CITY OF BELLEVIEW AGENDA
Planning & Zoning Board

Belleview City Hall
Commission Room
5343 SE Abshier Blvd.
Belleview, Fl
March 12, 2024
5:30 PM

Rick Scherer, Member
Theresa Harris, Chair
Wilma Loar, Member
Patricia Livsey, Member
David Hall, Member

In accordance with the Americans with Disabilities Act, persons needing assistance in any of these proceedings should contact the City Clerk's Office at least 48 hours prior to the meeting: 5343 SE Abshier Blvd. Belleview, FL 34420 (352-245-7021 Ext. 2109)

1. Roll Call

   1.a Opening Statement
   Opening Statement

2. Notice/Publication of the Meeting

3. Approval of Minutes

   3.a Approval of minutes from 02/13/2024
   02/13/2024 minutes

4. Public Hearings

   4.a PH: Special Exception, SE24-0001, Lutheran Services Florida, 38053-000-00
   Staff Report

   4.b PH: Special Exception, SE24-0002, Lutheran Services Florida, 38049-000-00 and 38050-000-00
   Staff Report

   4.c PH: Annexation, AN24-0001, Souls Harbor Firs Pentecostal Church, Inc., 38510-005-03
   Staff Report

   4.d PH: Land Development Regulation
   Land Development Regulation
   LDR Memo
   Buffer Standards

5. Public Comments on items not addressed on the agenda

6. Staff Comments
7. Board Comments
8. Adjourn Meeting

AGENDA ITEM NO. 1.a

Item Cover Page

PLANNING & ZONING BOARD AGENDA ITEM REPORT

DATE OF MEETING: March 12, 2024

AGENDA ITEM:

Opening Statement

PRESENTING PARTY:

Chair Harris

ITEM TYPE:

Roll Call

BACKGROUND:

RECOMMENDED ACTIONS:

To be read at the Chair's discretion.

ATTACHMENTS:

Opening Statement

The Commission reserves the right to postpone any decision on audience, or walk-in requests until sufficient time has been allowed for review of documentation.

CITY OF BELLEVIEW
PLANNING & ZONING BOARD
MEETING PROCEDURES

CHAIR PERSON:
State Title of Meeting: City of Belleview Planning & Zoning Board Meeting

State Date and Time: March 12, 2024 – 5:30 pm

Roll Call

Ask If the Meeting Has Been Properly Noticed: Upon receiving an Affirmative, call the Meeting to Order.

Introduction of Staff: Shawna Chancey, Development Services Director; Kelley L. O'Neill, Development Services Planning & Zoning; Becky Susterka Development Services Licensing and Permitting Specialist

Present the Operating Pro-forma for the Meeting:
This is a public meeting. There is structure to the meeting. I would like to share the structure with all in attendance so that every avenue of information is afforded to all parties so that the Board can make an informed decision on the matter presented.

Meetings are required by law to be open for public attendance and any public commentary. These guidelines seek to balance the opportunity for all citizens to participate in the local government process with the responsibility of the Chair person to conduct orderly and efficient meetings and to complete the City's business in a timely manner. Citizens are encouraged to follow the guidelines on public participation.

A quorum of the Board members must be present to open the meeting. A majority of those present, with a minimum of three, is necessary to approve an agenda item.

Order of Business:

1. Presentation of the Agenda Item: The Development Services Director will present the agenda item to the Planning & Zoning Board with all pertinent data, including the staff recommendation. The staff recommendation is based on the professional findings, assessments and compliance with the City's Zoning and Comprehensive Plan ordinances.

2. Applicant's Comments: The applicant may address the Board to give insight into the application and respond to questions from the Board members.

3. Public Comments: All public commentary should be kept brief and will be given from the guest speaker's podium. People speaking will identify themselves by giving their name, address for the record. The Board Members may ask questions for clarification of anyone speaking. Once everyone in the audience that wishes to speak has spoken, the Chair will close the Public Comments portion of that agenda item.

4. Board Member Comments: The Board members may discuss the agenda item and reserves the right to ask specific questions to either party for clarification of issues. Once the Board is satisfied that all of their questions have been properly addressed, a motion may be made.

Board Decision:

Depending upon the item presented, the motion may be to approve as presented, approve as amended, postpone until a date certain (if further information is needed to make a decision) or to deny the request. If the motion needs to be a recommendation to the commission, the agenda memo will so state.

AGENDA ITEM NO. 3.a

Item Cover Page

PLANNING & ZONING BOARD AGENDA ITEM REPORT

DATE OF MEETING: March 12, 2024

AGENDA ITEM:

Approval of minutes from 02/13/2024

PRESENTING PARTY:

Chair Harris

ITEM TYPE:

Approval of Minutes

BACKGROUND:

RECOMMENDED ACTIONS:

Motion to approve the minutes from 02/13/2024 as presented or amended.

ATTACHMENTS:

02/13/2024 minutes

The Commission reserves the right to postpone any decision on audience, or walk-in requests until sufficient time has been allowed for review of documentation.

CITY OF BELLEVIEW
PLANNING & ZONING
MINUTES

Belleview City Hall
Commission Room
5343 SE Abshier Blvd.
February 13, 2024
5:30 PM

Chair THERESA HARRIS
Member WILMA LOAR
Member PATRICIA LIVSEY
Member DAVID HALL
Member RICK SCHERER

ROLL CALL OF MEMBERS: Present Members: Loar, Hall, Scherer, Chair Harris

NOTICE/PUBLICATION OF THE MEETING: Ms. Earwood confirmed the meeting had been properly posted.

APPROVAL OF MINUTES: 09/13/2023 Planning & Zoning Meeting Minutes

Motion made by Member Hall to approve the 9/13/2023 minutes as presented; Seconded by Member Scherer.

Motion was by roll call vote. Ayes: Loar, Hall, Scherer, Chair Harris

PUBLIC HEARING:

PH: Small Scale Comprehensive Plan Amendment and Rezoning, PID: 38510-000-02

Ms. O'Neill presented the staff report.

Justyna Gale, Forwarding Planning & Design, addressed the Board.

Motion made by Member Scherer to approve SSC23-0002 and RZ23-0002; Seconded by Member Loar.

Motion was by roll call vote. Ayes: Loar, Hall, Scherer, Chair Harris

PH: Land Development Regulation

Ms. Chancey began to present the new land development code and revision process.

Member Scherer and Member Hall inquired why the changes had not been brought to the Board previously. Ms. Chancey explained that the Commission had held several public meetings and workshops concerning the land development changes. Members Scherer, Hall, and Loar expressed that they needed more time to review the document.

Motion made by Member Loar to postpone discussion to the next Planning & Zoning meeting and recommended postponement of Commission Final Reading until after the next Planning & Zoning meeting; Seconded by Member Scherer.

Motion was by roll call vote. Ayes: Loar, Hall, Scherer, Chair Harris

PUBLIC COMMENTS: None.

STAFF COMMENTS: None

BOARD COMMENTS: None

ADJOURNMENT: The meeting was adjourned by Chair Harris at 6:14 pm.

Attest:

_____
Shawna Chancey
Development Services Director

AGENDA ITEM NO. 4.a

Item Cover Page

PLANNING & ZONING BOARD AGENDA ITEM REPORT

DATE OF MEETING: March 12, 2024

AGENDA ITEM:

PH: Special Exception, SE24-0001, Lutheran Services Florida, 38053-000-00

PRESENTING PARTY:

Kelley L. O'Neill, Planning & Zoning

ITEM TYPE:

Public Hearings

BACKGROUND:

The subject property, owned by Hands of Mercy Everywhere, Inc., is a residential lot known as The Grange. This application, initiated by Lutheran Services Florida, Inc., requests permission to renew a previously approved Special Exception (SE21-0001) to allow a nonconforming use of the lot by allowing the house to be used as a private community center for Hands of Mercy Everywhere, Inc. residents. Hands of Mercy Everywhere, Inc. has merged with Lutheran Services Florida Inc. and the Special Exception must be renewed as it does not transfer with the property. Lutheran Services Florida, Inc. has informed the City that they plan to use the property in the same manner as Hands of Mercy Everywhere, Inc. The lot has one building located on it that was built in 1912. The property was previously owned by the Belleview/South Marion Historical Society, Inc. It has been vacant since roughly 2017 and has previously been used as a community center for various organizations. It is not known when or if the property has been used as a residence. The property is currently zoned R-3, which does not allow for commercial use of the property.

RECOMMENDED ACTIONS:

Motion to approve Special Exception SE24-0001 with stipulations listed in the staff report.

ATTACHMENTS:

Staff Report

The Commission reserves the right to postpone any decision on audience, or walk-in requests until sufficient time has been allowed for review of documentation.

CITY OF BELLEVIEW

Date: 03/12/2024

Planning & Zoning Board

Application Number:
SE24-0001

Project Number:
JSE24-0001

Application Type:
Special Exception

Request:
Allow house to be used as a private community center

Owner/Applicant:
Hands of Mercy Everywhere, Inc/Lutheran Services Florida, Inc.

Agent/Engineer/Architect:
None

Address:
5920 SE Stetson Road

Parcel #:
38053-000-00

Zoning:
R-3

Acreage:
0.31 +/-



LOCATION MAP

Public Notice
Staff mailed 19 notices of public hearing to property owners within 300 feet of the subject property. To date, we have received no response to those mailings.

Location
The property is located just on SE Stetson Road. The subject property does not appear to be located in a flood zone, as found on Community Panel Number 12083C0733D.

Request
This application is to renew a request for a Special Exception to allow a nonconforming use of a residential lot as listed in City of Belleview Code of Ordinances Sec. 134-245. – Schedules of district regulations, Appendix A, Schedule 3. Schedule of Regulations; residential due to a merger of Hands of Mercy Everywhere, Inc. and Lutheran Services Florida, Inc.

Background

The subject property, owned by Hands of Mercy Everywhere, Inc., is a residential lot known as The Grange. This application, initiated by Lutheran Services Florida, Inc., requests permission to renew a previously approved Special Exception (SE21-0001) to allow a nonconforming use of the lot by allowing the house to be used as a private community center for Hands of Mercy Everywhere, Inc. residents. Hands of Mercy Everywhere, Inc. has merged with Lutheran Services Florida Inc. and the Special Exception must be renewed as it does not transfer with the property. Lutheran Services Florida, Inc. has informed the City that they plan to use the property in the same manner as Hands of Mercy Everywhere, Inc. The lot has one building located on it that was built in 1912. The property was previously owned by the Belleview/South Marion Historical Society, Inc. It has been vacant since roughly 2017 and has previously been used as a community center for various organizations. It is not known when or if the property has been used as a residence. The property is currently zoned R-3, which does not allow for commercial use of the property.

PROPERTY INFORMATION

Chart 1

Surrounding Zoning Designations	North: R-3 (City) South: R-3 (City) East: R-3 (City) West: R-3 (City)
Surrounding Existing Land Uses	North: Residential (City) South: Residential (City) East: Residential (City) West: Residential (City)

FINDINGS OF FACT:

The proposed use will not adversely affect the public health, safety, comfort, good order, appearance and convenience, moral and general welfare of the neighboring property owners and the citizens of the City.

The subject property is surrounded by properties that are residentially zoned and used buildings. The City has not received any objections to the special exception.

The proposed use is necessary to eliminate a specific demonstrable hardship imposed upon the applicant by the existing facts and the rules prohibiting the proposed use.

Research on the property shows one single-family residence built in 1912 and is connected to city water and sewer. The Belleview South Marion Historical Society purchased the property in 2000 and had a non-profit business license on the property until 2017. From 1988 until 2000, the property was owned by Marion Grange No. 207, Inc, and the Civic League of Belleview was the property owner until 1988. There is no record of how the property was used during this time.

The applicant plans to renovate the slowly deteriorating building, bringing it up to current building code. The renovation will be an enhancement to the surrounding properties and the community.

The applicant has exhausted all other potential sources of eliminating the hardship referenced in this section.

	RECOMMENDATIONS: Staff recommends approval of SE24-0001 with the following condition: In accordance with City of Belleview Code of Ordinances Sec. 134-704. Discontinuance or abandonment of a nonconforming use, with the following stipulations. 1. The property is not to be used as a residence or group home. 2. If, for any reason, the nonconforming use of land ceases or is discontinued for a period of more than six months, the land shall not thereafter be used for a nonconforming use. 3. Special Exception to be renewed annually with a $100 fee.

