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Town of Lee Little but Proud

ARTICLE FOUR-ZONING REGULATIONS (part two)

Continued from part one..

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SECTION 4.10. "CG" COMMERCIAL. GEKERAL

4.10.1 DISTRICTS AND INTENT

The "CG" Commercial, General category includes one (1) zoning district: CG. This district is intended for general retail commercial, office, and service activities which serve a market area larger than a neighborhood. While some of the same types of uses are found in CG and CN areas, the CG areas are generally greater in scale and intensity. Businesses in this category require locations convenient to automotive traffic and ample off-street parking is required. Pedestrian traffic may also be found in this district.

4.10.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, wallpaper, jewelry (including repair) art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennel), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage of plants and materials), automotive vehicle parts and accessories (but not junk yards or automotive wrecking yards), and similar uses.

2. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery) and appliances (including repair incidental to sales), office equipment or furniture, hardware, second-hand merchandise in completely enclosed buildings, and similar uses.

3. Service establishments such as barber or beauty shop, shoe repair shop, restaurant, interior decorator, photographic studio, art or dance or music studio, reducing salon or gymnasium, animal grooming, self-service laundry or dry cleaner, tailor or dressmaker, laundry or dry cleaning pickup station, real estate services and similar uses.

4. Service establishments such as radio or television station (but not television or radio towers or antennae); funeral home, radio and television repair shop, appliance repair shop, letter shops and printing establishments, pest control, and similar uses.

5. Medical or dental offices, clinics, and laboratories.

6. Business and professional offices.

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7. Newspaper offices.

8. Banks and financial institutions.

9. Professional, business, and technical schools.

10. Commercial recreational facilities in completely enclosed,

soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.

11. Hotels and motels.

12. Dry cleaning and laundry package plants in completely enclosed buildings using non-flammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable to normal senses from off the premises.

13. Art galleries.

14. Miscellaneous uses such as telephone exchange and commercial parking lots and parking garages.

15. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, monuments, and outdoor retail commercial display areas associated with sale of said items.

16. Service establishments such as repair and service garage, motor vehicle body shop, car wash, auction house (but not including livestock auction arena), laundry or dry cleaning establishment, animal boarding kennels in soundproof buildings, plant nursery or landscape contractor, carpenter or cabinet shop, home equipment rental, ice delivery station, upholstery shop, marina and boat sales, commercial water softening establishment, rental of automotive vehicles, trailers, and trucks.

17. Commercial recreation facilities such as golf driving range, miniature golf course, skating rink, skateboard arena, go-cart track, and similar uses.

18. Palmist, astrologist, psychics, clairvoyants, and phrenologists.

19. Miscellaneous uses such as express or parcel delivery office, motor bus or other transportation terminal.

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20. Wholesaling from sample stocks only, providing no manufacturing or storage for distribution is permitted on the premises.

21. Travel trailer parks and campgrounds (see section 4.13.24-).

22. Service establishments such as crematory.

Unless otherwise specified, the above uses are subject to the following limitations: (1) sale, display, preparation, rental and distribution of products, or performance of services, and storage to be conducted within a completely enclosed building, and no more than thirty percent (30%) of floor space to be devoted to storage; (2) products to be sold only at retail; and (3) site and development plan approval is required (See Article 14).

4.10.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- c. Do not involve operations or structures not in keeping with the character of the district.

2. On-site signs (see Section 4.13).

3. Outdoor storage yard in connection with permitted or permissible use only; provided, this provision shall not permit wrecking yards (including automobile wrecking yard), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk

automotive vehicles, or second-hand automotive parts.

4.10.4 PROHIBITED USES AND STRUCTURES

1. Manufacturing activities, except as specifically permitted or permissible.
2. Any other uses or structures not specifically, provisionally, or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious, or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter,
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interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district. Performance standards apply (see Section 4.13).

4.10.5 SPECIAL EXCEPTIONS

(See Articles 12 and 13)

1. Automotive service stations (see Section 4.13 for special design standards for automotive service stations).
2. Rental of automotive vehicles, trailers, and trucks.
3. Package store for sale of alcoholic beverages, bar, tavern, or cocktail lounge.
4. Hospitals and nursing homes.
5. Motor bus or other transportation terminals.
6. Child care centers and overnight child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.
 - b. Provision is made for areas for off-street pick-up and drop-off of children.
7. Mini-Self-Storage Building and Mini-Storage Facility
8. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
9. Off-site signs (see Section 4.13).
10. Truck stops and automotive service stations (see Section 4.13 for special design standards for automotive service stations).
11. Agricultural fairs and fairground activities, livestock auction arenas.
12. Commercial tourist attractions.
13. Building trades contractor with on premises storage yard for materials and equipment.
14. Residential dwelling units, which existed within this district on the date of adoption or amendment of these land development regulations.
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15. Churches and other houses of worship.
16. Private Clubs and lodges.
17. Public buildings and facilities (see Section 4.13)
Note: All uses permitted as special exception, herein, are subject to an intensity of less than or equal to 1.0 floor area ratio.

4.10.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted or permissible uses and structures (unless otherwise specified):

Minimum lot area; none.

Minimum lot width; none.

4.10.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards) (See Section 4.13 for right-of-way setback requirements.)

1. All permitted or permissible uses and structures (unless otherwise specified):

Front; 20 ft.

Side; None, except where a side yard is provided, then a

Side yard of at least 10 ft. must be provided.

Rear; 15 ft.

2. Child care centers and overnight child care centers:

Front; 20 ft.

Side; 10 ft. for each side yard.

Rear; 15 ft.

3. Mini-Self-Storage Building:

As for other permitted or permissible uses not specified in number 2 above except that:

a. Any storage structure shall be provided with a paved access aisle at least twenty-two (22) feet in width, continuous for the length of such structure on any side allowing exterior access to storage space(s) and;

b. Any two (2) or more structures located on the same site shall be positioned such that the minimum aisle width and conditions required in (1) above can be maintained.

4. Wetland protection shall be provided by a minimum thirty-five (35) foot natural buffer from wetlands to improved areas, subject to the following conditions:

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a. The location of any structure, other than permitted docks, piers, or walkways elevated on pilings shall be prohibited;

b. The clearing of natural vegetation shall be prohibited, except for a minimum amount associated with the installation of the permitted docks, piers or walkways;

c. Commercial improvements shall be prohibited; and

d. Resource-based recreational activities may be permitted within the buffer area.

5. Perennial rivers, streams and creeks protection shall be provided by a minimum thirty-five (35) foot natural buffer from perennial rivers, streams and creeks subject to following conditions:

a. Commercial improvements shall be prohibited.

b. Agriculture, silviculture and resource-based recreational activities may be permitted within the buffer area subject to best management practices.

4.10.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (see Section 4.13 for exceptions)

Thirty-five (35) Feet.

4.10.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

All commercial uses are subject to an intensity of less than or equal to 1.0 floor area ratio.

4.10.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (

See Section 4.13)

Where a permitted or permissible use (unless otherwise specified) is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer at least ten (10) ft. in width along the affected rear and/or side yards as the case may be.

1. Existing single-family dwellings and mobile homes:
None, except as necessary to meet other requirements set out herein.

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4.10.11 MINIMUM OFFSTREET PARKING REQUIREMENTS (see Section 4.13)

1. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) sq. ft. of non-storage floor area.
2. Commercial establishments selling home furnishings and major appliances, and office equipment and furniture: one (1) space for each five hundred (500) sq. ft. of non-storage floor area.
3. Restaurants, cocktail lounges, bars, and taverns: one (1) space for each three (3) seats in public rooms.
4. Funeral homes: one (1) space for each three (3) seats in the chapel.
5. Medical or dental offices, clinics, or laboratories: one (1) space for each one hundred fifty (150) sq. ft. of floor area.
6. Business and professional offices: one (1) space for each two hundred (200) sq. ft. of floor area.
7. Newspaper office: one (1) space for each three hundred fifty (350) sq. ft. of floor area.
8. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) sq. ft. of floor area.
9. Banks and financial institutions: one (1) space for each one hundred fifty (150) sq. ft. of non-storage floor area.
10. Professional, business, and technical schools: one (1) space for each two hundred (200) sq. ft. of floor area.
11. Community and little theaters, indoor motion picture theaters: one (1) space for each four (4) seats.
12. Hotels and motels: one (1) space for each sleeping room, plus two (2) spaces for the owner or manager, plus required number of spaces for each accessory use such as restaurant, bar, etc. as specified.
13. Dry cleaning and laundry package plants: one (1) space for each one hundred fifty (150) sq. ft. of non-storage floor area.
14. Each existing residential dwelling unit: two (2) spaces for each dwelling unit.

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15. Churches and houses of worship: one (1) space for each six (6) permanent seats in main auditorium.
16. Art galleries: one (1) space for each three hundred (500) sq. ft. of floor area.

