CITY OF PARKER, FLORIDA

LAND DEVELOPMENT REGULATIONS

November 1, 2022

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ARTICLE 1

GENERAL PROVISIONS

Sec. 1-1. TITLE

These Regulations shall be entitled the "City of Parker Land Development Regulations" and may be hereinafter referred to as the "Land Development Regulations" or “Regulations.”

Sec. 1-2. AUTHORITY

These Land Development Regulations are enacted pursuant to Chapter 163, Sections 163.3161 through 163.3217 Florida Statutes (Community Planning Act), Chapter 67-1887, Laws of Florida (City Charter), and the general powers granted under Chapter 166, Florida Statutes.

Sec. 1-3. REPEAL OF PRIOR PROVISIONS

City Ordinance 2012-358, as amended, as well as any provisions of any resolutions or other ordinances in conflict with the provisions of these Land Development Regulations are hereby repealed.

Sec. 1-4. PURPOSE AND INTENT

1-4.1 Generally

The purpose of these Land Development Regulations is to utilize and strengthen the existing role, processes and power of the City 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.

It is the intent of these Land Development Regulations that its adoption is necessary so that the City 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 land within its area of jurisdiction. Through the process of comprehensive planning and land development regulation, it is intended that the City 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 City's area of jurisdiction.

The provisions of these Land Development Regulations 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 City.

1-4.2 Comprehensive Plan

These Land Development Regulations are 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 stormwater management;

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

5. Regulating signage;

6. Providing that 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. 1-5. APPLICABILITY

The provisions of these Land Development Regulations shall govern all development undertaken in the City.

1-5.1 Exceptions

1. The provisions of these Land Development Regulations or any amendments thereto

shall not affect the validity of any lawfully issued and effective permit if:

a. The development activity authorized by the permit has commenced prior to the effective date of these Land Development Regulations or any amendment thereto, or will commence after the effective date of these Regulations, or any amendment thereto but within six (6) months after issuance of the permit; and

b. The development activity continues without interruption (except by 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 these Land Development Regulations, or any amendment thereto.

2. Previously Approved Permits

Projects with permits that have not expired at the time these Regulations 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 these Land Development Regulations or any amendments thereto.

3. Consistency With Plan

Nothing in these Regulations shall be construed to authorize development that is inconsistent with the Comprehensive Plan.

Sec. 1-6. ABROGATION

These Land Development Regulations are 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. 1-7. RELATIONSHIP TO OTHER LAWS

If any subject of these Land Development Regulations are controlled by any other law, statute, ordinance or regulation, then that which imposes the more stringent standard or requirement shall govern.

Sec. 1-8. SEVERABILITY

If any section, paragraph, sentence, or clause hereof or any provision of these Land Development Regulations is declared to be invalid or unconstitutional, the remaining provisions of these Regulations shall be unaffected thereby and shall remain in full force and effect.

Sec. 1-9. EFFECTIVE DATE

These Land Development Regulations shall take effect upon its passage and publication as provided by law.

ARTICLE 2

DEFINITIONS

Sec. 2-1. INTERPRETATION

In the interpretation and application of these Land Development Regulations, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the City; and, 3) deemed neither to limit nor repeal any other power granted to the City.

The language of these Land Development Regulations shall be interpreted according to the following rules unless that interpretation would be inconsistent with manifest intent of the City 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 City 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 any 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 street shall be construed as following the centerline of the street.

    b. Boundaries shown as following or approximately following any platted lot line or other

property line shall be construed as following such line.

c. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

Sec. 2-2. DEFINITIONS

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.

ABUTTING. Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

ACCESSORY DWELLING UNIT. An additional, ancillary dwelling unit located on the same lot or parcel as a principal dwelling unit. Accessory dwelling units are not allowed within the City.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, temporary carports, storage buildings and pole barns. Accessory structures shall not exceed 25 feet in height and shall have at least a 5-foot setback on all sides. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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

ADULT CONGREGATE LIVING FACILITY (ACLF). A type of residential care facility as defined in Section 400.021, Florida Statutes. Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. See residential care facility.

ALTERATION OF A WATERCOURSE. (As relating to Article 8 Floodplain Management only.) A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AIRPORT. An area of land or water designed and set aside for the landing and taking off of aircraft, utilized or to be utilized in the interest of the public for such purpose and validly licensed

by the State in the public airport category or operated by the federal government in the interest of national defense, including but not limited to Tyndall Air Force Base.

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

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").

APARTMENT. Any public lodging establishment intended for living accommodations of a family being joined by common walls or other surfaces structurally, either with or without kitchen equipment or housekeeping facilities.

APPEAL. (As relating to Article 8 Floodplain Management only.) A request for a review of the Floodplain Administrator's interpretation of any provision of the Floodplain Management Article or a request for a variance.

AREA OR AREA OF JURISDICTION. The total area of jurisdiction for the City 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. In addition, every United States numbered highway is an arterial road.

ASCE 24. (As relating to Article 8 Floodplain Management only.) A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

BASE FLOOD. A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

BASE FLOOD ELEVATION. (As relating to Article 8 Floodplain Management only.) The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

BASEMENT. (As relating to Article 8 Floodplain Management only.) The portion of a building having its floor subgrade (below ground level) on all sides.

BEACH. The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

BICYCLE WAY. Any road, path or way which is primarily intended for bicycle travel and from which motor vehicles are excluded.

BILLBOARD. (See "Off-Premise Sign")

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

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. A person or entity designated by the City to enforce the regulations associated with the permitting for and construction of new buildings and/or alteration and safety of existing buildings.

BUILDING PERMIT. An official document or certificate issued by the City or its designee, currently Bay County Building Department, authorizing performance of building or construction activity.

BUSINESS. Any enterprise or venture wherein persons either sell, buy, exchange, barter or deal or any of these things, or represent the dealing in anything or article of value, or rendering services for compensation.

CARPORT. A fixed and permanent structure. It has a foundational floor, not earthen. Its construction and materials shall be substantially similar to the principal structure to which it is attached. The foregoing definition shall not apply to or define a "temporary carport" that is specifically defined herein.

CHAMPION TREE. A tree that has been identified by the Florida Division of Forestry as being the largest of its species within the State of Florida or by the American Forestry Association as being the largest of its species in the United States. Any tree in the City selected and duly designated as a Florida State Champion, U. S. Champion, or World Champion by the American Forestry Association shall be specially protected.

CHANGEABLE COPY SIGN (AUTOMATIC). A sign on which the copy changes automatically on a lamp bank 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., reader boards with changeable letters.

CITY. The City of Parker, Florida, a municipal corporation.

CITY CLERK. The duly appointed clerk of the City.

CITY COUNCIL. The elected legislative body of the City.

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.

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

COASTAL AREA. The land area subject to evacuation in the event of a Category 3 hurricane and all included coastal resources.

COASTAL CONSTRUCTION CONTROL LINE. The line established by the State of Florida pursuant to Section 161.053, Florida Statutes, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

COASTAL HIGH HAZARD AREA. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes ("SLOSH") computerized storm surge model (Chapter 163.3178.(2)(h), F.S). Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC,B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

COASTAL RESOURCES. Estuarine shorelines, marine wetlands, water dependent land uses, public waterfront access points, and waterfront recreation areas, estuarine and oceanic waters, and submerged lands.

COASTAL OR SHORE PROTECTION STRUCTURE. A shore-hardening structure, such as a seawall, bulkhead, revetment, rubblemound structure, groin, breakwater, rip rap, reef and aggregate of materials other than natural beach sand used for beach or shore protection and which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

COLLECTOR ROAD. A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

COMMERCIAL USE. Any activity within land areas which are predominately connected with the sale, rental and distribution of products, or performance of services.

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

COMMUNITY REDEVELOPMENT AREA ("CRA"). Any area designated by the City as a Community Redevelopment Area pursuant to Chapter 163 of the Florida Statutes, as may be amended or superseded.

COMMUNITY RESIDENTIAL HOME. As defined by Chapter 419 of the Florida Statutes, a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides for a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff may be necessary to meet the physical, emotional, and social needs of the residents.

COMPREHENSIVE PLAN. The Comprehensive Plan for the City as amended or superseded.

CONDOMINIUM. That form of ownership of real property existing pursuant to Chapter 718 of the Florida Statutes 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.

CONEX BOX. A type or category of shipping container.

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 or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSTRUCTION EQUIPMENT. Motorized or powered equipment used for earth moving, building, finishing or building repair and certain non-powered equipment used as an aid to construction, finishing or repairing of buildings or land including but not limited to scaffolding, dumpsters and portable caissons. Examples of construction equipment are excavators, back hoes, trenchers, bulldozer, track loaders, and man lifts

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. The construction sign shall also include the permit numbers and dates of issuance of City permits and a separate area enclosing copies of permits issued by or on behalf of the City. The construction sign shall not exceed 32 square feet of sign area per face or 64 total square feet if back-to-back faces. The construction sign shall be prominently displayed in the front yard of the subject property visible from the adjacent roadway prior to beginning of construction and shall be removed 30 days following completion of construction.

CONTAINER HOMES. Homes constructed from repurposed shipping containers. Such homes must meet all residential construction standards of the Florida Building Code. Container home exteriors, at a minimum, shall be painted to replace the industrial finish and remove any original signage. Exterior cladding, doors, windows, porches, and similar architectural elements are encouraged.

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

CONTRACTOR. Any person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this Sections 489.101 through 489.145 of the Florida Statutes, as may be amended or superseded, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of Section 489.105 of the Florida Statutes, as may be amended or superseded. It also includes any person performing or contracting or promising to perform work described therein. For the purposes of this definition, the term “demolish” applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors in Florida are divided into categories as defined in Section 489.105(a) through (q) of the Florida Statutes, as may be amended or superseded.

CONVENIENCE STORE. A retail store (often franchised) that carries a limited selection of basic

items such as packaged foods and drugstore items, and is open long hours for the convenience of shoppers.

COPY. The wording on a sign surface in either permanent, temporary or removable letter form.

COUNTY. Bay County, Florida.

DECK. An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

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

DESIGN FLOOD. The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

DESIGN FLOOD ELEVATION. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

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

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or any other land disturbing activities. Refer to Section 380.04, Florida Statutes.

DEVELOPMENT PERMIT. Includes any land use permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the City Council or its designee having the effect of permitting the development of land.

DIAMETER AT BREAST HEIGHT ("DBH"). The diameter of a tree measured at 54 inches above ground level. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

DIRECTIONAL/INFORMATION SIGN. An on-premise 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.

DISCOUNT STORE. A type of department store which sell products at prices lower than those asked by other department stores.

DOUBLE-FACED SIGN. A sign with two faces.

DRAINAGE BASIN. The area defined by topographic boundaries which contributes stormwater 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 stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

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

DRAINAGE RETENTION STRUCTURE. A structure designed to collect and prevent the release of a given volume of stormwater 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 UNIT. A single, unified combination of rooms within a structure or part of a structure which is designed for residential use by one or more persons who maintain a common household.

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 incorporeal, non-possessory interest in real property imposed upon corporeal property which confers no right of participation in the profits from the property upon which it is imposed and is imposed for the benefit of the corporeal property, and consists of two tenements, the dominant to which the right of the easement belongs, and the servient, upon which the obligation of the easement rests. An easement may include, but shall not be limited to an express easement, an implied easement, an easement by necessity and a prescriptive easement.

EDUCATIONAL USE. 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 and parking.

ELECTRICAL SIGN. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

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

ESTUARY. A semi-enclosed, naturally existing coastal body of water in which saltwater is naturally

diluted by freshwater and which has an open connection with oceanic waters. "Estuary" includes bays, bayous, lagoons, sounds and tidal streams.

EXISTING BUILDING or EXISTING STRUCTURE. Any buildings and structures for which the "start of construction" commenced before the date of the ordinance enacting these revised Land Development Regulations.

EXISTING MANUFACTURED HOME PARK or EXISTING MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 1, 1980.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTUERD HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACE OF SIGN. The area of the sign in which the copy is placed.

FACILITY. Something that is built, installed or established to serve a particular purpose.

FAMILY. Two or more persons living together in one structure, domicile, house, apartment or living 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.

FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"). The federal agency responsible for overseeing the National Flood Insurance Program.

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 vehicle fuels, oils, or accessories, and which may offer in conjunction therewith a general motor vehicle repair service as distinguished from specialized motor vehicle repairs.

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. This definition does not include changeable copy signs.

FLOOD or FLOODING.

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

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE-RESISTANT MATERIALS. (As relating to Article 8 Floodplain Management only.) Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

FLOOD HAZARD AREA. (As relating to Article 8 Floodplain Management only.) The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

FLOOD INSURANCE RATE MAP ("FIRM"). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY ("FIS"). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

FLOODPLAIN ADMINISTRATOR. The office or position designated and charged with the administration and enforcement of these Land Development Regulations.

FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL. An official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these Land Development Regulations.

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

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

FLOOR AREA RATIO ("FAR"). The relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot.

FLORIDA BUILDING CODE ("FBC"). The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building

Code, Plumbing; Florida Building Code, Fuel Gas and all other such codes enacted by the Florida Building Commission, as may be amended or superseded.

FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"). The agency charged with the establishment, maintenance, and regulation of public transportation in the state of Florida.

FORMULA BUSINESS. Any retail or wholesale establishment that has standardized services, décor, facades, methods of operation and other features that make them essentially identical to businesses located elsewhere. Examples of formula businesses are formula restaurants, formula take-outs, formula convenience stores, formula food markets, formula retail stores, formulas hotels/motels, and formula big box stores.

FORMULA RESTAURANT. A formula business selling food and beverages primarily intended to be consumed on premises. Examples of formula restaurants are Rib Crib, Po Folks, and Cracker Barrel.

FORMULA TAKE-OUT. A formula business selling food and beverages primarily intended to be consumed off premises. Examples of formula take-outs are McDonalds, Dominos Pizza, Popeyes and Taco Bell.

FORMULA CONVENIENCE STORE. A formula business selling food, beverages, household goods, and motor fuel. Examples of formula convenience stores are Seven Eleven and Circle K.

FORMULA FOOD MARKET. A formula business selling food, beverages, fresh produce, fresh meats, and household goods. Examples of formula food markets are Winn-Dixie and Publix.

FORMULA RETAIL STORE. A formula business selling food, beverages, general merchandise and household goods. Examples of formula retails stores are Dollar General and Family Dollar.

FORMULA HOTEL/MOTEL. A formula business offering transient or non-transient lodging. Examples of formula hotels/motels are Motel Six and Holiday Inn.

FORMULA BIG BOX STORE. A formula business which combines attributes of a food market, pharmacy, and general merchandise store with a sales area of more than 15,000 sq. ft. Examples of formula big box stores are Wal-Mart, Sam's and Costco.

FOSTER. Affording, receiving, or sharing nurture or care though not related by blood or legal ties.

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.

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.

FUNCTIONALLY DEPENDENT USE. (As relating to Article 8 Floodplain Management only.) A use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

FRONTAGE, BUILDING. The length of an outside building wall facing a public right-of-way.

GARAGE APARTMENT. An accessory building with storage capacity for at least one motor vehicle, the second floor of which is designed as a residence for not more than one family.

GOVERNMENTAL SIGN. Any temporary or permanent sign erected and maintained by the City, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

GROUP HOME. A facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. A group home shall not include rooming or boarding houses, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HARDSHIP. The exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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 (OF A BUILDING) OR BUILDING HEIGHT. Building Height shall be defined as the vertical distance measured from the weighted average, natural grade elevation to: 1) the highest point of the roof surface for a peak roof; 2) the deck line for a flat roof; or 3) the mean height level between eaves and ridges for mansard roofs. Parapet walls may exceed no more than four feet above the allowable height of a building. Elevator shafts, air conditioning units and similar equipment may extend no more than 25 feet above the allowable height of a building.

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.

HERITAGE TREE. Any large, individual tree with unique value based upon its age, rarity, and size, as well as aesthetic, botanical, ecological, and historical value as may be designated by the City. Further, it shall be any tree with a diameter of at least 30 inches or seven feet ten inches in circumference, whichever dimension is less, measured at a point 54 inches above ground level. Heritage trees shall be considered protected trees.

HIGHEST ADJACENT GRADE. (As relating to Article 8 Floodplain Management only.) The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

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 City as historically, architecturally, or archaeologically significant.

HISTORIC STRUCTURE. (As relating to Article 8 Floodplain Management only.) Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

HISTORIC TREE. A tree one that has been designated by the City Council as one of notable historical interest and value to the City because of its location or historical association with the community.

HOME OCCUPATION. Any business conducted entirely within a dwelling and carried on solely by the resident thereof, the conduct of which is clearly incidental and secondary to the use of the structure for residential purposes.

HOTEL. Any building, or group of buildings within a single complex of buildings, 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.

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 Article 6 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.

IMPERVIOUS SURFACE. An impervious surface area includes any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, vehicle use areas, sidewalks and paved recreational facilities.

IMPERVIOUS SURFACE RATIO ("ISR"). The Impervious Surface Ratio (ISR) equals the total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

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.

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

INFRASTRUCTURE. Any man-made structure which serves the common needs of the City, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

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

INTERNATIONAL STANDARDS ORGANIZATION ("ISO"). A nongovernmental organization that comprises standards bodies from more than 160 countries, with one standards body representing each member country. For example, the American National Standards Institute represents the United States.

JUNKYARD. An open area where waste and used or secondhand materials are salvaged, recycled, bought, sold, exchanged, stored, baled, packed, dissembled, or handled, 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. A business which houses and provides care for household pets and where grooming, breeding, boarding, training or selling of animals is conducted for profit.

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

LANDING AREA. The area of the airport used for the landing, take-off, or taxiing of aircraft.

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. (For the purposes of these Land Development Regulations, land use districts are those described in the Land Use Element of the Comprehensive Plan and shown on the Official Land Use Map.)

Ldn. A day/night 24-hour average sound level, in decibels, obtained after addition of 10 decibels to sound levels occurring during the night time period from 10 PM to 7 AM.

LETTER OF MAP CHANGE ("LOMC"). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment ("LOMA"): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A

LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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

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

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

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.

LIGHT-DUTY TRUCK. (As relating to Article 8 Floodplain Management only.) As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

LIVING MARINE RESOURCE. Any oceanic or estuarine plant or animal, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

LOCAL PLANNING AGENCY. The Planning Commission of the City.

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

LOT. A specific area of land within a parcel having discernible boundaries established by statute, 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 buildings, pavement or other impervious surface.

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, SUBSTANDARD. Any lot that does not conform in area or width to the minimum requirements of these Land Development Regulations.

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

LOW INTENSITY COMMERCIAL. The following shall be considered low intensity commercial uses:

1. Shops and stores for selling at retail, including, but not limited to, the selling of foods, including retail bakeries or pastry shops for human consumption, soft goods such as clothing and shoes, drugs and cosmetics, furniture and appliances, printed materials, notions, hardware and paint, kitchenware, toys and sporting goods, jewelry, gifts and novelties, flowers, tobacco products, photographic equipment, antiques, artist and hobby supplies, music supplies, medical supplies, bicycles, and video tape rentals.

2. Service businesses, including, but not limited to, those uses such as barber and beauty shops, optical shops, seamstress and tailoring shops, dry cleaning operations, eating establishments, interior decorator shops, photography studios and film processing shops, shoe repair shops, clinics, and small appliance repair shops.

3. Lending institutions, credit union offices, and banks, all with or without drive-through facilities.

4. Fire stations.

5. Veterinary and small animal hospitals.

6. Engineering, accounting, research, management, and related services.

7. Business, professional, or medical offices.

8. Community centers, public libraries and museums.

9. Public facilities.

10. Funeral homes and mortuaries.

11. Preschool nurseries, day-care centers or day-care homes.

12. Hospitals and special care facilities for humans.

13. Contractors' shops and/or yards in conjunction with a retail shop of the same trade.

14. Preschool nurseries, day-care centers or day-care homes.

15. Residential use of structures used for commercial or industrial purposes, when such auxiliary residential use is by the owner of the structure or by employees of the business, which is the principal use.

16. The adaptive reuse of public and semi-public buildings, such as, but not limited to, church buildings, township halls, school buildings, and other historically significant structures for limited commercial and limited industrial operations that would be compatible with surrounding uses.

17. Schools.

18. Churches and parish halls, temples, convents and monasteries.

19. Hotels.

20. Restaurants.

21. Inside assembly facilities that do not have a manufacturing component or which do not generate industrial sewage;

22. Other uses determined by the City Council to be consistent with the intent and purpose of this land use district.

23. Accessory uses customarily incidental to the normal operation of the above uses, including parking lots and signs, as provided for in these Regulations.

LOWEST FLOOR. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the *Florida Building Code* or ASCE 24.

MAINTENANCE. For the purposes of Sign Regulations, 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.

MANUFACTURED BUILDING. As defined by Chapter 553, Part I, Florida Statutes, a manufactured building is defined as a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building which shall include, but not limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage buildings manufactured and assembled offsite by a manufacturer certified in conformance with Chapter 553, Part I, Florida Statutes. This definition does not apply to

mobile homes or manufactured homes.

MANUFACTURED HOUSING or MANUFACTURED HOME. As defined by Title 24 CFR, Part 3280, 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, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to §3282.13 and complies with the standards set forth in part 3280. Such term shall not include any self-propelled vehicle such as a Recreational Vehicle. A manufactured home is a mobile home fabricated on or after June 15, 1976, that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act; however, the construction does not comply with the Florida Building Code. For purposes of these Land Development Regulations, the common term of "mobile home" may be used instead of "manufactured home" unless the context clearly dictates otherwise.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into three or more manufactured (mobile) home lots for rent or sale. See also mobile home park. When used through these Regulations, the term used may also be "mobile home / manufactured home park".

MARIJUANA. This term has the same meaning as defined in Section 381.986(1)(f), Florida Statutes (2017), as may be amended or superseded,

MEDICAL MARIJUANA TREATMENT CENTER ("MMTC"). An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department of Health or its successor agency.

MARINE HABITAT. An area where living marine resources naturally exist or occur, such as seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

MARINE REPAIR FACILITY. A business activity, with attendant upland or in-water facilities, primarily intended for use in the repair, construction, maintenance, refurbishing, reconstruction, or installation of equipment on boats or vessels.

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

MIXED USE. Areas intended to provide a functional mix of residential and commercial activities or land uses currently identified as Mixed Use One and Mixed Use Two Land Use Districts.

MOBILE HOME. A structure, including manufactured housing, 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 condition, and electrical systems contained therein. The term "mobile home" includes any of these types of structures such as manufactured homes whether fabricated before June 15, 1976 or not, but does not include "manufactured buildings" as defined in Chapter 553, Part IV, Florida Statutes, "recreational vehicles" as defined in Section 320.01, Florida Statutes, or any other structure constructed in compliance with the Florida Building Code.

MOBILE HOME PARK. An obsolete term used to describe an area where spaces are rented to mobile home owners. It is no longer authorized for new developments. Also referred to as a manufactured home park (see Manufactured Home Park definition). When used through these Regulations, the term used may also be "mobile home / manufactured home park".

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the Florida Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation consisting of a perimeter footing with a solid block foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the Florida Building Code) or a series of panels or room sections transported on a truck erected or joined together on the site. A modular home is a manufactured building.

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

MOTOR VEHICLE. As defined by Section 320.01, Florida Statues, an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

MOTORIZED EQUIPMENT. Articles which are powered by any type of engine where such power can be used to move the equipment on land, on water, or in the air. Examples of motorized equipment are recreational vehicles (whether self powered or towed), golf carts, motor vehicles, dune buggies, back hoes and skid loaders. Motorized equipment does not include self propelled lawn care equipment is excluded from this definition.

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

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.

NEW CONSTRUCTION. (As relating to Article 8 Floodplain Management only.) For the purposes of administration of this Ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after August 1, 1980 and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or NEW MANUFACTURED HOME SUBDIVISION. (As relating to Article 8 Floodplain Management only.) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 1980.

NOISE LEVEL REDUCTION or NLR (also known as Sound Level Reduction ("SLR")). Reduction in sound level decibels between two designated locations for a stated frequency or band.

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 sign regulation requirements provided herein but for which a variance has been issued.

NONCONFORMING USE. A lawful land use existing at the time of passage of these Land Development Regulations or any amendment thereto which does not conform to the requirements or provisions of these Regulations.

NURSING HOME. As defined in Section 400.021, Florida Statutes, any facility which provides nursing services as defined in part I of Chapter 464, Florida Statutes, and which is licensed according to that part.

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

OFF-PREMISES 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."

ON-PREMISES SIGN. A sign which pertains to the use of the premises on which it is located.

OPEN SPACE. Land in its natural state or essentially unimproved by either buildings, structures, or impervious surfaces, not including water or water bodies.

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.

PAINTED WALL SIGN. Any sign which is applied with paint or similar substance on the face of a wall.

PARCEL. 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.

PARK TRAILER. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

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

PEDESTRIAN WAY. A road, path or way which is primarily intended for pedestrian travel and from which motor vehicles are excluded.

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. Any business providing services which are primarily non-retail and conducted entirely inside a building including, but not limited to, professional and business offices, clinics and laboratories.

PLANNING COMMISSION. The appointed planning commission of the City.

PLAYGROUND. A recreation area with play apparatus.