AGENDA ITEM NO. 4.b

Item Cover Page

PLANNING & ZONING BOARD AGENDA ITEM REPORT

DATE OF MEETING: March 12, 2024

AGENDA ITEM:

PH: Special Exception, SE24-0002, Lutheran Services Florida, 38049-000-00 and 38050-000-00

PRESENTING PARTY:

Kelley L. O'Neill, Planning & Zoning

ITEM TYPE:

Public Hearings

BACKGROUND:

Hands of Mercy Everywhere is a community based residential facility licensed by the Florida Department of Children and Family Services to house teenage mothers and their babies. In 2007, the Planning and Zoning Board approved the use with a maximum occupancy of 22 residents (clients and staff). In 2015, Hands of Mercy Everywhere expanded into a second building and received approval for a special exception (SE15-0002) to increase their capacity and house clients in both houses. This request is to renew SE15-0002 due to a merger of Hands of Mercy Everywhere with Lutheran Services Florida, Inc.

RECOMMENDED ACTIONS:

Motion to approve SE24-0002 with conditions as listed in the staff report.

ATTACHMENTS:

Staff Report

The Commission reserves the right to postpone any decision on audience, or walk-in requests until sufficient time has been allowed for review of documentation.

CITY OF BELLEVIEW

Date: 03/12/2024

Planning & Zoning Board

Application Number:
SE24-0002

Project Number:
JSE24-0002

Application Type:
Special Exception

Request:
Increased occupancy of homes

Owner/Applicant:
Hands of Mercy Everywhere, Inc/Lutheran Services Florida, Inc.

Agent/Engineer/Architect:
None

Address:
6017 SE Robinson RD
6006 SE Front RD

Parcel #s:
38049-000-00
38050-000-00

Zoning:
B-2
B-2

Acreage:
0.50 +/-
0.50 +/-



LOCATION MAP

Public Notice
Staff mailed 14 notices of public hearing to property owners within 300 feet of the subject property. To date, we have received no response to those mailings.

Location
The properties are located on SE Robinson Road and SE Front Road. The subject properties do not appear to be located in a flood zone, as found on Community Panel Number 12083C0733D.

Request
This application is to renew a request for a Special Exception to increase the occupancy of a previously approved group home on the subject properties due to a merger of Hands of Mercy Everywhere, Inc. and Lutheran Services Florida, Inc.

Background
Hands of Mercy Everywhere is a community based residential facility licensed by the Florida Department of Children and Family Services to house teenage mothers and their babies. In 2007, the Planning and Zoning Board approved the use with a

maximum occupancy of 22 residents (clients and staff). In 2015, Hands of Mercy Everywhere expanded into a second building and received approval for a special exception (SE15-0002) to increase their capacity and house clients in both houses. This request is to renew SE15-0002 due to a merger of Hands of Mercy Everywhere with Lutheran Services Florida, Inc.

PROPERTY INFORMATION

Chart 1

Surrounding Zoning Designations	North: B-2 (City) South: B-4 (City) East: SE Front Road (CSX Rail Line) West: R-3 (City)
Surrounding Existing Land Uses	North: Commercial (City) South: Commercial (City) East: SE Front Road (CSX Rail Line) West: Medium Density Residential (City)

FINDINGS OF FACT:

The proposed use will not adversely affect the public health, safety, comfort, good order, appearance and convenience, moral and general welfare of the neighboring property owners and the citizens of the City.

The subject properties are located such that immediate impact to surrounding properties is minimized by being located on the cap end of a block. The neighborhood has a mixture of residential, commercial, and multifamily uses. There are single-family residential and commercial uses adjacent to the properties. Hands of Mercy Everywhere has a vegetative buffer and privacy fence where it abuts the single-family houses. The City has not received any objections to the special exception.

The proposed use is necessary to eliminate a specific demonstrable hardship imposed upon the applicant by the existing facts and the rules prohibiting the proposed use.

Hands of Mercy Everywhere was originally approved as a group home through the Special Exception process in 2007. The demonstrable hardship for the applicant was that there was no current City zoning districts that specifically allowed for their use. The 2015 Special Exception application modified the original approval to accommodate the facility expansion. This request is to renew the approval and conditions of the 2015 Special Exception due to a merger of Hands of Mercy Everywhere and Lutheran Services Florida.

The applicant has exhausted all other potential sources of eliminating the hardship referenced in this section.

RECOMMENDATIONS:

Staff recommends approval of SE24-0002 with the following conditions:

Authorization of a community based residential facility on the subject properties and the following conditions:

1. The community based residential facility shall be licensed by the Florida Department of Children and Family Services (DCF_ as a home for teen mothers and their children. All DCF licenses shall be current and maintained in good standing with the State of Florida.

	2. The special exception, if granted, shall not run with the land and shall be terminated when the applicant (Lutheran Services Florida) no longer owns or occupies the properties. 3. Maximum occupancy of Hope House shall be 14 teens/adults (including house mothers) and 8 infants. Maximum occupancy of Faith House shall be 21 teens/adults (including house mothers) and 18 infants. Occupancy of each house may be modified by the Belleview Building Official to reflect changes in the Florida Statues or in response to structural improvements that result in an increase in occupancy. 4. Total occupancy of the facility shall not exceed 20 teens, 20 infants, and residential staff that provide supervision to the clients. 5. Special Exception to be renewed annually with a $100 renewal fee.

AGENDA ITEM NO. 4.c

Item Cover Page

PLANNING & ZONING BOARD AGENDA ITEM REPORT

DATE OF MEETING: March 12, 2024

AGENDA ITEM:

PH: Annexation, AN24-0001, Souls Harbor Firs Pentecostal Church, Inc., 38510-005-03

PRESENTING PARTY:

Kelley L. O'Neill, Planning & Zoning

ITEM TYPE:

Public Hearings

BACKGROUND:

The subject property is owned by Souls Harbor First Pentecostal Church, Inc. This application, initiated by the owner, annexes the property into the City of Belleview. This application is in conjunction with redevelopment of the property, along with an expansion of Souls Harbor First Pentecostal Church. The City has not yet received any applications or concept plans of the expansion project. There is currently a house on the property where the previous property owner lives. The house is currently connected to a well and septic. Souls Harbor has indicated that there will be no development of this parcel until the house is vacant. The property will then be redeveloped as part of an expansion of Souls Harbor. This parcel is contiguous to the City's boundaries. The property is surrounded by commercial and residential properties. The property has convenient access to SE HWY 484. Public water and sewer are available.

RECOMMENDED ACTIONS:

Motion to recommend approval of AN24-0001 to City Commission.

ATTACHMENTS:

Staff Report

The Commission reserves the right to postpone any decision on audience, or walk-in requests until sufficient time has been allowed for review of documentation.

CITY OF BELLEVIEW

Date: 03/04/2023

Planning & Zoning Board Hearing: 03/12/2024
Commission: First Reading 04/16/2024 - Final Reading 05/21/2024

Application Number:
AN24-0001

Project Number:
JAN24-0001

Application Type:
Annexation

Request:
Annexation of one parcel

Owner/Applicant:
Souls Harbor First Pentecostal Church, Inc.

Agent/Engineer/Architect:
Unknown

Parcels #:
38510-005-03

Acreage:
2.42 +/-

Future Land Use:
Marion County – COM, Commercial

Zoning:
Marion County – B-4

P&Z Recommendation:

LOCATION MAP



Location
The property is located at 12600 SE HWY 484, Belleview. SE HWY 484 is a paved, Marion County maintained, road.

Request
This application is a request to annex the listed property into the City of Belleview.

Background
The subject property is owned by Souls Harbor First Pentecostal Church, Inc. This application, initiated by the owner, annexes the property into the City of Belleview. This application is in conjunction with redevelopment of the property, along with an expansion of Souls Harbor First Pentecostal Church. The City has not yet received any applications or concept plans of the expansion project. There is currently a house on the property where the previous property owner lives. The house is currently connected to a well and septic. Souls Harbor has indicated that there will be no development of this parcel until the house is vacant. The property will then be redeveloped as part of an expansion of Souls Harbor. This parcel is contiguous to

the City's boundaries. The property is surrounded by commercial and residential properties. The property has convenient access to SE HWY 484. Public water and sewer are available.

Table 1

Location	Two parcels totaling 2.42 acres +/-. Parcel numbers 38510-005-03
Property Owner(s)	Souls Harbor First Pentecostal Church Inc
Surrounding Future Land Use Designations	North: Commercial (City) South: Commercial (City) East: Residential (County) West: Commercial (City)
Surrounding Zoning Designations	North: B-4 (County) South: B-4 (City) East: R-1 (County) West: B-4 (City)
Surrounding Existing Land Uses	North: Commercial (City) South: Commercial (City) East: Residential (County) West: Commercial (City)
Soil Information	ARB (Soil Survey of Marion County, Florida)
Flood Zone	The subject properties appear to be located Flood Zone X, as found on Community Panel Number 12083-C0741D.

STAFF ANALYSIS:

1. **Concurrency**

   Sanitary Sewer – The property has not previously been connected to City sewer. Sewer lines are currently present along SE HWY 484. Development of this parcel will require connection to City sewer at developer expense. Staff has indicated adequate capacity to serve the proposed land use and zoning.

   Potable Water - The property has not previously been connected to City water. Water lines are currently present along SE HWY 484. Development of this parcel will require connection to City water at developer expense. Staff has indicated adequate capacity to serve the proposed land use and zoning.

   Solid Waste – The property has not previously received solid waste services.

   Drainage – Future development will be required to meet St. John's Water Management District and City of Belleview drainage requirements. The site contains Arredondo soil which is well drained and suitable for development.

   Schools – No impacts on Marion County schools will result from this application.
2. **Impacts on Affordable Housing** – No impacts on affordable housing will result from this application.
3. **Compatibility with Adjacent Land Uses** – The subject property is located just off a commercial corridor and is surrounded by commercial and residential properties.
4. **Sprawl Control** – The proposed amendment is consistent with the urban sprawl control requirements of 163.3177(6)(a)9, Florida Statutes.

5. **<u>Consistency with Adopted Codes and Standards</u>** – The proposed amendment is consistent with the Belleview Comprehensive Plan and Land Development Regulations.

RECOMMENDATIONS:

Staff – Staff recommends **APPROVAL** of application AN24-0001 to annex subject property from Marion County.

Additional Maps

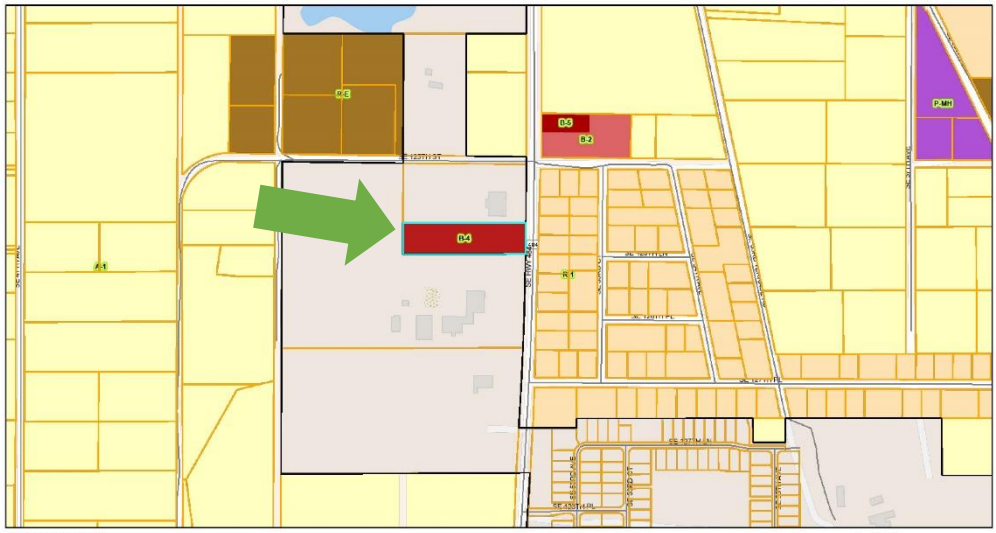
Utility Lines



Marion County Future Land Use



Marion County Zoning



3/4/2024, 2:27:51 PM

Zoning Classification
- Marion County
- Municipalities
- Parcels
- A-1
- B-2
- B-4
- B-5
- P-MH
- R-1
- R-E
- Streets

1:4,514

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Marion County Property Appraiser, Esri Community Maps Contributors, Marion County Property Appraiser, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Marion

Marion County Board of County Commissioners

This map is provided "as is" without any warranty or representation of accuracy, timeliness, completeness, merchantability, or fitness. The user is responsible for verifying any information and assumes all risk for reliance on any information herein.

AGENDA ITEM NO. 4.d

Item Cover Page

PLANNING & ZONING BOARD AGENDA ITEM REPORT

DATE OF MEETING: March 12, 2024

AGENDA ITEM:

PH: Land Development Regulation

PRESENTING PARTY:

Shawna Chancey, Development Services Director

ITEM TYPE:

Public Hearings

BACKGROUND:

Luis Serna, from CGA, has been working with Staff for nearly 2 years to update the City's Land Development code. This draft includes comments and suggestions by the City Commission and City Attorney.