17. Dance, art, and music studios: one (1) space for each three hundred fifty (350) sq. ft. of floor area.
18. Private clubs and lodges: one (1) space for each three hundred (300) sq. ft. of floor area.
19. Hospitals: one (1) space for each bed.
20. Nursing homes: one (1) space for each three (3) beds.
21. Telephone exchange, motor bus or other transportation terminals: one (1) space for each three hundred fifty (350) sq. ft. of floor area.
22. Childcare centers and overnight child care centers: one (1) space for each three hundred (300) sq. ft. of floor area devoted to child care activities.
23. Mini-Self-Storage Building: None except that office facilities on the premises shall be provided with one (1) parking space for each two hundred (200) feet or fraction thereof of floor area.
24. Mini-Storage Facility: One space for each two hundred (200) square feet of floor area.
25. Express or parcel delivery office, motor bus or other transportation terminal: one (1) space for each three hundred fifty (350) sq. ft. of floor area.
26. Palmist, astrologist, psychics, clairvoyants, and phrenologist: one (1) space for each two hundred (200) sq. ft. of floor area.
27. Wholesale establishments: one (1) space for each five hundred (500) sq. ft. of floor area.
28. Warehouse or storage use only: one (1) space for each one thousand five hundred (1,500) sq. ft. of floor area.
29. For other special exceptions as specified herein: to be determined by findings in the particular case. Note: Off-street loading required (see Section 4.13).

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SECTION 4-.11. "I" INDUSTRIAL

4.11.1 DISTRICTS AND INTENT

The "I" Industrial category includes one (1) zoning district: I. This district is intended for manufacturing, processing, storage and warehousing, wholesaling, and distribution. Service and commercial activities relating to the character of the district and supporting its activities are permitted. Certain commercial uses relating to automotive and heavy equipment sales and repair are permitted, but this district is not to be deemed commercial in character. Regulations are intended to prevent or reduce friction between uses in this district and also to protect nearby residential and commercial districts. Performance standards are applied at lot lines (see Article 14). The I district shall be located on a collector or arterial road.

4.11.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Wholesaling, warehousing, storage, or distribution establishments and similar uses.
2. Research laboratories and activities in completely enclosed buildings.
3. Light manufacturing, assembling, processing (including food processing, but not slaughter house), packaging, or fabricating in completely enclosed building.
4. Printing, lithographing, publishing, photographic processing, blue printing, or similar establishments.

5. Outdoor storage yards and lots, provided, this provision shall not permit wrecking yards (including automobile wrecking yards), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.

6. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junk yards or automotive vehicle wrecking yards), and similar uses.

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7. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, employment agency, sign company, pest control, water softening establishment, and similar uses.

8. Service establishments such as crematory.

9. Vocational, technical, trade, or industrial schools and similar uses.

10. Medical clinic in connection only with industrial activity.

11. Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and garages, motor bus or truck or other transportation terminal.

12. Radio and television stations.

13. Building trades contractor including on premises storage yard for materials and equipment, but no manufacturing of concrete or asphalt is permitted.

14. Railroad switching, freight, and storage yards; railroad buildings and maintenance structures.

Site and development plan approval (see Section Article 14) is required for the following uses:

15. Any other industrial use which is otherwise lawful (except those uses requiring special controls and permissible as special exceptions) and which conforms to performance standards as set out in Article 14.

16. All commercial developments.

4.11.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

2. On-site signs (see Section 4.13).

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4-11.4 PROHIBITED USES AND STRUCTURES

Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including any use not conforming to performance standards of Article 14.

4.11.5 SPECIAL EXCEPTIONS

(See Articles 12 and 13)

1. Off-site signs (see Section 4.13).

2. Truck stops and automotive service stations (see Section 4.13 for special design standards for automotive service stations).

3. Wrecking yards (including automobile wrecking yard); junk yards; or yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts; provided any such yard shall be completely enclosed by an opaque fence or wall not less than six (6) ft. high; provided that this fence or wall shall not be built of tin or galvanized metal sheets.

4. Bulk storage yards including bulk storage of flammable liquids, subject to provisions of local and State Fire Codes.

5. Chemical and fertilizer manufacture.

6. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture.

- 7. Paper and pulp manufacture.
- 8. Petroleum refining.
- 9. Rendering plant.
- 10. Storage, sorting, collecting or baling of rags, iron, or junk.
- 11. Hazardous waste disposal sites.
- 12. Electric or gas generating plants.
- 13. Asphalt or concrete batching plants.
- 14. Uses which are similar to the ones listed above.
- 15. Public buildings and facilities (see Section 4.13)

Note: All uses permitted as special exceptions, herein, are subject to an intensity of less than or equal to 1.0 floor area ratio.

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4.11.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted or permissible uses and structures (unless otherwise specified):
Minimum lot area; None. Minimum lot width; None.

4.11.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard) (See Section 4.13 for right-of-way setback requirements.)

1. All permitted or permissible uses and structures (unless otherwise specified):
Front; 20 ft., of which no less than 1/2 the depth shall be maintained as a landscaped area; the remainder may be used for off-street parking, but not for buildings. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines. This landscaped area may be penetrated at right angles by driveways.
Side and Rear; 15 ft. except where railroad spur abuts side or rear property line, in which case no yard is required.

2. Wetland protection shall be provided by a minimum thirty-five (35) foot natural buffer from wetlands to improved areas, subject to the following conditions:

- a. The location of any structure, other than permitted docks, piers, or walkways elevated on pilings shall be prohibited;
- b. The clearing of natural vegetation shall be prohibited, except for a minimum amount associated with the installation of the permitted docks, piers or walkways;
- c. Industrial improvements shall be prohibited; and
- d. Resource-based recreational activities may be permitted within the buffer area.

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3. Perennial rivers, streams and creeks protection shall be provided by a minimum thirty-five (35) foot natural buffer from perennial rivers, streams and creeks subject to following conditions:

a. Industrial improvements shall be prohibited.

b. Agriculture, silviculture and resource-based recreational activities may be permitted within the buffer area subject to best management practices.

4.11.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (see Section 4.13 for exceptions)

Thirty-five (35) Feet.

4.11.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

All industrial uses are subject to an intensity of less than or equal .to 1 .0 floor area ratio.

4.11.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (see Section 4.13)

Where a permitted or permissible use (unless otherwise specified) is erected or expanded on land abutting a residential district, the proposed use shall provide a landscaped buffer at least twenty-five (25) ft. in width along the affected rear and/or side yards as the case may be.

4.11.11 MINIMUM OFFSTREET PARKING REQUIREMENTS (see Section 4.13)

1. Warehousing and storage only: one (1) space for each one thousand five hundred (1,500) sq. ft. of floor area.

2. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shops; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and automotive vehicle parts and accessories; crematories; and similar uses: one (1) space for each three hundred fifty (350) sq. ft. of floor area, plus, where applicable, one (1) space for each one thousand (1,000) sq. ft. of lot or ground area outside buildings used for any type of sales, display, or activity.

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3. Restaurants: one (1) space for each three (3) seats in public rooms.

4. Miscellaneous uses such as express or parcel delivery office, telephone exchange, motor bus or truck or other transportation terminal: one (1) space for each three hundred fifty (350) sq. ft. of floor area.

5. For uses specifically listed under CG: As for CG OFFSTREET PARKING REQUIREMENTS.

6. Other permitted or permissible uses (unless otherwise specified): one (1) space for each five hundred (500) sq. ft. of floor area.

Note: Off-street loading required (see Section 4.13).

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SECTION 4.12. "PRD" PLANNED RESIDENTIAL DEVELOPMENT

4.12.1 DISTRICTS INTENT AND RELATION TO THE COMPREHENSIVE PLAN AMENDMENT PROCESS

The "PRD" Planned Residential Development category includes one (1) zoning district: "PRD". The purpose of this district is to: (1) encourage the planned residential development of land; (2) encourage flexible and creative concepts of site planning; (3) preserve the natural amenities of the land by encouraging scenic and functional open areas; (4) accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations; (5) provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and (6) provide a stable environmental character compatible with surrounding areas. Because the balance of this Article assumes a proposed Planned Residential Development will be consistent with the Town's Comprehensive Plan in terms of land use, dwelling unit densities, collector and arterial street layout and similar, the Town treats such proposals herein as zoning changes. Proposals which ratify the Comprehensive Plan shall require, in addition to the following, that the Comprehensive Plan amendment process be followed prior to considering the Planned Residential Development as a zoning change.

4.12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Residential dwellings including single family dwellings, duplex dwellings, and multiple family dwellings.
2. Churches and other houses of worship.
3. Golf courses, county clubs, and racquet and tennis clubs.

4.12.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On-site signs (see Supplementary Regulations).
2. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
 - b. Are located on the same lot as the permitted or permissible use or structure or on a contiguous lot in the same ownership.

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- c. Do not involve operations or structures not in keeping with the character of the district.