POLE BARN. A roofed structure (with or without walls) that is supported by wooden, metal, or concrete poles, pilings or vertical supports partially buried in the ground, often having an unfinished floor. Each footing is totally or partially encased in concrete. Corrugated metal panels are typically used on the roof and sides, if they exist, in most pole barns. A pole barn is not a part of the principal structure.

POLITICAL SIGN. For the purposes of these Land Development Regulations, a temporary sign used in connection with a local, state, or national election or referendum.

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 interferes with the enjoyment of life or property.

PORTABLE ON DEMAND ("POD"). A type of metal storage unit.

PORTABLE SIGN. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

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.

POWERED EQUIPMENT. Articles which are powered by any type of motor or engine where such power is used to operate but not move the equipment. Examples of powered equipment are powered saws, nailers, drills, pressure washers, generators, pumps, jack hammers. Self-propelled lawncare equipment is considered powered equipment.

PREMISES. A lot or parcel of land either vacant or with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRINCIPAL STRUCTURE. The main or primary structure located on a lot or parcel including any attached carport or garage.

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.

PROTECTED TREES. Hardwood trees consisting of Ash, Beech, Birch, Buckeye, Chestnut, Elm, American Holly, Magnolia, Black Walnut, Maple, Cherry, Oak, Pecan, Hickory, Tupelo, Poplar and Redbud, all with a diameter of fifteen (15) inches or more when measured 54 inches from the ground, and of Dogwood with a diameter of three (3) inches or more when measured 54 inches from the ground.

PUBLIC ACCESS. The ability of the public to physically enter and use public property including access to the waterfront.

PUBLIC/INSTITUTIONAL USES. Any structure or land that is owned, leased, or operated by a government or non-profit entity, such as civic and community centers, churches, hospitals, libraries, police stations, fire stations, and government administration buildings.

PUBLIC FACILITY/PUBLIC SERVICES AND UTILITIES. Any transportation system or facility, sewer system or facility, solid waste system or facility, drainage system or facility, potable water system or facility, educational system or facility, parks and recreation system or facility and public health system or facility.

PUD. Planned Unit Development

QUADRAPLEX. A residential building with four separate dwelling units.

REAL ESTATE SIGN. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RECREATIONAL USE. Use of land area in which the primary or principal function is for recreation and related activities.

RECREATIONAL VEHICLE ("RV"). As defined in Section 320.01, Florida Statutes, A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Including a vehicle that is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of Section 316.515, Florida Statutes, as that section may hereafter be amended or superseded.

RECREATIONAL VEHICLE PARK. A parcel (or contiguous parcels) of land divided into three or more recreational vehicle lots for rent.

RESIDENTIAL USE. Use of land area in which the primary or principal function is for dwellings and associated activities.

RESIDENTIAL CARE FACILITY. A facility providing both a residence (for varying periods of time) and a care component, including but not limited to adult congregate living facilities, group care homes, recovery homes, residential treatment facilities, emergency shelters, and nursing homes.

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 City requirements).

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

ROADWAY. 1) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic; 2) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner of the way or place and those having express or implied permission from the owner of the way or place, but not by other persons; 3) Any alley; 4) Any highway as defined by or designated under Florida law; 5) Any highway as defined by or designated under the laws of the United States.

ROADWAY FUNCTIONAL CLASSIFICATION. The assignment by the Florida Department of Transportation of roadways 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 subcategorized into principle, major or minor levels. Those levels may be further grouped into urban and rural categories.

ROADWAY LINE. The right-of-way line or boundary line of a roadway.

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.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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

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 the City 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. A specified distance between a structure and an identified, discernable point such as a roadway right-of-way line or property line.

SHIPPING CONTAINER. A type of cargo container developed during the Korean War that was used to transport and store supplies during the Korean and Vietnam wars. It was reinvented to form the standard Intermodal shipping container (often called an ISO box, after ISO 6346) that is used widely by container shipping companies today. This industry term refers to the International Standards Organization (ISO), the largest developer of international standards and the organization that developed the standard dimension specifications for steel shipping containers used worldwide.

SHOPPING CENTER, MAJOR. A building or group of attached buildings in which one or more businesses are located and which is 30,001 square feet or more in leasable area with 101 or more parking spaces.

SHOPPING CENTER, NEIGHBORHOOD. A building or group of attached buildings in which one or more businesses is located and which is 30,000 square feet or less in leasable area with 100 or less parking spaces.

SHORELINE. The intersection of a specified plane of water with the shore. The elevation of the specified plane of water shall be within the limits of mean higher high water ("MHHW") and mean lower low water ("MLLW").

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 shall have only one face (the largest one) of any double- or multi-faced sign counted in calculating its area. 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.

SITE PLAN. The development plan for one or more lots or parcels on which is shown existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in these Land Development Regulations.

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.

SPECIAL MAGISTRATE. The duly appointed hearing officer(s) for the City to hear violations of the City's codes, ordinances, resolutions and Regulations.

SPECIAL FLOOD HAZARD AREA or SFHA. (As relating to Article 8 Floodplain Management only.) An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

START OF CONSTRUCTION. (As relating to Article 8 Floodplain Management only.) The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or storage buildings not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

STATE LAND PLANNING AGENCY. The Florida Department of Economic Opportunity.

STORM CELLAR. A place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

STORMWATER. The flow of water which results from, and which occurs immediately following, a rainfall event.

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 or re-division of a tract of parcel of land into three (3) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, which includes all division of land involving a new street or a change in existing streets.

SUBDIVISION IDENTIFICATION SIGN. A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

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

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 8-7 of these Regulations.

SUBSTANTIAL STRUCTURAL DAMAGE. A condition where one or both of the following apply:

1. The vertical elements of the lateral force-resisting system have suffered damage such that the lateral load-carrying capacity of any story in any horizontal direction has been reduced by more than 33% from its predamage condition.

2. The capacity of any vertical component carrying gravity load, or any group of such components, that supports more than 30% of the total area of the structure’s floors and roofs has been reduced more than 20% from its predamage condition and the remaining capacity of such affected elements, with respect to all dead and live loads, is less than 75% of that required by the FBC for new buildings of similar structure, purpose and location.

TEMPORARY. Any piece of work that is readily movable and used or intended to be used for a period not to exceed 180 consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

TEMPORARY CARPORT. A detached manufactured accessory structure customarily used for the shelter or storage of vehicles and/or watercraft, including canopies used for such, which can

be moved without disassembly, after removal of any tie down or other anchoring system.

TEMPORARY SIGN. A sign not constructed or intended for use for a period of more than thirty (30) days.

TINY HOME or TINY HOUSE. A single-family dwelling unit built in compliance with the Florida Building Code no larger than 400 square feet.

TINY HOUSE ON WHEELS (THOW). A tiny house sitting on a chassis or axle. For purposes of these Land Development Regulations, a tiny house on wheels shall be treated in all respects as a recreational vehicle.

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 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.

UNFIT. Any unsanitary or improper for the use or occupancy for which it is intended, or not meeting minimum requirements of these Land Development Regulations.

UNPOWERED EQUIPMENT. Equipment that contains or uses no power source or motor. Examples of unpowered equipment are hand tools, bicycles, paddle boards, sail boards, kayaks, canoes and sailboats without auxillary power.

UNSAFE. A condition of a structure or property constituting a danger to the health, safety or welfare of occupants or any member of the public due to improper condition, work, design, structural instability, inadequate exits, fire damage, fire hazard, exposure to weather, intrusion of moisture or mold, structural decay, improper anchoring, roof components that are significantly deteriorated, dilapidation, obsolescence, abandonment, or infestation by insects or vermin, and includes any structure not meeting the minimum requirements of these Land Development Regulations.

VARIANCE. (As relating to Article 8 Floodplain Management only.) A grant of relief from the requirements of these Land Development Regulations, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by these Land Development Regulations or the *Florida Building Code*.

VARIETY STORE. A retail store that carries a wide variety of merchandise especially of low unit value.

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

VEHICLE USE AREA. All paved and unpaved surfaces connected to or associated with an off-street parking area included but not limited to access driveways, aisles, curbs, islands, ramps, and vehicle parking spaces.

VISION TRIANGLE. A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges and fences so that people in one road can see cars approaching on the other.

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

WATERCOURSE. (As relating to Article 8 Floodplain Management only.) A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

WATER-DEPENDENT USE. Any activity 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. Land which is defined in Section 373.019, Florida Statutes as may be amended or superseded. Areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. Upon legislative ratification of the methodology adopted pursuant to Section 373.421(1), as amended, the limitation contained herein regarding the purpose of this definition shall cease to be effective.

WINDOW SIGN. A sign installed inside a window and intended to be viewed from the outside.

XERISCAPE. Landscaping that maximizes the conservation of water by the use of site appropriate plants and an efficient watering system. The principles of xeriscaping landscaping include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost as a soil amendment, efficient irrigation, practical use of turf, appropriate use of mulches and proper maintenance.

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

YARD, FRONT. A yard extending across the full width of the lot from the front of the principal structure or any projections thereof (except the roof overhang or uncovered steps), to the front lot line.

YARD, REAR. A yard extending across the full width of the lot and between the rear lot and rear line of the principal structure or any projections thereof (except the roof overhand or uncovered steps)

and does not include the front and side yards.

YARD, SIDE. A yard extending along the side of a principal structure situated between the side line of the principal structure, or any projections thereof, and side lot line (excluding roof overhang).

ARTICLE 3

ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

Sec. 3-1. PURPOSE

This Article is intended to set forth responsibilities and procedures for the administration of these Land Development Regulations.

Sec. 3-2. CITY COUNCIL

In addition to any authority granted or possessed by the City Council, the City Council shall also have the following powers and duties:

1. To have final authority for the approval or denial of Major development permits, except as otherwise provided in this Article;

2. To hear appeals from decisions of the Planning Commission or the City Clerk regarding development permits or variances;

3. To adopt and amend the Comprehensive Plan including land use districts shown on the future land use map, after due consideration by the Planning Commission;

4. To adopt or amend the provisions of these Land Development Regulations after due consideration by the Planning Commission;

5. To have final authority for the approval or denial of variances, hardship relief, or other waivers from the provisions of these Land Development Regulations;

6. To have final authority for determinations of vested rights, availability of public facilities and services to accommodate development, disposition of non-conforming uses or other such actions requiring administrative or legislative action;

7. To have final authority for the interpretation of these Land Development Regulations; and

8. To take other such actions not delegated to the City Clerk, Planning Commission or other duly established board that may be deemed necessary and desirable to implement the provisions of the Land Development Regulations.

Sec. 3-3. PLANNING COMMISSION

3-3.1 Designation and Establishment of Local Planning Agency

Pursuant to and in accordance with Section 163.3174 of the Florida Statutes, the Planning Commission is hereby designated and established as the Local Planning Agency for the City.

3-3.2 Duties and Responsibilities

The duties and responsibilities of the Planning Commission shall include, but not be limited to, the following:

1. Be responsible for the preparation of or amendments to the Comprehensive Plan and make recommendations to the City Council regarding the adoption of or amendments to the Comprehensive Plan or element or portion thereof for adoption. During the preparation of the Comprehensive Plan and prior to any recommendation to the City Council for adoption of the Comprehensive Plan, the Planning Commission shall hold at least one public hearing, with due public notice, on the proposed Comprehensive Plan or element or portion hereof.

2. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the City Council such changes in the Comprehensive Plan as may from time to time be required or desirable, including the preparation of any applicable reports required by Chapter 163, Florida Statutes.

3. Review proposed land development regulations, adopted land development regulations, and amendments thereto and make recommendations to the City Council as to the consistency of the proposal with the adopted Comprehensive Plan.

4. Review the elements of the Comprehensive Plan on a periodic basis (no less than annually) to assess the appropriateness and effectiveness of such elements and make recommendations to the City Council as to needed or desirable updates, changes or revisions to the elements.

5. Review applications for development permits for all developments for which review authority is not specifically assigned to the City Clerk or the Clerk's designee or, if assigned, for those applications that the City Clerk requests be reviewed and then make recommendations to the City Council as to approval or denial of said applications for development permits.

6. Review all applications for hardship and variances and then make recommendations

to the City Council as to approval or denial of such applications for development permits, hardships or variances.

7. Perform any other functions, duties and responsibilities assigned to it by the City Council or as directed by general or special law.

3-3.3 Membership and Rules of Procedures

1. The Planning Commission shall be composed of five (5) voting members to be appointed by and serving at the pleasure of the City Council. The voting members shall serve in addition to the voting members of the Planning Commission, one (1) representative designated by the Bay County School Board and one (1) representative designated by the Commanding Officer of Tyndall Air Force Base shall be ex-officio, non-voting members of the Planning Commission. The ex-officio members of the Planning Commission shall not be considered for purposes of determining a quorum or any other purpose except to provide input to the voting members of the Planning Commission on matters coming before the Planning Commission.

2. Voting members of the Planning Commission shall be qualified electors residing in the City. In the event that any voting member is no longer a qualified elector they shall be automatically terminated. If convicted of a felony or an offense involving moral turpitude, the City Council shall remove such person from the Planning Commission.

3. Voting members shall serve at the pleasure of the City Council and without compensation for services rendered.

4. Unless a voting Planning Commissioner resigns, is no longer able to serve or is removed by the City Council, all voting members shall serve a term of two (2) years. Three (3) members being appointed in odd numbered years and two (2) members being appointed in even numbered years at the first meeting of July of each year.

5. At the next Planning Commission meeting following the election of members at the first meeting in July of each year, the members of the Planning Commission shall elect one of their members as Chairman and one as Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman, and shall have all powers of the Chairman. The Chairman shall serve as chairman for a term of one (1) year.

6. The presiding officer of any meeting of the Planning Commission shall administer oaths, shall be in charge of all proceedings before the Planning Commission, and shall take such action as shall be necessary to preserve order and the integrity of all

proceedings before the Planning Commission.

7. If any voting member of the Planning Commission shall fail to attend three (3) consecutive meetings of the Planning Commission, such failure shall constitute sufficient grounds for removal of the person from the Planning Commission. The Chairman or the Vice-Chairman, as the case may be, shall immediately file a notification of such non-attendance with the City Clerk for placement on the agenda of the City Council, and the City Council shall, by appropriate action, remove such person and fill the vacancy thereby created as soon as practicable.

8. No meeting of the Planning Commission may be called to order, nor may any business be transacted by the Planning Commission, without a quorum of at least three (3) voting members being present. The Chairman shall be considered and counted as a member and shall vote upon all actions requiring Planning Commission approval; however, the Chairman shall not introduce any motion or second any motion for action before the Planning Commission.

9. The concurring vote of a majority of the current voting members shall be necessary for the approval of plan amendments, changes in land use districts shown on the future land use map, recommended changes or revisions to these Land Development Regulations, or approval of development permits. All other actions shall require the concurring vote of a majority of the members then present and voting.

10. Meetings of the Planning Commission shall be at the discretion of the Chairman after due notice has been provided to the public. Meetings will be conducted at City Hall (1001 West Park Street, Parker, Florida) unless otherwise specified by the City Council.

11. All meetings of the Planning Commission shall be public meetings and all records shall be public records. Public participation will be encouraged in all matters before the Planning Commission.

3-3.4 Funding

The City Council shall appropriate funds, at its discretion, to provide for fees and expenses necessary in the conduct of the business of the Planning Commission. In addition, the City Council may establish a schedule of fees to be charged by the Planning Commission. Subject to the approval of the City Council and in accordance with the fiscal practices of the City, the Planning Commission may expend all sums appropriated and other sums made available to it from fees, donations, state or federal grants, state or federal loans and other sources; however, acceptance of any funds must be approved by the City Council.

Sec. 3-4 CITY CLERK

3-4.1 Purpose

In addition to any other authority, power or duty assigned, delegated, or granted to the City Clerk, the City Clerk shall also have the authority and responsibility to perform the duties specified in this Section.

3-4.2 Powers and Duties

1. Review all applications for development permits consistent with the provisions of Article 6, "Development Review Procedures" of these Land Development Regulations. The City Clerk may delegate some or all of the City Clerk's responsibilities under these Regulations to other City employees including but not limited to reviewing, approving or denying permit applications for projects within the scope of the City Clerk's role.

2. Make recommendations to the City Council or Planning Commission, as appropriate, as to the approval or denial of development permits or variances.

3. Make recommendations to the City Council as to enforcement actions for violations of these Land Development Regulations.

4. To consult with architects, engineers, attorneys or other professionals during the course of the review and disposition of applications for development permits.

5. To require that applicants for development permits provide studies, reports, evaluations, assessments, plans, specifications or other such information as may be necessary to render an informed decision on development permits.

6. To establish and periodically adjust a schedule of fees or charges to defray costs associated with the development review process. Such fees or charges shall be approved by the City Council.

7. To prescribe the terms and conditions associated with conditional uses or development agreements, subject to approval by the City Council.

8. To consult with and obtain the opinion of City department heads or any other City staff concerning proposed developments or applications for development permits.

9. To prepare and periodically revise forms, criteria, standards, or other such

instruments as may be necessary and desirable for the conduct of development review.

10. To take other such actions relative to development review which are not delegated to the Planning Commission which may be considered necessary by the City Council for the implementation of these Land Development Regulations.

3-4.3 Permit Approval Authority

The City Clerk or the designee of the City Clerk shall have authority to issue development permits for minor developments without action being taken by the City Council when issuance of such permit involves:

1. Construction or renovation of an individual single-family detached residence on one lot or parcel.

2. Placement or replacement of a recreational vehicle or mobile home / manufactured home in a MU-1 or MU-2 district on a single lot or parcel during the demolition, repair or reconstruction of a home damaged as a result of a natural disaster. Placement or replacement of a recreational vehicle in a RES district on a single lot or parcel during the demolition, repair or reconstruction of a home damaged as a result of a natural disaster.

3. Construction or placement of accessory structures which are not intended for human occupancy or habitation.

4. Construction of a dock or seawall not required to be considered by the City Council in accordance with Section 86-73 of the Code of Ordinances of the City, as may be amended or superseded.

5. Placement or replacement of a POD, CONEX box or shipping container on a single lot or parcel for the temporary storage of the contents of a home being repaired or reconstructed. Such approval shall be for a period not to exceed one (1) year and may be renewable by the City Council in excess of one (1) year.

All recommendations or actions taken by the City Clerk relative to the authority granted under this subsection shall be in conformance with the provisions of these Land Development Regulations, the Comprehensive Plan, and other applicable laws, statutes, ordinances, resolutions, regulations or codes.

Sec. 3-5. ADMINISTRATION, ENFORCEMENT AND PENALTIES

In the event of a violation of these Land Development Regulations, the City may pursue any or all of the following actions and the rights and remedies of the City hereunder are cumulative and not exclusive of any other rights or remedies contained in the Land Development Regulations or which the City may avail itself of applicable state or federal law. No delays on the part of the City 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 City from exercising such right, power or privilege at a later date.

3-5.1 Criminal Penalties

Any person violating any provisions of these Land Development Regulations shall be guilty of an offense and shall, upon conviction, be sentenced to pay a fine not to exceed $500 and may be sentenced to a definite term of imprisonment not to exceed 60 days in a facility as authorized by law, or both, provided that this section shall not conflict with any provision for penalties imposed for any offense under state law. The County Court of Bay County, Florida shall have original jurisdiction in accordance with Section 34.01 of the Florida Statutes, as may be amended or superseded. Each day of a continued violation shall constitute a separate offense.

3-5.2 Civil Remedies

1. Code Enforcement. Whenever in these Land Development Regulations or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in these Land Development Regulations or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding $500.00. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

2. Judicial Proceedings. If any building, improvement or structure is erected, constructed, reconstructed, altered, repaired or maintained or any building, structure, land, or water is used in violation of these Land Development Regulations, the City may, in addition to and not the exclusion of any other remedy, institute an appropriate civil action in a court of competent jurisdiction to prevent, correct or abate the violation or to seek damages. In any such action, the City may obtain injunctive relief to prevent the continued violation of these Land Development Regulations.

3. Stop-Work Order. In addition to and not the exclusion of any other remedy available to the City, the code enforcement officer or a duly authorized law enforcement officer shall immediately issue a "stop-work" order which shall become effective at the time of delivery to the violator for any violation of these Land Development Regulations which posed a threat to the health, safety or welfare of any person. The violator can appeal the issuance of a stop-work order

to the City Council in accordance with the appeal procedures set forth in this subsection 1, paragraph d above. If any person violates the terms of the stop-work order, such violation shall constitute a separate and additional offense.

4. Nuisance. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of these Land Development Regulations and the ordinances of the City shall be deemed a public nuisance, enforceable in accordance with the provisions of any existing nuisance ordinance of the City and may be abated by the City as provided by law, and each day that such offensive condition continues shall be regarded as a new and separate offense.

5. Belated Permits. In addition to and not the exclusion of any other remedy available to the City, whenever any person shall commence or proceed with any development activity for which a permit, if required, has not been obtained, the person so commencing or proceeding with any such work without a permit shall apply for a belated permit covering the work and pay the fee therefor at a rate triple the original permit fee or $100.00, whichever is greater, to be paid for a timely permit. Neither anything contained in this subsection nor the act of apply for and paying the treble fee for a belated permit shall absolve any person of any penalty incurred for doing the development activity without first obtaining a permit.

6. Work Without a Required Permit. If any building or structure is erected, constructed, reconstructed, altered, repaired or maintained or any building, structure, land, or water is used in violation of these Land Development Regulations, the City may, in addition to and not the exclusion of any other remedy, institute code enforcement proceedings against the contractor pursuant to Section 489.127 of the Florida Statutes, as may be amended or superseded; against any person performing the work if they are not a licensed contractor but a development or building permit is required but has not been obtained; or against the owner of the property on which the unpermitted development is occurring, or all of the foregoing. In such event, a contractor shall be subject to a minimum penalty of $500.00, escalating to a maximum penalty authorized under Section 489.127 of the Florida Statutes, as may be amended or superseded, for each offense. Any person (other than a contractor) who is found in violation shall be subject to a daily of fine of $500.00. Each day the violation exists is a separate offense.

7. Contractor Remedy. In addition to and not to the exclusion of any other remedy available to the City, any contractor who has an unpaid monetary obligation owed to the City based upon the foregoing penalties and fines described herein, shall not be issued a City permit of any type and any currently issued City permit shall be immediately suspended (without any further action on the part of the City) until all outstanding monetary obligations owed to the City are paid in full.

ARTICLE 4

LAND USE DISTRICTS

Sec. 4-1. PURPOSE

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

Sec. 4-2. APPLICABILITY

All development within each land use district as described in Section 4-3 shall be consistent with the stated purposes and allowable uses as set forth in this Article. Unless otherwise exempted or waived, the development standards prescribed in Article 5 shall apply as appropriate to development within each land use district.

Sec. 4-3. LAND USE DISTRICTS

The following land use districts or abbreviations as established in the future land use element of the Comprehensive Plan shall be used for purposes of implementing this Article:

1. Residential (RES);
2. Mixed Use One (MU-1);
3. Mixed Use Two (MU-2);
4. General Commercial (GC);
5. Recreation (REC);
6. Conservation (CON); and
7. Public/Institutional (P/I).

Sec. 4-4. OFFICIAL LAND USE MAP

4-4.1 Land Use Map Established

The designations of land use districts specified in Section 4-3 shall be as described or depicted in the future land use element of the Comprehensive Plan, or amendments thereto, and as shown on the map entitled "City of Parker Future_Land Use Map". Such map shall be on file in the office of the City Clerk and shall be available for inspection by all interested parties during normal working hours. In addition, the City may employ overlay districts to

include the design standards of such special districts including but not limited to the CRA.

4-4.2 Interpretation of Districts or Boundaries

Where, due to the scale, lack of detail or legibility of the Future Land Use Map, the boundary line of any district is uncertain or questionable, the City Clerk shall determine its location. Any person aggrieved by the location of a boundary line as determined by the City Clerk may appeal the determination to the City Council in accordance with subsection 6-3.6 of these Land Development Regulations. The City Clerk and the City Council shall apply the following standards in determining the location of a district boundary line:

1. Land use district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses unless such boundary lines are fixed by dimensions on the land use map.

2. Where the land use map indicates a district boundary line along or following a lot line, the lot line shall be the boundary line.

3. 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.

4. 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 and the history of building permits, and all other relevant facts.

Sec. 4-5. DISTRICT PURPOSE, USES, AND DEVELOPMENT STANDARDS

4-5.1 Residential (RES)

1. Purpose

The purpose of this district is to provide areas for the preservation or development of neighborhoods consisting of single-family dwelling units on individual lots. The Residential category within these Land Development Regulations is synonymous with the Low-Density Residential category within the Comprehensive Plan.

2. Allowable Uses

The following uses are allowed as of right in the residential district, all other uses are

prohibited:

a. Single-family detached residential dwellings employing construction methods/materials to include on-site stick-built, modular, light gauge steel, structural insulated panels, concrete, or all other building materials accepted by the Florida Building Code.

b. Neighborhood parks;

c. Accessory structures;

d. Public service or utility structures;

e. Home office of convenience;

f. Signs as provided for and set forth in Article 7 of these Land Development Regulations; and

g. Day Care Facility.