RECOMMENDED ACTIONS:

Motion to recommend approval of the Land Development Regulation

ATTACHMENTS:

Land Development Regulation
LDR Memo
Buffer Standards

The Commission reserves the right to postpone any decision on audience, or walk-in requests until sufficient time has been allowed for review of documentation.

Subpart B
LAND DEVELOPMENT REGULATIONS

Chapter 98 ADMINISTRATION[1]

Sec. 98-1. Authority of land development regulations.

These land development regulations are adopted pursuant to F.S. § 163.3202, which provide for adoption and enforcement of land development regulations that are consistent with the comprehensive plan adopted by the city.

(Ord. No. 92-02, § 1(ch. 1, art. 1), 4-30-1992) b

Sec. 98-2. Administration.

The land development regulations set forth in this subpart B of this Code shall be administered in accordance with F.S. ch. 163. Further, the city may, from time to time, by ordinance, establish procedures and requirements as provided in F.S. §§ 163.3220—163.3243.

(Ord. No. 92-02, § 1(ch. 1, art. 2), 4-30-1992)

Sec. 98-3. Definitions.

All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the city commission may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare of the city. Where any provision of these regulations, the city comprehensive plan, or any other law or regulation in effect in Belleview, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the city comprehensive plan, or any other law or regulation in effect in Belleview, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In all circumstances, the provisions of these regulations shall be interpreted and construed to be consistent with the city comprehensive plan. Where any provision(s) of these regulations are determined to be in conflict with the comprehensive plan, the comprehensive plan shall control.

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

[1]Cross reference(s)—Administration, ch. 2.

State law reference(s)—Land development regulations, F.S. § 163.3202.

The following terms and definitions are provided for the implementation of the regulations as set forth in this chapter:

Abandon means to cease active use for a period of six consecutive months or more, including signage for a business or use that has been closed or vacated for the same consecutive period.

Abandoned sign means:

(1) Any sign face which advertises a business no longer conducted or product no longer sold or service offered. In making the determination that a sign advertises a business no longer being conducted, the city shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

(2) Any sign structure which has not been used for business purposes for over six months, and that is nonconforming according to existing codes regarding height, setback or sign area.

(3) Any previously permitted portable or temporary sign for which permitted time has expired.

Abandonment means the voluntary cessation of use without intention of resuming said use.

Abatement device means a device used to reduce emissions of air pollutants to the ambient air.

Abutting property means any property that is immediately adjacent or contiguous to property or that is located immediately across any road or public right-of-way.

Access means a place of ingress and egress, by pedestrian or vehicle, to a lot, parcel, or tract of land.

Access point means the point at which a curb cut, driveway or interior road intersects with a roadway segment.

Accessory building means a subordinate building or structure on the same tract with or a part of the main building which is occupied by or devoted to an accessory use.

Accessory use means a use naturally and customarily incidental to, subordinate to and subservient to the main use of the premises. This definition shall include water treatment plants or sewage treatment plants used exclusively for one tract, development or planned development project required by a governmental agency having jurisdiction.

Accessory dwelling means an independently functioning dwelling unit which is an accessory use to the principal use on the same lot and which has a separate kitchen with a cooking stove. These uses are sometimes referred to as "garage apartments," "mother-in-law apartments," and/or "carriage houses."

Accessory parking means motor vehicles and equipment not used or intended to be used for any business, professional, or commercial purposes, and including the following types of equipment: All portable structures built or designed to be carried on a chassis and operated or transported, whether or not self-propelled, including but not limited to houseboats, boats, boat trailers, utility trailers, and other types of trailers. This does not include passenger motor vehicles, minibuses, and vans of like size used only as passenger motor vehicles.

Accessory structure means a structure customarily incidental and subordinate to the principal structure on the premises.

Accessway means a private traffic-carrying way set aside for vehicular traffic primarily serving only one premises or planned development project, including private driveways, entrances or exitways and similar private vehicular access, located on the parcel served thereby.

Address means the house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A—M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N—Z.

Adjacent means to share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

Administrator means the city administrator, or an administrative official of the city government designated by the city administrator to administer and enforce the provisions of this chapter.

Adult arcade shall have the same meaning as defined in section 14-37.

Adult bookstore shall have the same meaning as defined in section 14-37.

Adult booth shall have the same meaning as defined in section 14-37.

Adult cabaret shall have the same meaning as defined in section 14-37.

Adult material shall have the same meaning as defined in section 14-37.

Adult photographic studio shall have the same meaning as defined in section 14-37.

Adult physical culture establishment shall have the same meaning as defined in section 14-37.

Adult theater shall have the same meaning as defined in section 14-37.

Adult use establishment shall have the same meaning as defined in section 14-37.

Agency means the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, the department of children and family services, or the agency for health care administration.

Agricultural sign means a sign related to bona fide agricultural activities being performed on the property.

Agriculture means the production, keeping, grazing, or maintenance for sale, lease, or personal use, of plants and animals useful to man, and may include, but not be limited to, forage and sod crops, grain and seed crops, fruits of all kinds, vegetables, and nursery, floral, ornamental, and greenhouse products.

Alcoholic beverage establishment shall have the same meaning as defined in section 14-37.

Alley means a public or private way which is not designed for general travel but is used primarily as a means of secondary access to a lot abutting thereon.

Alloy means a solid or molten mixture of two or more metals, or of one or more metals and nonmetallic elements. Examples of alloys include steel, brass, and bronze.

Alteration means any change in a building's structural parts, stairways, type of construction, means of ingress and egress, wiring, plumbing, heating or cooling system, and other changes affected or regulated by the City of Belleview Building Codes or these land development regulations, except for minor changes or repairs not involving the aforesaid features. The word alteration may include, but not be limited to, the words altered, repaired, modification to construction or reconstruction.

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

Amusement arcade means a building or part of a building containing six or more video, pinball, skee ball, or similar player-operated amusement devices, in any combination, as a primary commercial use.

Animated sign means any sign of which all or any part thereof revolves or moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically. Animated signs include signs such as electronic, LCD and LED signs and are only permitted to allow for video or flashing upon approval of the city commission.

Antenna means any exterior apparatus (including but not limited to array of antennas, installed at one time and designed as a single, integrated system) designed to transmit or receive communications as authorized by the Federal Communication Commission (FCC). The term "antenna" shall not include satellite earth stations used to receive direct-to-home satellite services as defined in 47 USC § 303(v) .

Antenna support structure means any building or other structure other than a tower, which can be used for the location of an antenna. An antenna support structure shall be referred to as a "utilized antenna support structure" if it is or has been used for the location of an antenna.

Apartment house. See *Multiple dwelling.*

Appeal means a request for a variance or a request for review of an interpretation or a decision of the city regarding a certificate of capacity, floodplain management, parking requirement, enforcement of the zoning code, determination of necessity regarding temporary use permit for RVs, or special exception.

Applicant means an individual (a property owner or his designee) who applies to the city for a development order.

Approved development plan means a development plan submitted for a proposed planned development which has been approved and adopted by ordinance by the city commission.

Applicator means any person who applies fertilizer on turf and/or landscape plants in City of Belleview, Florida.

Aquifer means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

Area of environmental sensitivity means an area where environmental quality may be highly susceptible to degradation and where alteration may cause predictable losses of natural resources.

Area of special flood hazard means the area/land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated on the federal emergency management association (FEMA) flood insurance rate map (FIRM).

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

Assessed value means the value assessed by the Marion County Property Appraiser for the subject real property and improvements thereon.

Automatic changeable copy means a facing which through a mechanical system is capable of delivering two or more advertising messages and shall not rotate so rapidly as to cause distraction to a motorist.

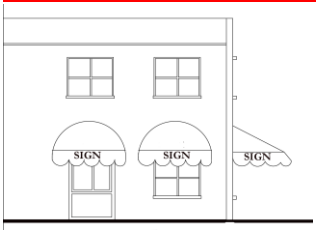
Automatic controller means a mechanical or electronic timer, capable of operating valve stations to set days and length of time of a water application.

Automobile wrecking means the dismantling and disassembling of two or more used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. See *Junkyard.*

Awning means a roof-like cover, securely fastened on one side or end to a building, and the balance of which extends over or before a place (as a walkway or before a window) as a shelter and whose bottom edge is at least seven feet above the highest-grade level beneath it.

Awning, illuminated means a structure, as described above, which is illuminated from the reverse side with artificial light to the extent that such artificial light is visible through to the exterior.

Awning sign means any metal, canvas or plastic cover, hood, or canopy projecting from and supported by a building when such device extends beyond the building, building line, setback line or property line.



Awning Sign

Banner sign means signs either with or without frames, possessing characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind. For the purposes of this chapter national flags, flags of political subdivision and symbolic flags of any institution or business shall not be considered banners.

Bar means any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages; or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

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

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

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]

Berm means a mound of earth to provide screening or buffering between uses.

Best management practices means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Billboard sign means advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, produced, offered or furnished at a place other than upon the same lot where such sign is displayed. These signs may also be equipped with a variety of special lighting and display effects, including digital, LCD and photographic.

Boardinghouse. See *Lodginghouse.*

Buffer means a strip of land a specific width containing such natural and manmade barriers to lessen or minimize the negative effects of noise, light, odor or other objectionable visual, auditory or olfactory stimuli to adjacent properties.

Buffering means the use of any manmade or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition shall include tents, awnings or vehicles situated on private property and serving in any way the function of a building. The word "building" shall include the word "structure." See *Structure*.

Building frontage means the part of the building facing a road, street, highway or easement serving the building.

Building permit means a valid permit issued by appropriate authority under the provisions of the standard building code.

Business services means establishments primarily engaged in providing services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.

Canopy sign means any sign installed on any ornamental roof-like structures of cloth or otherwise that provides or suggests shelter and projects from a wall or is supported by columns; or any temporary or permanent cover providing shelter or decoration (as over a door or window), including an awning.

Capacity means the maximum lawful level of designed use of any structure or part thereof as determined by the city's adopted building code and expressed in terms of occupants, seats, persons, employees or other units specified by such building code.

Carport means a private garage not completely enclosed by walls and doors.

Certificate of capacity means the document issued by the city indicating the quantity of public facilities that are available and reserved for the property described in the certificate, including any limits on uses, densities and intensities of the approved development of the property, and containing an expiration date.

Change of occupancy means a discontinuance of an existing use and substitution therefor of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors when there is no change in the type of use.

Change of use means a discontinuance of an existing use and the substitution of a different kind or class of use. Change of use is not intended to include a change of ownership for the same business.

Changeable copy sign means any poster board, bulletin board, billboard, sign, screen, surface or wall, with characters, letters or illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged or altered without changing the face of the poster board, bulletin board, sign, screen, surface or wall. Animated/electronic signs shall not be considered changeable copy signs for the purposes of this definition.

Child care facility means a child care facility licensed by the State of Florida and providing child care services or a child care facility meeting the definition of such facility in any law of the state regulating the distance of medical cannabis dispensing organizations or facilities from child care facilities.

Clear visibility triangle means the triangular area formed by the intersection of ingress/egress, streets or rights-of-way lines and a straight line intersecting those two ingress/egress, streets or rights-of-way lines at point a minimum of 45 feet from their intersection.

Cluster homes means condominium dwelling units, wherein each dwelling has a side yard which is less than the minimums for noncondominium single-family dwellings.

Code enforcement officer, official or *inspector* means any designated employee or agent of City of Belleview whose duty it is to enforce codes and ordinances enacted by City of Belleview.

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in City of Belleview in exchange for money, goods, services or other valuable consideration.

Commercial vehicle means any vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats. See section 118-31 of this Code.

Commission means the City Commissioners of the City of Belleview, Florida.

Common area means any part of a planned development designed and intended to be used in common by the owners, residents or tenants of the planned development.

Communal living facility means a licensed living facility which provides a living environment for two or more unrelated residents, who are clients of private or public entities (excluding community-based residential facilities, and deinstitutionalized home-like care for clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration). Examples of such facilities might include half-way houses and community re-entry programs.

Community residential home means a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Completely enclosed building or structure means a building or structure separated on all sides from adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Compound use means the use of any land or building in a particular zoning district for both a residential use and nonresidential use permitted in such district, either of which may be the principal use.

Comprehensive plan means the city comprehensive plan as amended and adopted pursuant to F.S. ch. 163.

Concurrency means that adequate public facilities that meet the level of service standard adopted in the comprehensive plan are, or will be, available no later than the impact of development.

Concurrency deferral affidavit means a document signed by an applicant which defers the application for a concurrency determination, and acknowledges that future rights to develop the property are subject to the deferred concurrency determination, and acknowledges that no vested rights have been granted by the city or acquired by the applicant without such a determination.

Concurrency determination means a comparison of an applicant's impact on public facilities to the capacity of public facilities that are, or will be, available no later than the impacts of development.

Conditional letter of map revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas.

Condominiums means a structure of two or more dwelling units, the interior space of which are individually owned; with the remaining property (including land and/or improvements thereto) being areas for common use and/or benefit.

