.Utilities

installed

All utilities including electric, telephone, water, sewer, gas, etc. shall be installed and maintained as specified in Section 4-5 of this code. Where feasible, all utilities shall be placed underground.

54302.Other Required Improvements

other

Other improvements such as curb and gutter, sidewalks, bicycle paths or other similar features may be required as considered necessary by the Town.

54304.No person who is the owner or agent of the owner of any land shall transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by this section and recorded the approved subdivision plat as required.

54305.No person shall file or record or attempt to file or record a plat of a subdivision within the Town without the approval of such plat as required by this section.

54306.No Clerk of Circuit Court or other public official shall receive, file, or record a plat of a subdivision within the Town without the approval of such plat as required by this section.

54307.It shall be the duty of the Town Clerk to enforce the provisions of this section. He shall refuse to grant a permit for the use of premises for the construction of alternation of any building if the same will be in violation of any of the provisions of this section. Any misstatement or inaccuracy on the application of this section will be sufficient grounds for the denial or revocation of a permit by the Town Clerk.

Sec. 4-8 MOBILE HOMES AND MOBILE HOME PARKS

48-1 Purpose

The purpose of this Section is to provide standards for the location and placement of individual mobile homes, mobile home parks or mobile home subdivisions.

4-8.2 Applicability

Mobile home to be placed or otherwise located within the Town shall comply with requirements specified herein. Mobile homes shall be used for residential purposes only.

4-8.3 Individual Mobile Home on Individual Lots (not part of a mobile home park or subdivision)

54308.Land Use Districts

An individual mobile home or manufactured housing unit is an allowable use in the Residential and Mixed Use districts.

54309.Development Standards

All individual mobile homes shall comply with all minimum standards for the land use district in which they are located and shall have the wheels and tongue removed, the bottom enclosed with a customary mobile home skirt, and have an

Access roads within a mobile homes park shall be a width of not less than twenty four (24) feet.

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aaaaa.Mobile home spaces may abut upon a driveway of not less than
twenty (20) feet in width, which shall have unobstructed access road
within the mobile home park. The sole vehicular access shall not be by
alley, and all dead-end driveways shall include adequate vehicular turning
space or cul-de-sac.

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SIGN REGULATIONS

Sec. 5-1 PURPOSE

The purpose of this Article shall be to coordinate the type, placement, and physical dimension of signs within the Town; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a principal or accessory use except in accordance with the provisions of this Article.

Sec. 5-2. SCOPE

This Article shall not relate to building design. Nor shall this Article regulate official traffic control or governmental signs; the copy and message of signs; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Sec. 5-3. DEFINITIONS

The following definitions shall apply to this Article in addition to those set forth in Section 1-5 of this Code.

Abandoned Sign-A sign which no longer identifies or advertises a bona fide business; lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Animated Sign-Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing Sign").

Awning-A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare "Marquee").

Awning Sign-A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign-A sign made of fabric or any nonrigid materials with no enclosing framework.

Billboard-(see "Off-Premise Sign")

Changeable Copy Sign (Automatic)-A sign on which the copy is changed automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable Copy Sign (Manual)-A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

Clearance (of a sign)-The smallest vertical distance between the grade of the adjacent street and the lowest point of any sign, including framework, embellishments, poles and supports, extending over that grade. From grade to bottom of sign.

Construction Sign-A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy-The wording on a sign surface in either permanent or removable letter form.

Directional/Information Sign-An on-premises sign giving directions, instructions, or facility information and which may not contain the name or logo of an establishment or any advertising copy, e.g., parking or exit and entrance signs.

Double-faced Sign-A sign with two faces.

Electrical Sign-A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center-(see "Changeable Copy Sign, Automatic")

Fascade-The entire building front including the parapet.

Face of Sign-The area of the sign in which the copy is placed.

Festoons-A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Portable or On-Premise Sign-A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation light. Does not include changeable copy signs.

Freestanding Sign-A sign supported upon the ground by poles or braces and not attached to any building.