4.12.4. SPECIAL EXCEPTIONS (See also Articles 12 and 13).

1. Public or private schools offering curricula comparable to that of public schools, (see Sections 5.14 and 4.13)
2. Public buildings and facilities (see Section 4.13, Supplementary Regulations)
3. Home occupations (see Section 4.13, Supplementary Regulations).

4.12.5 DEFINITIONS

In addition to definitions contained in Article Two, the following terms, phrases, words, and derivations shall have the following meanings:

1. Applicant. Applicant is a landowner or the landowner's

authorized agent who files a petition for a zoning amendment to create or amend a Planned Residential Development District.

2. **Common Open Space.** Common Open Space is an area of land or water, or a combination of land and water, within the Planned Residential Development which is designed and intended for the use and enjoyment of residents of the Planned Residential Development in common. Common open space may contain recreational structures and improvements as are desirable and appropriate for the common benefit and enjoyment of the residents of the Planned Residential Development.

3. **Gross Density.** Gross Density is the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a Planned Residential Development.

4. **Net Residential Acreage.** Net Residential Acreage is the total number of acres within the perimeter boundaries of a Planned Residential Development excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, recreation, and other permitted non-residential uses .

5. **Planned Residential Development.** Planned Residential Development (PRO): (a) is a concept which required land to be under unified control, planned and developed as a whole in a single development or an approved, programmed series of developments for dwelling units and related uses and facilities; (b) is a plan which, when adopted, becomes the 4-66 controlling land development regulations for the land to which it applies; (c) includes principal and accessory structures substantially related to the character of the development itself and to the surrounding area of which it is a part; and (d) is a concept which, when implemented, allows for development according to comprehensive and detailed plans which include not only streets, utilities, building sites, off-street parking, common open spaces, and the like, but also site plans and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings.

6. **Plan.** PRD plan is the proposal for development of a Planned Residential Development, including plats of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space, and public facilities. A "PRD" plan is submitted first as a preliminary PRD and, if appropriate, later as a Final PRD plan.

4.12.6 PROCEDURE FOR APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT

The procedure for obtaining a change in zoning for the purpose of undertaking a Planned Residential Development is:

1. **Planned Residential Development Zoning and Preliminary PRD Plan Approval.** The applicant shall submit to the Land Development Regulation Administrator: his or her request containing the following exhibits:

a. A statement of objectives describing:

- (1) The general purpose of the proposed development.
- (2) The general character of the proposed development.

b. A Vicinity Nap showing the location of the proposed Planned Residential Development in relation to:

- (1) Surrounding streets and thoroughfares.
- (2) Existing zoning on the site and surrounding areas.
- (3) Existing land use on the site and surrounding areas.

The Vicinity Map should be drawn at a scale suitable to show an area of no less than one thousand (1,000) feet surrounding the property. A greater area may be required if the Planning and Zoning Board determines information on a larger vicinity is needed. 4-67

c. A Boundary Survey and legal description of the property.

d. A Topographic Survey. The most recent United States Geological Service topographic survey may be used if better topographic information is not available.

e. A Site Analysis Map at the same scale as the Preliminary PRD Plan described below shall be submitted indicating flood prone areas, areas with slopes greater than five percent (5%), areas of soils which are marginally suited for development purposes, and existing tree cover.

f. A Preliminary PRD Plan, drawn at a scale suitable for presentation, showing and/or describing the following:

- (1) Proposed land uses.
- (2) Lot sizes indicated either by lot lines drawn in their proposed location or in a statement noted on the face of the Preliminary PRD Plan concerning proposed lot sizes including minimum lot sizes.
- (3) Building setbacks defining the distance buildings will be set back from:
 - (a) Surrounding property lines.
 - (b) Proposed and existing streets.
 - (c) Other proposed buildings.
 - (d) Centerlines of rivers, streams, and canals.
 - (e) High water lines of lakes and other bodies of water.
 - (f) Other man-made or natural features which would be affected by building encroachment.
- (4) Maximum heights of buildings.
- (5) Common open space.
- (6) Arterial and collector streets and thoroughfares with local streets and interior circulation shown where no planned arterial or collector streets are located within the project.
- (7) Common outside storage areas.
- (8) Wetland Protection addressed by either:
 - (a) a statement if none are involved, or
 - (b) a larger scale

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drawing of the affected area and following the guidelines found in section 4.1 2.1 2

g. A table showing acreage for each category of land use.

h. A statement concerning gross density and net residential acreage (see Section 4.12.5 for definition of gross density and net residential acreage).

i. A statement concerning proposed floor area ratios

(percent of lot in relation to building floor area) and the maximum building coverage expressed as a percent of the total site area.

j. A Preliminary Utility Service Plan including sanitary

sewers, storm drainage, and potable water supply, showing general locations of major water, sewer and drainage lines, plant locations, lift stations, and indicating whether gravity or forced systems are planned. Size of lines, specific locations, and detailed calculations are not required at this stage.

k. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.

2. Processing the Planned Residential Development Zoning

Application and Preliminary PRO Plan Submittals. When the Land Development Regulation

Administrator has received the application and accompanying submittal, and is satisfied they are complete, the application shall be processed as any other zoning application in accordance with of these land development regulations.

3. Final PRD Plan. If rezoning for the Planned Residential

Development is approved; the applicant shall submit a Final PRD Plan covering all or part of the

approved Preliminary PRD Plan within twelve (12) months to the Land Development Regulation

Administrator. If a Final PRD Plan is not submitted within this twelve (12) month period, the Land

Development Regulation Administrator shall cause the Planned Residential Development district to be

removed from the Official Zoning Atlas, mail a notice by registered mail of revocation to the applicant,

and reinstate the zoning district in effect prior to approval of the Planned Residential Development. As a

courtesy, thirty (30) days prior to a lapse date, the Land Development Regulation Administrator shall

notify the Town Council and the applicant of such date. The Town Council may extend the lapse date for

a period not to exceed an additional twelve (12) months provided the request for extension is made by

the applicant prior to the expiration of the initial approval 4-69

period. Failure of the Land Development Administrator to provide the thirty (30) day notice above shall

not be deemed justification for automatic extension of the lapse date which shall occur with or without said notification.

The Final PRD Plan shall include the following exhibits:

a. A statement of objectives:

- (1) The general purpose of the proposed development.
- (2) The general character of the proposed development.

b. A Topographic Map drawn to a scale of one hundred (100) feet to one (1) inch by a surveyor and/or engineer registered in the State of Florida showing:

- (1) The location of existing private and public property rights-of-way, streets, buildings and structures, water courses, transmission lines, sewer mains, bridges, culverts, and drain pipes, water mains, public utility easements, and other similar information.
- (2) Wooded areas, streams, lakes, marshes, and other existing physical conditions affecting the site.
- (3) Existing contours at intervals of one (1) foot.

c. A Development Plan drawn to a scale of one hundred (100) feet to one (1) inch and showing:

- (1) The boundaries of the site and proposed topography and grading.
- (2) Width, location, and names of surrounding streets.
- (3) Surrounding land use.
- (4) Proposed streets and street names and other vehicular and pedestrian circulation systems including off-street parking.
- (5) The use, size, and location of proposed buildings and major structural sites.
- (6) Location and size of common open spaces and public or semi-public areas.

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d. A Utility Service Plan showing:

- (1) Existing drainage and sewer lines.
- (2) The disposition of sanitary waste and storm water.
- (3) The source of potable water.
- (4) Location and width of utility easements and rights-of-way.
- (5) Plans for the special disposition of storm water drainage when it appears that said drainage could substantially harm a body of surface water.

e. A Landscaping Plan showing:

- (1) Landscaped areas.
- (2) Location, height, and material for walks, fences, walkways, and other man-made landscape features.
- (3) Special landscape features such as, but not limited to, man-made lakes, land sculpture, and waterfalls.

f. Statistical information:

- (1) Total acreage of the site.
- (2) Maximum building coverage expressed as a percent of the area.
- (3) Area of land devoted to landscaping and/or common open space usable for recreation purposes expressed as a percent of the total site area.
- (4) Calculated gross density and net residential acreage for the proposed development (see Section 4.12.5 for definition of gross density and net residential acreage).

g. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities. All such legal documents, including homeowners associations and deed restrictions, must be approved by the Town Attorney before final approval of the plan.

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4.12.7 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for any portion of a proposed Planned Residential Development until the Final PRD Plan has been approved.