Construction sign means a sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

Convalescent homes means a building or its portion wherein, for compensation, living accommodations and care are provided for persons suffering from illness, other than contagious, which is not of sufficient severity to require hospitalization; or for persons requiring further institutional care after being discharged from a hospital.

Coverage means the impervious area of a parcel or tract.

Coverage limits means the maximum coverage of a parcel or tract allowed as specified by the zoning district or allowed before a drainage plan is required.

Craft alcohol industry means any establishment in the business of brewing or distilling malt, vinous, or other alcoholic beverages on-site, regardless of its underlying state licensing or marketing nomenclature where the manufacturing and production for sale of alcohol for human consumption takes place on site, such as but not limited to, craft brewery, craft distillery, winery or wine production, cidery or cider production, and micro-sized similar establishments.

Curvilinear stormwater facility means stormwater facilities designed with a minimum of 50 percent of the basin edge that is non-linear in design. The intent of this definition is to promote natural, non-rectangular, and non-square shaped stormwater retention facilities.

DBH is the acronym for "diameter at breast height" as defined below.

Damaged sign means a sign missing more than ten percent of one or more sides of a sign face.

De minimis means development that has a de minimis impact as set forth in, and complies with the concurrency requirements of, F.S. § 163.3180(6).

Department shall mean any law enforcement officer, departments or divisions of the city municipal government including the respective director, employees, officers, and agents.

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

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

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. [Also defined in FBC, B, Section 1612.2.]

Deteriorating means structures that need more repair than can be provided in the normal course of maintenance and possess defects of an intermediate nature which, if left unattended, could lead to serious structural damage.

Development means the erection, construction or placement of any building on any land; the alteration, replacement or reconstruction of any structural part of any building on any land; the addition to any principal or accessory residential, office, business, industrial or public use; and any change of use. For purposes of the Floodplain Management regulations of the land development regulations, *Development* means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Development services director means the officer of the city or such other person to whom is so delegated the duty of enforcing the terms of the zoning code. See section 134-62.

Diameter at breast height means the diameter, in inches, of a tree measured 4½ feet above the existing ground.

Dilapidated means structures in a state of decay, or those that have fallen into partial ruin through neglect or misuse which are unsafe, unsanitary or which constitute a fire hazard or are otherwise dangerous to human life.

Dispensing organization means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to article V.2 of chapter 134 the Land Development Regulations.

District means an area of the city designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this chapter.

Disuse means a failure to use in nonconformance with the provisions of the City Code, including subpart B and zoning regulations.

Dormitory means a dwelling used or intended to be used for the furnishing of sleeping accommodations for pay to transient or permanent guests and in which more than 1,500 square feet of floor area are used or intended to be used for such purpose. Meals or housekeeping facilities may also be provided to such guests or tenants, but no dormitory shall maintain an eating or drinking place open to the public in the same building or in any building in connection therewith.

Double-faced sign means a sign with two faces that are no more than 12 inches apart at their furthest point (for billboards any sign with an angle that exceeds 30 degrees).

Drainage facilities (also called stormwater management facilities) means manmade structures designed to collect, convey, hold, divert, or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Drainage plan means a plan drawn to scale which shows the existing elevation contours, finish grades and/or finished elevation contours and storm-water collection and disposal facilities.

Drip line means an imaginary, perpendicular line that extends downward from the outer most tips of the tree branches to the ground.

Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drive-through lane sign means a sign oriented to vehicles utilizing a drive-through lane at an establishment.

Driveway means a private road connecting a house, garage or other building with the street, including the designated access point at the intersection of the street pavement, or, if the street is not paved, with the edge of the right-of-way.

Dry detention means a system designed to collect and temporarily store stormwater in a normally dry basin with subsequent gradual release of the stormwater.

Due public notice means publication of notice of the time, place and purpose of such hearing in accordance with F.S. § 166.041(3) or amendment thereto. State law reference(s)—Procedures for adoption of ordinances, F.S. § 166.041.

Duplex. See *Dwelling, two-family.*

Dwelling means any building or its part, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking facilities.

(1) *Dwelling, one-family.* A dwelling occupied not otherwise than by one family.
(2) *Dwelling, two-family.* A building occupied by two dwellings with separate cooking facilities; also known as a duplex unit.
(3) *Dwelling, multiple.* A space, area or portion of a building designed for and occupied by more than two dwellings with cooking facilities for the exclusive use of each dwelling.
(4) *Dwelling, group.* A building or its part in which several unrelated persons or families permanently reside, but in which individual cooking facilities are not provided for the persons or families. Group dwelling may include a roominghouse, fraternity house, sorority house, convent, or monastery in which one or more members have a permanent residence. Group dwelling shall not be deemed to include a hotel, motel, tourist home or trailer camp.

Dwelling unit means a room or rooms in a dwelling, other than a roominghouse or dormitory, comprising the essential elements of a single housekeeping unit. Although a dwelling unit need not contain facilities for the storage, keeping and preparation of food for consumption within the premises, each area which has separate facilities for such use shall be considered as a separate dwelling unit.

Easement means an interest in a specified land area owned by another that entitles its holder to a specific limited use or enjoyment.

Educational facilities plan (five-year work program) means the school board's annual comprehensive capital planning document, that includes the district facilities work program specified in F.S. § 1013.35, and the tentative district educational facilities plan which is annually submitted for review and comment to the local governments.

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

Engineer means a professional person licensed by the state to practice in the state, the county and the city.

Erected means built, constructed, reconstructed, moved upon or any physical operation on the premises required for building, excavations, fill, drainage and the like shall be considered a part of erection. For the purposes of the city's sign regulations, *erected* shall include the painting of wall signs.

Essential services means those services which normally must be provided to the public or to a principal use in order for the use to function properly, including only the following services: power lines, telephone lines, water lines, sewer lines and gas lines.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before August 28, 2008. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 28, 2008.

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

Facade means the entire building wall, including wall face, parapet, fascia, windows, doors, canopy and roof of any complete elevation.

Facilities agreement means an agreement between the applicant and the city detailing the responsibilities of the provision of a needed public facility by the applicant.

Family means one person or a group of two or more persons living together and interrelated by bonds of blood, marriage or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

Fascia means a flat strip or band.

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

Feedlot means any area in which livestock are maintained within a structure, pen or corral in close quarters for the purpose of fattening such livestock for the final shipment to market.

Fertilize, fertilizing or fertilization means the act of applying fertilizer to turf, specialized turf or landscape plant.

Fertilizer means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Final development order means one of the following:

(1) Approved development of regional impact (DRI);
(2) Final planned development (PD);
(3) Final site plan;
(4) Final shopping center site plan;
(5) Final residential/commercial plat with executed developer's agreement; or

(6) Building permit.

Flag means a temporary sign consisting of a piece of cloth, fabric, or other non-rigid material.

Flea market means any premises where the principal use is the sale or offer of goods by five or more individuals, in an open area or partly enclosed booths or stalls, or within an enclosed building, of personal effects, tools, art work, small household appliances, and other similar merchandise, objects or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

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

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 202.]

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

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

Flood Insurance Rate Map (FIRM) means the official map of the city on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Flood plain means an area inundated during a 100-year flood event or identified by the national flood insurance program on flood insurance rate maps or flood hazard boundary maps.

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

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

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis means an engineering analysis prepared by a qualified Florida licensed engineer using standard engineering methods and models regarding the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations.

Floor-area ratio means the extent of development of any lot expressed as a ratio of the gross floor area of all buildings on a lot to the total lot area.

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

Florida inventory of school houses (FISH) capacity means the report of the permanent capacity of existing pubic school facilities. The FISH capacity is the number of students that may be housed in a school facility at any given time.

Fluff means the material that remains after scrapped items, such as computers, appliances, and electronics are recycled for their metal content, and is a mixture containing scrap metals and nonmetallic materials including, but not limited to, plastics, vinyl, sponge, foam, leather, textiles, rubber and glass.

Forging operations means the operation of an oven to heat treat metals, including annealing, tempering, quenching, and shaping; metal management, welding, grinding, and finishing.

Foster child means any dependent child placed in a home by a state agency or by a state-licensed, private child-placing agency.

Foster home means a dwelling occupied by parents licensed by the state to care for a maximum of three foster children in such dwelling; provided, however, that more than three foster children are permitted in one foster home when such foster children are all related to each other by blood.

Foundry operations means the operation of a furnace in which scrap metal, ingots, and/or other forms of metal is charged, melted, and tapped; the casting of metal parts; the cooling and shake-out of the cast metal parts; mold and core making; grinding and finishing of the cast metal part; metal management and sand reclamation.

Freestanding sign means a sign supported by a sign structure in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support. The term includes monument and pole signs.

Front property line means the border of any lot or parcel of property, which line runs parallel with that portion of any structure which contains the front entrance of such structure. If such structure is located so that the front entrance is not parallel to one property line, then the property line adjacent to and parallel to the street which is used for the quadrant street address of the property shall be the front property line.

Front wall means the wall containing the front entrance of a structure.

Front yard means the portion of any lot or parcel of property lying between the front property line and an imaginary line extending along the front wall of a structure to the side property lines, and running parallel to the front property line. If such structure is located so that the front entrance is not parallel to one property line, then the area of the lot which lies in front of an imaginary line extended from each front corner of the house to a point perpendicular to each side lot line shall be considered the front yard. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

Frontage of a building means the side or wall of a building approximately parallel and nearest to a street. When on a corner, the frontage of a building shall be determined by the applicant.

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

Furnace means a device used to remelt metal. Types of furnaces include, but are not limited to, cupola, electric arc, sweat, and reverberator furnaces.

Garage apartment means a dwelling unit erected in a garage in a residential district.

Garage, private, means an accessory structure designed or used for the inside parking of self-propelled private passenger vehicles by the occupants of the main building.

Government agency means the United States, any other country, the State of Florida, any other state, the County of Marion, any other county, the City of Belleview, any other municipality, any special district and any agency, board, commission, authority or political subdivision.

Government sign or statutory sign means any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls, or the normal ground height at the base of a tree. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer to the building.

Grade, Average, means the average grade adjacent to the structure or sign structure. Finished grade may be considered by the site plan review committee for projects requiring on-site fill.

Grade, existing, means natural elevation of the ground surface, prior to construction, adjacent to the proposed structure or sign structure.

Gross floor area means the sum of the horizontal areas of the floors of a building on a given land area, measured from the exterior facade of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven feet, floors of interior balconies or mezzanines and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios and porches.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Ground sign. See *"freestanding sign."*

Group home means a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration which provides a living environment for six or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Group housing means two or more buildings for dwelling purposes, erected or placed on the same tract. See subsection 134-247(a) and section 134-651.

Guesthouse means a dwelling unit in a building separate from and in addition to the main residential building on a tract, intended for intermittent or transient occupancy by a gratuitous guest.

Hazardous use means a use which is identified in the text of this chapter, including any schedule, as being hazardous and subject to the hazardous use regulations.

Height of building means the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deckline for a mansard roof and the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed structure.

Height of sign means, for *on-site signs*, the distance between the top of a sign and the average grade elevation below it. For *off-site signs, height of sign* means the distance between the top of the sign, excluding embellishments, and the roadway centerline grade perpendicular to that point of the sign closest to the road right-of-way.

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

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

Home occupation means an occupation or activity which may be compatible, conducted and maintained within a dwelling unit. Such activity shall be incidental to the principal residential use of the premises. See section 134-541.

Horse farming means the breeding, training, preparation, care, maintenance and treatment of horses which are used for commercial breeding and sale purposes, or which are used for participating in racing, showing and other related sporting or entertainment events.

Hotel means a building or its part in which sleeping accommodations are offered to the public with no cooking facilities for use by the occupants and in which there may be a public dining room for the convenience of the guests. Access to the sleeping rooms shall be through an inside lobby or office.

Housing for older persons means residential dwelling units that: 1) are within a community or subdivision that is operated as housing for older persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing of Older Persons Act of 1995, 42 U.S.C. subsection 3601-19, or its statutory successor in function; and 2) prohibit any person under the age of 18 years of age from residing within any dwelling unit on the property as a

permanent resident, as evidenced by a recorded declaration of covenants and restrictions that runs with the land and is not subject to revocation or amendment for a period of at least 30 years from the date of recording.

Hydroperiod means the cyclical changes in the amount or stage of water in an aqueous habitat.

Hydrozones means grouping of vegetation with similar watering needs to minimize over irrigation and water consumption.

Illuminated sign means a sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

Impact of development means the point in the development process at which the development will require the use of public facilities.

Impervious area means mainly constructed surfaces—rooftops, sidewalks, roads, parking lots, driveways, patios, etc.—covered by impenetrable materials such as asphalt, concrete, limerock, brick and stone. These materials seal surfaces, repel water and prevent precipitation from infiltrating soils.