3. Conditional Uses

The following uses may be permitted in the residential district subject to the following conditions.

a. Public/Institutional uses (except for those including maintenance yards, repair shops, fabricating yards or other similar activities) provided the performance standards set forth in Section 5-6 are met.

b. Home occupations provided that such activities are conducted in conformance with subsection 5-4.3 of these Land Development Regulations.

c. Community residential homes shall be allowed when fourteen 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 does not substantially alter the nature and character of the area.

d. Public and private schools, churches, and places of worship.

e. Educational uses.

f. A single, owner-occupied mobile home or manufactured home located on one single-family lot replacing a mobile home or manufactured home that had been located on the same lot within the previous six (6) months.

4. Prohibited Uses

In addition to any other uses not permitted or conditional within the Residential district, the following uses are specifically prohibited in the Residential district.

a. Occupancy of Shipping Containers (CONEX boxes) and POD's

b. Tiny Homes (not on wheels)

c. Tiny Houses on wheels

5. Development Standards

a. Maximum Density: 5 du/ac

b. Maximum Building Height: 35 feet - 2 stories of habitat living space.

c. Minimum Lot Setbacks

i. Front Yard: 20 feet.

ii. Side Yard: 7 feet.

iii. Rear Yard: 20 feet.

iv. Corner Lots: 10 feet. when abutting a street

d. Maximum Lot Coverage: 40%

e. Minimum Lot Size: 7,500 sq. ft.

4-5.2 Mixed Use One (MU-1)

1. Purpose

The mixed use concept is specifically intended to provide flexibility in the planning

and permitting process by allowing a range of land uses within one district. Emphasis is on performance mitigation such as landscaping, fencing, lighting, noise standards, etc. to promote compatibility among land uses while also providing property owners with a range of options for use of their property.

2. Allowable Uses

Subject to any overlay district restrictions, the following uses are allowed as of right in the Mixed Use One district, all other uses are prohibited:

a. All uses and conditional uses allowed in the residential district;

b. Medium-density attached residential dwellings, including apartments, townhouses and condominiums;

c. A single mobile home unit or manufactured housing unit located on one single-family lot;

d. Low intensity commercial development. For purposes of this section, low intensity commercial development shall include all lawful commercial activities eligible to obtain a valid business license from the City in accordance with Chapter 18 of the City's code with the exception of the uses prohibited in subsection 4-5.2.4;

e. Parks;

f. Public/Institutional uses;

g. Educational uses;

h. Public service and utilities;

i. Private recreation uses; and

j. Signs as provided for and set forth in Article 7 of these Land Development Regulations.

3. Conditional Uses

The following uses may be permitted in the Mixed Use One district provided the performance standards specified in Section 5-6 are met.

a. Subdivisions provided all standards are met as set forth in Section 5-10 of these Land Development Regulations, and performance standards are met as set forth in Section 5-6 of these Land Development Regulations.

b. Mobile Home / Manufactured Home parks that are not located within any noise contour equal to or above the 65 dB DNL as depicted on the City adopted AICUZ overlay of Tyndall Air Force Base, provided all standards are met as set forth in Section 5-11 of these Land Development Regulations, and performance standards are met as set forth in Section 5-6 of these Land Development Regulations.

c. Recreational Vehicle Parks not located within any noise contour equal to or above the 65 dB DNL as depicted on the adopted AICUZ overlay of Tyndall Air Force Base provided all standards are met as set forth in Sections 5-6 and 5-12 of the Land Development Regulations.

4. Prohibited Uses

In addition to any other uses not permitted or conditional within the Mixed Use One district, the following uses are specifically prohibited in the Mixed Use One district.

Animal Boarding
Appliance Repairs
Motor Vehicle Related Services including but not limited to motor vehicle sales, service and storage (except storage on property on which the owner resides)
Building Materials
Boat Repair and storage (except on property on which the owner resides)
Bowling Alleys
Equipment or Parts Storage Yards
Equipment Rental including but not limited to rental of motor vehicles, construction equipment, powered equipment or unpowered equipment, but excluding the rental of power equipment or unpowered equipment to be used solely on the surface of the water for waterborne recreational purposes
Heating Fuel Distributor
Manufacturing/Assembly Plant
Major Shopping Center
Medical Marijuana Treatment Center
Mobile Home / Manufactured Home sales, service or storage
Parasail rides
Pharmacy
Skating Rinks

Storage of RV's (except a single RV not for human occupancy)
Storage for compensation of any type including but not limited to Storage Unit complexes or Storage Warehouses
Stand alone discount store, variety store or convenience store
Tiny Homes (not on wheels)
Tiny Houses on wheels
Uses requiring an industrial use sewer permit
Wrecker Service

5. Development Standards

a. Maximum Density: 15 du/ac

b. Maximum Building Height: Residential 120 ft / 12 stories
Non-Residential 25 ft / 2 stories

c. Minimum Lot Setbacks

i. Front Yard: 15 feet

ii. Side Yard (except between multi-family housing units such as duplexes and townhouses sharing a common wall): 7 feet

iii. Rear Yard: 15 feet

iv. Corner Lots: 10 feet

d. Maximum Lot Coverage: 80%

e. Minimum Lot Size: 5,000 sq.ft.

f. Floor Area Ratio (FAR): 1.0

4-5.3 Mixed Use Two (MU-2)

1. Purpose

The mixed use concept is specifically intended to provide flexibility in the planning and permitting process by allowing a range of land uses within one district. Emphasis is on performance mitigation such as landscaping, fencing, lighting, noise standards, etc. to promote compatibility among land uses while also providing property owners with a range of options for use of their property.

2. Allowable Uses

Subject to any overlay district restrictions, the following uses are allowed as of right in the Mixed Use Two district, all other uses are prohibited:

a. All uses and conditional uses allowed in the Residential district;

b. All uses and conditional uses allowed in Mixed Use One including apartments, townhouses, and condominiums;

c. Low intensity commercial development eligible to obtain a valid occupational license from the City that do not result in noise measured on the adjoining properties in excess of 65 dB DNL in the hours between 10:00 p.m. and 6 a.m.

d. Parks;

e. Public/Institutional uses;

f. Educational Uses:

g. Public service and utilities;

h. Private recreation uses; and

i. Signs as provided for and set forth in Article 7 of these Land Development Regulations.

3. Conditional Uses

The following uses may be permitted in the Mixed Use Two district provided the performance standards specified in Section 5-6 are met.

a. Subdivisions provided all standards are met as set forth in Section 5-10 of these Regulations, and performance standards are met as set forth in Section 5-6 of these Regulations.

b. Mobile Home / Manufactured Home parks that are not located within any noise contour equal to or above the 65 dB DNL as depicted on the adopted AICUZ overlay of Tyndall Air Force Base, provided all standards are met as set forth in Section 5-11 of these Regulations, and performance standards

are met as set forth in Section 5-6 of these Regulations.

c. Recreational Vehicle Parks not located within any noise contour equal to or above the 65 dB DNL as depicted on the adopted AICUZ overlay of Tyndall Air Force Base provided all standards are met as set forth in Sections 5-6 and 5-12 of the Land Development Regulations.

4. Prohibited Uses

In addition to any other uses not permitted or conditional within the Mixed Use Two district, the prohibited uses in the Mixed Use One district shall also be prohibited in the Mixed Use Two district.

5. Development Standards (excluding mobile homes and recreational vehicles and the parks they are located within)

a. Maximum Density: 25 du/ac

b. Maximum Building Height: Residential 120 ft /12 stories
Non-Residential 25 ft / 2 stories

c. Minimum Lot Setbacks

i. Front Yard: 15 feet

ii. Side Yard (except between multi-family housing units such as duplexes and townhouses sharing a common wall): 7 feet

iii. Rear Yard: 15 feet

iv. Corner Lots: 10 feet

d. Maximum Lot Coverage: 80%

e. Minimum Lot Size: 5,000 sq.ft.

f. Floor Area Ratio (FAR): 2.0

4-5.4 General Commercial (GC)

1. Purpose

The purpose of this district is to provide areas for low intensity commercial development including retail sales and services, wholesale sales, shopping centers, office complexes and other compatible land uses.

2. Allowable Uses

Subject to any overlay district restrictions, the following uses are allowed as of right in the general commercial district, all other uses are prohibited:

a. All low intensity commercial activities eligible to obtain a valid occupational license from the City that do not result in noise measured on the adjoining properties in excess of 65 dB in the hours between 10:00 p.m. and 6 a.m.;

b. Shopping centers;

c. Public and private recreation facilities;

d. Office buildings/complexes;

e. Public/Institutional uses;

f. Public services and utilities.

g. Signs as provided for and set forth in Article 7 of these Land Development Regulations; and

h. Educational uses.

3. Development Standards

a. Maximum Building Height: 60 feet – 6 stories

b. Minimum Lot Setbacks

i. Front Yard: 15 feet

ii. Side Yard: 7 feet

iii. Rear Yard: 15 feet

iv. Corner Lots: 10 feet

c. Maximum Lot Coverage: 90%

d. Minimum Lot Size: 5,000 sq.ft.

e. Floor Area Ratio (FAR): 1.5

f. Impervious Surface Ratio (ISR): 0.7

4-5.5 Recreation (REC)

1. Purpose

The purpose of this district is to provide areas of recreation open to the public.

2. Allowable Uses

The following uses are allowed as of right in the recreation district, all other uses are prohibited.

a. Public parks, open space, refuges, ballfields, public ways and other such activities intended for public recreation;

b. Public buildings and grounds;

c. Public services and utilities;

d. Private outdoor recreation activities.

3. Development Standards

a. Maximum Lot Coverage: 50%

b. Floor Area Ratio (FAR): 1.0

4-5.6 Conservation (CON)

1. Purpose

The purpose of this district is to provide areas for protection and conservation of natural resources and locally designated environmentally sensitive resources.

2. Locally Designated Environmentally Sensitive Resources

Locally designated environmentally sensitive resources are:

a. Jurisdictional wetlands;

b. Seagrass beds; and

c. Martin Lake.

The City hereby declares that the most appropriate and best uses for locally designated environmentally sensitive resources are those which do not interfere with the natural functions of such resources. Allowable uses shall be restricted to wildlife habitat, preservation of natural features, propagation areas for fish or wildlife species, and passive recreation.

No development permit shall be issued for development activities within areas of environmentally sensitive resources without meeting the standards as provided and set forth in Section 5-7 of these Land Development Regulations.

3. Environmentally Significant Resources

Other natural resources considered to be environmentally significant are:

a. Soils;

b. Marine resources, including estuaries, submerged lands, and estuarine shoreline;

c. Identified wildlife habitat;

d. Designated flood zones;

e. Drainageways; and

f. Trees

All development activities which may cause adverse impacts to the resources identified in paragraph 3 shall be subject to the standards and restrictions specified in Section 5-7 of these Land Development Regulations.

4-5.7 Public/Institutional (P/I)

1. Purpose

   The purpose of this district is to provide areas for public buildings and grounds, churches, cemeteries, institutions, or other similar land uses.

2. Allowable Uses

   The following uses are allowed as of right in the public/institutional district, all other uses are prohibited.

   a. Governmental buildings and grounds;

   b. Churches, non-profit institutions, cemeteries, etc;

   c. Public parks and recreation facilities;

   d. Public services or utilities;

   e. Signs as provided for and set forth in Article 7 of these Land Development Regulations; and

   f. Educational uses.

3. Development Standards

   a. Maximum Building Height: 40 feet.

   c. Minimum Lot Setbacks

      i. Front Yard: 25 feet.

      ii. Side Yard: 10 feet.

      iii. Rear Yard: 20 feet.

      iv. Corner Lots: 10 feet.

   d. Maximum Lot Coverage: 90%

   e. Minimum Lot Size: 5,000 square feet.

f. FAR: 1.0

4-5.8 Density/Intensity Standards

No structure or land in the City shall be developed at an intensity or density greater than the standards set forth in this Section.

Table 4.1 General Density/Intensity Standards

Land Use District and Allowable Uses Requirement	Maximum Density (du/ac)	Maximum Building Height (ft.) or stories	Setbacks				Max Lot Coverage*	Minimum Lot Size (sq. ft.)	FAR
			Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Corner Yard (ft.)			
Residential (RES)	5 du/acre	35 ft. / 2 stories of habitable living space	20	7	20	10	40%	7,500	N/A
Accessory structures and carports	N/A	25	20	5	5	10	Apply various district values	Apply various district values	N/A
Mixed Use (MU-1)									
Residential	15 du/acre	120 ft. / 12 stories	15	7	15	10	80%	5,000	N/A
Non-Residential	N/A	25 ft. / 2 stories	15	7	15	10	80%	5,000	1.0
Mixed Use Two (MU-2)									
Multi-Family Residential	25 du/acre	120 ft. / 12 stories	15	7	15	10	80%	5,000	N/A
Non-Residential	N/A	25 ft. / 2 stories	15	7	15	10	80%	5,000	2.0
General Commercial (GC)	N/A	60 ft. / 6 stories	15	7	15	10	90%	5,000	1.0
Recreation (REC)	N/A	N/A	N/A	N/A	N/A	N/A	50%	N/A	1.0

Land Use District and Allowable Uses Requirement	Maximum Density (du/ac)	Maximum Building Height (ft.) or stories	Setbacks				Max Lot Coverage*	Minimum Lot Size (sq. ft.)	FAR
			Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Corner Yard (ft.)			
Public/Institutional (P/I)	N/A	40	25	10	20	10	90%	5,000	1.0

* Ratio of impervious surface (buildings, driveways, parking lots, etc.) to open space or undeveloped land. Structures (including overhangs) shall be at least 10 feet apart.

4-5.9 Minimum Setbacks Between Buildings

1. The minimum distance between adjacent stand-alone buildings shall be a total of ten (10) feet.

2. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, allowable attachment, or an accessory use, and shall not include roof overhang (eave).

4-5.10 Minimum Setbacks from Road Right-of-Way

Setbacks shall be as identified in Table 4.1 and may vary through the implementation of the Planned Unit Development.

4-5.11 Determination of Density or Intensity

1. Residential Density

Residential densities shall be determined by multiplying the allowable dwelling units per acre by the gross acreage of the lot or parcel to be developed. (Example: 15 dwelling units per acre x 2 acres = 30 dwelling units).

2. Lot Coverage/Open Space Ratio

Lot coverage is the land area of any lot or parcel which can be covered by impervious surfaces such as buildings, vehicle use areas or similar development. Open space is the land area remaining in a landscaped or natural state after development occurs. Vehicle use areas may be constructed of various materials including but not limited to concrete, blacktop, gravel, grass, and dirt.

The allowable lot coverage/open space ratio shall be determined by multiplying the gross land area of any lot or parcel to be developed by the applicable lot coverage standard set forth in subsection 4-5.8 (Example: 43,560 sq. ft. x .5 = 21,780 sq. ft. allowable lot coverage, and 21,780 sq. ft. open space).

4-5.12 Formula Businesses

1. Residential, Mixed Use One and Mixed Use Two Land Use Districts

a. No Formula Business shall be allowed in a Residential land use district.

b. Formula businesses (excluding formula hotels/motels) shall not be allowed in Subarea 1 of the CRA in a Mixed Use One land use district.

c. Formula businesses (excluding formula hotels/motels) may be allowed in a Mixed Use One land use district outside of Subarea 1 of the CRA or in a Mixed Use Two or Commercial land use district depending upon a number of factors including but not limited to the level of service standards on any roadway abutting the property to which wholesale deliveries would be made, the potential for additional traffic and the potential affects on adjoining properties. Further, formula big box stores shall only be allowed on property abutting Tyndall Parkway. Also, formula hotels/motels shall be allowed throughout the Mixed Use One, Mixed Use Two, and Commercial land use districts.

d. Notwithstanding anything else to the contrary in this Section 4-5.12, formula businesses shall satisfy any additional requirements or the overall concept of the CRA.

Sec. 4-6. PLANNED UNIT DEVELOPMENT STANDARDS

4-6.1 Purpose and Intent

Planned unit developments (PUD) are designed to provide an alternate method of land development not otherwise available within the framework of these Land Development Regulations. This type of development may be utilized only in the mixed-use land use districts, utilizing innovative design techniques for the purpose of achieving one or more of the following development objectives:

1. To preserve or be otherwise sensitive to significant environmental or topographical features which exist on the site.

2. To accommodate a mixture of uses on a single parcel of land made internally and externally compatible through use limitations, sign control, building orientation, buffering, or other techniques which may be appropriate to a particular development proposal.

3. To accommodate contiguous buildings with exceptional setback or separation distances made internally and/or externally compatible through strategic landscape and spatial design.

4. To accommodate a comprehensively planned development or redevelopment project which provides for a functionally integrated mix of uses, circulation patterns (both vehicular and pedestrian), building orientations, parking areas, architectural motifs, signs, open spaces, vistas, amenity areas and like features which positively contributes to the City.

4-6.2 Conformance

All planned unit development applications shall conform to all applicable provisions of the comprehensive plan and these Land Development Regulations. The underlying requirements of the mixed use land use districts within these Land Development Regulations shall serve as the minimum requirements of each PUD.

4-6.3 Permitted Uses

A PUD uses must be consistent with the existing land use district that the property is in. The maximum density for any PUD shall comply with the maximum density set forth in the land use district for the property, as depicted on the Future Land Use Map (FLUM) and specified in the Comprehensive Plan Future Land Use Element.

4-6.4 Specific Requirements

1. Specifications for street design and street materials as set forth in these Land Development Regulations shall serve as the minimum standards. Innovative and creative alternative designs for lane width, curbs, and drainage are encouraged in order to calm traffic, encourage non-vehicular transportation, and achieve design goals.

2. Every dwelling unit or other use permitted in PUD developments shall have access to a public road or street, either directly or via an approved road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access.

3. Parking, loading, and storage within a PUD shall be designed to be functionally integrated into the development.

4. A system of walkways and/or bicycle paths connecting buildings, common open spaces, recreation areas, community facilities and parking areas shall be provided and adequately lighted for nighttime uses.

5. A landscaped buffer and/or fence shall be placed on the periphery of the development to shield it from adjoining areas. This buffer shall be at least ten (10)

feet deep and comprised of shrubs and trees. A buffer may consist of the undisturbed native vegetation in place, prior to development.

6. All utilities within a PUD, including, but not limited to telephone, television cable, and electrical systems shall be installed underground. Appurtenances of these systems that require above ground installations must be effectively screened and, thereby, may be excluded from this requirement. Primary facilities providing service to the site of the PUD may also be excluded.

4-6.5 Procedure for Planned Unit Development Approval

1. Conceptual Master Plan Approval. An applicant seeking PUD approval shall submit a conceptual master plan to the City for review and approval under the Major Development Review process in subsection 6-1.3.3.b. The conceptual master plan shall include the following information:

    a. A legal description including total acreage.

    b. The general location of uses.

    c. A description of uses, including the total number of dwellings units, gross residential density, the total square footage of nonresidential uses, nonresidential floor areas ratios, a description of the nonresidential uses, a description of housing types, heights of buildings, and the total amount of open space.

    d. A general circulation plan including location of drives and access points.

    e. The location and description of buffers along the perimeter of the project.

    f. Appropriate location of all wetlands and habitat preservation areas with acreage.

    g. Number of parking spaces by land use, including parking ratios.

    h. An analysis of each requested deviation from the requirements of the City's Land Development Regulations. Such analysis shall include:

        i. a description of each requested deviation;

        ii. an explanation of the reason for the requested deviation; and

iii. a comparison between the applicable requirement of the City's Land Development Regulations and the requested deviation.

If the conceptual master plan for the Planned Unit Development is approved, any such difference not listed or not explained shall not be recognized or permitted, and no such difference shall be implied or inferred.

i. Identification of the existing land use district of the property.

j. A general vicinity map.

k. The names, addresses and phone numbers of the owner, applicant and representatives of the applicant.

l. An analysis of the anticipated impacts of the proposed development, including:

i. park space;

ii. potable water demand;

iii. wastewater demand;

iv. public school facility demand;

v. stormwater facilities;

vi. transportation impacts; and

vii. solid waste demand by phase; if applicable.

m. Phasing schedule, if applicable, identifying the amount and location of residential and nonresidential development within each phase and projected timeframes for development of phases. Residential densities and nonresidential floor area ratios (FARs) should be identified for each phase.

n. Identification of surrounding uses and densities and land use district categories.

o. Statements of unified control of the PUD property with assurances that the site will be developed in accordance with the PUD conceptual master plan, as it may be amended from time to time, along with a statement that the

PUD will be binding upon successors, heirs and assigns. The City attorney shall approve these legal instruments.

p. For any development within any noise contour equal to or above the 65 dB DNL as depicted on the adopted AICUZ Overlay, applicants proposing structures which meet and/or exceed the federal notification criteria pursuant to 14 C.F.R. 77.13, shall provide to the City written evidence of a Federal Aviation Administration (FAA) aeronautical study based on the submittal of FAA Form 7460-1 or electronic equivalent. The applicant shall provide a written copy of a FAA aeronautical study which has determined the proposed structure is not a hazard to air navigation before obtaining any development permit or such requirement shall become a condition to the development permit.

q. All plats within any noise contour equal to or above the 65 dB DNL as depicted on the City's adopted AICUZ Overlay shall contain a disclosure statement that the subject property is located near Tyndall Air Force Base and is possibly subject to noise, military aircraft and hazards associated with a major United States Air Force Base. In addition, the City may determine that additional requirements must be disclosed on the plat or shall be agreed to by the developer as a condition of the City's acceptance of the plat.

r. Preliminary utility reports including projected usage by phase and at build out.

During the review process, the City may determine that additional information is necessary.

2. The requirement to submit a conceptual master plan shall not be construed as requiring detailed engineering or site plan drawings as part of the PUD application. Detailed engineering or site plan drawings will be required prior to issuance of a development permit for any phase(s) of development.

3. Once staff has reviewed the conceptual master plan according to the requirements contained in subsection 6-1.3.3.b of these Land Development Regulations for Major Developments and deemed that it is complete, dates shall be set for public hearings before the Planning Commission and the City Council. Before a plan has been deemed complete, the City shall require the plan to be submitted to the Tyndall Air Force Base Commander or their designee for review and comments if the PUD is located within any noise contour equal to or above the 65 dB DNL as depicted on the City's approved Airport AICUZ Overlay in Article 10.

a. City staff shall review the conceptual master plan for compliance with these Land Development Regulations and the Comprehensive Plan along with compatibility of the character of the surrounding area, appropriateness of the mixture of uses and similar matters and shall submit a report to the Planning Commission and the City Council.

b. Subsequent to the Planning Commission hearing, the City Council shall conduct two duly noticed public hearings in order to approve, deny or approve with conditions the conceptual master plan. The Council shall have the discretion to place conditions that insure compatibility of the project with surrounding areas, insure compliance with the comprehensive plan or enhance the public health, safety and welfare.

c. Approval of the conceptual master plan does not vest the project from the requirements of concurrency, the Florida Building Code, or other aspects of the comprehensive plan or these Land Development Regulations not specifically addressed in the PUD conceptual master plan.

d. Once a PUD conceptual master plan is approved by the City Council by ordinance, the ordinance will be recorded in the public records and the property will be depicted on the City of Parker PUD Overlay Map. The applicant at this time may submit a development permit application in accordance to the requirements contained in subsection 6-1.3.3.b of these Land Development Regulations for Major Developments, for the entire project or a portion of the project if phased,

4. Approved PUD Conceptual Master Plan

The PUD conceptual master plan approval shall expire after one year from the date of approval unless the applicant has obtained a development permit for the entire project or portion of the project if phased. The City Council shall grant a one-year extension, if the developer can successfully prove that the development was not obtained due to circumstances beyond their control. The Approved PUD conceptual master plan~~s~~ shall not expire once development has commenced and continues to proceed according to the approved plans.

5. Substantial deviations to PUD conceptual master or phased site plans. A substantial deviation to a PUD conceptual master or phased site plan shall be deemed to occur if any of the following criteria are triggered:

a. A change in the number of dwelling units by five percent or more.

b. Addition of land uses types not requested in the approved conceptual master plan.

c. An increase in off-site trip generation of more than five percent.

d. An increase of non-residential development of more than five percent (in a mixed use planned unit development).

e. Any modification of the conditions of approval that results in a significant impact on surrounding properties.

f. Failure to develop in accordance with the conditions of the PUD.

If a substantial deviation occurs, the PUD conceptual master plan shall be resubmitted for review and approval, as outlined above. Plans shall be reviewed subject to the comprehensive plan and these Land Development Regulations in place at the time of its submittal.

Sec. 4-7 COMMUNITY REDEVELOPMENT DESIGN OVERLAY DISTRICT

4-7.1 Purpose

The Community Redevelopment Design Overlay (CRDO) District implements the CRA Plan and promotes the redevelopment of current land uses for properties located adjacent to the Tyndall Parkway, Business Highway 98, and Highway 98 corridors as shown on City of Parker Community Redevelopment Design Overlay Map. These corridors represent an important core area of the City. Their redevelopment will enhance the community through higher quality land development patterns that are achieved through the creation of design standards.

4-7.2 Subarea 1 – Main Street (Business Highway 98)

1. Purpose: To provide guidelines for development activity within the Main Street Subarea which includes properties located adjacent to the Business Highway 98 corridor. The subarea is intended to be the main core of the Community Redevelopment Area and to redevelop over time through a combination of public and private investments into a traditional downtown with a mixed-use area including retail, restaurant, office and residential. The boundaries of this subarea are more particularly illustrated on City of Parker Community Redevelopment Design Overlay Subarea 1 Map in Article 10.