4.12.8 REVISION OF A PLANNED RESIDENTIAL DEVELOPMENT

A proposed change in the approved Preliminary PRD Plan which affects the intent and character of the development, the density or land use patterns, proposed buffers, the location or dimensions of arterial or collector streets, or similar substantial changes shall be reviewed by the Planning and Zoning Board and the Town Council in the same manner as the initial application. A request for revision to the Preliminary PRD Plan shall be supported by a written statement and by revised plans demonstrating reasons the revisions are necessary or desirable. Revisions to the approved Preliminary PRD Plan shall be consistent with the original purpose, intent, overall design, and integrity of the approved Preliminary PRD Plan. Examples of substantial change include:

1. Perimeter changes.
2. Major street relocation.

3. Change in building height, density, land use patterns, or buffers.
4. Changes of similar or greater magnitude to the changes indicated in 1., 2. or 3- above.
Minor changes and/or deviations from the Preliminary PRD Plan which do not affect the intent or character of the development shall be reviewed by the Land Development Regulation Administrator and, at his or her direction that the proposed revisions are compatible with the original PRD plan, approved. Upon approval of the revision, the applicant shall make revisions to the preliminary PRD plan and submittals and file two (2) copies of the revised plans with the Land Development Regulation Administrator within thirty (30) days.

Examples of minor change include:

1. Change in alignment, location, or length of local street.
 2. Adjustments or minor shifts in dwelling unit mixes, not resulting in increased overall density.
 3. Reorientation or slight shifts in building locations.
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4. Changes of similar to the changes indicated in 1., 2. or 3. above or of less than substantial magnitude.

4.12.9 PLANNED RESIDENTIAL DEVELOPMENT TIME LIMITATIONS

If substantial construction, as determined by the Land Development Regulation Administrator, has not begun within two (2) years after approval of the Final PRD Plan, the approval of the Planned Residential Development will lapse. As a courtesy, thirty (30) days prior to a lapse date, the Land Development Regulation Administrator shall notify the Town Council and the applicant of such date. Failure of the Land Development Administrator to provide the thirty (30) day notice shall not be deemed justification for automatic extension of the lapse date which shall occur with or without said notification.

At the request of the applicant, the Town Council may extend the lapse date for beginning construction for a period not to exceed an additional two (2) years provided the request for extension is made prior to the expiration of the initial approval period. If the Planned Residential Development lapses under this provision, the Land Development Regulation Administrator shall cause the 'Planned Residential Development district to be removed from the Official Zoning Atlas, mail a notice by registered mail of revocation to the applicant, and reinstate the zoning district in effect prior to approval of the Planned Residential Development.

4.12.10 DEVIATION FROM THE FINAL PRD PLAN

An unapproved deviation from the accepted Final PRD Plan shall constitute a breach of agreement between the applicant and the Town Council. Such deviation may cause the Town to immediately revoke the Final PRD Plan until such time as the deviations are corrected or become a part of the accepted Final PRD Plan.

4.12.11 PHASING

The Town Council may permit or require the phasing or staging of a Planned Residential Development. When provisions for phasing are included in the Final PRD Plan, each phase of development must be so planned and so related to previous development, surrounding properties, and available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the Planned Residential Development or surrounding properties.

4.12.12 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS

1. The minimum size parcel to be considered for Planned Residential Development shall be five (5) acres.

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2. Conformance with the Comprehensive Plan. Densities for Planned Residential Developments shall be based upon and be consistent with the Comprehensive Plan. No Final PRO Plan may be approved unless it conforms with the Comprehensive Plan.
3. Relationship to Zoning District. An approved Planned Residential Development is a separate zoning district in which the Final PRD Plan, as approved, establishes the restrictions and regulations according to which development shall occur. Upon approval, the Official Zoning Atlas shall be changed to indicate the area as a Planned Residential Development.
4. Residential Density and Housing Types. A combination of residential density and housing types are permitted for a Planned Residential Development as long as the overall gross density does not exceed the allowed number of dwelling units of the Comprehensive Plan land use classifications contained on the project site.

5. Dimensional and Bulk Restriction. The location of all proposed building sites shall be shown on the Final PRD Plan subject to minimum lot sizes, setback lines, lot coverage, and floor area specified in the Preliminary PRD Plan approved by the Town Council.
6. Wetland protection shall be provided by a minimum thirty-five (35) foot natural buffer from wetlands to improved areas, subject to the following conditions:
- a. The location of any structure, other than permitted docks, piers, or walkways elevated on pilings shall be prohibited within buffer area;
 - b. The clearing of natural vegetation shall be prohibited within buffer area, except for a minimum amount associated with the installation of the permitted docks, piers or walkways;
 - c. Residential, commercial and industrial improvements shall be prohibited within buffer area; and
 - d. Resource-based recreational activities may be permitted within buffer area.
7. Perennial rivers, streams and creeks protection shall be provided by a minimum thirty-five (35) foot natural buffer from perennial rivers, streams and creeks subject to following conditions:
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- a. Residential, commercial and industrial improvements shall be prohibited within buffer area.
 - b. Agriculture, silviculture and resource-based recreational activities may be permitted within buffer area subject to best management practices.
8. Internal Compatibility. Land uses proposed within a Planned Residential Development shall be compatible with other proposed uses. That is, no use may have an undue adverse impact on a neighboring use. An evaluation of the internal compatibility by a Planned Residential Development shall be based on:
- a. the existence or absence of and the location of common open spaces and recreational areas;
 - b. the use of existing and proposed landscaping; c. the treatment of pedestrian ways;
 - d. the use of topography, physical environment, and other natural features;
 - e. the traffic and pedestrian circulation pattern;
 - f. the use and variety of building setback lines, separations, and buffering;
 - g. the variety and design of dwelling types;
 - h. the use and variety of building groupings;
 - i. the use and variety of building sizes;
 - j. the separation and buffering of parking areas and sections of parking area;
 - k. the proposed land uses and the conditions and limitations thereon;
 - l. the form of ownership proposed for various uses; and
 - m. other factors deemed relevant to the privacy, safety, preservation, protection, or welfare of proposed uses and future residents within the Planned Residential Development.

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9. External Compatibility. Land uses proposed within a Planned Residential Development shall be compatible with existing and planned uses of properties surrounding the Planned Residential Development. That is, no internal use may have an avoidable or undue adverse impact on an existing or planned surrounding use, nor shall an internal use be subject to undue adverse impact from existing or planned surrounding use. An evaluation of external compatibility of a Planned Residential Development shall be based on:
- a. other factors listed in this Section with particular attention to those areas of the Planned Residential Development located on or near its perimeter;
 - b. uses proposed near the Planned Residential Development perimeter and the conditions and limitations thereon;
 - c. the type, number, and location of surrounding external uses ;
 - d. the Comprehensive Plan designation and zoning on surrounding lands; and
 - e. other factors deemed relevant to the privacy, safety, preservation, protection, or welfare of lands and residents surrounding the Planned Residential Development including planned future uses of such lands.
10. Intensity of Development. The residential density and intensity of use of a Planned Residential Development shall be compatible with (that is, shall have no undue adverse impact upon) the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the Comprehensive Plan, specific densities and intensity of uses within a Planned Residential Development shall be determined based on:

- a. the locations of various proposed uses within the Planned Residential Development and the degree of compatibility of such uses with each other and with surrounding uses;
- b. the amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the Planned Residential Development;
- c. the existing residential density and intensity of use of surrounding lands;
- d. the availability and location of utility services and public facilities and services;

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- e. the amount and size of common open spaces and recreation areas;

f. the existence and treatment of environmentally sensitive areas on the Planned Residential Development property or surrounding lands;

g. the access to and suitability of transportation arteries proposed within the Planned Residential Development to and with the existing external transportation system; and

h. other factors deemed relevant to the intensity of development for the benefit of the public health, welfare, and safety.

11. Common Open Space. At least fifteen percent (15/6) of the area covered by a Final PRO Plan shall be usable, common open space owned and operated by the applicant or dedicated to a homeowner association or similar group, provided that in establishing the density per gross acre the Town Council may increase the percentage of common open space to further the intent and e set of this Article; and provided that a Planned Residential Development which only consists of one family dwellings with individually deeded lots shall be required to have only five (5) percent usable, common open space. No more than one-half (1/2) the total common open space area may be in flood plain, buffer area, and/or water bodies.

12. Access and Parking. Streets, thoroughfares, and access ways shall be designed to relate effectively with the traffic circulation plans of the area. Adequate off-street parking shall meet requirements specified for the particular uses found in the District Regulations and in Section 4.13 of these land development regulations.

13. External Transportation Access. A Planned Residential Development shall provide direct access to a major street (arterial or collector) unless, due to the size of the Planned Residential Development and the type of uses proposed, it will not adversely affect traffic on adjoining minor (local) streets.

14. Internal Transportation Access. A dwelling unit or other use permitted in a Planned Residential Development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Private roads shall be constructed

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according to Town specifications found in the Town's Subdivision Regulations (see Article 5). If the Planned Residential Development contains private roads, such private roads shall be owned and maintained by the applicant or dedicated to a homeowners association or similar group which is structured to properly and fully maintain such work.

15. Perimeter Requirements. The Town Council may impose the requirement that structures, buildings, and streets located at the perimeter of the development be permanently screened by a landscaped buffer to protect the privacy of adjacent existing uses. (See Section 4.12.5 for buffers and right-of-way setback requirements.)