Impervious ground coverage means an area of ground covered by any part of a building, street, parking lot or any other structure, improvement, facility or material which is incapable of being penetrated, as by water.

Ingress and egress sign means a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Intensity of use means the gross floor area of all nonresidential uses.

Institutional applicator means any person, other than a noncommercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Intensity of development means the extent of development of any land expressed as residential density or floor-area ratio.

Irrigation system means a permanent watering system designed to transport and distribute water to vegetation.

Junkyard means a place, structure or tract where junk, waste, discarded, salvaged or similar materials, such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto-wrecking yards, used lumberyards, house-wrecking yards and yards or places for storage or handling of salvaged house-wrecking and structural steel materials. This definition shall not include pawnshops, clothing, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances, nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations. See section 134-561.

Kennel means any place or premises where four or more dogs over four months of age and/or other specialty animals are kept for pay.

Land means and includes water surface and land under water.

Land use regulation means any ordinance or resolution controlling the use, development, maintenance or transfer of real property.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests, including developer's holding development rights susceptible to claims of vested rights or takings.

Landscape irrigation means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

Landscape plan means a landscape plan/open space plan showing the existing and proposed vegetation which shall include the type, size and location of vegetation as well as any irrigation system and construction protection measures to be utilized for the development site which shall be submitted with the required site plan for development.

Landscape plant means any native or exotic tree, shrub or ground cover (excluding turf).

Landscaping means any designated area containing a combination of vegetation (such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials). This landscaped area may include xeriscape as defined in the Florida Statutes.

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

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

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

Letter of map revision based on fill (LOMR-F) means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area.

Level of service (LOS) means an indicator or the extent or degree of service provided by, or proposed to be provided by, a public educational facility based on and related to the operational characteristics of the facility. Levels of service shall indicate the capacity per unit of demand for each facility.

Licensed dispensing organization means an organization approved by the Florida Department of Health's Office of Compassionate Use, to cultivate, process and dispense low-THC cannabis and medical cannabis pursuant to Florida Statutes.

Licensing entity or *licensing entities* means the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, the department of children and family services, or the agency for health care administration, all of which are authorized to license a community residential home to serve residents.

Livestock means any domesticated quadrupeds held as property, raised for personal use or raised for the production of livestock and livestock products for sale. The term "livestock" includes the boarding, breeding, training, exercising, care and treatment of horses on the premises and the accessory facilities and structures designed for such purposes.

Living area means that portion of the total area of a residence which is suitable for year-round use as living quarters, including fully enclosed porches and breezeways, but excluding enclosed garages, screened porches (without any windows or sidings) and carports.

Lodginghouse means a building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests but which may or may not provide meals for guests and which also may serve as the residence of the operator.

Lot means a designated parcel, tract, or area of land established by plat, subdivision or otherwise permitted by law, to be used, developed or built upon as a unit.

Lot area means the total horizontal area included within lot lines.

Lot coverage means the ratio of the total area of all impervious surfaces (those incapable of being permeated as by moisture) on a lot to the total lot area.

Lot depth means the mean horizontal distance between the front and rear lot line.

Lot line means a line of record bounding a lot which divides one lot from another lot, from a public or private street or any other public space:

(1) *Front lot line.* That property line which abuts a public street. If the lot abuts on two or more streets, the front lot line shall be that property line abutting a street which has been so designated by the owner at the time of an application for a certificate of zoning compliance, provided that such a lot is not thereby made nonconforming. The primary front lot line is that frontage on which the address is given.

(2) *Side lot line.* Any property line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(3) *Rear lot line.* That property line which is most distant from and is or is most nearly parallel to the front lot line.

Lot width means the shortest horizontal distance between side lot lines measured along any line which intersects the minimum required front yard setback line.

Low maintenance zone means an area a minimum of six feet wide adjacent to watercourses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

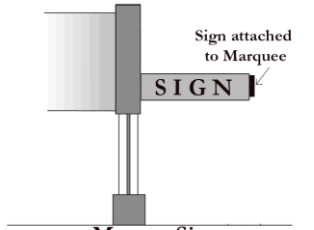
Luminaire means a lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

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

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

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

Marquee sign means a projecting sign attached to or hung from a marquee and such marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.



Marqee Sign

Medical cannabis means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in F.S. § 499.0295.

Medical marijuana treatment center or *MMTC* has the same meaning as provided in § 29, Art. X of the State Constitution.

Metal. For the purposes of zoning district regulations, metals include ferrous (iron-based) metals and alloys and nonferrous (non-iron-based) metals and alloys. Examples of metals include iron, steel, and other iron-based alloys; aluminum, copper, brass, bronze, gold, silver, zinc, tin, lead, platinum, nickel, chromium, cadmium, manganese, mercury, tungsten, and titanium and their alloys.

Metal management means the transport, receipt, collection, sorting, segregation, separation, compilation, crushing, shredding, and storage of metals, metal-containing materials and nonmetallic materials.

Metal melting and processing facility means any real property or structure that is used for melting metal or metallic alloys in a furnace; heat treating metals or metallic alloys at temperatures within 80 percent on an absolute temperature basis of the melting point of the metal or alloy; or receiving, sorting, segregating, recycling

or reselling scrap metal. Metal melting and processing facilities include foundries, forges, smelting, small scale meting operations, die casting facilities, and scrap metal recycling facilities.

Metal recycling operations means the receipt and storage of unprocessed metal and mixed materials; segregation and separation of metals from nonmetallic material; metal crushing and shredding; finished processed metal storage; waste material treatment and storage; treatment, transfer, and delivery of processed recycled metals for further use, and process waste handling and disposal.

Micro-irrigation means the frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams or miniature sprays through emitters, placed along water delivery pipes (lateral). Micro-irrigation encompasses a number of methods or concepts including drip, subsurface, bubbler and spray irrigation, previously referred to as trickle irrigation, low-volume or low flow irrigation.

Mini-warehouse (self-service storage facility) means a building consisting of individual small, self-contained units that are leased or owned for the storage of household goods, business goods, or contractor supplies.

Mobile billboard advertising means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.

Mobile home means a structure, transportable in one or more sections, which is eight feet or more in width or over 29 feet in length and which is built on an integral chassis and is designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile home park means a place set aside and offered by any person, firm, corporation, municipality or other public body where single-family mobile home residences are allowed and where premises are leased or owned by an occupant.

Mobile home rental park means a place set aside and offered by a person, firm, corporation, municipality or other public body where two or more mobile homes are offered for rent, or two or more spaces are offered for living or sleeping purposes.

Mobile home subdivision means an area designated for the sale of individual lots for the use by the owners of both the mobile homes as defined in this section and the lots; such lots having been created by the division of a parcel of land into two or more plats according to a subdivision plat approved by the city commission and located within a zoning district which allows the use of a mobile home as either a permitted use or as a special exception.

Modular home means a manufactured building pursuant to F.S. ch. 553. A closed structure, building assembly or system of subassemblies which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building for residential use. A modular home may not include:

(1) Any structure not approved by the department of community affairs.

(2) A mobile home which has had its integral chassis removed.

Monument sign means a freestanding sign which is in contact with or in close proximity, to the ground for a minimum of 40 percent of the sign width.



Monument Sign

Motel means a building or its part in which sleeping and/or living accommodations are offered to the public primarily on a short term or transient basis with access to the individual units from the exterior of the building and parking facilities for the use of guests near their quarters.

Multiple-family use means more than one single-family or duplex dwelling unit on a lot or on any tract of land under unified control by a person.

Multiunit means condominium dwelling units having two or more stories, wherein one or more of the dwellings is a single story.

New construction. For the purposes of administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 28, 2008 and includes any subsequent improvements to such structures.
New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 28, 2008.

Nightclub means a restaurant, dining room, bar or other similar establishment providing food or refreshments wherein paid floor shows or other forms of paid entertainment are provided.

Nonconforming lot means any lot which does not meet the requirements for minimum lot area, lot depth or lot width for any use for the district in which such lot is located.

Nonconforming sign means any sign which is in violation of these regulations at the time of its effective date.

Nonconforming structures means a structure or portion thereof, existing at the effective date of Ordinance No. 92-02, or any amendment thereto, which was occupied, designed, erected, intended or structurally altered for a use not permitted at its location by the provisions of chapter 134 for a new use and/or which does not conform to all of the regulations applicable to the district in which it is located. See article VI of chapter 134.

Nonconforming use means the use of a structure or premises, existing at the effective date of Ordinance No. 92-02, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located. See article VI chapter 134.

Nonresidential landscape irrigation means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Nuisance tree means those trees listed in section 114-47, Table 2(c) of this chapter.

Nursing home. See Convalescent home.

Nursery school means a place for the day care and/or instruction of six or more children not remaining overnight and not related by blood or marriage to the operator. The term "nursery school" includes group day care homes and child care facilities but not family day care home.

Occupied means arranged, designed, built, altered, converted to, rented or leased or intended to be occupied.

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Ornamental tree means a list of recommended ornamental trees can be found in section 114-47, Table 2(a) of this chapter.

Outdoor advertising sign means any billboard or sign placed on public bench or bus shelter or other outdoor advertising sign (not subject to section 126-8 of the Land Development Regulations) upon which advertising matter may be displayed.

Outparcel means a parcel of land generally related to and subdivided from a larger surrounding tract, which contains a freestanding structure when developed and is primarily accessed within the surrounding tract. Own means to hold the legal or equitable title to a tract of real property evidenced by instrument of lawful conveyance.

Owner means the person, firm, trust or corporation that holds the legal or equitable title to a tract of real property as evidenced by an instrument of lawful conveyance. For purposes of regulating signage under this code, this term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

Package store means a place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

Parcel or parcel of land means a contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant person in the public records of Marion County Florida, as of the effective date of these regulations or as may be subsequently recorded pursuant to city regulations.

Park/open space area shall have the same meaning as defined in section 14-37.

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

Parking means the temporary, transient storage of private passenger motor vehicles used for personal transportation while their operators engaged in other activities. It shall not include the storage of new or used cars for sale, service, rental or any other purpose other than specified above. See chapter 118.

Pasture means land used for livestock grazing that is managed to provide feed value.

Patio home means a single-story condominium dwelling unit, including two or more dwellings which have one or more common side walls, with no side lot setback between dwellings.

Pennant means any flag like piece of cloth, plastic, or paper attached to any staff, cord, building or other structure that hangs loosely for the purpose of attracting attention to the site.

Permanent construction for the purpose of establishing the start of construction under the Floodplain Management chapter of this code means the installation or erection of non-temporary components of a structure. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings.

Permitted uses means residential uses of property in nonresidential districts which are permitted by the Belleview City Code. (Example: Residential use of property zoned for B-2 Commercial use.)

Person means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Personal services means establishments primarily engaged in providing services generally to individuals such as laundry services, garment pressing, beauty and barber shops, nail salons, shoe repair, and tax preparation services.

Pervious (also pervious surface or pervious area) means material that allows the percolation or absorption of water into the ground including, but not limited to grass, mulch, and stone. Pavers (excluding those specifically designed and constructed to be pervious) and limerock are not considered as pervious surface. Some surfaces such as pervious concrete may be considered semi-pervious according to the manufacturer specifications and installation (see definition for pervious concrete).

Pervious and semi-pervious pavement means concrete or other paving material, installed by qualified contractor, which allows for some percolation of runoff.

Pet, household means an accessory use permitted in all zones. Household pets shall not be considered to include poultry, cattle, horses, ponies, pigs, lambs, sheep, goats or other animals normally raised for food; and all such animals are specifically prohibited in residential zones, except for animals kept for educational purposes approved by the City through a special permit.

Place of worship means a facility devoted primarily to religious or church purposes, except for a parsonage used primarily as a residence.

Planned residential community means a City of Belleview planned unit development, approved under Section 134-656 of the Land Development Regulations, that is under unified control, is planned and developed as a whole, has a minimum gross lot area of eight acres, and has amenities that are designed to serve residents with a developmental disability as defined in F.S. § 393.063, but that shall also provide housing options for other individuals.

Planning and zoning board means an appointed, quasi judicial body which hears and decides requests for special exceptions, which hears and decided requests for variances and which hears and decides appeals to decisions of the zoning administrator. (See article II of chapter 134.)

Plant communities means a natural association of plants that is dominated by one or more prominent species or characteristic physical attribute(s).

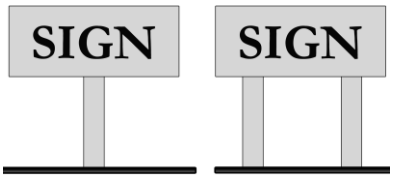
Plaza means any open space which contains more than 50 percent impervious ground coverage.

Porch means a roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than the exterior walls of such building. Open-mesh screening shall not be considered an enclosure.

Poultry means any chickens, pigeons, turkeys, ducks, geese or guinea fowls.