Frontage-The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building-The length of an outside building wall facing a public right-of-way.

Governmental Sign-Any temporary or permanent sign erected and maintained by the town, county, state, or federal government or any agency thereof including boards, district, etc.

Height (of a Sign)-The vertical distance measured from the highest point of the sign, including embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

Identification Sign-A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign-A sign which does not meet the requirements of this Article and which has not received legal nonconforming status.

Illuminated Sign-A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign-A small sign, emblem, or decal, located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating hours of business.

Maintenance-For the purposes of this Article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard-A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee-A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "Awning").

Marquee Sign-Any sign attached to or supported by a marquee structure.

Nameplate-A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign-(1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign which does not conform to the requirements provided herein but for which a variance has been issued.

Occupancy-The portion of a building or premise owned, leased, rented, or otherwise occupied for a given use.

On-Premise Sign-A sign which pertains to the use of the premises on which it is located.

Off-Premise Sign-A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

Owner-A person recorded as such on official records. For the purposes of this Article, the owner of property on which a sign is located is presumed to be the clerk of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the e.g., a sign leased from a sign company.

Painted Wall Sign-Any sign which is applied with paint or similar substance on the face of a wall.

Parapet-The extension of a false front or wall above a roof line.

Point of Purchase Display-Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

Political Sign-For the purpose of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign-Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Premises-A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign-A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real Estate Sign-A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof-line-The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign-Any sign erected over or on the roof of a building (compare “Mansard,” “Wall Signs”)

Rotating Sign-A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sign-Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, Area of-(1) Projecting and Freestanding: The area of a freestanding or projecting sign may have two (2) sign faces each of which may be up to the same square footage on each side as allowed herein. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets:

(a) The area around and enclosing the perimeter of each cabinet or module shall be

summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

(2) Wall Signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. The combined areas of the individual figures shall be considered the total sign area.

Snipe Sign-A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign-A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign-A sign not constructed or intended for long-term use.

Under-Canopy Sign-A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use-The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Wall Sign-A sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition inches painted, individual letter, and cabinet signs, and signs on a mansard.

Window Sign-A sign installed inside a window and intended to be viewed from the outside.

Sec. 5-4. APPLICABILITY

No person shall erect, place or maintain a sign within the Town except in accordance with the provisions of this Article.

Sec. 5-5. PROHIBITED SIGNS

The following signs are prohibited in all areas of the Town

54315. Abandoned signs;

54316. Any non-governmental sign located within a dedicated Town street right-of-way unless specifically authorized by the Town

54317. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving or animated signs; except for time and/or temperature signs; and

54318. Any sign which blocks or restricts the sight distance of a motor vehicle operator at any driveway or intersection.

54319. Any sign for which any part of the sign extends over, across, or above any public way, including roadways and sidewalks. This shall not apply to public or governmental signs.

Sec. 5-6. PERMITS REQUIRED

No person shall erect, place or construct any sign without first obtaining a permit from the Town except as specified in Section 5-7. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs.

Sec 5-7. SIGNS NOT REQUIRING PERMITS

The following types of signs are exempted from permit requirements but be in conformance with all other requirements of this Article.

- (1) Construction signs of 32 square feet or less.
- (2) Directional/Information signs of four (4) square feet or less located behind the applicable setbacks.
- (3) Holiday or special events decorations
- (4) Nameplates of two (2) square feet or less.
- (5) Political signs.
- (6) Public signs or notices, or any sign relating to an emergency.
- (7) Real estate signs.
- (8) Window signs.
- (9) Incidental signs.
- (10) For sale signs of two (2) square feet or less.

Section 5-8. MAINTENANCE

All signs shall be properly maintained. Exposed surface shall be clean and painted if paint is required. Defective parts shall be replaced. The Town Council shall have the authority under subsection 5-18.5 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

Sec. 5-9. CHANGEABLE COPY

Unless otherwise specified by this Article, any sign herein allowed may use manual or automatic changeable copy.