16. Control of Area Following Completion. After completion of a Planned Residential Development, the use of the land and/or modification or alteration of any building or structure within the area covered by the Final PRD Plan shall continue to be regulated in accordance with that plan except as otherwise provided for herein.

a. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the Land Development Regulation Administrator provided they are substantially consistent with the original purpose, intent,

overall design, and integrity of the Final PRD Plan.

b. Substantial change in permitted uses, location of buildings, or other specifications of the Final PRD Plan may be permitted following public hearing and approval by the Town Council upon receipt of recommendations of the Planning and Zoning Board as long as such changes are consistent with the original purpose, intent, overall design, and integrity of the Final PRD Plan.

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SECTION 4-13 SUPPLEMENTARY DISTRICT REGULATIONS

4.13.1 SCOPE

Provisions set forth in this Section apply to all areas subject to these land development regulations, and all zoning districts therein, unless exceptions are specifically provided relating to one (1) or more zoning districts, or except as otherwise provided in these land development regulations.

4.13.2 ACCESSIBILITY FOR THE PHYSICALLY DISABLED OR HANDICAPPED

The public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be accessible to the physically disabled and handicapped.

4.13.2.1 Application. The requirements of Section 4.13 shall apply to all levels and areas of buildings and uses, and to all types of uses, with the exceptions that one (1) family and two (2) family (duplex) dwellings are exempted from these requirements.

4.13.2.2 Requirements for access to buildings and uses.

1. Accessibility to buildings and uses shall be

provided from rights-of-way and parking areas by means of a pathway leading to at least one (1) entrance generally used by the public. Such pathway shall have been cleared of all obstructions related to construction activity, prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for access by wheelchairs.

2. Except as otherwise specified herein, required off-street parking areas shall have off-street parking space reserved for the physically handicapped. (see Section 4.13.15, Off-street Parking: Handicapped Parking Spaces, for the number, dimensions, and other requirements for handicapped parking spaces).

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4.13.3 ACCESS CONTROL

In order to provide ease and convenience in ingress and egress to private property, but more importantly to provide the maximum safety with the least interference to the traffic flow on public streets, the number and location of curb breaks shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street. Further, for roadways which is part of the State of Florida highway system the number and location of curb breaks shall be in conformance with Chapter 14-96 and 14-97, Rules of the Florida Department of Transportation and the Departments Access Management Manual.

4.13.3.1 Number and location of curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number and location of access points shall be regulated as follows:

1. One (1) curb break shall be permitted for ingress and egress purposes to a single property or development.

2. Two (2) curb brakes entering on a particular

street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum distance between the two curb breaks equals or exceeds twenty (20) feet.

3. Three (3) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum distance between adjacent curb breaks equals or exceeds one hundred (100) feet.

4. In general, not more than three (3) curb breaks entering on a particular street will be permitted from a single property or development. But, in extensive property development (property exceeding ten (10) acres in total land area and/or containing more than one thousand (1,000) parking spaces), additional curb breaks may be permitted provided all other requirements of this Section are met and the minimum distance between adjacent curb breaks equals or exceeds three hundred (300) feet.

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4.13.3.2 Width of curb breaks.

1. The width of a curb break shall be within the minimum and maximum limits as specified below:

Location	Minimum	Maximum
Residential	12 feet	24 feet
Planned shopping centers, industrial developments, multi-family developments (with parking for 300 or more vehicles)	24 feet	60 feet
All other uses:		
One-way	12 feet	24 feet
Two-way	24 feet	40 feet

2. All curb breaks widths shall be measured at the street right-of-way line.

3. In no case shall a curb break width be less than twelve (12) feet.

4.13.3.3 Areas of limited street improvements.

1. No curb break shall be constructed in the radius return (curved arc between intersecting street pavements) of an intersection.

2. No curb break shall be constructed nearer than ten (10) feet from the intersection of street right-of-way lines.

3. No curb break shall be constructed nearer than five (5) feet from any interior property line.

4. To prevent vehicle overhang on private property in the vicinity of curb brakes, off-street parking areas, and off-street loading areas, a six (6) inch raised curb and/or parking stops shall be constructed a minimum distance of three (3) feet inside the street right-of-way line or property line.

5. No curb break shall be permitted to include any public facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports, or other similar type structures.

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4.13.3.4 Curb break permit. No curb break shall be established or altered without a permit issued by the Land Development Regulation Administrator.

4.13.4 ACCESSORY USES AND STRUCTURES

Unless otherwise provided in these land development regulations, in all districts accessory uses and structures shall not be located in required front, side, or waterfront yards but may be located in rear yards not less than ten (10) feet from the rear lot line; provided, however, (1) that accessory structures for the housing of persons, such as guest houses, shall not be located in any required yard, nor shall air conditioner compressor units be located in any required yard; and (2) structures used for water related activities such as boat docks, boat houses, and similar uses may be located anywhere in a required waterfront yard.

No separate accessory building shall be located within five (5) feet of any building.

4.13.5 ALCOHOLIC BEVERAGES

Indications in the Schedule of District Regulations that the sale of alcoholic beverages is permitted in any zoning district shall not in any way be deemed to limit, qualify, or repeal any other existing local regulations or regulations of the State of Florida relating to the licensing, dispensing, or sale of such beverages or the location of alcoholic beverage establishments.

4.13.6 AUTOMOTIVE SERVICE STATIONS

The following regulations shall apply to the location, design, construction, operation, and maintenance of automotive service stations.

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

4.13.6.2 Lighting. All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.

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4.13-6.3 Location of pumps and structures. No main or accessory building, no sign of any type, and no gasoline pump shall be located within twenty-five (25) feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within fifteen (15) feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within fifteen (15) feet of such setback line.

4.13.6.4 Curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two (2) for each one hundred fifty (150) feet of street frontage, each break having a width of no more than thirty (30) feet exclusive of transitions and located not closer than fifteen (15) feet of right-of-way lines of any intersection. Curb breaks shall not be closer than fifteen (15) feet to any other property line. There shall be a minimum distance of twenty (20) feet between curb breaks.

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

4.13.7 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A PLATTED LOT

No subdivided land shall receive a permit for the construction of a principal structure on a lot where one already exists, excluding commercial buildings under common ownership.

4.13.8 EXCLUSIONS FROM HEIGHT LIMITATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, airport control towers, or other appurtenances usually required to be placed above the roof level and, excepting airport control towers, not intended for human occupancy. However, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight-approach zone of airports.

4.13.9 FALLOUT SHELTERS

Fallout shelters are permitted in all zoning districts. Individual structures in residential districts shall be considered as accessory structures.

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4. 13. 10 FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no solid fence, solid wall, or hedge located within the required front yard shall constitute an obstruction to visibility between two and one half (2-1/2) and six (6) feet above the centerline grade of the adjacent street.

4.13.11 LANDSCAPED BUFFER AREAS

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

4.13.11.1 Requirements. Where these land development regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area width shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted, and maintained as to be eighty percent (80%) or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally; provided, however, that plantings located in the required front yard shall not exceed two and one-half (2 1/2) ft. in height.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for building permit. No building permit shall be issued without such data, where these land development regulations require a landscaped buffer area, or areas.
4. Plantings shall be of a size and type which will insure the meeting of the eighty (80) percent opacity requirement within no longer than thirty (30) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Land Development Regulation Administrator.

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5. The remainder of the required landscaped buffer area not covered by planting shall be landscaped with grass, ground cover, or other landscape treatment; except as otherwise provided herein, structures including buildings and offstreet parking and loading areas shall not be located in any required landscaped buffer area.
6. The landscaped buffer area shall be maintained by the property owner and continued so long as the main use continues. Failure to maintain the landscaped buffer area as set out above shall be a violation of these land development regulations.

4.13.11.2 Substitution for landscaped buffer area- Except when otherwise specifically provided by these land development regulations, a six (6) foot high masonry or wood opaque structure may be substituted for the six (6) foot high, planted buffer within these supplementary regulations; provided, however, that where the masonry or wood opaque structure is located in the required front yard, it shall not exceed two and one-half (2 1/2) feet in height.

4.13.11.3 Waiver by Land Development Regulation Administrator. When the Land Development Regulation Administrator finds that the public safety requires, he or she may waive or modify the buffer requirements set out in Section 4.15 at street and alley frontages adjacent to any entrance; the finding of the Land Development Regulation Administrator shall be in writing and shall be filed with the approved building permit. The finding shall demonstrate that the buffer is not required for a certain number of feet back from the street or alley entrance in order to afford protection to pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by these land development regulations.

4.13.11.4 Waiver by Board of Adjustment. Where by the terms of these land development regulations a non-residential use is required to provide a landscaped buffer along a property line which is contiguous to another non-residential use, the Board of Adjustment may waive the landscaped buffer requirements if evidence is presented to the Board that the buffer will serve no useful purpose. Such evidence shall be heard in the same manner as a request for other variances, and adjoining property owners must be notified in writing of the Board of Adjustment meeting when the request will be heard.