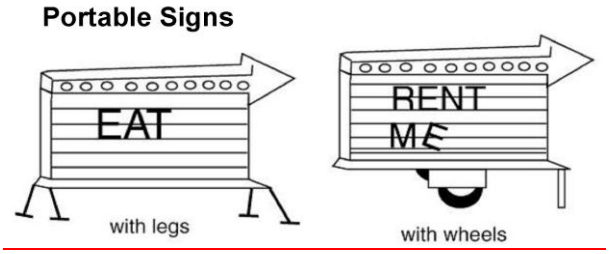
Poultry market means a commercial establishment or place where live poultry or fowls are kept and prepared for sale, including killing or cleaning.

Pole sign means a freestanding sign supported by one or two poles, columns, or other fabricated support member without any type of secondary support. Pole/pylon signs typically provide clear view between the sign and the ground.



Pole Sign

Portable sign means any sign not permanently affixed to a permanent base, whether on its own trailer, wheels, or otherwise, which is capable of being transported from one place to another.



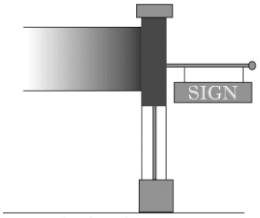
Preliminary development order means one of the following:
(1) Planned development (PD) conceptual plan;
(2) Subdivision conceptual plan;
(3) Preliminary commercial or industrial subdivision plat; or
(4) Shopping center conceptual site plan.

Premises means the lot or lots, plots, portions of parcels of land considered as a unit for a single development or activity.

Principal structure means a structure in which is conducted the principal use of the lot on which it is situated, including any attached carport, shed, garage or any other structure which is a part of the principal building and structurally dependent, totally or in part, on the principal building. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which the dwelling is situated.

Principal use means the use which constitutes the primary activity, function or purpose to which a parcel of land or building is put.

Projecting sign means an outdoor advertising display sign which is affixed to any building wall or structure and extends beyond the building wall, structure, building line or property line more than 12 inches.



projecting sign

Property means land which is the subject of the specific development application.

Proportionate share mitigation means an applicant's improvement or contribution identified in a binding and enforceable agreement between the applicant, the school district and the local government with jurisdiction over the approval of the plat, site plan or functional equivalent that provides for the additional demand on public school facilities caused by the residential development of the property, as set forth in F.S. § 163.3180(5)(h).1.c.

Protected tree means any tree of a species listed in Table 2(b) of this chapter that is 24 inches DBH or larger.

Protective marker means a highly visible, temporary fence limiting access to a protected area which ensures compliance with the intent of this chapter, such as 36-inch orange, plastic web fencing.

Public and semipublic buildings or uses. See section 134-517.

Public facilities include roads, potable water, sanitary sewer, solid waste, drainage, and public parks and recreation facilities for which level of service standards were adopted in the comprehensive plan.

Rain sensor device means a low-voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a preset quantity.

Rear property line means the line opposite to the front property line.

Rear yard means the portion of any lot or parcel of property, lying between the rear property line and the rear wall of a structure and that portion of any structure which contains the rear entrance of such structure. If such structure is located so that the rear entrance is not parallel to one property line, then the area of the lot which lies in behind an imaginary line extended from each rear corner of the house to a point perpendicular to each side lot line shall be considered the rear yard. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

Recreation units means those units described as follows which are less than eight feet in width with a maximum length of living space not to exceed 35 feet:

(1) *Pickup coach.* A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(2) *Motor home.* A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(3) *Camping trailer.* A canvas or other collapsible, folding structure mounted on wheels and designed for travel, recreation and vacation use.

(4) *Auto camper*. A lightweight, collapsible unit that is transported on an automobile or other vehicle and designed for travel, recreation and vacation uses.

(5) *Other travel units*. Other units designed for travel, recreational and vacation uses not specifically described above.

Recreational area means any common area or dedicated public area, including open space or buildings, but not including streets or off-street parking or loading areas, which is usable for either passive or active recreational activities. Passive recreational activities are those which involve mere observation or only a small amount of activity to derive relaxation or pleasure, and they include such pursuits as sightseeing, birdwatching, picnicking, fishing and the like. Active recreational activities are those which require a certain degree of physical exertion in order to obtain exercise or a release of energy, and they include both team sports and individual sports, playground activities, exercise facilities and the like and usually require special, constructed facilities.

Recreational vehicle means a vehicle, including a park trailer, which is [see in F.S. § 320.01.):

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

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

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

Remodeling, redecorating or refinishing means any change, removal, replacement or addition to walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

Residential development means any development that is comprised of dwelling units, in whole or in part, for non-transitory human habitation.

Residential landscape irrigation means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

Residential use means use of property as a single-family, two-family or multiple-family residence.

Residential zoning district means those districts as identified as such in section 134-240, Categories of Districts.

Restaurant means a building or room, not operated as a dining room in connection with a hotel, where food is prepared and served for pay for consumption on the premises.

Re-subdivision means the further division of previously divided parcels.

Retaining wall means a constructed wall or barrier used to support or hold in place a mass of earth.

Right-of-way (ROW) means a land in which the state, a county, a municipality, or private entity owns the fee simple title or has an easement dedicated or required for transportation or utility use.

Road. See *Street.*

Roof-mounted sign means a sign erected over or on, and wholly or partially dependent upon the roof of any building for support, or attached to the roof in any way. Includes any appurtenance or equipment attached to any building in such a manner that the height of the appurtenance or equipment exceeds the height of the wall elevation of the structure.

Room means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and service porches.

Roominghouse. See *Lodginghouse.*

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Sandwich board sign means a freestanding, portable, two-sided sign that is connected at the top, open at the bottom, and forms an inverted "V" when viewed from the side.

School concurrency means a formal request by an applicant to obtain a rezoning or comprehensive plan amendment or other development approval proposing residential development within a specific geographic area. The term shall include any request to the city proposing residential development regardless of its form including, but not limited to, a planned unit development, a development of regional impact, a change in an existing development order that increases residential densities or the number of projected residential units, or an application for a mixed-use development that has a residential component. The term shall not mean a school concurrency application (SCA).

Scrap metal means leftover, unused, discarded, dismantled, demolished, or damaged metal products collected for reuse or recycling. Examples of scrap metal include, but are not limited to, engine blocks, wheels, automobile parts, frames, cans, electronics, consumer products, wiring, construction excess, tools, and furniture.

Sediment means solid material, mineral or organic, that is in suspension, is being transported or has moved from its site of origin by water.

Sedimentation means the deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin or on public rights-of-way.

Service building means a building housing separate toilet and bathing facilities for men and women and also having laundry facilities and slopwater sinks.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Setback means the minimum distance between the street line or base building line and the front line or side line of the building or any projection thereof, excluding projections specifically permitted.

Shade tree means any tree which shall have a mature crown in the ratio of two feet for every inch of its DBH. Shade trees will attain a combination height and crown spread sufficient to shade large areas. A list of recommended shade trees can be found in section 114-47, Table 2(b) of this chapter.

Shopping center means any commercial building or development housing three or more tenants on a single ownership parcel.

Side property line means the property lines that are neither the front property line nor the back property line, and which connect the front and back property lines.

Side yard means a yard extending from the front yard to the rear yard between the side tract line and the nearest line of any building or use of the tract. The width of a side yard shall be the shortest distance between the side tract line and the nearest use or building on the tract. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. For the purposes of this chapter, the term Sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term Sign for purposes of this chapter shall not include the following objects:

1. Decorative or structural architectural features of buildings (not including lettering, trademarks or moving parts);
2. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently embedded or integrated into the structure of a permanent building which is otherwise legal;
3. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
4. Manufacturers' or seller's marks on machinery or equipment visible from a public area;
5. The display or use of fire, fireworks or candles;
6. Motor vehicle or vessel license plates or registration insignia;
7. Grave stones and cemetery markers visible from a public area;
8. Newsracks and newsstands;
9. Artwork that does not constitute advertising visible from a public area;
10. Decorations that do not constitute advertising visible from a public area;
11. Vending machines or express mail drop-off boxes visible from a public area.

Sign area means the total surface of the sign including the background and frame but not structural supporting elements outside the frame. The sign area for double-faced signs is the total surface area of one side for example a four feet × four feet double-faced sign would be 16 square feet and not 32.

Sign face means any plane, surface, curve or other area containing a sign.

Sign height means the distance between the top of a sign and the average grade elevation below it, or the centerline grade of the adjacent roadway, whichever is less.

Sign structure means the uprights, supports, braces and framework supporting a sign. Sign structures are limited to monument or pole (one or two) supporting structures. The site plan review committee may allow for variations where such variation promotes the purpose and intent of this chapter.

Site means any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land which is in one ownership, or contiguous and in diverse ownership, where development is to be performed as part of a structure, unit, subdivision, site development, or project.

Site improvements means the development of pavement, earthwork, curb, curb and gutter, structures, walkways, drainage facilities and other improvements which could reasonably be expected to alter the surface stormwater runoff conditions of any site.

Site plan means a plan indicating the permitted design and extent of development of a parcel of land approved under and pursuant to chapter 127 of this Code.

Site plan, basic means a site plan drawn to scale which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development (see also chapter 127 site plans). A basic site plan will be required for a change of use or internal/external alterations which do not change the existing coverage or as otherwise determined by the site plan review committee.

Site plan, full means a site plan drawn to scale and certified by a licensed engineer licensed in the State of Florida which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development (see also chapter 127 site plans). A full site plan is required for all new construction. A full site plan is also required for external alterations or additions which increase the existing coverage or as otherwise determined by the site plan review committee.

Slow release, controlled release, timed release, slowly available or *water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick-release product.

Small scale metal melting operations means metal melting operations which melt nonferrous metals such as: Aluminum, gold, lead, silver, sterling silver, tin or zinc; and which use a furnace to melt no more than five kilograms of metal or scrap metal at a time.

Smelting operations means the operation of a process to produce silver, iron, copper and other base metals from their ores.

Snipe sign means any sign of any material, including paper, cardboard, wood and metal, which does not apply to premises where it is located, or which is attached to a tree, structure, shrub or utility pole.

Special event sign means a sign located at and in conjunction with temporary activities, fairs, carnivals, circuses, revivals, or sporting, charitable or educational events.

Special exception means a use that would not be appropriate generally or without restriction through the particular zoning district or classification but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare. To be considered as a special exception, a proposed use must be approved in accordance with sections 134-201 or 134-202.

Specified anatomical area shall have the same meaning as defined in section 14-37.

Specified sexual activity shall have the same meaning as defined in section 14-37.

Sponsoring agency means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

Start of construction means the date of issuance of a permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Stockyard means any area in which transient livestock are kept temporarily for slaughter, market or shipping.

Street means a means of right-of-way of for vehicular traffic, regardless of size or designation, but excluding accessways. The term "street" shall specifically include only the following rights-of-way:

(1) A right-of-way of the state highway system, the county road system or the city road system.
(2) An unabrogated right-of-way in a platted subdivision.
(3) A right-of-way conveyed to the board of county commissioners and/or the city commission by deed recorded in the office of the county clerk prior to June 15, 1970.
(4) A right-of-way established by maintenance under the provisions of F.S. § 95-361.
(5) A right-of-way, a deed for which is accepted by the vote of the board of county commissioners and/or the city commissioners and duly recorded in the office of the county clerk.
(6) An easement or right-of-way access, the location, dimensions and terminal points of which are defined in a judgement entered by a court of competent jurisdiction.
(7) A private easement or right-of-way serving more than one parcel or record, existing prior to June 15, 1970 and recognized as an existing road for purposes of administration of Chapter 70-803, Laws of Florida, 1970.
(8) A road existing prior to June 15, 1970, for which there is no formal right-of-way established of record but which was recognized as a prescriptive public easement for purposes of administration of Chapter 70-803, Laws of Florida, 1970, during the period subsequent to June 15, 1970, and prior to the adoption of this chapter.
    a. By specific action of the board of county commissioners and/or the city commissioners reflected in the minutes of that board/commission; or
    b. By action of the Marion County Building Official pursuant to authority delegated by the board of county commissioners and/or city commissioners.
(9) A street for which there is no formal right-of-way established prior to June 15, 1070. The recognition of such public easement as streets for purposes of this chapter shall require for the following:
    a. Physical identification of said street on an aerial photograph of Marion County, Florida, taken prior to June 15, 1970, by the administrative official.
    b. Two recordable affidavits, one of which shall be the person seeking recognition of the existence of the street, collectively containing the following information:
        1. The location, width and terminal points of the street;

2. A description of all parcels through which the street passes, and the names and addresses of the owners of record of each such parcel and of the owners of record of any easements thereon;
3. The parcel or parcels served by the street for which land use permits and/or certificates of use will be requested;
4. A statement as to the length of time during which the street has been in continuous, open and notorious use as the sole access to the parcel or parcels for which land use permits and/or certificates of use would be requested based upon the existence of such street;
5. The affiant's age, the number of years the affiant has resided in Marion County and the affiant's current address.