2. Design standards:

   a. Building Architectural Style – The use of a common set of colors and building materials should be maintained for building facades to create a consistent and traditional architectural identity. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors.

   b. Building Use Mix – Mixed-use buildings are desired fronting the Business Highway 98 right-of-way comprising of retail, restaurant, office, and/or residential uses.

   c. Pedestrian Mobility – All properties within the subarea are encouraged to provide sidewalks parallel to public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks are also encouraged to provide linkages to building entrances.

   d. Parking – Parking standards will meet the requirements of Section 5-9 Traffic Circulation and Parking. Parking at the rear of buildings will be encouraged as well as on-street parallel parking in front of the building.

   e. Streetscape and Landscape – The streetscape is encouraged to be enhanced with brick pavers accenting the sidewalks and crosswalks, decorative street furniture, and street trees to improve pedestrian safety.

   f. Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.

4-7.3 Subarea 2 – Mixed Use Parkway (South portion of East Highway 98)

1. Purpose: To provide guidelines for development activity within the Mixed Use Parkway Subarea which includes properties located adjacent to the South portion of East Highway 98 corridor generally between Fleming Street and the Dupont Bridge. The subarea is intended to redevelop over time through a combination of public and private investments into low to high-rise mixed use buildings with retail, restaurant, personal service, office, and residential uses. The boundaries of this subarea are more particularly illustrated on City of Parker Community Redevelopment Design Overlay Subarea 2 Map in Article 10.

2. Design standards:

   a. Building Architectural Style – The use of a common set of colors and building materials should be maintained for building facades to create a consistent and traditional architectural identity. The high-rise buildings should be designed to step back the upper floors from the right-of-way to create an open ambiance at the street level. Significant separations from buildings should also be provided to allow for view corridors to the water.

   b. Building Use Mix – A mix of low to high rise mixed use, buildings containing retail, restaurant, personal service, office, and residential uses are desired fronting Highway 98.

   c. Pedestrian Mobility – All properties within the subarea are encouraged to provide sidewalks parallel to public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks are also encouraged to provide linkages to building entrances.

   d. Parking – Parking standards will meet the requirements of Section 5-9 Traffic Circulation and Parking. Parking at the front of buildings should be limited to drop off areas in order to create a pedestrian-oriented development pattern.

   e. Streetscape and Landscape – The streetscape is encouraged to be enhanced with wider sidewalks, street trees, median plantings, and landscape buffers of parking lots.

   f. Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.

4-7.4 Subarea 3 – Commercial Intensive (South Tyndall Parkway / Highway 98)

1. Purpose: To provide guidelines for development activity within the Commercial Intensive Subarea which includes properties located adjacent to the Tyndall Parkway corridor generally between Cherry Street and Boat Race Road. The subarea is intended to redevelop over time through a combination of public and private investments into typical highway commercial developments with retail, drive-thru facilities, auto-related services, and other commercial uses. The boundaries of this subarea are more particularly illustrated on City of Parker

Community Redevelopment Design Overlay Subarea 3 Map in Article 10.

2. Design standards:

a. Building Architectural Style – The use of a common set of colors and building materials should be maintained for building facades to create a consistent and traditional architectural identity. Variations in roofline, façade, and depth should be provided.

b. Building Use Mix – Non-residential mixed-use buildings are desired fronting Tyndall Parkway.

c. Pedestrian Mobility – All properties within the subarea are encouraged to provide sidewalks parallel to public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks are also encouraged to provide linkages to building entrances.

d. Parking – Parking standards will meet the requirements of Section 5-9 Traffic Circulation and Parking. The parking in front of the buildings should be limited to create an urban form where buildings are closer to the street and parking is in the rear.

e. Streetscape and Landscape – The parking lots shall meet the landscape requirements as set forth in these Land Development Regulations. The streetscape will be encouraged to include wider sidewalks, street trees, median plantings, and landscaped buffers of parking lots.

f. Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.

4-7.5 No Motels in CRA

Given the nature of the intended development within the CRA, no motels shall be constructed nor shall any improvement be converted into a motel within the CRA after the effective date of the Ordinance enacting this restriction.

Sec 4-8 Airport AICUZ Overlay

4-8.1 Title

This Article shall be known as the City of Parker Airport Air Installation Compatible Use Zone (AICUZ) Overlay.

4-8.2 Purpose and Intent

The purpose of the Airport AICUZ Overlay is to provide both airspace protection and land use compatibility with airport operations within the corporate limits of the City. Establishment of an airport overlay and corresponding regulations, provides for independent review of development proposals in order to promote the public interest in safety, health, and general welfare in Parker as well as to ensure that any public or military airport can effectively function. Therefore, the City Council deems it necessary to regulate uses of land located within or near the traffic patterns of airports the Airport AICUZ Overlay. In addition, development within the Airport AICUZ Overlay shall also comply with applicable underlying land use district requirements as referenced in the remainder of the City's Land Development Regulations.

4-8.3 Airport AICUZ Overlay Regulations.

1. Overlay Boundary. The Airport AICUZ Overlay Boundary encompasses the area located within any noise contour line equal to or above the 65 decibels (db) day-night average sound level (DNL) as depicted on the Air Installation Compatible Use Zone (AICUZ) Overlay Map located in Article 10.

2. Overlay Regulations. Provisions of this section shall apply to construction, alteration, moving, repair and use of any building or structure within the Airport AICUZ Overlay.

    a. Permitted Uses. All Allowable Uses and Conditional Uses as defined in the underlying Land Use District unless otherwise described in 2.b, Restricted Uses and Criteria.

    b. Restricted Uses and Criteria. The following uses shall be permitted within the established Airport AICUZ Overlay only if the proposed development complies with the applicable criteria described below:

        i. Child Care, Transient Lodgings, Educational Centers, Residential (including mobile / manufactured homes), and similar uses. Developers of proposed child care facilities, transient lodgings, educational centers and residential uses (including mobile / manufactured homes) shall verify to the City in writing that proposed buildings are designed to

achieve an outdoor to indoor noise level reduction ("NLR") of at least 25 decibels. (Normal residential construction can be expected to provide an NLR of 20-25 decibels).

ii. Hospitals, Homes for the Aged, Places of Worship, Auditoriums, Concert Halls and similar uses. Hospitals, homes for the aged, places of worship, auditoriums and concert halls shall verify to the City in writing that proposed buildings are designed to achieve an outdoor to indoor noise level reduction of at least 25 decibels.

iii. Outdoor Sports Arenas, Spectator Sports and similar uses. Outdoor sports arenas and spectator sports facilities must be constructed with special sound reinforcement systems consistent with building code regulations.

3. Any seller of property must disclose that said property is located within the City's Airport AICUZ Overlay. Specifically, no person shall sell, lease or offer for sale or lease any property within the City's Airport AICUZ Overlay unless the prospective buyer has been given written notice that the property is located in an area exposed to a significant noise level of aircraft operations as a result of its location. The written notice must be signed by both the owner of the subject property and the prospective purchaser / lessee. The notice shall be affixed to all listing agreements, sales and rental contracts, lease agreements, subdivision plats, and any individual marketing materials, such as brochures, etc. Disclosure is required prior to execution of a purchase offer, i.e., before the making or acceptance of an offer. Prior to purchase or lease of any property with the City's Airport AICUZ Overlay, the buyer or lessee shall sign a form certifying that he or she has been informed that the subject property is located within the Airport AICUZ Overlay. A copy of the form shall be sent to the City Clerk.

4. Appeals. Determinations by the City Council, relating to use interpretations may be appealed to the Circuit Court of Bay County, Florida. Any appeal may be made by an applicant, the City, any aggrieved person, taxpayer affected, or FDOT. All such appeals to the City Council shall be filed, reviewed, and heard in a manner consistent with Sections 333.08 and 333.10, of the Florida Statutes, as may be amended or superseded.

ARTICLE 5

DEVELOPMENT STANDARDS

Sec. 5-1. PURPOSE

The purpose of this Article is to provide design and improvement standards applicable to all development activities undertaken within the City, consistent with other appropriate provisions of these Land Development Regulations. These standards are further intended to provide definite guidance for review of applications for development approval and for issuance or denial of development permits to ensure functional and attractive development consistent with the Comprehensive Plan and the public interest.

Sec. 5-2. APPLICABILITY

No structure shall be constructed, erected, placed or maintained, nor any development or land use commenced within the City except as authorized by this Article.

Sec. 5-3. RESPONSIBILITY FOR IMPROVEMENTS; COMPLIANCE

All costs associated with the planning, design, construction, installation, review, or compliance with permit requirements of the City or other agencies, associated with meeting the standards set forth in this Article, shall be the responsibility of the developer, unless otherwise stated.

Sec. 5-4. ACCESSORY LAND USES

5-4.1 Purpose

This section is intended to regulate the 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.

5-4.2 Accessory Dwelling Units

1. Accessory dwelling units are not allowed within the City.

2. No variations, adjustments, or waivers to the requirements of the Land Development Regulations shall be allowed in order to accommodate an accessory dwelling unit.

5-4.3 Home Occupations

A home occupation shall be allowed in a dwelling unit within RES, MU-1 and MU-2 districts, subject to the following requirements:

1. No person other than members of the family residing on the premises shall be engaged in such occupation. The occupation being conducted in the residence must not employ outside or non-family residing employees.

2. 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 nature of the structure.

3. 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. One sign not exceeding four square feet in area, non-illuminated, mounted flat against the outside wall of the principal building is permitted in an MU-1 or MU-2 district. No signage of any type is permitted in a RES district.

4. No home occupation shall occupy more than twenty (20) percent of the floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.

5. No traffic shall be generated by such occupation in greater volumes than would normally be expected from any other similar residence, and any need for parking generated by the conduct of such home occupation shall be met off the street.

6. No equipment, tool, 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. In the case of electrical interference, no equipment, tool or process shall be used which creates visual or audible interference with any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

7. Retail sales through a storefront operation are prohibited.

8. Open outdoor storage of equipment, tools or materials shall not be permitted.

9. The following home occupations are allowed: beauty shops and barbershops with only one chair, band instrument or dance instructors, swimming instructor, studio for private or group instruction, antique or gift shops, dog grooming, photographic studio, fortune telling or similar activity, food processing, nursery school, or kindergarten.

8. A home occupation shall be subject to all applicable City occupation licensing requirements, fees and other business taxes.

Any structure in which a home occupation or a home office of convenience is allowed shall be considered nonresidential for purposes of utility billing.

5-4.4 Dining Rooms, Recreation Centers, and Amenities

1. Purpose

   Residential and non-residential development projects may provide amenities for the exclusive use of the employees and/or residents of the project.

2. Dining Rooms/Cafeterias/Snack Shops, etc.

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

   a. The facility shall not be open to the general public.

   b. There shall be no off-site signs advertising the presence of the facility.

3. Community Centers/Recreation Centers

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

   a. Such facilities shall not include health clubs, gyms, and the like offering services to the general public.

   b. Parking to serve the facility shall be provided as required by subsection 5-9.8 of these Land Development Regulations.

   c. There shall be no identification signs, other than directional signs.

4. Employee Fitness Centers

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

   a. Such facilities shall not be open to the general public.

b. There shall be no signs other than directional or occupant signs, identifying the facility.

Sec. 5-5. ACCESSORY STRUCTURES AND CARPORTS

5-5.1 Purpose

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

1. General Standards and Requirements for Accessory Structures

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

a. There shall be a permitted principal development on the lot or parcel, located in full compliance with all standards and requirements of these Land Development Regulations.

b. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in these Land Development Regulations.

c. Accessory structures shall not be located in a required buffer or minimum building setback area unless set forth elsewhere.

d. Accessory structures shall be included in all calculations of impervious surface, stormwater runoff, floor area ratio, or any other site design requirements applying to the principal use of the lot.

e. Accessory structures shall be shown on any site development plan with full supporting documentation as required in Article 6 of the Land Development Regulations.

f. No accessory structure used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line.

g. Accessory structures including but not limited to storage and other buildings regulated by this section shall be permitted only in side and rear yards and

located no closer than five (5) feet from any property line.

h. Motor vehicles, manufactured housing and mobile homes shall not be used as storage buildings, utility buildings, or other such uses.

i. A temporary permit may be issued by the City Clerk to park or maintain a Portable on Demand (POD) storage unit, shipping container (Conex box) or other similar portable storage unit for longer than 14 calendar days.

i. Except in the case of an approved time period following a declared emergency, a permit shall be temporary, not to exceed a period of three months and the applicant for such permit shall pay the City Clerk a municipal service charge for each month that the permit is to remain in effect.

ii. A permit shall be renewable for additional three-month period for extenuating circumstances and shall be subject to revocation at any time that the City Council, in its discretion, determines that the conditions under which it was issued have materially changed or that revocation is required to protect the health, safety or welfare of the citizens of the City.

iii. In the case of an approved period following a declared emergency, a permit shall be temporary, not to exceed a period of twelve months and the applicant for such permit shall pay the City Clerk a municipal service charge for each month that the permit is to remain in effect.

iv. Except in the case of an approved time period following a declared emergency, a POD storage units or shipping containers shall not be allowed in the Residential Land Use Category.

v. POD's shall only be allowed in a Commercial district and then only if located in the rear of the property, not visible from adjoining property.

5-5.2 Carports

1. General Standards and Requirements for Carports

Carports may be located on a parcel, provided that the following requirements are met:

a. There shall be a permitted principal development on the lot or parcel, located in full compliance with all standards and requirements of these Land

Development Regulations.

b. All carports shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in these Land Development Regulations.

c. Carports shall not be located in a required buffer or minimum building setback area of the applicable land use district unless set forth elsewhere.

d. Carports shall be included in all calculations of impervious surface, stormwater runoff, floor area ratio, or any other site design requirements applying to the principal use of the lot.

e. Carports shall be shown on any site development plan with full supporting documentation as required in Article 6 of the Land Development Regulations.

f. No carport shall be used for industrial storage of hazardous, incendiary, noxious, or pernicious materials.

g. When located in the front yard, a carport must be attached on the entire length of one of its sides to a single or multi-family dwelling and must be located over the driveway.

h. A carport located in the front yard shall be used exclusively for vehicles and watercraft; however, a carport located in either the side or rear yard shall be used primarily (space occupied exceeding more than 50%) for vehicles and/or watercraft.

i. Nor more than 2 single car carports or one double car carport shall be allowed per dwelling in the front yard.

5-5.3 Temporary Carports

1. Temporary carport structures are prohibited in the front yard.

5-5.4 Private Swimming Pools

1. Swimming pools shall not encroach into any required building setback.

2. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of these Land Development Regulations.

3. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than four (4) 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-latching doors.

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.

5. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

5-5.5 Fences

1. Fences, hedges or other approved visual buffers may be located in all front, side and rear yard setback areas. Height restrictions for fences by land use district shall be as follows.

   Residential District: Fences shall not exceed four (4) feet in height in front yards, and eight (8) feet in height in side and rear yards.

   All Other Districts: Fences shall not exceed eight (8) feet on any front, side or rear property line.

   Fences located in setbacks shall not exceed the height of eight (8) feet.

   The height of a fence shall be measured from the lowest adjacent grade within three (3) feet on either side of the fence. If a wall or wall/fence is built on top of a berm or retaining wall, the combined height of the fence and berm or retaining wall must not exceed the allowable fence height.

2. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle.

3. Any fence shall be placed with the finished side facing the adjoining property or right-of-way. Notwithstanding the foregoing, in the event that the adjoining property has erected a fence with the finished side facing out, then the owner may erect another fence with the finished side facing inward. Fence segments shall be uniform in materials.

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 maximum height

standards may be given by the City Council upon receipt of satisfactory evidence of the need to exceed height standards.

5. No fence, or hedge, or other structure shall be constructed or installed in such a manner as to interfere with drainage on the site or obstruct any ditch, drainageway, or stormwater management facility unless such structure is intended for stormwater management purposes.

6. No fence, wall or similar structure shall be located in, upon or within the buffer from any body of water or submerged lands.

7. The following types of fencing materials are permitted:

   a. chain link or ornamental wire fences with uniformly spaced metal or wood posts;

   b. ornamental wrought iron or other ornamental metals of plastics and fiberglass manufactured for fences;

   c. wood or prefabricated units with finished or unfinished posts that are of uniform length and size; or

   d. precast masonry, concrete, or brick units of uniform length and size.

Sec. 5-6. PERFORMANCE STANDARDS

5-6.1 Purpose

This Section is intended to provide performance standards which will reduce the potential for incompatibilities between adjacent land uses or land use districts.

5-6.2 Applicability

Performance standards set forth herein shall be applicable to the conditional uses specified in Article 4.

5-6.3 Performance Standards

1. Visual Buffers

   A visual screen or barrier must be used to block from view all parking areas from adjacent residential property or developments. Along the front of parking areas

and from the front lot line to the twenty (20) foot front setback line, this barrier shall consist of at least fifty percent (50%) solid material with minimum height of three (3) feet. From the twenty (20) foot front setback line to the rear lot line, the barrier shall consist of at least seventy-five (75) percent solid material with a minimum height of six (6) feet. Shrubs, trees, fences, or any combination of landscape material may be used in the construction of the barrier. There shall also be a five (5) foot buffer strip between residential use and non-residential use which may be comprised of native vegetation or landscaped vegetation. All visual buffers shall be properly maintained and kept in good repair and appearance by the property owner.

2. Noise

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

No multi-family residential or non-residential development shall be allowed adjacent to any residential properties which causes excessive illumination or glare upon the residential properties. All lighting 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. 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

In all land use districts, no use, activity or process shall be conducted which 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

The emission of toxic or noxious matter is prohibited.

6. Odor

No offensive odors shall be emitted.

7. Smoke

No smoke shall be emitted from any property which violates state or federal air quality standards.

8. Eyesores and Junk

No equipment, material, vehicle or product shall be stored or kept in such a manner as to present an offensive or unsightly appearance when viewed from any adjacent property or public right-of-way.

Sec. 5-7. ENVIRONMENTAL PROTECTION STANDARDS

5-7.1 Purpose

The destruction or pollution of environmentally significant resources within the City 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 City. It is hereby declared that development activities which cause destruction or pollution of environmentally significant resources are contrary to the public interest and should be restricted or prevented.

5-7.2 Applicability

This Section is intended to establish those resources or areas of a development site that must be protected from harmful effects of development. A developer should apply the provisions of this 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 permit may be issued by the City until such time as the provisions of this Section have been met.

5-7.3 Environmentally Significant Resources

Environmentally significant resources are those identified in the Comprehensive Plan, and in subsection 4-5.6 of these Land Development Regulations including:

1. Jurisdictional wetlands;

2. Martin Lake;

3. Marine resources including seagrass beds, estuaries, submerged lands, and estuarine shoreline;

4. Soils;

5. Identified wildlife habitat;

6. Drainageways and stormwater;

7. Designated flood zones; and

8. Trees

5-7.4 Jurisdictional Wetlands

1. Purpose

Jurisdictional wetlands are those specified in Section 373.019, Florida Statutes, and/or Part 33, Code of Federal Regulations, as may be amended or superseded.

2. Protection Standards

All development activities in jurisdictional wetlands within the City are prohibited unless:

a. Valid permits are obtained from the Department of Environmental Regulation and/or the U.S. Army Corps of Engineers, subject to the provisions of Section 6-2 of these Land Development Regulations;

b. Appropriate mitigation of destroyed or damaged wetlands is undertaken by the developer subject to the provisions of Chapter 62-312 Florida Administrative Code.

5-7.5 Martin Lake

1. Protection Standards

All development activities on submerged lands or waters below the shoreline of Martin Lake are prohibited, unless specifically approved by the City Council upon

demonstration by the developer that the proposed development activity will not cause adverse impacts to fish, wildlife, vegetation or other significant resources.

No development or construction activity shall be permitted within thirty (30) feet of the shoreline of Martin Lake, except for those development activities undertaken by the City. Within this restricted area, all natural shoreline vegetation shall be preserved for a distance of twenty (20) feet landward of the shoreline, except for a corridor not to exceed fifteen (15) feet in width to provide access to the water and/or removal of unprotected trees which are not considered endemic to the shoreline.

5-7.6 Marine Resources

1. Seagrass Beds

No development activities may be undertaken in areas containing marine seagrass beds or adjacent to such areas when such development activity can reasonably be expected to damage or destroy seagrass beds unless:

a. Valid permits are obtained from jurisdictional agencies, subject to the provisions of subsection 6-2 of these Land Development Regulations;

b. Appropriate mitigation of destroyed or damaged seagrass beds is undertaken by the developer subject to the provisions of Chapter 62-312 Florida Administrative Code.

2. Estuaries and Submerged Lands

No development activities may be undertaken on submerged lands or estuarine water column below mean high water unless permits are obtained from appropriate jurisdictional agencies, and unless specifically approved by the City Council upon demonstration by the developer that the proposed development will not cause adverse impacts to fish, seagrass beds, or other living marine resources.

3. Estuarine Shoreline

Unless otherwise permitted pursuant to paragraphs 1 and 2 of this subsection, no development or construction activity shall be permitted within thirty (30) feet of the mean high tide line of any estuarine water body, except for those undertaken by the City. Within this restricted area, all natural shoreline vegetation shall be preserved for a distance of twenty (20) feet landward from the mean high tide line, except for a cleared corridor not to exceed fifteen (15) feet in width to provide access to the water and/or removal of unprotected trees which are not considered

endemic to the shoreline.

5-7.7 Soils

1. Generally

All grading, filling, excavation, storage or disposal of soil and earth materials associated with development activities shall be undertaken so as to minimize the potential for soil erosion and sedimentation of water bodies or drainageways. Erosion control measures shall be required for all such activities except when all of the following criteria are met:

a. The site upon which land area is disturbed or filled is 10,000 square feet or less.

b. Natural and finished slopes are less than 10%.

c. Volume of soil or earth materials stored is 50 cubic yards or less.

d. Rainwater runoff is diverted, either during or after construction, from an area smaller than 5,000 square feet.

e. An impervious surface, if any, of less than 5,000 square feet is created.

f. No drainageway is blocked or has its stormwater carrying capacities or characteristics modified.

g. The activity does not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high waterline of a body of water or within the wetlands associated with a watercourse or water body, whichever distance is greater.

2. Protection Standards

As part of the development review process required pursuant to subsection 6-1.4 of these Land Development Regulations the developer shall include an "Erosion and Sediment Control Plan". Such plan shall include:

a. Calculations of maximum runoff based on the 100-year 1-percent critical duration 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 vegetative measures; and

e. A map showing the location of all items listed in (a) through (d) in this paragraph.

A developer may propose the use of any erosion and sediment control techniques provided such techniques represent best management practices, and are certified by a Florida registered professional engineer.

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

5-7.8 Wildlife Habitat

1. Generally

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 and Potentially Endangered Fauna and Flora in Florida," published by the Florida Game and Fresh Water Fish Commission.

2. Protection Standards

The developer of any areas identified as containing habitat for endangered or threatened species shall be responsible for the conduct of an analysis to determine the value and extent of such habitat. This 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.

5-7.9 Flood Zones

1. Protection Standards

All development activity undertaken within established flood hazard areas shall be in conformance with the provisions of Article 8 Floodplain Management of these Land Development Regulations. The Flood Insurance Study for Bay County, Florida and Incorporated Areas dated June 2, 2009, and all subsequent

amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these Land Development Regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the City Clerk.

In addition to the requirements set forth in Article 8 Floodplain Management of these Land Development Regulations the location of hospitals, nursing homes, institutions or similar facilities is prohibited within designated flood zones.

5-7.10 Stormwater Management

1. Protection Standards

All development undertaken within the City shall be in conformance with section 9-3 or the provisions of Chapter 62-25, Florida Administrative Code if applicable. Stormwater permits must be obtained by developers pursuant to this Chapter prior to the City issuing final development approval. Under no circumstances shall a developer undertake any development activity which causes stormwater to flow onto adjacent properties unless such flow is part of an approved drainage system.

No developer, owner or occupant of any lot, parcel or other property within the City shall obstruct or cause to be obstructed any drainage ditch, culvert, pipe or other conveyance intended for the purpose of providing drainage or stormwater management.

5-7.11 Trees

1. Generally

Unless exempt under paragraph 18 of this subsection 5-7.11 or if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that a tree presents a danger to persons or property, no person shall cut down, destroy, remove or move, or effectively damage any protected tree located on any public or private real property within the City, unless otherwise exempted, without first obtaining authorization from the City.

2. Protected Trees

Unless otherwise authorized by this subsection or exempt from a City permit, no person shall cause, suffer, permit or allow the following:

a. The removal of a protected tree without first obtaining approval or authorization from the City to conduct the removal.

b. Any encroachments, excavations, or change of the natural grade within the drip line of a protected tree unless it can be demonstrated to the City, prior to the commencement of said activity, that the activity will not negatively impact any protected tree.

In the event questions or disputes arise concerning the identification, size, drip line or other conditions involving protected trees the City may call upon and consult with a landscape architect or other qualified professional in order to reach a decision.