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4.13.11.5 Application where these land development regulations set out different requirements. In those instances where these land development regulations set out a different buffering requirement (e.g., greater height of landscaped buffer, or a different type of buffer), then the specific provisions of these land development regulations applicable to the particular type of use shall govern.

4.13.12 MINIMUM LIVING AREA

No one (1) family, two (2) family, or multiple family dwelling, shall be erected with less than four hundred and fifty (4-50) square feet of floor area devoted to living space per dwelling unit, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. The Board of Adjustment may waive the minimum living area requirements if evidence is presented to the Board of Adjustment that such a waiver will not adversely affect the public interest or the character of the surrounding neighborhood. Such evidence shall be heard in the same manner as other variances, and adjoining property owners must be notified in writing of the Board of Adjustment meeting

when the request will be heard.

4.13.13 MOBILE HOME - REPLACEMENT OF EXISTING MOBILE HOMES

For purposes of these land development regulations, the phrase "existing mobile homes" shall mean mobile homes which existed as of the effective date of adoption or amendment of these land development regulations. In those districts which do not permit the erection of new mobile homes but do permit existing mobile homes as a principal use, such existing mobile homes may be removed and replaced by another mobile home, provided:

1. That a period of not greater than twelve (12) consecutive months elapses between the removal of one (1) mobile home and the erection of another mobile home; and
2. Where a mobile home is removed and is not replaced for a period greater than twelve (12) consecutive months for any reason (except where governmental action impedes access to the premises), such mobile home shall not be replaced and any subsequent use shall conform to the regulations for the district in which the use is located.

4.13.14 MOVING OF BUILDINGS AND STRUCTURES

No building or structure shall be moved from one (1) lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of these land development regulations and to all other regulations and ordinances of the Town.

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4.15.15 OFFSTREET PARKING AND LOADING

It is the intent of these land development regulations that the public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be provided with adequate off-street parking facilities (including in certain specified cases, off-street parking facilities for the handicapped) for the use of occupants, employees, visitors, customers, or patrons. It is also the intent of these land development regulations that the public interest, welfare, and safety require that certain uses provide adequate off-street loading facilities. Such off-street parking and off-street loading facilities shall be maintained and continued so long as the main use continues. (For definitions of "loading space, off-street", "parking space, handicapped", and "parking space, off-street", see Definitions, Article 2.)

4.13.15.1 Offstreet parking and offstreet loading: general.

1. Off-street parking and loading facilities shall be provided as set out in these land development regulations. Conforming buildings and uses existing as of the effective date of these land development regulations may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, providing there is no increase in floor area or capacity.
2. Where a conforming building or use existed as of the effective date of these land development regulations and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street parking and off-street loading as specified in these land development regulations shall be provided for the additional floor area, volume, capacity, or space so created or used.
3. Change in use of a building or use existing as of the effective date of these land development regulations shall require additional off-street parking and off-street loading facilities to the extent that the use shall provide additional parking spaces amounting to the difference between the required number of parking spaces for the new use and the required number of parking spaces for the previous use.
4. The design, construction, and arrangement regulations herein set out for off-street parking and off-street loading facilities do not apply to one (1) and two (2) family (duplex) dwellings.

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5. Required off-street parking areas shall not be used for sales or display, dead storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting off-street parking requirements.
6. Unless otherwise specified and subject to meeting required landscaped buffer requirements, all required yards may be used for off-street parking.

4.13.15.2 Off-street parking and off-street loading facilities: identification, surfacing, drainage, lighting, access. The required off-street parking and off-street loading facilities shall be:

1. Identified as to purpose and location when not clearly evident.
2. Surfaced with asphalt, bituminous, or concrete materials and maintained in a smooth, well-graded condition (driveways, access aisles, and parking spaces for public and private schools offering academic courses may be surfaced with grass or lawn).
3. Drained so as not to cause any nuisance on adjacent property.
4. So lighted as to prevent glare or excessive light on adjacent property.
5. Arranged for convenient access and safety of pedestrians and vehicles.
6. Designed to conform to curb break requirements (see Section 4.13-3).
7. So arranged that no vehicle shall be required to back from such facilities directly onto public streets.
8. Designed to provide curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public right-of-way or adjacent property.
9. Required off-street parking areas for three (3) or more automobiles shall be so designed, maintained, and regulated that no parking of maneuvering incidental to parking shall be on a public street or walk and so that an automobile may be parked and unparked without moving another.

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4.13.15.3 Off-street parking: location. The required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that the Board of Adjustment may allow the establishment of such off-street parking facilities within three hundred (300) feet of the premises they are intended to serve when (1) practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve; (2) the owner of the said parking area shall enter into a written agreement with the Town Council with enforcement running to the Town Council providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and (3) the owner agrees to bear the expense of recording the agreement and agrees that the agreement shall be voided by the Town Council if other off-street facilities are provided in accord with these land development regulations.

4.13.15.4 Off-street parking: dimensional standards. Each off-street parking space, with the exception of handicapped parking spaces, shall be a minimum of ten (10) feet by twenty (20) feet in size. Minimum aisle width shall be as follows:

Aisle width

Angle of

Parking One Way	Two way
-----------------	---------

Parallel 12 ft.	20 ft.
-----------------	--------

30°	12 ft.	22 ft.
-----	--------	--------

45°	12 ft.	22 ft.
-----	--------	--------

60°	18 ft.	24 ft.
-----	--------	--------

90°	22 ft.	24 ft.
-----	--------	--------

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet. However, off-street parking requirements will be considered to be met only where actual spaces meeting the requirements above are provided and maintained, improved in the manner required by these land development regulations, and in accordance with all ordinances and regulations of the Town.

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4.13.15.5 Off-street parking: handicapped parking spaces. Except as otherwise specified herein,

required off-street parking areas shall have a number of level parking spaces, as set forth in the following table, identified by above-grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than twelve (12) feet in width and twenty (20) feet in length.

**Parking Spaces for Handicapped
Required Number of
Total Spaces in Lot Required Spaces**

Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. These parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators. (See Section 4.13-2 for additional provisions regarding accessibility for physically handicapped persons.)

4.13.15.6 Off-street parking: plans required. A plan shall be submitted with every application for a building permit for any building or use that is required to provide off-street parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve.

4.13.15.7 Off-street parking: combined off-street parking. Two (2) or more owners or operators of buildings or uses requiring off-street parking facilities may make collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately. Any arrangement for combined off-street parking shall be subject to the

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filing of a legal instrument satisfactory to the Attorney for the Town Council insuring that such off-street parking will be maintained in the future so long as a use or uses requiring such off-street parking continue.

No part of an off-street parking area required for any building or use shall be included as a part of an off-street parking area similarly required for another building or use unless the Board of Adjustment shall find that the type of use indicates that the period of usage will not overlap or be concurrent with each other.

4.13.15.8 Off-street parking: fractional measurements. When units or measurements determining number of required off-street parking spaces result in requirement of a fractional space, then such fraction equal or greater than one half (1/2) shall require a full off-street parking space.

4.1 3.1 5.9 Off-street parking: minimum requirement. Irrespective of any other requirement of these land development regulations, each and every separate individual store, office, or other business shall be provided with at least one (1) off-street parking space, unless specific provision to the contrary is made herein.

4.13.15.10 Off-street parking: landscaping requirements. Wherever in any zoning district off-street parking facilities are provided, such off-street parking facilities shall conform to the minimum landscaping requirements set forth in this section, except that one (1)

family and two (2) family (duplex) residential dwellings and multi-level parking structures shall be exempt from such requirements.

1. Except as otherwise noted herein, a minimum of ten percent (10/6) of any off-street parking area shall be landscaped with grass, plants, shrubs, and/or trees. Required landscaping may, in part, be located around the periphery of the off-street parking area; however, where possible a portion of the required landscaping shall also be located within the interior of the off-street parking area and shall be located in such a manner as to divide and break up the expanse of paving and guide traffic flow and direction.

2. Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least three (3) feet, and

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shall include at least one (1) tree, with the remaining area adequately landscaped with shrubs, ground cover, or other landscaping material.

3. The total number of trees shall not be less than one (1) for each two hundred (200) square feet or fraction thereof of required landscaping. Trees shall be a minimum of four (4) feet overall height immediately after planting. Trees shall not be planted closer than six (6) feet to any public street or other public works, unless the tree root system is completely contained within a barrier for which the minimum interior dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6 x 6 x 6) or equivalent.

4. Required landscaped areas shall be maintained by the property owner and continued so long as the main use continues. Failure to maintain required landscaped area shall be a violation of these land development regulations.

4.13.15.11 Off-street loading: specifications, amounts.

Off-street loading facilities are required by these land development regulations so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys by pedestrians and so that goods, materials, or things for delivery and shipping. Off-street loading facilities supplied to meet the needs of one (1) use may not be considered as meeting the needs of another use. Off-street parking facilities may not be used or counted as meeting off-street loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space. Such loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

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4.13.15.12 Off-street loading: dimensional standards. Each off-street loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

4.13.15.13 Off-street loading: plans required. A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading spaces, access thereto, dimensions, and clearance.