Structural alteration means any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Structure, principal means the building in which is conducted the principal use of the parcel in which it is situated.

Subdivision means the division of land, whether improved or unimproved, into three or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which do not equal or exceed ten acres, for the purpose, whether immediate or future, of transfer of ownership or development; or any division of land if the extension of an existing street or the establishment of a new street is involved to provide access to the land. The term includes re-subdivision, the division of land into three or more horizontal condominium parcels or horizontal cooperative parcels, and the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal condominium parcels, horizontal cooperative parcels, or other recorded instrument, and, when appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

Subdivision entrance sign means a sign designed to identify the subdivision, neighborhood, apartment or condominium development or commercial complex but which shall not be designed or displayed for development or promotional purposes and shall not contain or be more than a single purpose sign.

Substandard lot means any nonconforming lot with less than 2,500 square feet of lot area or less than 25 feet of lot width.

Substantial damage, in regard to buildings or structures, means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial damage/deterioration, in regard to signs regulated under this code, means in the event a sign is damaged or becomes deteriorated to a degree that any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure shall require any such sign to comply with the regulations of this chapter. For billboards, substantial damage/deterioration is deemed to occur when more than 75 percent, or the limitation as established by the current Florida Statute, of a billboard is damaged by any cause, then the billboard sign or structure shall not be permitted to be repaired or replaced or must otherwise comply with the

regulations of this chapter. The market value of the structure shall be that prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

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

Swale means a manmade trench which:

(1) Has a top width to depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than three feet horizontal to one foot vertical.
(2) Contains contiguous areas of standing or flowing water only following a rainfall event.
(3) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake.
(4) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Telecommunication tower means a lattice, guyed or monopole structure constructed from grade which supports antennas. The term "tower" shall not include the singular use as a amateur radio operator's equipment, as licensed by the FCC, or antenna support structures and/or towers which are less than 50 feet in height and are used only to support antennas which receive, but do not transmit television signals.

Temporary sign means any sign intended or permitted to be displayed for a limited period of time.

Tenant means any person or persons in possession of a premise under title, lease, or rental agreement. Such premises, for purposes of this code, is referred to as a tenant space.

Tent means any structure or enclosure the roof of which and/or ½ or more of the sides are of silk, cotton, canvas, fabric or a light material.

Tourist court means a group of attached or detached dwellings which are provided primarily for transient guests, including auto courts, motels and motel lodges.

Tourist home means a building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests with or without meals and which also serves as a residence of the operator.

Townhouse means a condominium dwelling unit having dwellings which consist of two or more stories, wherein two or more dwellings have one or more common side walls with no side lot setback between dwellings.

Tract means land occupied or to be occupied by a building or use, and their accessory building and accessory uses, together with such yards and open spaces as are required by this chapter. A tract may consist of one or more or portions or a platted tract and/or unplatted land:

(1) Tract, area. The total area of land contained within the tract lines.

(2) *Tract, corner*. A tract of which at least two adjacent sides abut for their full length upon a street, provided that two sides intersect at an interior angle of not more than 135 degrees. Where a tract is on a curve if tangents through the intersection of the tract lines with the street lines make an interior angle of not more than 135 degrees, such a tract is a corner tract. In the case of a corner tract with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described. See the Schedule of District Regulations, section 134-244, and amendments thereto. Also see Illustration 2 at the end of this chapter.

(3) *Tract, double-frontage.* A tract which either is located at the corner of two intersecting streets or which has two or more yards or property boundary lines which abut and are contiguous to a street right-of-way.

(4) *Tract depth.* The mean horizontal distance between the front and rear tract lines. See the Schedule of District Regulations, section 134-244.

(5) *Tract, interior.* A tract other than a corner tract with only one frontage on a street. See tracts marked B in Illustration 2 and the end of this chapter. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(6) *Tract line front.* The line dividing a tract from a street or base building line, whichever will result in a lesser depth of tract. On a corner tract, both street tract lines shall be considered to be front tract lines for the purpose of determining the required front yard depth. On through tracts, both front tract lines as above defined shall be considered to be front tract lines for the purpose of determining required yards. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(7) *Tract line, rear.* The tract line opposite and most distant from the front tract line. In the case of a triangular or gore-shaped tract wherein the two side tract lines converge in the rear, the rear tract line shall be considered to be a line ten feet in length within the tract parallel to and at the maximum distance from the front tract line. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(8) *Tract line, side.* Any tract line other than a front or rear tract line. A side tract line separating a tract from a street is called a side street tract line. A side tract line separating a tract from another tract or tracts is called an interior or side tract line. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(9) *Tract line, street or alley*. A tract line separating the tract from a street or alley. See the Schedule of District Regulations, section 134-235, and amendments thereto.

(10) *Tract of record*. A lot whose location and dimensions may be ascertained by reference to a plat duly recorded in the plat books in the office of the county clerk duly registered in that office under the provisions of Chapter 177 of Florida Statutes, on the effective date of this chapter; or a tract, the location and dimensions of which are specifically described as a parcel in a deed, contract for deed or other instrument of lawful conveyance. See section 134-244.

(11) *Tract, reversed frontage*. A tract extending between and having frontage on a major traffic street and a minor traffic street and with no vehicular traffic from the major traffic street. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(12) *Tract, through.* A tract abutting on two streets, not at their intersection if any, which may be either a corner or interior lot. See tracts marked C in the Illustration 2 at the end of this chapter. See the Schedule of District Regulations, section 134-244, and amendments thereto.

Traffic control device sign means any governmental/statutory sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Trailer. See *mobile home, travel trailer* or *recreation unit*.

Trailer park means an area set aside primarily for travel trailers, campers and other recreational vehicles, providing temporary water, sewer and electrical hookups for such vehicles.

Trailer sign means any sign that is affixed to or placed on a trailer or other portable device that may be pulled by a vehicle.

Transmitter tower means a structure designed, constructed or used for the sole purpose of broadcasting any form of radio, television, radar or other types of wave impulse or other electromagnetic signal.

Travel trailer means a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having a body width not exceeding eight feet and being of any length, providing that its body length does not exceed 35 feet.

Trailer means any vehicle, wheeled conveyance or device towed by a truck, automobile, motorcycle, scooter or other vehicle.

Tree plan means a plan showing the existing and proposed size, location and category of trees included as part of the site plan.

Tree professional means a certified arborist, horticulturist, or equally trained professional with experience in evaluation and appraisal of trees (training documentation shall be submitted to the city for verification and filing).

Trivision means a billboard sign having two or more moveable, motor-driven faces which alternate at brief intervals.

Turf and turf grass means continuous plant coverage consisting of grass species suited to grow in the city.

Turf, sod or lawn means a piece of grass-covered soil held together by the roots of the grass.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Utility service means active service of utilities, such as potable water and sanitary sewer service through the city's central water and wastewater utility service.

Use means the purpose for which land or a structure thereon is designated, arranged or intended to be occupied or utilized or for which it is occupied or maintained. This definition includes the use of water surface and land underwater to the extent covered by zoning districts and over which the country and/or city has jurisdiction:

(1) *Use, nonresidential*: A use permitted in a specific residential zoning district which is not residential in character.

(2) *Use, residential*: A use for living or sleeping of persons not institutional in character, such as a one-family, two-family or multiple-family dwelling, mobile home, roominghouse, hotel, motel, tourist home, lodginghouse, boardinghouse, villas, bungalow court.

Used means arranged, designed, constructed, altered, converted, rented, leased or intended to be used.

Utility building or facility means a location or an installation of a utility company where employees are not stationed and traffic is not generated, such as a substation or lift station.

Variance means an exception to the requirements of the zoning code granted pursuant to chapter 134, division 5, subdivision II, granted after consideration of the special size, shape, physical features of or on the parcel involved, and upon a finding that literal enforcement of the provisions of the city's zoning code would result in unnecessary and undue hardship. For purposes of the floodplain management regulations of this code, *Variance*, means a grant of relief from the requirements of this chapter, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

V-shape sign means a sign with two faces forming a "V" shape with a separation of any part of the sign face of more than 12 inches (for billboards any sign with an angle that exceeds 30º). All copy area for V-shape signs shall count toward the maximum allowable sign area.



Vegetation means any living plant including grass, trees shrubs, etc.

Vehicle sign means a sign which covers more than ten (10) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Visibility at intersections means a clear, unobstructed field of view which shall be required to be maintained at all intersections pursuant to minimum standards as established in this chapter. See Illustration 4-A at the end of this chapter and section 134-466.

Wall mural means a sign that is a painting or an artistic work that is composed of photographs or arrangement of color and that displays a commercial or noncommercial message, relies solely on the side of a building for rigid structural support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material, which is held in place flush or flat against the surface of the building. Wall murals may only be painted or utilized after approval by the city commission.

Wall sign means any sign installed parallel to and flush against the face of the outside wall of a building, supported by the building and which has only one advertising surface.

Warehouse/distribution center means a building used for storage and wholesale distribution of manufactured products, supplies and equipment.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

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

Wayfinding/directional sign means a non-commercial sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

Wetlands means wetlands as set forth in F.S. § 373.019. The terms "wetlands" and "jurisdictional wetlands," as used in this code, shall be synonymous.

Wet detention means the collection and temporary storage of water in a permanently wet impoundment in such a manner as to provide for treatment through physical, chemical, and biological processes with subsequent gradual release of the stormwater.

Wind activated/inflatable attraction means a temporary sign or other device intended to attract attention that is inflated with air or other gas and held upright, typically by mechanical means, or designed to be airborne and tethered to the ground or another object. Such signs or devices shall include balloons or other inflatable advertising devices.

Window sign means any sign copy display area within the frame area of windows or doors. Copy within this area is not regulated as part of this sign chapter.

Yard means a space on the same tract with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in section 134-465. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective tract lines. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto:

(1) *Yard, front.* A yard extending across the full width of the tract between the front tract line and the nearest line of the main use or main building on the tract. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(2) *Yard, rear.* A yard extending across the full width of the tract between the rear tract line and the nearest line of the main building. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(3) *Yard, required*. Required yard shall mean the minimum yard required by this zoning code. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

(4) *Yard, side.* A yard extending from the front yard to the rear yard between the side tract line and the nearest line of any building or use of the tract. The width of a side yard shall be the shortest distance between the side tract line and the nearest use or building on the tract. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-244, and amendments thereto.

Zoning department means the city building, zoning and licensing department.

Zoning district means a specified area within the city, as adopted by the city commission, to which uniform minimum standards apply as related to the locations, types and intensities of land use.

Zoning map means the official map adopted by ordinance, showing the zoning districts applicable to all lands within the city, and all amendments thereto.

Chapter 102 CONCURRENCY MANAGEMENT SYSTEM[2]

ARTICLE I. IN GENERAL

Sec. 102-1. Basis for chapter provisions.

The basis for this chapter is the Belleview Comprehensive Plan, chapters 1—8. These chapters (future land use, traffic circulation, recreation, etc.) establish the level of service standards for their respective public facilities to ensure that adequate levels of service are provided concurrent with development.

(Ord. 2006-47, § 1(102-10), 12-19-2006)

~~Sec. 102-2. Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Access point* means the point at which a curb cut, driveway or interior road intersects with a roadway segment.~~

~~*Applicant* means a individual (a property owner or his designee) who applies to the city for a development order.~~

~~*Certificate of capacity* means the document issued by the city indicating the quantity of public facilities that are available and reserved for the property described in the certificate, including any limits on uses, densities and intensities of the approved development of the property, and containing an expiration date.~~

~~*Concurrency* means that adequate public facilities that meet the level of service standard adopted in the comprehensive plan are, or will be, available no later than the impact of development.~~

~~*Concurrency deferral affidavit* means a document signed by an applicant which defers the application for a concurrency determination, and acknowledges that future rights to develop the property are subject to the deferred concurrency determination, and acknowledges that no vested rights have been granted by the city or acquired by the applicant without such a determination.~~

[2]Editor's note(s)—Ord. No. 2006-47, § 1, adopted Dec. 19, 2006, amended Ch. 102 in its entirety to read as herein set out. Former Ch. 102, §§ 102-1—102-114, pertained to similar subject matter and derived from Ord. No. 92-02, §§ 1(6), and 1(6-1—6-12), adopted Apr. 30, 1992.