3. Conditions for Protected Tree Removal Authorization

It is the intent of this subsection to minimize the number of protected trees subject to damage or removal. No authorization shall be granted to remove a protected tree if the person has failed to take reasonable measures to design and locate proposed development so that the number of protected trees to be removed is minimized.

No authorization for the removal of a protected tree shall be granted unless the person desiring to remove the tree demonstrates one or more of the following conditions:

a. The intended, authorized use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.

d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

e. The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to any person or other property.

f. Any law or regulation requires the removal.

4. Tree Permit Application Requirements

a. Application forms. A complete permit application for removing or relocating protected trees shall be submitted by the property owner or authorized agent of the owner on City approved application forms.

b. Fees. Each permit application must be accompanied by the appropriate fees as established by the City Council. A fee separate from an overall development fee may be required to be paid in connection with any development. The permit application fees are nonrefundable and nontransferable.

c. Required application data. The City approved permit application must be accompanied by a tree survey (locating all protected trees on the site) with a property boundary survey and other documents as required by the City that describe the proposed activities to be performed in sufficient detail to meet the standards of this subsection and to clearly identify all potential impacts to the environment and public health.

d. Required tree survey. Each permit application shall be accompanied by a tree survey, prepared by a professional surveyor, registered with and licensed by the State. The survey shall consist of field flagging, location and identification of all protected trees, and property boundaries and corners.

e. Action on permit application. The City shall determine if the application is complete. If it is determined the application is incomplete, it shall be returned to the applicant. If the application is determined to be complete, the City shall approve, approve with conditions or deny the permit.

f. Modification of application requirements. Application requirements may be modified upon agreement of the City to reflect specific on-site needs for information. Modification would be based on the type of development proposed, the trees being impacted, and the degree of impact anticipated.

5. Tree permits

a. Requirements for certain developments. The following requirements shall apply to permits relating to the development of subdivisions and for major development review.

i. Except as otherwise exempted, compliance with the provisions of this section shall be required of as a part of the development review process under the Land Development Regulations and shall be clearly documented in the development planning documents.

ii. If lots are to be cleared as part of the development review process, clearing may be limited, based on a determination made by the City. If permitted with the development process, tree replacement requirements must be provided with the development approval.

iii. All permits for lot clearing as a part of new development and for development permits shall include, whether expressly stated or not, a guarantee that all trees planted as a part of the new development shall be guaranteed to remain healthy for a period of three (3) years following completion of the development or they shall be replaced by the party obtaining the permit.

b. Tree permit issuance.

i. If the application meets the requirements of this section, the City shall approve the application subject to appropriate permit conditions. In the event that the application does not comply with the requirements set forth in this section, said application shall be denied, with reasons stated.

ii. Upon approval or denial of the application, the authorized representative of the City shall notify the applicant. If the application is approved, the authorized representative of the City will notify the applicant that the tree permit is approved. If the application is denied, the authorized representative of the City shall notify the applicant, stating the reason(s) for the denial.

iii. A condition to the issuance of the permit may be that a developer of a site within the City shall provide legal mechanisms which insure the protection of protected trees after construction has occurred on the development. Such mechanisms may include, but not be limited to, conservation easements, common open space requirements, tree protection easements, deed restrictions and restrictions in homeowners' or condominium association documents.

c. Posting of permit. A copy of the approved tree permit shall be clearly posted on the job site during all phases of clearing and construction activities.

d. Termination of permit. Unless the permit is granted in connection with a development permit, all tree permits shall expire thirty days from the date of issue unless a one-time extension is granted by the City. If the permit is connected with a validly issued development permit, the tree permit shall expire simultaneously with the expiration of the development permit. Application for extension of time shall be made in writing to the City prior to the expiration of the permit.

e. Notification of impending activity. The person holding an approved permit shall notify the City prior to the start of any land activity that will affect protected trees. Notification shall be timely, allowing the City or its designee sufficient notice to perform necessary site inspections. The City or its designee will inspect the site for compliance with this section. A tree removal permit will be issued only after these pre-activity inspections are complete.

f. Issuance of certificates of occupancy. Compliance with this section shall be a condition to the issuance of certificates of occupancy from the City or any agency or entity under contract with the City for such purposes. Under certain circumstances, conditions may warrant postponing the installation of replacement trees due to unfavorable planting conditions. If conditions warrant, and if acceptable to the applicant and the City, a certificate of occupancy may be granted without completion of the replacement requirements under the terms of this section, provided the applicant agrees to be bound by said conditions, and appropriate performance guarantee is provided in accordance with the requirements of these Land Development Regulations.

g. Tree replacement guarantee. It shall be the responsibility of the person responsible for tree replacement to protect any tree designated to remain or any new tree. The property owner shall guarantee survival of retained or replacement trees for a period of three years from the acceptance of the development improvements by the City or the issuance of a certificate of occupancy for the entire site, whichever occurs later.

6. Tree relocation by City. Where a protected tree is intended to be removed, the City may, with the owner's permission, relocate the tree at the City's expense. The tree will be relocated within the incorporated area on public land. If the City does

not elect to relocate a tree, it may give the tree to the school board, the county, or any other municipality, the right to acquire the tree for relocation to their community for public use.

7. Tree relocation option. Any person may elect to relocate a protected tree, subject to prior approval by the City. Any person electing to relocate a protected tree, rather than remove it, shall receive credit for successful relocation equal to 100 percent of the caliper area of the tree measured at DBH. To ensure successful relocation and transplanting of protected trees, the following guidelines shall be adhered to:

    a. No other trees on-site shall be unnecessarily damaged by the relocation.

    b. A relocated tree shall not interfere with existing or proposed utilities, either above or below ground. A relocated tree that may reach a height of 30 feet shall not be placed within 20 feet of an overhead power line.

    c. Any protected tree being relocated shall not be unnecessarily damaged during removal, transport or replanting of that tree.

    d. If a protected tree has a dormant period, it should be transplanted during that time. A tree should not be transplanted during periods of strong, dry winter winds or during droughts.

    e. Adequate space for root and canopy development shall be provided.

    f. Prior to transplanting, the protected tree shall be root and canopy pruned according to sound arboricultural standards. All crown pruning shall be done in accordance with standards set by the American National Standards Institute.

    g. During and following transplanting of a protected tree, the root ball and trunk shall be protected. The root ball must be kept moist at all times.

    h. A transplanted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is re-established.

8. Tree replacement requirements.

    a. Replacement species shall be the same general species as each tree removed or an alternative species acceptable to the City.

b. Single trees may be replaced with two or more trees provided the caliper inch requirements measured at DBH are met. In no event shall replacement stock be less than six feet in height nor have a caliper of less than two inches measured at 54 inches above ground level.

c. Replacement trees provided in conjunction with the site plan or subdivision approval shall be considered required improvements.

i. As determined by the City, monies may be contributed as part of tree replacement requirements. This tree replacement mitigation, through payment into the City tree replacement fund, shall provide for 100% mitigation of the required number of trees to be replaced. Remuneration, in lieu of tree replacement, if it is determined by the City that the replacement is not feasible, the following applies:

1. The person conducting the tree replacement activity shall, in lieu of actual tree replacement, pay a replacement contribution into the City tree replacement fund.

2. The replacement contribution will be determined using a replacement tree fee schedule as determined by the City.

d. Replacement formula. The replacement formula is one (1) caliper inch of replacement tree(s) for one (1) caliper inch of protected tree removed.

e. General requirements for replaced trees. Any person conducting tree replacement activities shall:

i. Refrain from unnecessarily damaging any other tree or trees remaining on-site while planting or preparing the site for any replacement tree;

ii. Plant any replacement tree so that it will not interfere with proposed utility lines or cables, either above or below ground. A tree which may reach a height of 30 feet shall not be planted within 20 feet of an overhead power line, sewer line or potable water line;

iii. Plant replacement tree species and use installation and maintenance methods that follow xeriscape principles, where practical;

iv. Plant a replacement tree in an area with adequate space for root

and canopy development.

v. Each replacement tree shall be secured with wooden supports or stakes which will provide protection for the tree during strong winds or droughts.

9. Tree Protection during Development Activities

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

a. Mechanical injuries to roots, trunk, and branches;

b. Injuries by chemical poisoning;

c. Injuries by grade changes;

d. Injuries by excavations; and

e. Injuries by paving.

At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and undertaken in consultation with the City and shall not be construed as limiting the authority of the City Council, to impose additional reasonable requirements as may be necessary to preserve the health of protected trees under particular circumstances.

The tree protection zone is a circular zone around each protected tree which includes:

a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree;

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

c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

10. Avoiding Mechanical Injuries

    a. Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone.

    b. No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.

    c. No equipment, construction materials or debris of any kind shall be placed within the protective barrier.

    d. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.

    e. In lieu of constructing the barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of twenty-five (25) feet apart and tying ribbon, plastic tape, rope, etc. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.

    f. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

11. Avoiding Injuries Due to Chemical Poisoning

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

    b. No equipment shall be cleaned within the required protective barrier or perimeter line.

12. Avoiding Injuries Due to Grade Changes

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

a. When raising the grade, the following measures shall be taken:

i. Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.

ii. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.

iii. Porous, four-inch agriculture drain tiles shall be laid over the soil to drain liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.

iv. The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous soils.

v. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.

vi. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a sixty (60)-inch diameter well. For slow-growing mature trees, a space of twelve to eighteen (12-18) inches shall be provided between the trunk and the side of the well at every point.

vii. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.

viii. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.

ix. Gratings or barriers shall be used around openings that may present a hazard to pedestrians or motor vehicles.

x. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.

xi. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.

xii. A layer of gravel shall be placed over the stones.

xiii. The fill shall be completed with a layer of porous soil.

b. When lowering the grade, the following measures shall be taken:

i. Roots shall be cut cleanly and re-trimmed after excavation.

ii. The canopy shall be pruned to aid in maintaining tree vigor.

iii. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:

1. Terracing. The area within the tree protection zone is left at the original grade by terracing.

2. Retaining wall. The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.

3. Terracing and retaining wall. The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall.

c. Minor Changes in Grade

When the change in grade is minor, lesser protective measures than those described above may be taken. The City shall be consulted before use of these methods where their use will not endanger the health of the protected tree.

13. Avoiding Injuries Due to Excavations

Water, sewer, and other utility lines should be routed around the tree protection zones whenever possible.

14. Porous Paving Allowance.

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

15. Pruning Protected Trees.

Pruning of protected trees shall be performed in accordance with current standard practices of the International Society of Arboriculture or the Tree Care Industry Association.

16. Preservation of Protected Trees as Grounds for Reduction in Required Parking.

a. A reduction of required parking spaces may be allowed by the City when the developer demonstrates to the City that the developer has exhausted all alternatives to removal of a protected tree and the reduction would result in the preservation of a protected tree.

b. The reduction in required parking may be granted only if it will prevent the removal of a protected tree that is located within the area of the site designated as vehicular use area.

17. Tree replacement fund.

a. A City tree replacement fund is hereby established for the purpose of accepting and disbursing payments made to the City as part of tree replacement mitigation and other monies deposited from penalties for protected tree removal, illegal grading, or illegal clearing.

b. The funds in said account shall be expended, utilized and disbursed for the planting of trees and to cover any other ancillary costs, including but not limited to landscaping, sprinkler systems and other items or materials necessary and proper for the preservation, maintenance, relocation or restoration of trees on any public land within the City. These funds may also be utilized to engage support elements such as landscape architects and additional personnel, if deemed necessary by the City.

18. Exemptions

The following activities or operations shall be exempt from the requirements of this subsection including but not limited to permitting and replacement.

a. Limited Single-Family Dwelling Exemption

The following exemption applies to trees of an owner of single-family dwelling undertaken on the single lot or parcel upon actively being used for residential purposes: (1) removal, pruning or trimming of trees (except historic trees, champion trees and heritage trees), or (2) removal, pruning or trimming of a historic tree, champion tree or heritage tree located if the owner obtains documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices – Tree Risk Assessment, Second Edition (2017).

b. Emergency Conditions

The City Council or its designated representative may waive all or part of these requirements in the event of natural disaster such as hurricanes, tornadoes, floods, or hard freezes. In such cases, the period of waiver shall not exceed ten (10) days, unless extended by the City Council.

c. Commercial Tree Growers

Licensed plant and tree nurseries shall be exempt from the terms and provisions of this subsection when trees planted or growing on the premises of said licensee are so planted and growing for the sale to the general public in the ordinary course of business.

d. Utility Operations

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

Care Industry Association.

e. Rights of way

The clearing of a path for existing or new roadway rights of way, provided that the rights of way are for existing roadways that are built in conformance with City standards or for new roadways that will be built in conformance with City standards. The width of the path shall not exceed the right of way width standards for each type of roadway established in these Land Development Regulations.

f. Non-Protected Trees

Removal of trees not having protected tree status.

g. Site Investigations

Activities associated with surveying, soil borings or geotechnical research and other related activities when the removal is the minimum necessary to undertake the activity.

h. Nuisance Trees

All trees listed on the Florida Exotic Pest Plant Council's List of Invasive Species.

18. In addition to and not in lieu of any other remedies available, a violation of Subsection 5-7.11 shall be punished by a fine of $500.00 per tree.

Sec. 5-8. UTILITIES

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

5-8.1 Applicability

1. Electricity and Telephone

   All residential developments shall have available a source of electricity and telephone adequate to accommodate the permitted development.

2. Water and Sewer

   All habitable development within the City shall be connected onto the City water and sewer systems or, if City water and sewer service is not available, within sixty (60) days 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 and/or, if applicable, state or local rules. The developer shall provide all sewer and water lines for the permitted development in such a manner as to be readily connected into the City water and sewer systems. All extensions of the City water system shall have the specifications directed by the City, currently measuring 8 inches in diameter for main water piping.

3. Fire Hydrants

   The developer of any residential subdivision shall provide a system of fire hydrants which meets or exceeds the standards set forth in Recommended Standards for Water Works, latest Edition.

4. Drainage

   In addition to the pollution control requirements set forth in subsection 5-7.10 of these Land Development Regulations, the developer shall design and construct the drainage system including but not limited to all drainage structures or conveyances to accommodate stormwater runoff produced by a 100-year, 1-Percent 24-hour storm event and, when applicable, the requirements of Chapter 14-86, Florida Administrative Code (FDOT Drainage Permit).

5-8.2 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 convey title to such utility or entity the facilities and easement rights necessary to enable the utility or entity to operate and maintain such facilities, as appropriate.

Sec. 5-9. TRAFFIC CIRCULATION AND PARKING

5-9.1 Purpose

This Section establishes minimum requirements applicable to transportation systems, including roadways, bikeways, pedestrian ways, parking and loading areas, and access control to and from roadways. 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.

5-9.2 Technical Construction Standards

Design and construction of all roadways 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 Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), Florida Department of Transportation, unless otherwise specified in these Land Development Regulations.

5-9.3 Functional Classifications of Roadways

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

1. Principle Arterial Roadways (State Highway System)
    - Tyndall Parkway (US 98)
    - Business US 98

2. Collector Roadways (City Street System)
    - Highway 22-A
    - Boat Race Road
    - Hickory Street
    - H.L. Suddeth

3. Local Roadways (City Street System)
   - All other roads and streets

The preceding functional classifications shall be used in reference to standards as applied in this Section.

5-9.4 General Design Standards

1. All roadways in a new development shall be designed and constructed pursuant to the standards in the Technical Construction Standards Manual in subsection 5-9.2. Roadways shall be dedicated to the City upon completion, inspection, and acceptance by the City.

2. The roadway 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.

3. Roadways shall be laid out to avoid environmentally sensitive areas.

4. Private roadways may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards in the Technical Construction Standards Manual in subsection 5-9.2.

5. The roadway layout in all new development shall be coordinated with and interconnected to the roadway system of the surrounding area.

6. Roadways 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 platted, stub outs in the new development shall be provided for future connection to the adjacent platted roadways.

7. Residential roadways in residential subdivisions shall be arranged to discourage through traffic.

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

9. New intersections along one side on an existing roadway shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an

intersection, the distance between centerlines of the intersecting roadways shall be no less than 150 feet.

10. No two roadways may intersect with any other roadway on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting roadway. When the intersected roadway is an arterial, the distance between intersecting roadways shall be no less than 300 feet.

5-9.5 Rights-of-Way

1. Right-of-Way Width

   Right-of-way requirements for roadway construction shall be as set forth the Technical Construction Standards Manual specified in subsection 5-9.2, unless otherwise specified in Section 5-10 (subdivision requirements). Rights-of-way for streets that will be dedicated to the public including all road beds, sidewalks and any bicycle facilities should be a minimum of fifty (50) feet in width; however, under certain circumstances, the City may require a wider right-of-way.

2. Protection and Use

   a. No encroachment shall be permitted into existing rights-of-way, except as authorized by the City or the Florida Department of Transportation.

   b. 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, data transmission fiber, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in the Technical Construction Standards Manual in subsection 5-9.2, or equivalent, and other applicable laws or regulations.

   c. Sidewalks and bicycle ways shall be placed within the right-of-way.

3. Vacations of Rights-of-Ways

   Applications to vacate a right-of-way shall be approved upon a finding that all of the following requirements are met:

   a. The requested vacation is consistent with the Traffic Circulation Element of the City Comprehensive Plan.

   b. The right-of-way does not provide the sole access to any property.

Remaining access shall not be by easement.

c. The vacation would not jeopardize the current or future location of any utility.

d. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the City.

e. The right-of-way proposed to be vacated does not provide a public access to the water.

5-9.6 Access Control

1. Principal Arterials (State Highway System)

All driveways, access points, entrances or exits or other vehicular connections to the State Highway System must be authorized by the Florida Department of Transportation. Vehicular connection permits must be obtained by developers pursuant to Chapter 14-96, Florida Administrative Code, such permits are required for vehicular connections onto Tyndall Parkway (US 98) and Business US 98.

2. City Streets

Location and Spacing of Access Points

Location and Spacing of access points shall be as specified in the Technical Construction Standards Manual in subsection 5-9.2, except that under no circumstances shall roadway outlets be located closer than 100 feet from one another.

Emergency Access

All residential subdivisions or multi-family developments including mobile/manufactured home parks shall have at least two roadway outlets which will allow for emergency ingress and egress.

5-9.7 Bicycle and Pedestrian Ways

1. All new developments shall install sidewalks and facilities to accommodate bicycle traffic such as bicycle paths. Sidewalks shall be a minimum width of 4 feet or of equal width to adjoining sidewalk. Exemptions from this requirement may be allowed based on the following criteria:

a. Installation of bicycle paths or sidewalks is contrary to public safety as determined by the City;

b. The cost of providing bicycle paths or sidewalks is excessively disproportionate to the need or probable use; and

c. Other available factors or means indicate an absence of need.

2. Technical Construction Standards

Required bicycle paths and sidewalks shall be designed and constructed in conformance with the standards set forth in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook), as published by the Florida Department of Transportation.

5-9.8 Off-Street Parking and Loading

1. Off-street parking spaces shall be provided and established upon the erection or enlargement of any building or structure or upon an increase in the capacity of any building or structure for any purpose, including, but not limited to, dwelling units, guest rooms, floor area, seating capacity, employment or patronage.

No on-street public parking spaces may be used in calculating the number of parking spaces required of any business. Where any business has a designated employment, seating or patronage capacity of twenty-five (25) persons or more, twenty-five (25) per cent of the minimum parking requirements may be satisfied by available off-street public parking facilities provided the availability thereof is on the same side of the block and not separated by a major street or thoroughfare and is located within five hundred (500) feet of the business, provided the parking facility and its access is not interrupted by any fence, walls, or other structure which would separate the business from the off-street parking area. The measurement from the business to the parking area shall be measured from the entrance of the business to the entrance of the parking facility along the commonly traveled and approved pedestrian walkway or route between the business and the parking facility.

Off-Street parking requirements shall be as follows:

Use	Spaces Required
Dwellings	
Single-family, duplex, cluster or town house dwelling units	2 per unit
Apartment or condominium	1.5 spaces per each efficiency or 1 bedroom unit

Use	Spaces Required
	and 1.8 spaces per each unit having 2 bedrooms or more (plus 1 per each 10 units)
Mobile / Manufactured Home Parks	2 per unit (plus 3 per 300 sq. ft. of service buildings)
Hotels and motels	1 per unit (plus 1 per 5 employees)
Boarding homes and Dormitories	1 per bedroom
Public Assembly	
Church, temple or other place of worship assembly room	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
Bowling alley	5 per alley
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 400 sq. ft. of gross floor area
Medical, dental and health offices and clinics	6.5 spaces per 1,000 sq. ft. of gross floor area
Funeral parlors or mortuaries	1 per each 4 chapel seats
Business	
Food stores and drugstores	4 spaces per 1,000 sq. ft.
Commercial, retail business personal services	4 spaces per 1,000 sq. ft.
Business and professional offices	4 spaces per 1,000 sq. ft.
Banks or other financial institutions	4 spaces per 1,000 sq. ft.
Printing, publishing or broadcasting	4 spaces per 1,000 sq. ft.
Restaurant, lounge or establishment for consumption of beverages on premises	10 per 1,000 sq. ft. of gross floor area
Drive-in restaurants	10 per 1,000 sq. ft. of gross floor area. If the applicant can demonstrate that more than 50 percent of the business will be dedicated to drive-in only customers than 5 spaces per 1,000 sq. ft can be used.
Shopping centers	2 spaces per 1,000 sq. ft. of gross floor area for

Use	Spaces Required
	each square foot up to 100,000 sq. ft., plus 1 space per 1,000 square feet for each square foot over 150,000 square feet of gross floor area
Convenience food stores	6 spaces per 1,000 sq. ft

2. Location of off-street parking.

   The parking spaces shall be provided on the same lot as that of the structure it serves or within five hundred (500) feet of the principal entrance thereto, as measured along the most direct pedestrian walkway. Bicycle parking shall also be provided as required by the City.

3. Joint use of off-street parking space.

   No part of an off-street parking area required for any building or land use shall be used as a parking facility for another building or other land use, except where the parking demands of different uses occur at different times.

   Nothing in this subsection shall be construed to prevent the joint use of off-street parking space by two (2) or more buildings or land uses if the total of such spaces when used together is more than the total requirements for the various individual land uses or buildings computed separately.

4. Off-street parking lot requirements.

   All parking areas shall be surfaced with a hard, dustless material approved by the City; properly drained; designed for pedestrian safety and shall provide direct access to a public roadway or alley. Each off-street parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. Vehicular off-street turning and maneuvering space shall be provided for each lot containing five (5) or more spaces so that no vehicle will be required to back into or from any public roadway or alley.

5. Off-street loading and unloading requirements.

   There shall be provided on the same lot as that of the principal structures (other than a one- or two-family dwelling) adequate space for vehicular off-street loading, unloading, and the maneuvering of commercial vehicles. Vehicular off-street maneuvering spaces shall be provided so that no vehicular backing onto or from a public roadway is required. All vehicular loading and maneuvering areas shall be surfaced with a hard, dustless material, and shall have direct access to a public

roadway or alley. A minimum of one such loading space shall be provided for all nonresidential buildings where six (6) or more parking spaces are required, plus one additional space for each ten thousand (10,000) square feet (or fraction thereof).

6. Permanent reservation.

   The area reserved for off-street parking or loading shall not be reduced in area or changed to any other use unless the use it serves is discontinued or modified in a manner no longer requiring the facility, except where equivalent parking or loading space is provided in accordance with the provisions hereof.

7. Drainage

   All parking or maneuvering areas shall be designed and engineered in such manner that the drainage will run to the existing drainage structures or otherwise conform to drainage standards set forth in these Land Development Regulations.

Sec. 5-10. SUBDIVISION STANDARDS; PLAT APPROVAL

5-10.1 Purpose

The purpose of this Section is to establish minimum standards for the platting and development of residential subdivisions. The provisions of this section shall serve to establish the identity of all lands shown on and being a part of platted subdivisions so that such lands may be thenceforth conveyed by reference to such plat, and to establish standards of development necessary to protect the interests of the City and the general public.

5-10.2 Applicability

The City Council, after review by the Planning Commission, must grant approval for all subdivision of real property into two (2) or more lots, parcels, tracts, tiers, blocks, sites, units or any division of land and, when appropriate to the context, relates to the process of subdividing or to the lands or area being subdivided. Subdivision, platting and subsequent development of platted lands shall be as set forth in this Section and in accordance with the requirements of Chapter 177, Florida Statutes. Platting shall be required for all subdivision of real property into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units or any division of land; including establishment of new streets and alleys, additions, and resubdivisions. All plats shall be submitted to the Planning Commission for review and recommendations prior to consideration by the City Council.

5-10.3 Conformance with Land Development Regulations

In addition to the provisions specified in this Section, subdivision developments shall conform to all other applicable provisions of these Land Development Regulations.

5-10.4 Procedure

The City Council will review the plat and plans required to be submitted by this Section, and if in its opinion, such plat and plans meet the requirements of these Land Development Regulations, it may approve and certify the plat and plans. No acceptance of roadways, or other facilities shall be made by the City Council, until a final inspection is made of all development.