4.13.15.14 Off-street loading: combined off-street loading. Collective, joint, or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

Any arrangement for combined off-street loading shall be subject to the filing of a legal instrument satisfactory to the Attorney for the Town Council insuring that such off-street loading will be maintained in the future so long as a use or uses requiring such off-street loading continue.

4.13.15.15 Off-street loading requirements. Off-street loading spaces shall be provided and maintained as follows:

1. Each retail commercial store, service

establishment, storage warehouse, wholesale establishment, research or industrial plant, factory, freight

terminal, restaurant, dry cleaning and laundry package plant, funeral home, or similar use which has an aggregate floor area of:

No. of Sq. Ft.	Sq. Ft.	Spaces....
Over 5,000 but not over 25,000	25,000	1
25,000 to 60,000		2
60,000 to 120,000		3
120,000 to 200,000		4
200,000 to 290,000		5

Plus one (1) additional off-street loading space for each additional ninety thousand (90,000) sq. ft. over two hundred ninety thousand (290,000) sq. ft. or major fraction thereof.

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2. For each multiple dwelling unit having at least twenty (20) dwelling units but not over fifty (50) dwelling units: two (2) spaces. For each multiple dwelling unit having over fifty (50) dwelling units: two (2) spaces, plus two (2) spaces for each additional fifty (50) dwelling units, or major fraction thereof.

3. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, bank or financial institution, office building, sports arena, stadium, hospital, or similar use which has an aggregate floor area of: Over ten thousand (10,000) square feet but not over 40,000 (40,000) square feet: one (1) space; plus for each additional sixty thousand (60,000) square feet over 40,000 square feet or major fraction thereof: one (1) space.

4. For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

4.13.16 PARKING, STORAGE. OR USE OF MAJOR RECREATIONAL EQUIPMENT

Major recreational equipment is hereby defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot in a residential district, or in any other location not approved for such use. In residential districts, major recreational equipment may be parked or stored in a rear or side yard, but not in a required front yard; provided however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

4.13.17 PARKING AND STORAGE OF CERTAIN VEHICLES

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

4.13.18 PERFORMANCE STANDARDS

All uses and activities permitted in any district within these land development regulations shall conform to the standards of performance described below:

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4.13.18.1 Fire and explosion hazards. In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the State Fire Marshal.

4.13.18.2 Smoke, dust, dirt, visible emissions, and open burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended. Regulations controlling open burning shall be the same as those contained in Chapter 17-5, Florida Administrative Code, as amended.

4.13.18.3 Fumes, vapors, and gases. Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended.

4.13.18.4 Heat, cold, dampness, or movement of air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the I-Industrial district, this standard shall be applied at the boundaries of the I district and not at the lot lines of the individual properties located within the I district.

4.13.18.5 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception that in the I-Industrial district, this

standard shall be applied at the boundaries of the I district and not at the lot lines of the individual properties located within the I district. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

4.13.18.6 Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended.

4.13.18.7 Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.
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4.13.19 RAILROAD RIGHT-OF-WAY

Existing railroad right-of-way, but not including switching, freight, or storage yards and railroad buildings or maintenance structures, is a permitted use in all zone districts. Switching, freight, or storage yards and railroad buildings or maintenance structures are permitted only where expressly allowed by these land development regulations.

4.13.20 SIGNS

The provisions of these land development regulations shall govern the sizes, location, and character of signs which may be permitted as a principal or accessory use. No signs shall be permitted in any location except in conformity with these land development regulations.

4.13.20.1 Intent. Signs may unreasonably distract the attention of motorists and interfere with traffic safety. Indiscriminate erection and maintenance of signs seriously detract from the enjoyment and pleasure in the natural scenic beauty of the areas subject to these land development regulations and, in turn, injuriously affects the economic well being of the citizenry. Thus, it is the intent of these regulations to prevent the uncontrolled erection of signs. The provisions of this section are intended to provide for the regulation of types, sizes, and locations of signs in relation to the identification of various uses and activities on premises, to provide for certain types and locations of off-site signs, and to supplement the regulations set out in the Schedule of District Regulations.

4.13.20.2 Applicability of other code or regulatory requirements. Signs or other advertising structures shall be constructed and maintained in accordance with the building and electrical codes of the Town, and all other applicable ordinances and regulations of the Town, as well as other, State and Federal rules and regulations.

4.13.20.3 Definitions. Definitions for the purposes of sign regulation under these land development regulations are set out in the definitions section of these land development regulations under Sign, etc. Article 2.

4.13.20.4 Prohibited signs. It shall be a violation of these land development regulations punishable as provided by these land development regulations, to erect or maintain:
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1. Traffic or pedestrian hazard. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of moving vehicles from the traffic movement on streets, roads, or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing or revolving red, green, blue, or amber lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
2. Obscenities. Signs which are obscene, indecent, or immoral.
3. Rights-of-way. Signs erected on the right-of-way of any street, road, or public way, except as specifically provided by these land development regulations.
4. Public property. Signs erected on public property, other than signs erected by a public authority for public purposes, unless otherwise authorized by these land development regulations.
5. Ingress or egress to buildings. Signs so located as to prevent free ingress or egress from any door, window, or fire escape.
6. Yard areas. Signs in required yard areas except as specifically permitted by the terms of these land development regulations.
7. Roof signs. Signs erected, constructed, and maintained wholly upon or over the roof structure.

8. Height. Signs which are higher than eighteen (18) feet from established grade.
9. Glare. Illuminated signs which result in glare or reflection of light on residential property in the surrounding area.

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10. Minimum clearance. Canopy, marquee, projecting, or hanging signs with less than a nine (9) ft. minimum clearance between the bottom of the sign and the ground surface.

A.13.20.5 Sign permits. Within areas subject to these land development regulations, it shall be unlawful for any person to erect, maintain, or replace any sign not specifically exempted by these land development regulations, without first securing from the Land Development Regulation Administrator a building permit to do so.

4.13.20.6 Exemptions. Except as otherwise provided, the following signs may be erected without a permit, subject, however, to all remaining requirements of these land development regulations. All exempt signs may be located within the required front yard, but shall not be located within twenty (20) ft. of any adjacent property line. Signs under (3) below may be located on or may overhang or infringe upon the right-of-way of streets, roads, or public ways.

1. Signs not exceeding one (1) sq. ft. in area and bearing only property numbers, mail box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Traffic or other municipal, Town, State, or Federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency, or non-advertising signs as may be approved by the Town Council.
4. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Signs within buildings.

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7. One (1) "For Sale" or "For Rent" sign per parcel of property, unless such property fronts on more than one (1) street, in which case two (2) signs may be erected, one (1) on each frontage. The size of any such sign shall not be in excess of eight (8) sq. ft., and such sign shall be removed within one (1) month after the premises have been sold or rented.

8. Occupational signs denoting only the name, street number, and business of an occupant, which do not exceed two (2) sq. ft. in surface area.

4.13.20.7 Onsite signs. Unless otherwise specified in these land development regulations, the following regulations shall govern on-site signs (see Section 2.1 for definition of on-site signs):

1. On-site signs may be erected in any zone district.
2. On-site signs may be located in the required front yard; provided, however that any such sign shall not obstruct visibility at intersections and curb breaks (see Section 4.13.26).
3. On-site signs shall not exceed a height above established grade of eighteen (18) feet.

4.13.20.8 Off-site signs. Unless otherwise specified in these land development regulations, the following regulations shall govern off-site signs (see Section 2.1 for definition of off-site signs):

1. Off-site signs are prohibited, except where specifically permitted by these land development regulations.
2. Off-site signs may be erected in the required front yard, provided:
 - a. Off-site signs shall be no nearer the street right-of-way line than fifteen (15) feet.
 - b. No off-site sign shall be erected so as to obstruct visibility at intersections and curb breaks (see Section 4.13).
3. Off-site signs may not be erected within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or National forest, or railroad intersection.

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4. Off-site signs shall not exceed a height above established grade of eighteen (18) feet.

4.13-21 TRANSITIONAL USE AREA REQUIREMENTS

It is the intent of these requirements to ease the frictions between residential and non-residential uses by creating a transition zone in which certain intensive non-residential uses are prohibited.

Where a commercial or industrial district adjoins a residential district, along the same frontage and without an intervening street, the following uses shall not be located within one hundred (100) feet of the residential district:

1. Drive-in restaurants or refreshment stands.
2. Bars, taverns, and cocktail lounges.
3. Car washes.
4. Outdoor storage yards, wrecking yards, automobile wrecking yards, junk yards, yards used in whole or in part for scrap or salvage operations, or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.
5. Bulk storage of flammable liquids or explosives.