Sec. 5-10 LIGHTING/ILLUMINATION

Unless otherwise specified by this Article, all signs may be lighted or illuminated consistent with the following provisions.

54320. Sign lighting shall not be installed or located so as to cause confusion with traffic control lights.

54321. Illumination by spotlights or floodlights may be allowed provided that no light emitted shines onto an adjoining property or into the eyes of persons driving or walking upon any roadway or sidewalk.

54322. Exposed incandescent lights shall not be used for lighting outdoor signs.

54323. Revolving beacons and flashing lights are prohibited.

Sec. 5-11. ALLOWABLE ON-PREMISES SIGNS-LAND USE DISTRICTS

5-11.1 Allowable Signs in All Districts

The following signs are allowed in all districts.

54324. All signs not requiring permits.

54325. One (1) construction sign for each street frontage of construction project, not to exceed 32 square feet in sign area. Such signs may be erected 120 days prior to beginning of construction and shall be removed 30 days following completion of construction.

54326. One (1) nonilluminated real estate sign per lot or premises not to exceed four (4) square feet in sign area. Such signs must be removed ten (10) days following sale, rental, or lease.

54327. One (1) attached nameplate per occupancy, not to exceed four (4) square feet in sign area.

54328. Political signs, not to exceed six (6) square feet in residential districts and thirty-two (32) square feet in non-residential districts. All political signs shall be removed within fourteen (14) days after the election or runoff.

54329. Four (4) directional /information signs per business, not to exceed four (4) square feet in area provided that no directional/information sign not located behind the applicable setback shall contain any name or logo, and provided that the location of any such directional/information signs is approved by the Planning Board.

54330. One (1) temporary special events-sign and decoration per premises as allowed by the Town Council for special events, grand opening, or holidays. Such signs and decoration may be erected 30 days prior to a special event or holiday and shall be removed ten (10) days following the event or holiday. For grand openings such signs may be used for no more than fourteen (14) days.

54331. Temporary banners for civic events or events of general public good extending across the public right of way at locations specified by the Planning Board. Such banners shall be up no more than fourteen (14) days.

54332. "For sale" signs advertising vehicles, boats or other similar items for sale by owner provided such sign does not exceed two (2) square feet of sign area.

5-11.2 Permitted Signs in Residential Districts

The following signs shall be permitted in Residential land use districts; all other signs are prohibited.

54333. All signs permitted in subsection 5-11.1.

54334. Two (2) subdivision or apartment identification signs per residential development, not to exceed thirty-two (32) square feet of sign area.

54335. Signs describing a home occupation or home office of convenience provided there are no more than one (1) sign per residence; and, the sign does not exceed four (4) square feet of sign area.

54336. Snipe signs for garage sales, yard sales or similar events provided that the sign is removed by the installer or owner of said sign no later than the 24-hour period following the sale or event.

54337. For churches, synagogues or similar institutional uses one (1) freestanding sign not to exceed 24 square feet in sign area, and one wall sign not to exceed 24 square feet in sign area.

54338. All allowed freestanding signs in Residential districts shall have a height limit of eight (8) feet and shall have a setback of ten (10) feet from any public right-of-way, provided, however, that the setback requirement shall not apply to subdivision identification signs so long as they do not create a sight obstruction.

5-11.3 Permitted Signs in Mixed Use (MU) Districts

The following signs shall be permitted in MU districts; all other signs are prohibited.

54339. All signs permitted in subsection 5-11.2.

54340. Two identification signs per apartment, townhouse, condominium or other multi-family residential development, not to exceed 32 square feet of sign area.

54341. For commercial development allowed in MU districts, one (1) freestanding sign per premise not to exceed 24 square feet of sign area and one (1) wall sign not to exceed 24 square feet of sign area for businesses fronting upon arterial or collector roadways; and one (1) freestanding sign and one (1) wall sign not to exceed twelve (12) square feet in sign area for businesses fronting upon local streets.