5-10.5 Subdivision and Roadway Names

The developer shall not be permitted to use the names of any existing subdivision or roadway unless the proposed streets are extensions, or may in the future become extensions, of existing roadway. Also, all parcels to be included in the subdivision must be combined for all purposes including but not limited to merging all parcels into one parcel identification number

5-10.6 Preliminary Plat and Plans

The developer shall submit a print of the proposed plat, together with the following information:

1. The title under which the proposed subdivision is to be recorded and the name of the developer submitting the plat.

2. An overall topographical map showing one (1) foot contours "On U.S. Coast Guard and Geodetic Datum" of the land to be subdivided together with an estimate of the number of upland acres contributing runoff water to the land under consideration and the points of entry of such upland runoff water.

3. The proposed location and width of streets, lots, setback lines, easements, and typical street cross sections.

4. A drainage plan certified by the appropriately licensed Florida engineer showing any proposed or existing storm sewers, culverts, drainage canals, bridges, easements for drainage and final disposal of drainage collected within the land to be subdivided, and location of outfall ditch right-of-way. These plans shall show existing and finished grade on centerline and road-side ditches.

5. Any other information or documentation as may be considered necessary by the City.

5-10.7 Final Plans

Final plans of drainage shall be submitted in duplicate on black and white or blue line prints drawn at a scale of not more than one hundred (100) feet to the inch on sheets 24 inches by 36 inches in size.

5-10.8 Final Plat

The final plat shall show the following:

1. The boundary lines of the land being subdivided with distance and bearings and the legal description of the land.

2. The lines of all proposed streets with their width and names.

3. The outline of any portions of the land intended to be dedicated for public use, such as for schools, parks or other similar uses, and such dedication for public use shall be clearly indicated and stated.

4. The lines of adjoining streets with their width and names.

5. All lot lines together with the identification system for all lots and blocks. The lot numbers within a subdivision shall be assigned in a logical numerical possible, block shall bear letter designations in contrast to numbered lots.

6. The location of all setback lines and easements provided for public use, service, utilities or drainage.

7. All dimensions both linear and angular for locating the boundaries of the subdivision, lots, streets, easements, and any other areas for public use, service, utilities or drainage.

8. The radii, arcs, points of curvature, points of tangency, tangent, delta angle, degree of curvature, shall be shown for all curves. Such data may be listed and referenced to the plat.

9. All other information as required by law.

10. The certificate of the surveyor or engineer who prepared the plat as to the correct representation of the plat according to applicable state law and these Land Development Regulations.

11. Bearing data shall be shown and shall be true bearings based on Polaris, Solar shots or existing true lines (existing true lines shall be properly annotated) and a bearing statement which provides "bearings are true from _____" and state how obtained.

12. Bonding information for all infrastructure (utilities and roads) for each phase of the development.

5-10.9 General Conditions

The following general conditions shall be applicable to all subdivisions to be approved after the date of this ordinance:

1. Roadway System - The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as they may be deemed necessary by the Council to serve the best interest of the public. The street arrangement shall be such as not to cause hardships to owners of adjoining property when they plat their own land and seek to provide convenient access to it. Streets obviously in alignment with existing streets shall bear the names of the existing streets. If a street is left at the edge of the subdivision, it shall be of full width.

2. Streets Widths - All right-of-way for streets shall not be less than fifty (50) feet in width; however, under certain circumstances, the City may require a wider right-of-way. Any intersection of streets having an interior angle of less than ninety (90) degrees shall have an easement radius of not less than twenty (20) feet. Cul-de-sacs (streets that terminated within a subdivision) shall terminate in a turn-a-round with a minimum radius to outside of pavement of thirty-five (35) feet and forty (40) feet to outside of right-of-way line. No dead-end streets without a cul-de-sac are allowed. In addition, all street configurations must provide adequate access for fire protection vehicles.

3. Street Improvement - All streets shall be cleared, grubbed (free of stumps, roots, etc.) and graded to the full width of the right-of-way. The roadbed shall be at least 22 feet wide and a 3-inch crown in the center of the road. The minimum size cross-road culvert shall be 18 inches in diameter. Compactive efforts shall produce a uniform density sub-base suitable for the placing of base material. Base material

shall consist of not less than 6 inches clay base with 1-1/4 inches asphalt after compaction. State standards for compaction shall apply to all streets affected hereby.

4. Utilities – All utilities including but not limited to electric, telephone, fiber, cable, gas, water and sewage service lines shall be placed underground.

5. Water - The cost of providing City water service to each lot in the subdivision will be paid by the developer before actual service is started.

6. Lot Design - The arrangement and design of the subdivision shall be such that all lots will drain satisfactorily and will be properly related to the topography and the character of surrounding development. In addition, all lots must provide adequate access between the structures for fire protection vehicles.

7. Setback - The minimum building setback lines required in any residential subdivision are as described in Table 4-1.

8. Easements - All necessary water, sewer, drainage, and other easements and rights of way shall be furnished at no expense to the City. A drainage easement in favor of the City and form acceptable to the City shall be furnished at no expense to the City in the event that the drainage system is to remain private but the responsible party fails to adequately maintain the system to the City standards. In addition, a drainage easement shall be agreed to by any homeowners' association formed to govern the subdivision. Drainage easements shall have a width of not less than the surface width required of the drainage ditch plus a fifteen (15) feet berm to lie wholly along one side of the ditch, and in the case of a storm sewer, a minimum width of 20 feet.

9. Bonding – The cost of all infrastructure shall be bonded (payment and performance bonds) to 100% of the estimated cost of construction of the infrastructure. A maintenance bond shall also be required to be submitted to the City in an amount equal to fifteen percent (15%) of the amount of the performance bond following the completion of construction of subdivision improvements. All bonds shall be effective prior to recording the final plat of said subdivision. The maintenance bond shall be drafted so as to providing bonding for at least a three (3) year period of time after the City approves the initial acceptance of the improvements which have been certified by the City Engineer or designee as having been completed in conformance with the City's requirements.

10. Street lights – Street lights are required in all subdivision and a street light plan must be submitted and approved as to the number and location of the street lights

proposed.

11. Curbs – All streets located within a subdivision must contain curbs. The type and location of curbs must be approved by the City prior to any construction.

12. Finish Floor Elevation - The minimum finish floor elevation of all structures located outside of a floodplain area shall be 1 foot above the elevation of the crown of the nearest street.

13. Sidewalks and Bicycle Paths. Sidewalks four (4) feet in width and bicycle paths shall be installed and, to the extent possible, interconnected with existing sidewalks and bicycle paths.

5-10.10 Submittal of Plats and Plans

All plats and plans shall be submitted to the City Clerk at least two (2) weeks in advance of the proposed date of submission to the Planning Commission or the City Council. At least four (4) prints shall be furnished to the City Clerk: one for the City engineer, one for the City attorney, one for the City's files and one to be returned to the developer on which any comments, changes or corrections will be noted. The plats and plans required to be submitted by this subsection may be submitted by the developer's Surveyor or Engineer.

5-10.11 Variations and Exceptions

Whenever the land to be subdivided is of such unusual conditions that strict application or the requirements contained in these Land Development Regulations would result in a substantial hardship, the City Council may vary or modify such requirements so that the developer may develop his property in a reasonable manner but so that, at the same time, the public welfare and interest of the City are protected and the general intent and spirit of these requirements preserved; provided that, the developer's surveyor or engineer shall modify the certificates required of them by subsection 5-10.8, paragraph 10 so as to clearly state on the plans what the modifications were and the City Council's actions modifying the requirements of this ordinance shall be reflected in the minutes of the City Council.

5-10.12 Monuments and Lot Corners

All monuments shall be a permanent reference monument of reinforced concrete 4 inches in diameter at least three feet long, reinforcing to be one Number 4 bar 18 inches long, or equal, with a 1/4 inch copper tube 3 inches long placed in the top as a permanent reference point, or equal, concrete to be at least 2,000 psi strength, shall be placed on all block corners, all points of curvature, all points of tangency, and shall comply with applicable law.

All lot corners shall be in at time of submitting the plat to the City and shall be made of iron pipe at least two feet long and at least one inch in diameter, or equal.

5-10.13 Rainfall Intensity-Duration-Frequency Curves

Curves from Volume 2 - Drainage Manual, Florida Department of Transportation shall be used in determining the amount of runoff water in order to set widths of drainage easements and right-of-ways. A 25-year, 24-hour storm event shall be used for design purposes.

5-10.14 Recordings; Sales; and Disclosures

1. Approval and Recording of Plat. No plat of a subdivision shall be recorded by the Clerk of the Circuit Court of the County, until such plat has been submitted to and approved by the City Council in accordance with this Section and such approval has been indicated in writing on such plat by the Mayor, Councilpersons and City Clerk.

2. Selling or Offering to Sell Land in a Subdivision Prior to Approval and Recording Prohibited. No developer shall sell or otherwise transfer any interest in any land in a subdivision before having submitted a plat of the subdivision to the City Council, obtained the City Council's approval as required by this Section, and recorded in the public records of the County.

3. Metes and Bounds Description No Exception. The description by metes and bounds in a deed or other instrument of conveyance shall not exempt the transaction from the requirements and prohibitions of these Land Development Regulations.

4. False Representations Prohibited. No person shall falsely represent to a prospective purchaser of land that streets or drainage facilities serving, or which may in the future serve, such land will be built, constructed or maintained by the City.

5. Disclosure Required. Any person or his authorized agent who has created a subdivision and who has not had the streets or drainage easements serving the subdivision accepted for maintenance at City expense by the City Council, shall disclose to the prospective purchaser of lands in such subdivision prior to the completion of the sale the following information, which shall be substantially in the following form, and which shall be affixed to the deed or other instrument of transfer and signed by the Seller or Seller's agent and the Purchaser.

IMPORTANT: The streets or drainage easements serving, or which may in the future serve, the land being purchased have not been accepted by the City of Parker for construction or maintenance at the expense of the City.

_____
Seller or Seller's Agent

_____
Purchaser

Sec. 5-11. MOBILE AND MANUFACTURED HOMES AND MOBILE AND MANUFACTURED HOME PARKS

5-11.1 Purpose

The purpose of this section is to provide regulations and standards for mobile and manufactured homes in this City and the development, size, location and maintenance of mobile home and manufactured home parks.

5-11.2 Regulation of Existing Mobile Home and Manufactured Home Parks

In all mobile home and manufactured home parks, the following regulations shall apply:

1. Manufactured Homes. All manufactured homes placed within manufactured home parks or located on individual lots within the City, must bear a label certifying that it is built in compliance with the federal manufactured housing construction and safety standards Title 24 CFR, Part 3280, or inspected by an approved inspection agency conforming to the requirements of the Code of Federal Regulations, and bearing an insignia of approval and bearing a certificate that the mobile home/manufactured home meets the Wind Zone II requirements.

2. Sanitation. All mobile home and manufactured home parks shall be operated and maintained in a neat, orderly and sanitary condition and in accordance with all applicable laws, rules and regulations. The licensee, permittee or duly authorized attendant, caretaker, resident manager and/or owner of the mobile home / manufactured home park shall be in charge at all times to keep the mobile home / manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant, caretaker, resident manager and owner of the park shall be answerable, with the licensee or permittee, for the violations of any provision of these Land Development Regulations to which the licensee or permittee is subject. The occupant and owner of the mobile home / manufactured

home shall also be responsible for ensuring the home and lot comply with applicable laws.

3. Permit Required. No mobile home / manufactured home park shall be constructed, extended, or altered unless complete plans have been approved by the City Council and until payment of the occupational license tax required of mobile home / manufactured home parks has been made and an occupational license has been issued. Except as otherwise provided herein, no permit shall be issued for a mobile home / manufactured home that does not bear the seal of approval and certificate required by the state pursuant to Chapter 320, Florida Statutes. The applicant for a permit shall provide evidence of all certifications required.

4. Refuse. All mobile home / manufactured home parks shall provide for and have refuse containers, appropriately grouped, screened and protected from animals. All wet garbage shall be securely bound in a watertight bag or other container.

5. Utilities. All mobile homes / manufactured homes shall be connected to City water and sewer service and shall have an active electrical connection.

6. Parking. Two parking spaces shall be provided for each mobile home / manufactured home site. Three parking spaces for each three hundred square feet of service buildings shall be provided.

7. Major Development Review. A new mobile home / manufactured home park or an expansion of an existing mobile home / manufactured home park shall undergo a Major Development Review (refer to Section 6-1.3), and shall include the following additional information:

   a. the name, address, and phone number of the park owner and park manager;

   b. a legal description of the park property;

   c. a complete set of plans of park as constructed; and

   d. the number and sizes of all lots.

8. Roads. The licensee, permittee, or duly authorized attendant, caretaker, resident manager or owner of the mobile home / manufactured home park, shall maintain the roadways within the park to comply with City standards.

5-11.3 Additional Regulations

Except as required by Section 5-11.4, all mobile home / manufactured home parks established after July 15, 1983, those established before July 15, 1983 that are expanded in the number of permitted spaces after the effective date of this ordinance and those wherein any ownership interest of the real property has transferred after the effective date of this provision shall comply with the following:

1. Minimum size. All mobile home / manufactured home parks shall have space and accommodations for at least 3 mobile homes / manufactured homes.

2. Location. No mobile home / manufactured home park after the effective date of this provision shall be established in the CRA and may only be established on property adjacent to Business Highway 98 or Highway 22-A that is in a MU-1 or MU-2 land use district.

3. Spacing. No mobile home / manufactured home shall be permitted any closer than 10 feet from another structure, mobile home / manufactured home, or patio of a third person, or 10 feet from any driveway, excluding any tool or storage building.

4. Setback. No mobile home / manufactured home shall be permitted within 20 feet of the right-of-way of any roadway or 10 feet from any lot line.

5. Recreation. Each mobile home / manufactured home park shall contain one or more recreation areas, developed and accessible to all sites. Such areas shall not be less than 1,000 square feet for each seven mobile home / manufactured home sites.

6. Greenbelt. A landscaped greenbelt not less than 10 feet in width shall be located along the boundary of each mobile home / manufactured home park except where crossed by driveways. A privacy fence or sight screen is acceptable in lieu of a landscaped greenbelt.

7. Lot Size. Each mobile home / manufactured home shall be parked on a lot not less than 5,000 square feet.

8. Storage. No materials shall be stored in the open area below a mobile home / manufactured home unless it is enclosed with a solid screen.

9. Streets. The developer/owner of a mobile home / manufactured home park shall

pave all roadways within the park to the following minimum widths: One-way roadways not less than 16 feet; two-way roadways not less than 22 feet. Thereafter, all roadways within the mobile home / manufactured home park shall be privately owned and maintained. All mobile home / manufactured home park roadways shall be designated as shared streets, as defined in the 2018 (or most recent version) of the Florida Green Book. Streets shall meet the design requirements of the latest version of the FDOT flexible pavement design manual.

10. Recreational Vehicles. Recreational Vehicles (RV) used for living or sleeping purposes shall not be permitted within Manufactured or Mobile Home Parks.

11. Wind Zone. All new and used mobile home / manufactured homes can only be placed or re-sited within the Wind Zone area for which the home was constructed and designated, as indicated on the data plate or other documents. The City of Parker is located within Wind Zone II, therefore all new and used mobile home / manufactured homes must be designed to meet the standards of Wind Zone II. All mobile homes / manufactured homes shall be installed with foundations and anchoring systems adequate to sustain wind loads safely and in accordance with regulations of the state, this City and all other governmental entities.

12. Installation. The installation of mobile homes shall be done in accordance with Section 320.8323, Florida Statutes, as may be amended or superseded, and any rules enacted pursuant to that section.

13. The area between the ground and the bottom edge of the mobile home / manufactured home shall be completely skirted. The skirting shall be installed within seven (7) days of the date of inspection.

5-11.4 Transition Requirements

1. Within sixty (60) days of the effective date of this language, each mobile home / manufactured home park owner shall provide the City with detailed plans showing the location of each mobile home, the spacing between mobile homes and each established pad.

2. In addition to and not in lieu of Section 5-11.3, all mobile home / manufactured home parks regardless of when established shall comply with the following no later than December 31, 2025:

    a. Streets. The owner of a mobile home / manufactured home park shall pave all roadways within the park to the following minimum widths: One-way

roadways not less than 16 feet; two-way roadways not less than 22 feet. All roadways within the mobile home / manufactured home park shall be privately owned and maintained. All mobile home / manufactured home park roadways shall be designated as shared streets, as defined in the 2018 (or most recent version) of the Florida Green Book. Streets shall meet the design requirements of the latest version of the FDOT flexible pavement design manual.

5-11.5 Exceptions

1. Existing Installations. Any addition to, extension or expansion of the number of spaces of any such existing mobile home / manufactured home park shall be fully subject to the provisions of these Land Development Regulations in effect at the time of the approval of the mobile home / manufactured home park as required by Chapters 83 and 723, Florida Statutes..

2. Manufactured Buildings. These Land Development Regulations shall not apply to any installation or construction which meets or exceeds the applicable Florida Building Code for structures in the City or to manufactured buildings, as herein defined.

3. Single Units. A single mobile home / manufactured home shall only be allowed in MU-1 and MU-2 districts. Nothing in these Land Development Regulations to the contrary shall be construed to prohibit the placement of a single mobile home / manufactured home for residential purposes only, on a single parcel of land not occupied by any other dwelling unit of any kind or nature.

4. Licensed Dealers. Nothing herein shall prohibit the parking or storing of a mobile home / manufactured home by a licensed dealer for the purpose of sale in the GC land use district.

5. Replacement. Any mobile home / manufactured home located in a mobile home / manufactured home park may be replaced by another mobile home / manufactured home of comparable size and in equal to or better condition, in accordance with the lot sizes, separation and setback distances, and other requirements in effect at the time of the approval of the mobile home / manufactured home park and as required by Chapters 83 and 723, Florida Statutes. Except in the case of a mobile home / manufactured home located in a mobile home / manufactured home park, any mobile home / manufactured home located in a MU-1 or MU-2 land use district may be replaced within six (6) months of removal by another mobile home / manufactured home of comparable size and in equal to or better condition, in accordance with the lot sizes, separation and setback distances, and other

requirements in effect at the time of the approval. If the replacement is located within any noise contour line equal to or above the 65 decibels (db) day-night average sound level (DNL) as depicted on the Air Installation Compatible Use Zone (AICUZ) Overlay Map located in Article 10, the replacement must meet the requirements contained in Section 4-8.3.

6. Temporary Permit. A permit may be issued by the City Clerk or the City Clerk's designee to park or maintain a mobile home / manufactured home other than as provided in this section under the following conditions: a) a permit shall be temporary, not to exceed a period of one year and the applicant for such permit shall pay to the City Clerk a municipal service charge in the amount $120.00. This fee covers the one-year term of that the permit is to remain in effect and there shall be no reductions or refunds in the event the permit is for less than one year; b) a permit shall be renewable and shall be subject to revocation at any time that the City Clerk, in the City Clerk's discretion, determines that the conditions under which it was issued have materially changed or that revocation is required to protect the health, safety or welfare of the citizens of the City and c) a permit may be granted only where the City determines that such permit is in the best interest of the City and:

   a. The mobile home / manufactured home is to be occupied, rent free, by a blood relative, within the second degree of consanguinity, of a person, or the spouse of a person, who owns and occupies a single-family dwelling on the parcel of land on which the mobile home / manufactured home is to be placed; or

   b. The mobile home / manufactured home is to be used exclusively as an office during a construction project; or

   c. The mobile home / manufactured home is to be occupied as a residence during the period of construction, under an existing building permit, of a home by the applicant on a parcel of land owned by the applicant; or

   d. No significant harm to the interests of adjoining and nearby landowners will result if such permit is granted and special circumstances exist which will result in undue hardship to the applicant if such permit is not granted.

5-12 RECREATIONAL VEHICLES

5-12.1 Purpose

The purpose of this section is to provide regulations and standards for development, size,

location and maintenance of recreational vehicles.

5-12.2 Regulation of Recreational Vehicle Parks

In addition to all applicable regulations, the following standards shall apply.

1. Recreational vehicles actually used for living or sleeping purposes shall be subject to the terms and provisions of this Article, but nothing herein shall be construed to prevent the parking or storage of a recreational vehicle when said recreational vehicle is not being used for living or sleeping purposes.

2. All streets within a recreational vehicle park shall be privately owned and maintained. The developer/owner shall pave all roadways within the park to the following minimum widths: one-way roadways not less than 16 feet; two-way roadways not less than 22 feet.

3. The minimum lot area for each recreational vehicle shall be 2,500 square feet.

4. The minimum setback for recreational vehicles and accessory structures from lot lines shall be as follows:

Lot Line	**Distance**
Front, side, and rear setbacks from park streets	10 feet
Interior Side	5 feet
Interior Rear	5 feet

5. No entrance to or exit from a park shall discharge traffic onto any local residential street. Entrance streets shall provide a minimum of 50 feet of right-of-way for the first 100 feet, and if more than one entrance street is planned, shall be separated by a minimum distance of 300 feet, measured from centerline to centerline. Direct access from any lot to an abutting public street shall not be permitted.

6. Required Improvements:

    a. each recreational vehicle space shall be provided a hard surfaced area for the placement or parking of the recreational vehicle; and

    b. each recreational vehicle space shall be equipped with an approved sewer and water connection and two electrical outlets.

7. Recreational vehicles shall not be permitted to have permanent additions attached to them such as carports, covered porches, family rooms and storage rooms.

8. Park management offices, coin operated laundry facilities, vehicle storage areas, and other accessory park uses shall be permitted within a recreational vehicle park.

9. A recreational vehicle lot shall be occupied by only one recreational vehicle, other vehicular accommodation or camping tent suitable for temporary habitation at any given time, roughly centered on the lot.

10. A new recreational vehicle park or any modification to or expansion in number of lots of an existing park shall undergo a Major Development Review (refer to Section 6-1.3), and shall include the following additional information:

    a. the name, address, and phone number of the park owner and park manager;

    b. a legal description of the park property;

    c. a complete set of plans of park as constructed; and

    d. the number and sizes of all lots.

11. Manufactured Homes or Mobile Homes shall not be permitted within Recreational Vehicle Parks.

12. All recreational vehicle parks shall be operated and maintained in a neat, orderly and sanitary condition and in accordance with all applicable laws, rules and regulations. The licensee, permittee, duly authorized attendant, caretaker, resident manager and/or owner of the recreational vehicle park shall be in charge at all times to keep the recreational vehicle park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant, caretaker, resident manager and owner of the park shall be answerable, with the licensee or permittee, for the violations of any provision of these Land Development Regulations to which the licensee or permittee is subject. The occupant and owner of the recreational vehicle shall also be responsible for ensuring each recreational vehicle complies with applicable laws.

5-12.3 Additional regulation of Recreational Vehicles

The following shall apply outside of a recreation vehicle park.

1. A temporary permit may be issued by the City Clerk to park or maintain a

recreational vehicle other than as provided in this subsection 5-12.3 under the following conditions:

a. A permit shall be temporary, not to exceed a period of one year and the applicant for such permit shall pay to the City Clerk a municipal service charge in the amount $120.00 for a one-year term, that the permit is to remain in effect.

b. A permit shall be renewable and shall be subject to revocation at any time that the City Clerk, in the City Clerk's discretion, determines that the conditions under which it was issued have materially changed or that revocation is required to protect the health, safety or welfare of the citizens of the City.

d. A permit may be granted only where the City Clerk determines that such permit is in the best interest of the City and:

   i. The recreational vehicle is to be occupied, rent free, by a blood relative, within the second degree of consanguinity, of a person, or the spouse of a person, who owns and occupies a single-family dwelling on the parcel of land on which the recreational vehicle is to be placed; or

   ii. The recreational vehicle is to be used exclusively as an office during a construction project; or

   iii. The recreational vehicle is to be occupied as a residence during the period of construction, under an existing building permit, of a home by the applicant on a parcel of land owned by the applicant; or

   iv. No significant harm to the interests of adjoining and nearby landowners will result if such permit is granted and special circumstances exist which will result in undue hardship to the applicant if such permit is not granted.

e. Notwithstanding the remainder of this subsection and without public hearing, the City Council may allow a recreational vehicle to be occupied for a limited amount of time as determined by the City Council following damage caused by a declared emergency if the recreational vehicle is to be occupied as a residence during the period of repair or construction, under an existing building permit, of a home by the applicant on the same parcel of land owned by the applicant. In the event that such repair of

construction is as a result of a declared emergency, the fee may be waived by the City Council.

2. Any RV shall only be located in the side or rear yard of the property unless the owner demonstrates to the City Council that it is practically impossible to locate the RV in the side or rear yard. In the event that the City Council agrees that it is impossible to locate a single RV in the side or rear yard, then it shall only be allowed in the driveway in the front yard, perpendicular to the house. The RV shall not be located in any setback unless the City Council agrees to allow parking the RV in the setback but outside of the right-or-way upon a demonstration of the need thereof. In no event, shall an RV be parked in the front yard creating a traffic safety hazard to the public or being in the vision triangle of a corner lot.

ARTICLE 6

DEVELOPMENT REVIEW PROCEDURES

Sec. 6-1 DEVELOPMENT REVIEW PROCEDURES

6-1.1 Purpose

The purpose of this section is to provide a uniform system of procedures for the review of development or redevelopment activities to be undertaken within the City. Such review is intended to provide the basis for decisions concerning the approval, denial or conditional approval of development permits.