4.13.22 TRAVEL TRAILER PARKS AND CAMPGROUNDS

The following regulations apply to the construction and operation of travel trailer parks and campgrounds.

1. Sites in travel trailer parks and campgrounds shall be occupied primarily by travel trailers, pickup coaches, tents, camping trailers, and other vehicular accommodations.
2. Each site in a travel trailer park or campground shall be at least twelve hundred (1,200) sq.ft. in area. No part of a travel trailer or other unit placed on a travel trailer or campground site shall be closer than twenty-five (25) feet to any lot line.

4.13.23 USE OF LAND IN A RESIDENTIAL DISTRICT FOR ACCESS

No land in a residential or residential/office district shall be used for drive-way, walkway, or access purposes to any land which is in a commercial or industrial district, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

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4.13.24 VISIBILITY AT INTERSECTIONS AND CURB BREAKS

4.13.24.1 Visibility at intersections. On a corner lot in all zoning districts, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and six (6) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection.

4.13.24.2 Visibility at curb breaks. In all zone districts, where a curb break intersects a public right-of-way, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct cross-visibility between a height of two and one-half (2-1/2) and six (6) ft. within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break and public right-of-way lines with two (2) sides of each triangle being ten (10) ft. in length from the point of intersection and the third being a line connecting the end of the two (2) other sides.

4.13.24.3 Retaining walls. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.

4.13.24.4 Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

4.13.25 WATERFRONT YARDS - MINIMUM REQUIREMENT

No structure shall be located closer than fifty (50) feet to the mean high water line (see Section 4.13 for exceptions for certain accessory structures).

4.13.26 YARD ENCROACHMENTS

Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these land development regulations:

1. Sills and belt courses may project not over twelve (12) inches into a required yard.
2. Movable awnings may project not over three (3) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the yard. 4-101
3. Chimneys, fireplaces, bay windows, or pilasters may project not over two (2) feet into a required yard.
4. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five (5) feet into a required rear yard, or not over three (3) feet into a required side yard of a multiple dwelling, hotel, or motel.
5. Hoods, canopies, roof overhangs, or marquees may project not over three (3) feet into a required yard, but shall not come closer than one (1) foot to the lot line.
6. Fences, walls, and hedges are permitted in required yards, subject to the provisions of this Section.
7. Cornices, eaves, or gutters may project not over three (3) feet into a required yard, provided that where the required yard is less than six (6) feet in width, such projection shall not exceed one-half (1/2) of the width of the yard.
8. Except as provided herein, nothing in these land development regulations shall be so construed as to prohibit any type of landscaping or private, non-profit, gardening on any lot.

4.13.27 AIRPORT LAND USE RESTRICTIONS

1. Use Restrictions. Notwithstanding any other provisions of these land development regulations, no use may be made of land or water adjacent to any airport which will interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use.
 - a. All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the airport or in vicinity thereof.
 - b. No operations from any land use type shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of the airport.
 - c. No operations from any land use type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
 - d. Use of land for residential uses, schools, hospitals, storage of explosive material, assemblage of large groups of people, or any other use that could produce a major catastrophe as a result of an aircraft

crash, shall be prohibited within five-thousand (5,000) feet of the approach or departure end of a runway. 4-102

e. No structure exceeding one-hundred fifty (150) feet in height above the established airport elevation shall be permitted within five-thousand (5,000) feet of the approach or departure end of a runway.

4.13.28 SPECIAL RIGHT-OF-VAY REQUIREMENTS

4.13.28.1 A development which requires platting or is required to provide a site plan shall include requirements for an additional ten (10) foot right-of-way for bicycles and pedestrian ways in proposed arterial and collector roadways as provided in the Florida Department of Transportation Bicycle Facilities Planning and Design Manual, Official Standards, Revised Edition, 1982.

4.13.28.2 Proposed structures or structural additions along new or realigned collector or arterial roadways shall provide an additional setback of seventy-five (75) feet from the center line of the right-of-way for the future need of additional right-of-way.

4.13.29 SPECIAL COMMUNITY RESIDENTIAL HOME REQUIREMENTS

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

4.13.29.1 Homes of six or fewer residents which otherwise meet the definition of a "community residential home" as provided in Section 2.1, shall be permitted as a single-family noncommercial use within all residential zoning districts provided that such homes shall not be located within a radius of 1,000 feet of another existing home with six or fewer residents.

4.13.29.2 Homes of more than six residents which meet the definition of a "community residential hone" as provided in Section 2.1, shall be permitted in RSF-3, RSF/MH-3, RMH-3, RMF-2 residential zoning districts unless the Town determines that:

1. The site selected does not meet applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home; or
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2. The siting of the home at the site selected would result in such a concentration of "community residential homes" in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. (A home that would be located within a radius of 1,200 feet of another existing "community residential home" shall be considered to be an over concentration of such homes that substantially alters the nature and character of the area. A home that would be located within a radius of 500 feet of a RSF-1, RSF-2, RSF/MH-1, RSF/MH-2, RMH-1 zoning district shall be considered to substantially alter the nature and character of the area).

4.13.30 SPECIAL HOME OCCUPATION REQUIREMENTS

1. Only one (1) additional person other than members of the family residing on the premises shall be engaged in such occupation;
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 character thereof;
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 other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet distance from the main entrance to the residence;
4. In all zone districts except agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 1,000 square feet.
5. No home occupation shall occupy more than twenty percent (20%) of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.

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6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

8. For purposes of illustration, the following uses shall not be considered home occupations: (1) studio for group instruction, (2) dining facility or restaurant, (3) antique or gift shop, (4) photographic studio, (5) fortune-telling or similar activity, (6) outdoor repair, (7) food processing, (8) retail sales, and (9) child care center.

9. For purposes of illustration, the following uses may be considered home occupations, provided they meet all the requirements listed in subparagraphs a-h above and all other provisions of these land development regulations: (1) the giving of individual instruction to one (1) person at a time such as art or music teacher; (2) fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales are made in the home; (3) custom dressmaking, seamstress, milliner; (4) tutoring for not more than one (1) student at a time; (5) answering telephone; (6) barber or beauty shop; and (7) professional offices.

10. A home occupation shall be subject to all applicable occupational licenses and other business taxes.

4.13.31 SPECIAL SEPTIC TANK REQUIREMENTS

Existing septic tanks shall be allowed to remain in service until such time as a centralized sanitary sewer service is accessible, conditioned on the following requirements:

1. A building permit shall not be issued for construction of a building or facility where sanitary sewage is proposed to be disposed using an onsite sewage disposal system in an area zoned industrial on the Town's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, where the Town's centralized sanitary sewer system is available within 1/4 mile of the area used or zoned industrial or manufacturing, or where a

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likelihood exists that the onsite sewage disposal system may receive toxic, hazardous or industrial waste;

2. An occupational license shall not be issued to the owner or tenant of a building located in an area zoned industrial on the Town's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit from the County Health Department; and

3. A certificate of land development regulation compliance shall not be issued to a new owner or tenant of a building located in an area zoned industrial on the Town's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, or who operates a business which has the potential to generate toxic, hazardous or industrial wastewater, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit for an onsite sewage disposal system from the County Health Department.

4.13.32 FUTURE LAND USE PLAN AMENDMENT FOR PUBLIC BUILDINGS AND FACILITIES

Public buildings, facilities and uses, including public schools, which do not meet the definition of "essential services" within these Land Development Regulations shall require an amendment to the Future Land Use Plan Map of the Town's Comprehensive Plan as a "Public Use" prior to approval as a special exception.

4.13.34 PUBLIC BUILDINGS, FACILITIES AND USES FLOOR AREA RATIO REQUIREMENTS.

Recreation buildings, facilities and uses are subject to an intensity less than or equal to 0.25 floor area ratio. All other public buildings, facilities and uses, including public schools, are subject to an intensity of less than or equal to 1.0 floor area ratio.

4.17.35 PROVISIONS FOR RESIDENTIAL DESIGN MANUFACTURED HOMES.

All Manufactured homes which meet the following design criteria shall be deemed a Residential Design Manufactured Home and shall be considered a single family dwelling unit as defined in Section 2.1 of these land development regulations and shall conform as follows:

1. Must be built in accordance with the Department of Housing and Urban Development Code (i.e. built since June 15, 1976);

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2. Must have a permanent foundation and anchoring according to Chapter 15c - 1.10 of the Florida Administrative Code;
3. Must have under floor area of the home permanently enclosed (e.g. masonry block stem wall);
4. Must have house-type siding and roofing materials with treatment of a type generally acceptable for site-built housing;
5. Must measure at least twenty (20) feet in width (requiring at least a double section home);
6. Must have a minimum roof pitch of two and one-half (2 1/2) rise for each twelve (12) feet of horizontal run;
7. Must have a minimum roof-overhang on all sides of six (6) inches;
8. Must have all transportation equipment removed; and
9. Must not have been inhabited prior to the home's placement on the site.

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286 NE County Road 255, Lee, Florida 32059