54342. All allowed freestanding signs in MU districts shall have a height limit of ten (10) feet and shall have a setback of ten (10) feet from any public right of

way, except for electrified signs in areas subject to vehicular traffic, which shall have a height limit of sixteen (16) feet.

5-11.4 Permitted Signs in Commercial and Industrial Districts

The following signs shall be permitted in commercial and industrial districts, all others are prohibited.

54343. All signs permitted in subsection 5-11.3

54344. One (1) freestanding sign per premises and street front is allowed. The sign may not exceed one (1) square foot in sign area for each linear foot of main street frontage. If the property is a shopping center only one (1) freestanding sign is allowed per street front. Where the premises is located on a corner or has more than one (1) public street frontage, one (1) additional freestanding sign will be allowed on the additional frontage, not to exceed the size of other allowed freestanding signs. If linear footage exceeds 300' a second pylon is allowed as long as total square footage of all signage does not exceed one (1) square foot per linear foot.

54345. All freestanding signs shall be located at least (10) feet behind the public right-of-way line, unless the grade clearance of the sign is a minimum of ten (10) feet in which case the leading edge of the sign may extend to the right-of-way line. In no case may a sign extend over the right-of-way line or any public way. In the case of electrified signs, the bottom of the sign and the outline lighting enclosure shall not be less than sixteen (16) feet above grade in areas accessible by vehicles.

54346. No part of any sign shall be located within a twenty-five (25) foot radius of the intersection of the improved surface of any two streets or the improved surface of any street and railroad unless any part of the sign extending over or into this radius has at least ten (10) feet of clearance.

54347. No part of any sign shall be located within a fifteen (15) foot radius of the intersection of any driveway and the improved surface of any street unless any part of the sign extending over or into this radius has at least ten (10) feet of clearance.

54348. Wall signs shall not exceed an aggregate area of one (1) square foot in sign area for each linear foot of that occupancy's building frontage.

54349. Awning signs are measured by copy area only.

54350. One (1) under-canopy sign per occupancy, not to exceed eight (8) square feet in sign area.

54351. Incidental signs not to exceed four (4) square feet in aggregate sign area per occupancy.

54352. The maximum permitted height for any on-premise sign in a non-residential district shall be twenty-four (24) feet above the grade of the adjacent street.

54353. Projecting signs shall conform to the requirements of the Standard Building Code and shall be permitted only where a public sidewalk abuts the side of the building on which the projecting sign is affixed.

5-11.5 Permitted Signs in Public/Institutional (P/I) and Recreation (REC) Districts.

The following signs shall be permitted in P/I and REC districts, all others are prohibited.

54354.All government signs.

54355.For any non-government use, one (1) freestanding sign not to exceed 24 square feet of sign area, and one (1) wall sign not to exceed 24 square feet of wall area.

54356.All allowed freestanding signs in P/I or Recreation districts shall have a height limit of ten (10) feet and shall have a setback of ten (10) feet from any public right-of-way, except for electrified signs in areas subject to vehicular traffic which shall have a height limit of sixteen (16) feet.

Sec. 5-12 PORTABLE SIGNS

In additional to any regulation applying to signs in general, including the requirement for a permit, the following regulations shall apply to portable signs.

1. Portable signs shall comply with the same setback and sight distance requirements as all other signs.

54357.No portable signs shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. No portable sign shall be animated.

54358.Portable signs shall be used only for on premise advertising and shall not be used on billboards.

54359.Sign permits shall be required for portable signs. Permits for portable signs shall be for (6) months and may be renewed.

54360.Portable signs shall be limited to one (1) per business.

54361.Subject to the provisions of this Section, portable signs may be permitted in Commercial districts only.

54362.In addition to any other remedies provided for in this Article, The City Clerk shall have the authority to remove and impound any portable sign which remains on any public right of way forty-eight (48) hours after delivery of notice to remove the sign from the public right of way.