6-1.2 Applicability and Exceptions

All proposed development or redevelopment activities shall be subject to review and approval by the City Council and its authorized boards or agents with delegated review authority. Development review by the City shall be in conformance with the provisions of these Land Development Regulations. Development or redevelopment activities shall not be required to undergo development review when:

1. A development permit has been issued by the City prior to the adoption of these Land Development Regulations; or

2. The development or redevelopment activity is part of a larger plan of development for which a valid permit has been issued for the entire plan of development, including all dwellings or other structures; or

3. When the development or redevelopment activity is a de minimis development that does not require a permit to be issued by the City or other governmental body or agency. Such de minimus development or redevelopment includes:

    a. Construction or placement of accessory structures less than 120 square feet which are not intended for human occupancy or habitation, including but not limited to storage buildings;

    b. Remodeling, renovation, or other similar activity involving alterations to an existing structure solely (residential or commercial) within the confines of the structure itself and doesn't add to the total square footage of the structure;

    c. Landscaping;

f. Fences four (4) feet or less in height.

6-1.3 Development Review Process

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

1. Developers wishing to engage in development activities, except as listed in subsection 6-1.2.3 above, shall first obtain from the City an application for a development permit. Such application shall be in the form prescribed by the City Clerk and shall be completed by the developer or an agent authorized to act on behalf of the developer. Development reviews shall be conducted using only those forms or materials established and approved by the City including the site plan requirements specified in subsection 6-1.4 of these Land Development Regulations.

2. A pre-application conference may be requested by an applicant upon completion of the development permit application. A pre-application conference is an optional step in the development review process.

3. Development review shall be undertaken for the following types of development as follows.

    a. Minor Development. Requires review by the City Clerk or the City Clerk's designee. The following activities would require a Minor Development Review:

        i. Uses permitted in the land use category and compatible with other land uses in the land use category and developed in conformity with the City's land development regulations without the need for a variance;

        ii. Construction or modification of one single-family dwelling unit; or installation of one owner-occupied manufactured home; or mobile home on a lot where a manufactured home or mobile home had been located within the prior six months; or the construction of an accessory structure to such a dwelling on a lot or parcel with legal access;

        iii. Construction or placement of accessory structures which are 120 square feet or more and not intended for human occupancy or habitation; or

        iv. Expansion of existing multi-family or commercial uses by less than 1,000 square feet of gross building area or an increase in total impervious surface area of less than 15 percent.

v. Reconfiguration of previously permitted improvement so long as the square footage of the principal structure has not increased and so long as there are no changes to any accessory structures or development components.

The review will be conducted by the City Clerk or their designee. At a minimum, review must be based upon compliance with Article 4 – Land Use District and Article 5 – Development Standards. Review may include consultation with other City and affiliated agency technical staff. Applications must include a site plan of the subject property, as described in Section 6-1.4.2.a, along with sufficient information to demonstrate compliance with applicable standards. Additional information or impact assessments may be required for development activities in designated conservation zones.

b. Major Development. Requires review by the Planning Commission and City Council. Major Development review involves large-scale development activities including all activities not listed within subsection 6-1.3.3.a. or exempted by subsection 6-1.2. Major Development review must be based upon all requirements of Minor Development review plus an assessment of impacts which may be caused by the proposed development. At a minimum, the impact assessment must address the following general parameters;

i. Adequacy of public facilities and services available to serve the proposed development and bonding of all infrastructure by phase;

ii. Suitability of site conditions including topography and soils, and the extent to which site modifications will be necessary to accommodate the proposed development;

iii. Ingress and egress to roadways;

iv. Drainage or stormwater management;

v. Water infiltration;

vi. Vehicular traffic, including on-site parking;

vii. Required permits from other governmental agencies;

viii. Noise;

ix. Lighting;

x. Public safety and/or potential to create a public nuisance; and

xi. Impacts on natural resources.

Review may include consultation with other City and affiliated agency technical staff. Applications must include a site plan of the subject property along with a Development Permit Application. Additional information or assessment may be required for development activities in designated conservation zones.

6-1.4 Site Plan and Approval Required

1. Any application for a development permit shall require a site plan and a survey in accordance with the requirements of this subsection.

2. The developer, or the developer's authorized agent, shall submit three (3) copies of the proposed site plan drawn to a measurable scale. Except for development specified in subsection 6-1.2, all site plans shall be certified by a registered land surveyor, landscape architect, architect or professional engineer. Site plans shall contain and depict the following information.

   a. Minor Development

      i. A vicinity sketch showing: the relationship of the site to adjacent designated land uses and streets; location of the proposed development on the site (lot or parcel), including driveways and parking; access to adjacent streets; and, percent of the site to be covered by impervious surfaces. Additional information such as flood zones and base flood elevations; and, environmental features such as wetlands, shoreline vegetation, trees, or submerged lands may be required if applicable.

      ii. A description of the site (address or legal); the name, street address, and telephone number of the owner, developer, and designer or contractor (if applicable), and the date of site plan preparation.

   b. Major Development

      Detailed drawings which show the following.

      i. A vicinity sketch showing the relationship of the site in relation to surrounding roadways, land use districts, and flood zones, with base

flood elevations.

ii. 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.

iii. 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.

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

v. 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.

vi. Natural features such as wetlands, shoreline, lakes or ponds, and protected trees, and man-made features such as existing roads, sidewalks, bicycle paths, 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.

vii. Proposed street, driveways, sidewalks, bicycle paths, 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.

viii. The size and location of all existing and proposed public and private utilities or easements; water and sewer tap locations; sewer cleanouts and turns; and water meter types, sizes, and locations.

ix. All proposed landscaping and the dimensions and location of all proposed signs.

6-1.5 Development Permit Approval

1. Standards

Upon review and finding of completion of a development permit application pursuant to these Land Development Regulations the City, its designee, or City Council may issue a development permit. The decision for issuance of such permit shall be based upon general standards, including but not limited to:

a. The proposed development must not be in conflict with or contrary to the public interest;

b. Unless otherwise exempted, the proposed development must be consistent with the Comprehensive Plan and the provisions of these Land Development Regulations;

c. The proposed development must not cause significant financial liability or hardship for the City;

d. The proposed development must not create an unreasonable hazard or nuisance, or otherwise constitute a threat to the general health, welfare or safety of the public; and

e. The proposed development must be in conformance with all other applicable laws, statutes, ordinances, regulations or codes.

2. Approval Authority

Responsibility for approval of development permits shall be as follows.

a. Minor Development: City Clerk or City Clerk's designee

b. Major Development: City Council

6-1.6 Review Period

All applications for major developments shall be submitted to the City Clerk and to Tyndall Air Force Base Commander or their designee(s) for review and comments. Required reviews and subsequent actions or recommendations shall be completed within thirty (30) days after the date the application is submitted and deemed complete by the City Clerk.

Upon completion of the 30-day review period:

a. If a Minor Development Review is completed, the City Clerk shall:

i. approve the Minor Development plan and issue the applicant a development permit if found to be compliant with subsection 6-1.5 and other requirements of these Land Development Regulations;

ii. deny the application based on the failure of the development to comply with the standards of these Land Development Regulations; or

iii. refer the application to the Planning Commission or the City Council, as the Clerk deems appropriate. If it is referred to the Planning Commission or the City Council, the applicable governing body will schedule a public hearing to be noticed in accordance with subsection 6-3.5. The Planning Commission shall recommend whether to approve, approve with conditions, or deny the application.

b. If a Major Development Review is completed:

i. The City Clerk shall notify the Planning Commission and schedule a public hearing to be noticed in accordance with subsection 6-3.5. The Planning Commission shall recommend whether to approve, approve with conditions, or deny the application.

ii. The City Council must then review the application at a public hearing noticed in accordance with subsection 6-3.5. The City Council will review the application for compliance with subsection 6-1.5 and other requirements of these Land Development Regulations and render final decision. The City Council shall approve, approve with conditions, or deny the application.

6-1.7 Withdrawal of Applications

An application for a development permit may be withdrawn at any time prior to final action by the City Clerk or City Council as appropriate; however, any fees or charges required for development review shall be forfeited by the person paying such fees.

6-1.8 Fees and Charges

The City Council may establish and periodically adjust the schedule of fees or charges for development review.

6-1.9 Certifications

Forms or other materials required under these Land Development Regulations may require certifications from registered surveyors, architects, engineers or other professional persons. All such certifications must be completed and affixed before the document or application, as

appropriate, will be considered for development review.

Sec. 6-2. PERMITS

6-2.1 Purpose

No development activity may be undertaken within the City unless such activity has been authorized by a duly issued development permit, or the development activity has been exempted by the City Council from the provisions of these Land Development Regulations.

6-2.2 Other Permits Required

No development permit may be issued by the City until such time as the developer has obtained all other applicable permits required by law, except a construction permit. In the event a developer cannot obtain permit approvals from other agencies without a City permit, the City may issue its preliminary approval subject to compliance with the provisions of these Land Development Regulations.

6-2.3 Construction Permits

No permits relating to building construction, electrical, plumbing, gas, or utilities connections shall be issued to a developer until such time as a development permit has been obtained pursuant to the provisions of these Land Development Regulations.

6-2.4 Validity

Unless otherwise specified in the development permit, such permits shall only remain effective for a period of six (6) months from the date of issuance. Extensions may be granted by the City Council in the event that performance by the developer is prevented due to inability to obtain other applicable permits pursuant to subsection 6-2.2 or other extenuating circumstances to be determined by the City Council.

6-2.5 Development Agreement

In order to provide flexibility and additional certainty to the comprehensive planning and land development regulation process the City 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.

Sec. 6-3. PROTECTION OF LANDOWNER'S RIGHTS

It is the specific purpose and intent of the City 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 landowner's who believe they have been deprived of all beneficial use of their property may secure relief through non-judicial procedures.

6-3.1 Existing Non-Conforming Development

The requirements prescribed herein shall not be construed to require the removal, lowering, or other change to or alteration of any structure not conforming to the regulations as of the effective date of these Regulations, or to otherwise interfere with continuance of any nonconforming use except as provided in Sections 333.07(1) and (3), Florida Statutes and other Florida law.

Before any non-conforming structure is constructed, established, substantially altered, substantially repaired or replaced, the owner must obtain a permit (unless exempt as de minimus) from the City authorizing such replacement, repair or change.

Subject to the following restrictions for continuance of non-conforming development such development may, if in existence on the effective date of these Land Development Regulations, remain in its non-conforming state.

1. Public Hazard. The development must not constitute a threat to the general health, safety and welfare of the public.

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

3. Expansions or extensions. Non-conforming uses shall not be changed, expanded, or extended.

4. Abandonment or discontinuance. Where non-conforming development is abandoned or the use of the entire parcel is discontinued for a period of one hundred eighty (180) days in any 365-day period such use shall not be continued or resumed, and shall be subject to compliance with the provisions of these Land Development Regulations. However, discontinuance of the use of less than a majority of the total number of single mobile home / manufactured home lots in a mobile home / manufactured home park shall not result in the loss of the non-conforming use of those lots.

5. Damage or destruction. In the case of detached single-family dwelling substantially damaged or destroyed by fire or natural disaster, the owner may rebuild the dwelling in the same footprint with the same number of stories as it previously existed unless

there is a safety or flood zone concern or prohibition of the City and as long as the level of non-conformity does not increase. Where other non-conforming development is substantially damaged or destroyed reconstruction of such development shall be in compliance with all provisions of these Land Development Regulations. A dwelling is considered to be substantially damaged or destroyed if the cost of reconstruction is fifty (50) percent 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 including ancillary structures the cost of reconstruction shall be compared to the combined fair market value of all of the structures.

6. Change of ownership. Change of ownership or other transfer of an recorded interest in real property on which a non-conforming use is located shall terminate the non-conforming use status, regardless of whether the purchaser modifies or alters the use of the property.

7. Replacement. Nothing contained herein shall preclude an owner of a non-conforming structure from replacing the non-conforming structure with a structure of similar size in the same footprint and equal to or better quality so long as the extent of the overall non-conformity of the entire property is not materially increased and only if the replacement complies with all other provisions of these Land Development Regulations including but not limited to Sections 5-11 or 5-12.

8. Change in structure. The regulations prescribed herein shall not be construed to require a change in the use of a structure not conforming to the regulations as of the effective date of these Regulations. Should a nonconforming structure be converted in whole or in part to a conforming structure, that portion of the nonconforming structure so converted shall lose its nonconforming status.

6-3.2 Vested Rights

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

1. Final development approval has been granted to the developer by the City and a valid, unexpired building permit has been issued to the developer by the Bay County Building Department, and development has commenced and is continuing in good faith.

2. All vested development shall be undertaken in strict conformance with the design plans and specifications approved by the City Council and the Bay County Building Department. Any modifications, additions or alterations to the approved plans and

specifications shall not be considered vested development.

6-3.3 Variances

Variances to the provisions of these Land Development Regulations may be granted by the City Council for minor development activities or other developments which do not require an amendment to the Comprehensive Plan including the Future Land Use Map or the densities and allowable uses of the property. The variance request shall not result in the obligation of the City Council to pass an Ordinance. Variances allowed under this subsection shall not supersede or abrogate the variance conditions associated with flood damage prevention and/or the requirements of the National Flood Insurance Program.

No variance shall be granted for noise attenuation standards and real estate disclosure requirements within any noise contour equal to or above the 65 dB DNL as depicted on the Air Installation Compatible Use Zone ("AICUZ") Overlay Map adopted by the City. A variance request will only be considered for those things not expressly prohibited by these Regulations.

Any person desiring to undertake a development activity not in conformance with these Land Development Regulations may apply to the City for a variance, either in conjunction with the application for development permit or for existing development. The variance shall be granted, granted with conditions, or denied by the City Council in conjunction with the procedures for development review. An applicant requesting a variance shall submit an application to the City on City approved forms and pay the required fee. Additionally, the applicant must provide to the City data and analysis to support the request.

Any application for a variance shall be considered by the Planning Commission and the City Council at duly noticed public meetings. The City will post a sign on the property subject to the variance request or on a representative property if a number of properties are involved in clear view of passing vehicular traffic at least five (5) days in advance of each meeting to consider the application. Evidence of the foregoing acceptable to the City must be provided to the designated representative of the City by the applicant prior to the public hearings. The applicant shall pay an application fee as prescribed by the City from time to time. In addition, all fees and costs including but not limited to costs of notices and signage shall be borne by the applicant and shall be paid prior to consideration of the variance request.

The designated representative of the City shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Planning Commission and the City Council shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received,

the Planning Commission shall make recommendation and the City Council shall make the required findings based on the cumulative effect of granting the variance to all who may apply. The burden of proof and of persuasion to support a variance request shall be clearly upon the applicant. The applicant must present, the Planning Commission must recommend and the City Council must find clear and convincing evidence to support each of the following elements:

1. There is a specific hardship affecting the development of the property resulting from the strict application of the provisions of these Regulations;
2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;
3. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby properties or other properties in the land use category;
4. The proposed variance will not materially increase congestion on surrounding streets, increase the danger of fire or other hazard or otherwise be detrimental to the health, safety or general welfare of the public;
5. The proposed variance will be compatible with adjacent and nearby development and will not alter the essential character of the land use district;
6. The effect of the proposed variance is consistent with the purposes of the Regulations; and
7. The effect of the proposed variance is consistent with the Comprehensive Plan.

In reviewing an application for a development permit involving a variance, the Planning Commission may recommend and the City Council may require such conditions and impose such restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance as it deems appropriate in granting any request.

A variance if granted shall run with land once established (i.e., not expired or revoked). Whenever the City Council has denied a variance, the same shall not consider any further substantially equivalent request for variance on any part of the same property for a period of 12 months from the date of such action (or date of any final court order upholding denial of the variance), unless this restriction is waived by a majority vote of the members of the City Council present at the time of the vote.

6-3.4 Amendments to the Comprehensive Plan

Any changes or alterations involving the type or designation of land uses, or the allowable development within such land uses comprising Comprehensive Plan amendments shall be adopted in accordance with Section 163.3184 and 163.3187 of the Florida Statutes.

Requests for Comprehensive Plan amendments involving both small-scale and large-scale

amendments shall be initially submitted to the City Clerk on forms to be provided by the City. Such requests shall be reviewed by the Planning Commission which will submit recommendations to the City Council for final action.

The procedure for a large-scale Comprehensive Plan amendment shall be as for the original adoption of the Comprehensive Plan or element as set forth in Section 163.3184, Florida Statutes. The Comprehensive Plan may only be amended in such a way as to preserve the internal consistency of the Comprehensive Plan pursuant to Section 163.3177(2), Florida Statutes, as may be amended or superseded. Requests for Comprehensive Plan amendments involving major development activities will be considered by the Planning Commission and City Council. Final action shall be taken by the City Council after public notice and public hearings as specified in subsection 6-3.5.

Requests for a small-scale Comprehensive Plan amendment shall be as set forth in Section 163.3187, Florida Statutes, as may be amended or superseded. The Comprehensive Plan may only be amended in such a way as to preserve the internal consistency of the Comprehensive Plan pursuant to Section 163.3177(2), Florida Statutes, as may be amended or superseded. One publicly noticed, adoption hearing in front of the City Council is required.

Amendments of these Land Development Regulations shall be done in accordance with Chapter 166 of the Florida Statutes, as may be amended or superseded, as may be modified by the Comprehensive Plan.

6-3.5 Public Notice and Participation

It is the intent of the City 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 City hereby undertakes procedures designed to provide effective public participation and to provide landowners with notice of all official actions which will regulate or change the official status of their property. These procedures are as follows.

1. Applications for development permits, Minor Development. Public notice shall not be required for issuance of development permits for Minor Development as specified in subsection 6-1.3.3.a of the Land Development Regulations.

2. Application for development permits, Major Development. All meetings of the Planning Commission or City Council at which applications for development permits are to be considered shall be duly advertised.

   At each meeting the presiding body shall provide opportunities for oral or written statements concerning any item to be acted upon at that meeting. No formal action may be taken by the presiding body without such notice as described in this subsection. Comments received from the public shall become a matter of record as

part of the recommendations concerning applications for development approvals or variances.

6-3.6 Appeals

1. The City Council shall have the authority to hear and decide appeals from any decision concerning Minor Development Review made by City Clerk with respect to the provisions of these Land Development Regulations. An appeal may be initiated by a landowner, applicant, or any person aggrieved or adversely affected by any written decision made by the City Clerk.

   The City Council shall schedule a time for consideration of the appeal and notify the petitioner. The City Council may reverse, affirm, or modify the appealed decision and set forth such decision in a final written order.

2. Any aggrieved or adversely affected person may appeal an order of the City Council to the circuit court. Such an appeal shall not be a de novo hearing but shall be limited to appellate review of the record created before the City Council. An appeal must be filed within thirty (30) days of the rendition of the order to be appealed.

ARTICLE 7
SIGN REGULATIONS

Sec. 7-1. PURPOSE

The purpose of this Article shall be to coordinate the type, placement, and physical dimensions of signs within the City; 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 main or accessory use except in accordance with the provisions of this Article.

Sec. 7-2. 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. 7-3. APPLICABILITY

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

Sec. 7-4. PROHIBITED SIGNS

The following signs are prohibited in all areas of the City:

1. Abandoned signs;

2. Any non-governmental sign located within a dedicated City right-of-way, unless approved by the City;

3. Signs placed on motor vehicles or trailers which are parked or located for the primary purpose of displaying such signs, except for taxi-cabs, buses, or motor vehicles operating during the normal course of business.

4. Flashing, fluttering, undulating, swinging, or rotating; except for time and/or temperature signs and governmental signs.

5. Any sign placed or located in such a manner as to obstruct or restrict the sight distance of motor vehicle operators.

Sec. 7-5. MAINTENANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The City shall have the authority under subsection 7-13.2 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

Sec. 7-6. CHANGEABLE COPY

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

Sec. 7-7. LIGHTING/ILLUMINATION

Unless otherwise specified by these Land Development Regulations, all signs may be lighted or illuminated consistent with the following provisions.

1. Sign lighting shall not be installed or located so as to cause confusion with traffic control lights or motor vehicle operators.

2. 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.

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

4. Revolving beacons and flashing lights are prohibited.

Sec. 7-8. ALLOWABLE ON-PREMISES SIGNS BY ROADWAY CLASSIFICATION

All signs shall be placed or located so as to front upon a roadway, and will be restricted based upon roadway functional classifications. All signs which provide copy for a business or occupation, except a home occupation, shall be placed or located so as to front upon an arterial or collector roadway.

7-8.1 Signs Fronting Upon Local Roadways

The following signs shall be allowed adjacent to local roadways or streets, all other signs are prohibited.

1. One (1) construction sign for each contractor per construction project, each sign not to exceed 12 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.

2. One (1) non-illuminated 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.

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

4. 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 advertised candidate or event is withdrawn, eliminated, elected or enacted.

5. Four (4) directional/information signs per business, not to exceed four (4) square feet in area or two and one-half (2-1/2)) feet in height provided that no directional/information sign not located behind the applicable setback is approved by the City Clerk.

6. One (1) temporary special events-sign and decoration per premises as allowed by the City Clerk for special events, grand openings, 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.

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

8. "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.

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

10. Signs describing a home occupation provided: signs are mounted flat against the wall of the building; there is no more than one (1) sign per residence; and, the sign does not exceed four (4) square feet of sign area.

11. 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.

12. 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.

13. All freestanding signs 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.

7-8.2 Signs Fronting Upon Collector Roadways

The following signs shall be allowed adjacent to collector roadways, all other signs are prohibited.

1. All signs allowed adjacent to local roadways as specified in subsection 7-9.1.

2. Two identification signs per apartment, townhouse, condominium or other multi-family residential development, not to exceed 24 square feet of sign area.

3. For commercial development, one (1) freestanding sign per premises not to exceed 24 square feet of sign area and one (1) wall sign not to exceed 24 square feet of sign area.

4. All allowed freestanding signs shall have a height limit of ten (10) feet and shall have a setback of ten (10) feet from any public right-of-way.

7-8.3 Signs Fronting Upon Arterial Roadways

The following signs shall be allowed adjacent to arterial roadways, all other signs are prohibited.

1. All signs provided the sign area does not exceed a total of 300 square feet with a maximum size of 10 feet by 10 feet for any individual sign.

2. 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. 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.

3. The maximum permitted height for any on-premise sign in a non-residential district shall be fifty (50) feet above the grade of the adjacent street.

4. Projecting signs shall conform to the requirements of the then existing applicable portion of the Florida Building Code and shall be permitted only where a public sidewalk abuts the side of the building on which the projecting sign is affixed.

Sec. 7-9. PORTABLE SIGNS

In additional to any regulation applying to signs in general, 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.

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

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

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

5. Subject to the provisions of this Article, portable signs may be permitted adjacent to collector and arterial roadways.

6. In addition to any other remedies provided for in this Article, the City shall have the authority to remove and impound any portable sign which is placed on any public right of way.

7. Impounded signs shall be disposed of within ten (10) days after notice has been provided to the owner of the sign.

Sec. 7-10. OFF-PREMISES SIGNS (BILLBOARDS)

This Section shall apply to off-premises signs which advertise an activity, business or service not usually conducted on or from the premises upon which the sign is located.

7-10.1 Location Restrictions

1. Off-premise signs shall only be allowed adjacent to principal arterial roadways (Tyndall Parkway, Business US 98).

7-10.2 Size of Signs.

1. On the federal-aid highway system (Tyndall Parkway, Business 98), size shall be in accordance with the agreement entered into by the state and the U.S. Secretary of Transportation and shall be pursuant to State regulation.

2. The maximum area for any one sign facing shall be 380.88 (10.7 feet in width, 36 feet in length) square feet inclusive of any border and trim, but excluding the base or apron, supports and other structural members.

3. The maximum size limitations shall apply to each facing of a sign structure and signs may be placed back-to-back with not more than two (2) displays to each facing.

7-10.3 Spacing Requirements

1. No outdoor advertising sign may be established within fifteen hundred (1,500) feet of any other outdoor advertising sign, measured on the same side of the same street and facing in the same direction.

2. Governmental and on-premise signs, as well as any other sign which does not constitute an outdoor advertising sign as defined herein shall not be counted nor shall measurements be made from them for the purpose of determining compliance with these spacing requirements.

3. No off-premises signs shall exceed a height of fifty (50) feet at its highest point. Such measurement shall be made from the ground level, at the base of the sign supports or from the pavement level of the street to which it faces, whichever is higher. The minimum clearance shall be ten (10) feet from the bottom of the sign face to grade.

7-10.4 General Restrictions and Limitations

1. Off-premises signs shall not be established at any location having principal frontage on any street within three hundred (300) feet of any property which is used for public parks, public schools, church, courthouse, City hall or public museum having principal frontage on the same street.

2. No off-premises sign shall be located within ten (10) feet of any street right-of-way. No portion of any off-premises sign may be placed on, or extend over the right-of-way line of any street or highway.

3. No sign shall be constructed which resembles any official marker erected by the City, state, or any governmental agency, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

4. All signs shall be constructed in accordance with the prevailing building and electrical code, and as specified in Section 7-13 of this Article.

5. All signs shall be maintained in good and safe structural condition. The painted portions of outdoor advertising signs shall be periodically repainted and kept in good condition.

6. No sign or part thereof shall be located on any property without the written consent of the property owner.

7. The general area in the vicinity of any ground sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash and other refuse.