Sec. 5-13 NONCONFORMING SIGNS

Existing, permanent signs that do not conform to the provisions of this Article shall be legally nonconforming provided that:

54363.The Town Clerk determines that such signs are properly maintained and do not in any way endanger the public.

54364.Such signs are not located on any public right of way.

5-13.1 Lost of legally nonconforming status

A legal nonconforming sign shall lose this designation if:

54365. The sign is relocated or replaced;

54366. The structure or size of the sign is altered in any way except towards compliance with this Article (This does not refer to normal maintenance);

54367. The sign becomes abandoned for a period of six (6) consecutive months.

5-13.2 Maintenance and repair of nonconforming signs

- A. The legal nonconforming sign is subject to all requirements of this Article regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent appraised damage or deterioration, it must be brought into conformance with this Code or removed.

Sec. 5-14. CONSTRUCTION STANDARDS

- A. All permanent signs shall be constructed and erected in accordance with the requirements of the Standard Building Code and the National Electrical Code, and as specified in this Section.

5-14.1 Anchoring

- A. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.
- B. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- C. All portable signs on display shall be braced or secured to prevent motion.

5-14.2 Wind Loads

- A. All signs shall be designed and constructed to meet the wind loading requirements as set forth in the Standard Building Code.

5-14.3 Additional Construction Specifications

- A. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- B. No sign shall be attached in any for, shape or manner which will interfere with any opening required for ventilation.
- C. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specification, depending on voltages concerned.
- D. All signs containing electrical components shall be constructed or located

according to the specifications of the National Electric Code as well as the specifications agency. All such signs shall have clearly visible testing agency label permanently affixed.

- E. Any free-standing sign, whether for on or off-premise use, which has a sign area of 100 square feet or more shall be all-metal single pole construction except for the skirt which may be of other durable materials.

Sec. 5-15 Administration

5-15.1 Administration

- A. The Town Clerk shall be authorized to process applications for permits and variances, schedule public hearings as required, and enforce and carry out all provisions of this Article, both in letter and in spirit.
- B. The Town Clerk is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the Town for the purpose of inspecting a sign and its structural and electrical connections to ensure compliance with all structural and electrical connections to ensure compliance with all applicable codes and ordinances. C. The Town Clerk may be accompanied with appropriate inspectors or officials necessary to ensure compliance with the provisions of applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

5-15.2 Application

- A. Application for a permit for the erection, alteration, location or relocation of a sign shall be made to the Town Clerk upon a form provided by the Town and shall include the following information:
 1. Name and address of the owner of the sign.
 2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
 3. The type of sign structure as defined in the Article.
 4. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing on the same premises.
 5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

5-15.3 Issuance and Denial

- A. The Town Clerk shall make a recommendation to the Town Council concerning approval or denial of the permit with ten (10) days after the application for permit is received by the Town. The Town Council shall

act upon such recommendation at its next regularly scheduled meeting.

5-15.4 Permit Conditions

- A. A permit issued by the Town Council becomes null and void if work is not commenced within 90 days of issuance. If work authorized by the permit is suspended or abandoned for 90 days, the permit becomes void. If any sign is installed or placed on any property prior to the receipt of a permit, the sign, including any embellishments, poles, and supporting structures, shall be removed. If any alteration, addition, or enlargement requiring a permit is made to a sign prior to the receipt of a permit, such alteration, addition, or enlargement shall be removed. No variance from these provisions shall be granted.

5-15.5 Removal of Signs

- A. The Town Clerk, upon approval by the Town Council, may cause the removal of an illegal or unsafe sign in case of emergency, or for failure to comply with the orders of removal, relocation or repair, or upon determination that the sign has been abandoned for a period of ninety (90) days. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment on the costs as certified by the Town Clerk together with an additional fifteen percent for inspection and incidental costs. For the purposes of this subsection, removal of the sign shall include the removal of any embellishments, poles, and supporting structures.
- B. If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property with a ten percent penalty for collection in the same manner as the real estate taxes.
- C. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Town, as in the case of a leased sign.