7-10.5 Electronic Signs

The following regulations and restrictions apply to electronic signs.

1. The static display time for each message is a minimum of six seconds.

2. The time to complete change from one message to the next is a maximum of two seconds.

3. The sign shall have no revolving, flashing, moving, rotating, or similar intermittent lights.

4. The sign shall contain a default design that will freeze the device in one position if a malfunction occurs.

5. All electronically illuminated signs shall have a disconnecting switch located in accordance with the provisions of the National Electrical Code.

6. Electronic signs shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

7. Any electronic sign adjacent to residential property shall be placed in a manner so as to limit illumination on residential property.

Sec. 7-11. NONCONFORMING SIGNS

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

1. The City determines that such signs are properly maintained and do not in any way present a potential hazard to the public.

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

7-11.1 Loss of legally nonconforming status

A legal nonconforming sign shall lose this designation if:

1. The sign is relocated.

2. The structure or size of the sign is altered in any way except to comply with this Article. This does not refer to normal maintenance.

3. The ownership of the sign and/or property changes on premises.

4. The sign becomes abandoned for a period of six (6) consecutive months unless the abandonment is a result of a natural disaster resulting in a declared emergency and in such case for a period of six (6) consecutive months following the end of the declared emergency.

7-11.2 Maintenance and repair of nonconforming signs

The legal nonconforming sign is subject to all requirements of this Article regarding safety, maintenance, and repair.

Sec. 7-12. CONSTRUCTION STANDARDS

All permanent signs shall be constructed and erected in accordance with the requirements of the then existing applicable portion of the Florida Building Code and the National Electric Code.

ARTICLE 8

FLOODPLAIN MANAGEMENT

Sec. 8-1. GENERAL

8-1.1 Scope

The provisions of these Land Development Regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

8-1.2 Intent

The purposes of these Land Development Regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

5. Minimize damage to public and private facilities and utilities;

6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

8-1.3 Coordination with the Florida Building Code

These Land Development Regulations are intended to be administered and enforced in conjunction with the relevant portions of the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

8-1.4 Warning

The degree of flood protection required by these Land Development Regulations, as amended by the City, and the Florida Building Code, as amended, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These Land Development Regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this these Land Development Regulations.

8-1.5 Disclaimer of Liability

These Land Development Regulations shall not create liability on the part of the City Council of the City or by any officer or employee thereof for any flood damage that results from reliance on these Land Development Regulations or any administrative decision lawfully made thereunder.

Sec. 8.2. APPLICABILITY

8-2.1 General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

8-2.2 Areas to Which These Land Development Regulations Applies

These Land Development Regulations shall apply to all flood hazard areas within the City, as established in Section 8-2.3 of these Land Development Regulations.

8-2.3 Basis for Establishing Flood Hazard Areas

The Flood Insurance Study for Bay County, Florida and Incorporated Areas dated June 2, 2009, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these Land Development Regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the City Clerk.

8-2.4 Submission of Additional Data to Establish Flood Hazard Areas.

To establish flood hazard areas and base flood elevations, pursuant to Section 8-5 of these Land Development Regulations the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these Land Development Regulations and, as applicable, the requirements of the Florida Building Code.

2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the Applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

8-2.5 Other Laws

The provisions of these Land Development Regulations shall not be deemed to nullify any provisions of local, state or federal law.

8-2.6 Abrogation and Greater Restrictions

Article 8 of these Land Development Regulations is not intended to repeal or abrogate any existing regulations including but not limited to other provisions of these Land Development Regulations, zoning ordinances, stormwater management regulations or the Florida Building Code. In the event of a conflict between these Land Development Regulations and any other regulations, the more restrictive shall govern. These Land Development Regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these Regulations.

8-2.7 Interpretation

In the interpretation and application of these Land Development Regulations, all provisions shall be:

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

Sec. 8-3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

8-3.1 Designation

The City Clerk is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

8-3.2 General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions set forth in this Article. The Floodplain Administrator shall have the authority to render interpretations of the provisions of this Article consistent with the intent and purpose of these Regulations and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to Section 8-7 of this Article.

8-3.3 Applications and Permits

The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of these Regulations;

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

4. Provide available flood elevation and flood hazard information;

5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an Applicant;

6. Review applications to determine whether proposed development will be reasonably safe from flooding;

7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with these Land Development Regulations is demonstrated, or disapprove the same in the event of noncompliance; and

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

8-3.4 Substantial Improvement and Substantial Damage Determinations

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

1. Estimate the market value, or require the Applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair,

the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the Applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and these Land Development Regulations is required.

8-3.5 Modifications of the Strict Application of the Requirements of the Florida Building Code

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 8-7 of these Regulations.

8-3.6 Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Article.

8-3.7 Inspections

The Floodplain Administrator shall make the required inspections as specified in Section 8-6 of this Article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

8-3.8 Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 8-3.4 of this Article;

2. Require that Applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require Applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by these Land Development Regulations and the Florida Building Code to determine that such certifications and documentations are complete;

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City are modified; and

6. Advise Applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

8-3.9 Floodplain Management Records

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

for public inspection at the office of the Floodplain Administrator.

Sec. 8-4. PERMITS

8-4.1 Permits Required

Any owner or owner's authorized agent (hereinafter "Applicant") who intends to undertake any development activity within the scope of this these Land Development Regulations, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these Land Development Regulations and all other applicable codes and regulations has been satisfied.

8-4.2 Floodplain Development Permits or Approvals

Floodplain development permits or approvals shall be issued pursuant to these Land Development Regulations for any development activities not subject to the requirements of the *Florida Building Code,* including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

8-4.3 Buildings, Structures and Facilities Exempt from the Florida Building Code

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of these Land Development Regulations:

1. Railroads and ancillary facilities associated with the railroad.

2. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes.

3. Temporary buildings or storage buildings used exclusively for construction purposes.

4. Mobile or modular structures used as temporary offices.

5. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.

6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

9. Structures identified in Section 553.73(10)(k), Florida Statutes, are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

8-4.4 Application for a Permit or Approval

To obtain a floodplain development permit or approval the Applicant shall first file an application in writing on a form furnished by the City. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.

2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.

4. Be accompanied by a site plan or construction documents as specified in Section 8-5 of this Article.

5. State the valuation of the proposed work.

6. Be signed by the Applicant or the Applicant's authorized agent.

7. Give such other data and information as required by the Floodplain Administrator.

8-4.5 Validity of Permit or Approval

The issuance of a floodplain development permit or approval pursuant to this Article shall not be construed to be a permit for, or approval of, any violation of these Land Development Regulations, the *Florida Building Code*, or any other regulations, codes or ordinances of the City. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

8-4.6 Expiration

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

8-4.7 Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of these Land Development Regulations or any other regulations, codes, ordinance or requirement of the City.

8-4.8 Other Permits Required

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Northwest Florida Water Management District; Section 373.036, Florida Statutes.

2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, and Chapter 64E-6, Florida Administrative Code.

3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; Section 161.141, Florida Statutes.

4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes.

iii. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

iv. Federal permits and approvals.

Sec. 8-5. SITE PLANS AND CONSTRUCTION DOCUMENTS

8-5.1 Information for Development in Flood Hazard Areas

The site plan or construction documents for any development subject to the requirements of these Land Development Regulations shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 8-5.2.2 or 8-5.2.3 of this Article.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 8-5.2(1) of this Article.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.

8. Extent of any proposed alteration of sand dunes, provided such alteration is approved by the Florida Department of Environmental Protection.

9. Existing and proposed alignment of any proposed alteration of a watercourse.

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

8-5.2 Information in Flood Hazard Areas Without Base Flood Elevations (approximate Zone A)

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

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

13. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
14. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

    a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

    b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

15. Where the base flood elevation data is to be used to support a Letter of Map Change from FEMA, advise the Applicant that the analyses shall be prepared by a Florida licensed

engineer in a format required by FEMA, and that it shall be the responsibility of the Applicant to satisfy the submittal requirements and pay the processing fees.

8-5.3 Additional Analyses and Certifications

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

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the Applicant proposes to undertake development activities that do increase base flood elevations, the Applicant shall submit such analysis to FEMA as specified in Section 8-5.4 of this Article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the City. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the Applicant shall submit the analysis to FEMA as specified in Section 8-5.4 of this Article.

4. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

8-5.4 Submission of Additional Data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the Applicant has the right to seek a

Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the Applicant.

Sec. 8-6. INSPECTIONS

8-6.1 General

Development for which a floodplain development permit or approval is required shall be subject to inspection.

8-6.2 Development Other than Buildings and Structures

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these Land Development Regulations and the conditions of issued floodplain development permits or approvals.

8-6.3 Buildings, Structures and Facilities Exempt From the Florida Building Code

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of these Land Development Regulations and the conditions of issued floodplain development permits or approvals.

8-6.4 Buildings, Structures and Facilities Exempt From the Florida Building Code, Lowest Floor Inspection

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code,* or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 8-5.2.3.b of this Article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

8-6.5 Buildings, Structures and Facilities Exempt From the Florida Building Code, Final Inspection

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 8-6.4 of this Article.

8-6.6 Manufactured Homes

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec 8-7. VARIANCES AND APPEALS

8-7.1 General

The City Council shall hear and decide on requests for appeals and requests for variances from the strict application of these Land Development Regulations. Pursuant to Section 553.73(5), Florida Statutes, as may be amended or superseded, the City Council shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building.*

8-7.2 Appeals

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of these Land Development Regulations. Any person aggrieved by the decision of the City Council may appeal such decision to the Circuit Court of Bay County, Florida, as provided by Florida Statutes.

8-7.3 Limitations on Authority to Grant Variances

The City Council shall base its decisions on variances on technical justifications submitted by Applicants, the considerations for issuance in Section 8-7.7 of this Article, the conditions of issuance set forth in Section 8-7.8 of this Article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City

Council has the right to attach such conditions as it deems necessary to further the purposes and objectives of these Land Development Regulations.

8-7.4 Restrictions in Floodways

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 8-5.3 of this Article.

8-7.5 Historic Buildings

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

8-7.6 Functionally Dependent Uses

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in these Land Development Regulations, provided the variance meets the requirements of Section 8-7.4 of this Article, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

8-7.7 Considerations for Issuance of Variances

In reviewing requests for variances, the City Council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, these Land Development Regulations, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

4. The importance of the services provided by the proposed development to the community;

5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

6. The compatibility of the proposed development with existing and anticipated development;

7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

8-7.8 Conditions for Issuance of Variances

Variances shall be issued only upon:

1. Submission by the Applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of these Land Development Regulations or the required elevation standards;

2. Determination by the City Council that:

    a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

    b. The granting of a variance will not result in increased flood heights,

additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the Applicant that the variance, if granted, shall be recorded in the Official Records of Bay County, Florida in such a manner that it appears in the chain of title of the affected parcel of land; and

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

Sec. 8-8. VIOLATIONS

8-8.1 Violations

Any development that is not within the scope of the *Florida Building Code* but that is regulated by these Land Development Regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these Land Development Regulations, shall be deemed a violation of these Land Development Regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these Land Development Regulations or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

8-8.2 Authority

For development that is not within the scope of the *Florida Building Code* but that is regulated by these Land Development Regulations and that is determined to be a violation, the Floodplain Administrator or Floodplain Administrator's designee authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

8-8.3 Unlawful Continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law or the Code of the City.

Sec. 8-9. DEFINITIONS

8-9.1 Scope

Unless otherwise expressly stated, the following words and terms shall, for the purposes of these Land Development Regulations, have the meanings shown in this section.

8-9.2 Terms Defined in the Florida Building Code

Where terms are not defined in these Land Development Regulations and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

8-9.3 Terms Not Defined

Where terms are not defined in these Land Development Regulations or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

8-9.4 Definitions

All definitions are located within Article 2 Definitions. Any definitions relating specifically to this Article are denoted as such.

Sec. 8-10. BUILDINGS AND STRUCTURES

8-10.1 Design and Construction of Buildings, Structures and Facilities Exempt from the Florida Building Code

Pursuant to Section 8-4.3 of this Article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 8-16 of this Article.

8-10.2 Buildings and Structures Seaward of the Coastal Construction Control Line

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

2. Minor structures and non-habitable major structures as defined in Section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of these Land Development Regulations and ASCE 24.

Sec. 8-11. SUBDIVISIONS

8-11.1 Minimum Requirements

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

8-11.2 Subdivision Plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;

2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 8-5.2(1) of this Article; and

3. Compliance with the site improvement and utilities requirements of Section 8-12 of this Article.

Sec. 8-12. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

8-12.1 Minimum Requirements

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

8-12.2 Sanitary Sewage Facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code, and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

8-12.3 Water Supply Facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code, and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

8-12.4 Limitations on Sites in Regulatory Floodways

No development, including but not limited to site improvements, and land disturbing

activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 8-5.3.1 of this Article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

8-12.5 Limitations on Placement of Fill

Subject to the limitations of these Land Development Regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

8-12.6 Limitations on Sites in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas, alteration of sand dunes shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 8-5.3.4 of this Article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 8-16.8.3 of this Article.

Sec. 8-13. MANUFACTURED HOMES

8-13.1 General

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, Florida Statutes, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code, and the requirements of these Land Development Regulations.

8-13.2 Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazards areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and these Land Development Regulations. Foundations for manufactured homes subject to Section 8-13.6 of these Land Development Regulations are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and these Land Development Regulations.

8-13.3 Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

8-13.4 Elevation

Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 8-13.5 or Section 8-13.6 of these Land Development Regulations, as applicable.

8-13.5 General Elevation Requirement

Unless subject to the requirements of Section 8-13.6 of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

8-13.6 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions

Manufactured homes that are not subject to Section 8-13.5 of this Article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

8-13.7 Enclosures

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

8-13.8 Utility Equipment

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

SECTION 8-14. RECREATIONAL VEHICLES AND PARK TRAILERS

8-14.1 Temporary Placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or

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

8-14.2 Permanent Placement

Recreational vehicles and park trailers that do not meet the limitations in Section 8-14.1 of this Article for temporary placement shall meet the requirements of Section 8-13 of this Article for manufactured homes.

Sec 8-15. TANKS

8-15.1 Underground Tanks

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

8-15.2 Above-Ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of Section 8-15.3 of this Article shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (Zone V).

8-15.3 Above-Ground Tanks, Elevated

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

8-15.4 Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 8-16. OTHER DEVELOPMENT

8-16.1 General Requirements for Other Development

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these Land Development Regulations or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;

2. Meet the limitations of Section 8-12.4 of this Article if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of Florida Building Code for wet locations.

8-16.2 Fences in Regulated Floodways

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 8-12.4 of this Article.

8-16.3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 8-12.4 of this Article.

8-16.4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 8-12.4 of this Article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 8-5.3.3 of this Article.

8-16.5 Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;

2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

3. Have a maximum slab thickness of not more than four (4) inches.

8-16.6 Decks and Patios in Coastal High Hazard Areas (Zone V)

In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

8-16.7 Other Development in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas, development activities other than buildings and structures

shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

3. On-site sewage treatment and disposal systems defined in 64E-6.002, Florida Administrative Code, as filled systems or mound systems.

8-16.8 Nonstructural Fill in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

ARTICLE 9

CONCURRENCY MANAGEMENT

Sec. 9-1. PURPOSE

It is the intent of the City Council that public facilities and services needed to support development shall be available concurrent with the impacts of such development. The purpose of this Article is to provide guidelines and procedures necessary to fulfill this intent and to meet the concurrency requirements of state law.

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 permits, pursuant to Section 163.3202, Florida Statutes, as may be amended or superseded. The City shall establish and maintain a level of service standard for each public facility located within the area for which the City has authority to issue development permits.

Sec. 9-2. APPLICABILITY

Development permits 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 permit is issued, development permits 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 sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the City 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 City 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 6-2.5 of these Land Development Regulations.

9-2.1 Minimum Requirements for Concurrency

For the purpose of determining if concurrency requirements are being met, the City shall use the minimum requirements set forth in the Capital Improvements Element of the Comprehensive Plan as a general guideline.

Sec. 9-3. LEVEL OF SERVICE STANDARDS

9-3.1 Public Facilities and Services

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; 6) parks and recreation systems or facilities and, school facilities.

9-3.2 Levels of Service

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

1. 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.

Functional Classification	Peak Hour Level of Service
Principal Arterial	D
Minor Arterial	E
Collector	E
Local Roadway	E

2. Sewer systems or facilities. The City shall use 100 gallons per person per day, or equivalent, to evaluate potential impacts of proposed residential development, and the estimated sewage flows specified in Section 10E-6.048, Table I, Florida Administrative Code, to evaluate potential impacts of non-residential development. The City shall use 564,400 gallons per day, or the gallons per day allocation as adjusted from time to time by the interlocal agreement governing sewage treatment by and between the City and the retail sewer provider (currently the County), as a basis for issuing development permits.

3. Solid waste systems or facilities. The City shall use six and one-half (6.5) pounds of solid waste per person per day to evaluate potential impacts of proposed development and as a basis for issuing development permits.

4. Drainage systems or facilities. The City shall use the regulatory requirements of Chapter 62-25, Florida Administrative Code as the level of service to reduce stormwater pollution and the 100 year 1%, 24-hour storm event as the design standard to reduce the potential for flooding.

5. Potable water systems or facilities. The City shall use 108 gallons per person per

day delivered at a pressure of fifty (50) pounds per square inch to evaluate potential impacts of proposed development and for issuing development permits.

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

   Parks and Playgrounds. 8.75 acres per 1,000 population

7. School facilities. The City shall use the following standards for evaluating potential impacts from proposed development and for issuing development permits.

Type of School	Level of Service
Elementary	100% of permanent FISH capacity
Middle	100% of permanent FISH capacity
High	100% of permanent FISH capacity

9-3.3 Levels of Service to be Maintained

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

2. Development permits may be issued for proposed development which exceeds adopted levels of service only when the terms and conditions of such permits are consistent with the Comprehensive Plan.

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

9-3.4 Revisions or Adjustments

The levels of service specified in the Comprehensive Plan and in subsection 9-3.2 may be revised or adjusted to accommodate changing conditions and circumstances. Revisions or adjustments to levels of service shall be based upon accurate and reliable data or information, and shall be considered a plan amendment subject to the provisions of subsection 6-3.4 of these Land Development Regulations.

Sec. 9-4. ADEQUATE CAPACITY OF FACILITIES

For purposes of issuing development permits, the available capacity of public facilities and services shall be determined as prescribed in this Section.

9-4.1 Presumption of Adequate Capacity

Adequate capacity shall be presumed to be available for the issuance of development permits until such time as conditions and circumstances indicate otherwise. Determination of such conditions and circumstances shall be triggered by certain thresholds which demonstrate that public facilities and services are nearing available capacity. Development permits 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 responsibility of the developer from compliance with other provisions of these Land Development Regulations, or the responsibility of the City for maintaining records which indicate the cumulative impacts of development permits.

9-4.2 Capacity Thresholds

The City 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 9-4.3 of these Land Development Regulations.

9-4.3 Capacity Threshold Standards

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

1. Roadways

   Annual "Average Daily Traffic" (ADT) counts published by the Florida Department of Transportation reach ninety percent (90%) of the maximum level of service volume as established in the City of Parker, Comprehensive Plan.

2. Sewer

   Monthly sewage flows, based on a six (6) month average, reach ninety percent (90%) of treatment capacity allotted to the City pursuant to the currently adopted Interlocal Agreement between the City of Parker and the retail sewer provider, currently Bay County.

3. Solid Waste

   Average daily tons of solid waste collected in the City reach five percent (5%) of

the disposal capacity of the County solid waste disposal facilities.

4. Drainage

Proposed development is in compliance with subsection 9-5.1, paragraph 4 of these Land Development Regulations.

5. Potable Water

Average daily consumption (million gallons per day) of potable water in the City reaches five percent (5%) of available capacity from the County pursuant to the currently adopted Interlocal Agreement between the City of Parker and Bay County.

6. Recreation

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

7. Schools

Proposed development is in compliance with subsection 9-5.1, paragraph 7 of the Land Development Regulations.

9-4.4 Termination of Presumption of Adequate Capacity

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

Sec. 9-5. CONCURRENCY MANAGEMENT SYSTEM

The City shall evaluate impacts upon public facilities and services caused by proposed development for each application for a development permit. Impacts caused by proposed development for which adequate capacity is presumed subject to subsection 9-4.1 shall be recorded by the City and added to a cumulative total of allotted capacity for purposes of determining when capacity thresholds have been met.

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 prescribed in subsection 9-5.1.

9-5.1 Determination of Available Capacity

Available capacity shall be determined for public facilities and services as follows.

1. Roadways

    a. The City Clerk shall obtain the latest available "Average Daily Traffic" (ADT) counts from the Florida Department of Transportation each year, or as revised ADT counts become available.

    b. Each year, ADT counts will be used to: 1) determine if capacity thresholds have been reached or exceeded; and, 2) establish the basis from which traffic caused by proposed development can be expected to impact upon level of service standards.

    c. Using the annual ADT counts as a basis, potential traffic to be generated by a proposed development shall be estimated through use of criteria specified in Trip Generation, 8th Edition, Institute of Transportation Engineers, 2008. Estimates of trips to be generated shall be added to the annual ADT count basis to determine if capacity thresholds or level of service standards will be met or exceeded. The City Clerk shall maintain a cumulative total of estimated trips added to the ADT count basis until such time as revised ADT counts become available from the Florida Department of Transportation.

2. Sewer

    a. The City shall maintain an estimate of average daily sewage flow which 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.

    b. 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 9-3.2, 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.

c. The City Clerk shall maintain a cumulative total of permitted sewage flows and shall reduce the City's allocated capacity accordingly on a monthly basis.

3. Solid Waste

a. On an annual basis, the City shall identify available solid waste disposal capability which can be provided by the County. This volume shall provide the basis to determine if capacity thresholds or level of service standards will be met or exceeded.

b. The City shall apply the level of service standard found in subsection 9-3.2, paragraph 3. to estimate volumes of solid waste generated by proposed developments.

4. Drainage

a. The City shall require all developers submitting an application for a development permit to provide as part of the overall development site plan a drainage and grading plan. At a minimum, such drainage and grading plan shall include: 1) finished topographic contours; 2) impervious surfaces; 3) existing drainage structures; 4) proposed drainage structures; and, 5) proposed stormwater treatment facilities.

b. Design standards for drainage shall be as specified in subsection 9-3.2, paragraph 4. No development permit shall be issued by the City until the developer has obtained a stormwater permit pursuant to Chapter 62-25, Florida Administrative Code, if applicable, and the developer has a drainage and grading plan approved by the City.

c. 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 proposed development is part of a larger, common plan of development which has been previously approved by the City; or, 2) site modifications do not involve the obstruction or alteration of any drainageway as specified in Subsection 5-7.10 of these Land Development Regulations.

d. All development shall be undertaken in strict conformance with the erosion control measures specified in Subsection 5-7.7 of these Land Development Regulations.

5. Potable Water

a. On an annual basis, the City shall identify the amount of potable water and delivery rate (pounds per square inch) which can be supplied by the County. This amount shall provide the basis to determine whether the capacity threshold or the level of service standard will be met or exceeded.

b. The City shall apply the level of service standard found in Subsection 9-3.2, Paragraph 5. to estimate potable water consumption for all proposed development.

6. Recreation

a. On an annual basis, the City 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.

b. The City shall apply the level of service standards found in Subsection 9-3.2, Paragraph 6. to estimate demand for recreation sites and facilities caused by proposed development.

7. Schools

a. Available school capacity will be calculated by subtracting from the total school facilities the sum of:

i. total existing school enrollment;

ii. vested capacity;

iii. the portion of reserved capacity to be developed within three years; and

iv. the demand on schools created by the proposed development.

b. The City shall not deny the issuance of a development permit for residential development due to failure to achieve and maintain the adopted level of service for school capacity where:

i. adequate school facilities will be in place or under construction within three years after the issuance of the development permit; or

ii. adequate school facilities are available in contiguous service areas

and the impacts of development can be shifted to that area; or

iii. the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the development permit (or functional equivalent) as provided in an Interlocal Agreement.

However, this shall not apply to development that is exempt from concurrency review as provided in the Interlocal Agreement for Public School Facility Planning and Concurrency as may be amended.

9-5.2 Action Upon Failure to Show Available Capacity

1. The developer may provide the necessary improvements to maintain level of service standards. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

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

9-5.3 Burden of Showing Compliance on Developer

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

9-5.4 Initial Determination of Concurrency

The initial determination of concurrency occurs during the review of the applications for development permits, and shall include compliance with the level of service standards adopted by the City.

Sec. 9-6. PROVISION FOR ADEQUATE CAPACITY

Upon determination of adequate capacity as described in this Article, and issuance of a development permit, the City shall provide to the developer availability of capacity in the types, amounts, or volumes specified in the final development permit or development agreement. Such provision of available capacity shall be valid only for a period of six (6) months from the date the

development permit is issued.

Any provision or assurance of adequate capacity shall become null and void in the event circumstances beyond the control of the City cause adequate capacity to become unavailable. Such circumstances shall include, but not be limited to: acts of other governmental agencies; war; acts of God; or, changes in laws, rules or other legislative actions.

ARTICLE 10

MAPS