~~*Concurrency determination* means a comparison of an applicant's impact on public facilities to the capacity of public facilities that are, or will be, available no later than the impacts of development.~~

~~*De minimis* means development that has a de minimis impact as set forth in, and complies with the concurrency requirements of, F.S. § 163.3180(6).~~

~~*Development* has the definition as set forth in F.S. § 380.04, as contained therein or subsequently modified.~~

~~*Development application* or *application* as it applies to section 102-40.~~

~~*Development order* means any order, permit or other official action of the city granting, denying or granting with conditions an application for development/building. (F.S. Title VI, Ch. 70, § 70.51(2a).~~

~~*Development permit* means any building permit, zoning permit, subdivision approval, certification, special exception, variance, or any other similar action of local government, as well as any permit authorized to be issued under state law by state, regional, or local government which has the effect of authorizing the development of real property (F.S. Title VI, Ch. 70, § 70.51 (2b).~~

~~*Developers agreement* means a binding agreement between the city and applicant(s) defining how, when, and where development may occur. This definition should not be confused with development agreements as defined in F.S. ch. 163.~~

~~*Development of regional impact* means a development within the definition of F.S. § 380.06.~~

~~*Educational facilities plan (five-year work program)* means the school board's annual comprehensive capital planning document, that includes the district facilities work program specified in F.S. § 1013.35, and the tentative district educational facilities plan which is annually submitted for review and comment to the local governments.~~

~~*Facilities agreement* means an agreement between the applicant and the city detailing the responsibilities of the provision of a needed public facility by the applicant.~~

~~*Final development order* means one of the following:~~

~~(1) Approved development of regional impact (DRI);~~

~~(2) Final planned development (PD);~~

~~(3) Final site plan;~~

~~(4) Final shopping center site plan;~~

~~(5) Final residential/commercial plat with executed developer's agreement; or~~

~~(6) Building permit.~~

~~*Financial feasibility* as defined in F.S. § 163.3164(32).~~

~~*Florida inventory of school houses (FISH) capacity* means the report of the permanent capacity of existing pubic school facilities. The FISH capacity is the number of students that may be housed in a school facility at any given time.~~

~~*Housing for older persons* means residential dwelling units that: 1) are within a community or subdivision that is operated as housing for older persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing of Older Persons Act of 1995, 42 U.S.C. subsection 3601-19, or its statutory successor in function; and 2) prohibit any person under the age of 18 years of age from residing within any dwelling unit on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions that runs with the land and is not subject to revocation or amendment for a period of at least 30 years from the date of recording.~~

~~*Impact of development* means the point in the development process at which the development will require the use of public facilities.~~

~~*Level of service (LOS)* means an indicator or the extent or degree of service provided by, or proposed to be provided by, a public educational facility based on and related to the operational characteristics of the facility. Levels of service shall indicate the capacity per unit of demand for each facility.~~

~~*Preliminary development order* means one of the following:~~

~~(1) Planned development (PD) conceptual plan;~~

~~(2) Subdivision conceptual plan;~~

~~(3) Preliminary commercial or industrial subdivision plat; or~~

~~(4) Shopping center conceptual site plan.~~

~~*Public facilities* include roads, potable water, sanitary sewer, solid waste, drainage, and public parks and recreation facilities for which level of service standards were adopted in the comprehensive plan.~~

~~*Proportionate share mitigation* means an applicant's improvement or contribution identified in a binding and enforceable agreement between the applicant, the school district and the local government with jurisdiction over the approval of the plat, site plan or functional equivalent that provides for the additional demand on public school facilities caused by the residential development of the property, as set forth in F.S. § 163.3180(13)(e).~~

~~*Residential development* means any development that is comprised of dwelling units, in whole or in part, for non-transitory human habitation.~~

~~*School concurrency* means a formal request by an applicant to obtain a rezoning or comprehensive plan amendment or other development approval proposing residential development within a specific geographic area. The term shall include any request to the city proposing residential development regardless of its form including, but not limited to, a planned unit development, a development of regional impact, a change in an existing development order that increases residential densities or the number of projected residential units, or an application for a mixed-use development that has a residential component. The term shall not mean a school concurrency application (SCA).~~

~~(Ord. 2006-47, § 1(102-20), 12-19-2006; Ord. No. 2009-12, § 1, 7-7-2009)~~

Secs. 102-~~3~~ 2—102-30. Reserved.

ARTICLE II. LEVEL OF SERVICE

Sec. 102-31. Level of service standards.

(a) In conducting the concurrency determination, the city shall apply the standards according to the following criteria for each public facility:

(1) ~~*Potable water:*~~

~~a. Design flow: One mgp/d~~

~~b. Storage capacity: 500,000 gpd~~

~~c. Pressure: 50 psi~~

For potable water and sewer, the following standards must be met, at a minimum, to satisfy the concurrency requirement:

The necessary facilities and services are in place at the time a development permit is issued.

A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur.

The necessary facilities are under construction at the time a permit is issued.

The necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

(2) *Sanitary sewer:* One hundred gallons per capita, per day. The concurrency determination for nonresidential development shall be determined based upon section 102-58 of this Code.

(3) *Drainage:*

a. *Water quantity.* Peak post-development run-off shall not exceed peak pre-development run off rates.

b. *Water quality.* Treatment of stormwater runoff shall be required for all development, redevelopment, and when expansion occurs in existing developed areas. The stormwater treatment system or systems can be project specific, serve subareas of the city or be a system to serve the entire city. Regardless of the area served and in accordance with ~~F.A.C. ch. 17-25~~ the standards of the *St. Johns River Water Management District, Applicant's Handbook, Volume II*, the stormwater treatment systems must provide a level of treatment for the runoff from the first one inch of rainfall for projects of 100 acres or more, or as an option for projects with drainage basins less than 100 acres, the first one-half inch of runoff in order to meet the standards of F.A.C. ch. 62-302, F.A.C. 62-302-500. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to ensure the suitability of water for the designated use of its classification as established in ~~F.A.C. ch. 17-302~~ the standards of the *St. Johns River Water Management District, Applicant's Handbook, Volume II*. It is intended that all standards in these citations are to apply to all development and redevelopment and that any exemptions or exceptions in these citations, including project size thresholds, are not applicable.

(4) *Solid waste:* Two pounds per capita per day.

~~(5) *Parks and recreation:* Ten acres per 1,000 persons.~~

~~(6) *Open space:* Ten acres per 1,000 persons.~~

~~(7)~~ (5) *Roadways.*

Rural	Transitioning Urbanized Areas		Urbanized Area
State Multilane Roadways	B	C	D
State Two-Lane Roadways	C	C	D
City/County Roadways	D	D	E

(8) *Public school concurrency.* The level of service standard (LOSS) for Public Schools shall be based on the permanent Florida Inventory of School Housing (FISH) capacity for each Concurrency Service Area (CSA). The LOSS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements contained in the effective five-year adopted district educational facilities plan (five-year work program). The LOSS shall be:

a. Elementary schools: 105 percent.

b. Middle schools: 105 percent.

c. High schools: 100 percent.

(Ord. 2006-47, § 1(102-30), 12-19-2006; Ord. No. 2009-12, § 2, 7-7-2009)

Secs. 102-32—102-39 55. Reserved.

Sec. 102-40. Public school concurrency procedures.

(a) *Purpose and intent.* The purpose and intent of this section is to ensure public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards (LOSS) and that such facilities will be available concurrent with the impact of proposed residential development in a manner consistent with the Public School Facilities Element (PSFE) of the City of Belleview Comprehensive Plan and the Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA), and in collaboration with the School Board of Marion County (School Board).

(b) *Applications subject to a public school concurrency determination.* The city shall not approve an application for a residential final plat, re-plat, or any final site plan, until the school board has reported that the school concurrency requirement has been satisfied or unless it determines that the application is exempt.

(c) *School concurrency applicability and exemptions.*

(1) The following residential applications shall be exempt from the requirements of public school concurrency:

a. Single-family lots of record having received final plat approval or as depicted on plats recorded prior to September 30, 2008;

b Multi-family residential development having received final site plan approval prior to September 30, 2008;

c. Amendments to residential development approvals issued prior to September 30, 2008 that do not increase the number of residential dwelling units or are not likely to generate additional demands on school facilities;

d. Housing for older persons is subject to a restrictive covenant limiting the age of residents to 18 years and older. Such deed restrictions are required to be executed and recorded prior to granting this exemption from school concurrency. This exemption shall expire if such deed restrictions are repealed, superseded or amended to remove the age restriction, or when the restrictions expire due to operation of law;

e. Projects generating less than one student as calculated by the Marion County School District using student generation rates as defined and adopted in Marion County's Educational System Impact Fee Ordinance (Chapter 10, Article XV of the Marion County Code of Ordinances); and

f. Other nonresidential uses as provided for by the ILA.

(d) *Student generation rates.* Marion County's student generation multiplier (SGM) contained in the adopted 2006 educational facilities impact study, as amended, shall be utilized to determine the potential student impact anticipated from the residential development proposed in submitted applications.

(1) Elementary schools: Single-family 0.158; Multi-family 0.097; Mobile Home 0.130.

(2) Middle schools: Single-family 0.078; Multi-family 0.040; Mobile Home 0.070.

(3) High schools: Single-family 0.092; Multi-family 0.043; Mobile Home 0.086.

(e) *Concurrency Service Areas (CSA's).* The areas for the implementation of public school concurrency in Marion County shall be initially applied county-wide. Less than district-wide CSA's shall commence on August 30, 2011. Official maps of the CSA's as amended shall be maintained by the Marion County School Board and adopted into the future land use element of the city's comprehensive plan.

(f) *Review procedure.* Each local government will not approve final plats, un-platted final PUD's that will not be platted, and residential site plans until the applicant has complied with the terms of the ILA and this section.

(1) *School concurrency application (SCA).* Any applicant submitting an application for development with a residential component shall submit a completed SCA to the city. The city shall then forward the application to the Marion County School Board for review and a determination of capacity. The application shall include the following:

a. Location of the residential development;

b. Number of dwelling units;

c. Unit type (single-family, multi-family, apartments, etc.);

d. A phasing schedule (if applicable);

e. Age-restrictions for occupancy (if any);

When deemed complete, the city shall transmit the SCA to the school board for review. Upon completion, applications shall be time stamped by the city and transmitted to the Marion County School District via e-mail with a record of receipt by one of the following methods: hand delivery, or United States Postal Service certified mail with return receipt requested.

(2) *Application fee.* The city may charge an application fee for school concurrency to be paid at the time any application is submitted for review. The fee shall at a minimum include the full amount assessed by the school board for review of the application and shall be non-refundable. The city may assess an additional administrative fee for processing the school concurrency application. Such fee shall be established in the city fee schedule.

(3) *Preliminary school concurrency determination review.* The applicant can request a preliminary review for school concurrency at any stage of the development process to determine the likelihood of capacity being available for a proposed development. The preliminary determination by the school board shall not reserve capacity and does not guarantee the availability of concurrency at the time of actual development.

(4) *School concurrency determination letter.*

a. No residential development or amendments thereto, shall be approved by the city unless the residential development is determined to be exempt from the requirements of public school concurrency, or until a School Concurrency Determination (SCD) letter has been received from the school board confirming that capacity is available, or if capacity is not available, that proportionate share mitigation has been accepted by the school board. The letter of

determination shall be sent to the city, no later than 30 days after receipt of the completed application by the school board.

b. The school board shall determine the potential student impact from proposed residential development on the applicable CSA by performing the review procedure and the standard set forth in the ILA.

c. If the school board determines that sufficient permanent capacity is available at the adopted LOSS to accommodate students anticipated from the development, the school board shall issue a letter of determination indicating that adequate school facilities exist to accommodate the student impact and that the proposed development satisfies public school concurrency requirements.

d. If the determination letter states that the development has not satisfied public school concurrency requirements, the determination letter shall state the basis for such determination; identify acceptable options for mitigation; and the amount of any proportionate share payment required by the applicant calculated pursuant to subsection 17.3 of the ILA.

(5) The city shall approve a non-exempt residential development based on adequate school capacity only upon:

a. Issuance of a SCD letter from the Marion County School Board indicating that adequate school capacity will be in place, or under actual construction within three years after the issuance of final subdivision or site plan approval, for each level of school and without the need for mitigation.

b. The execution of a legally binding mitigation agreement between the applicant, the school board and the city.

(g) *Temporary reservation.*

(1) Capacity shall be temporarily reserved upon receipt of an SCA by the Marion County School Board.

(2) Temporary reservation of capacity shall expire upon the earlier of the following:

a. The school board's determination that capacity exists;

b. Ninety days after the school board determines that capacity does not exist but the developer executes a mitigation agreement or agrees to pay a proportionate share contribution; or

c. The expiration of the mitigation notification period and any extensions thereto granted by the school board pursuant to section 17 of the ILA.

(h) *Duration of concurrency approval.* The public school concurrency approval for a residential application shall expire as set forth below.

(1) As to residential subdivisions, the determination will expire unless:

a. A final plat is approved by the city within 12 months after the date of issuance of the SCD letter; or

b. The applicant commences horizontal construction or subdivision improvements within 12 months after the date of issuance of the SCD letter, construction proceeds with reasonable diligence thereafter, and the final plat is recorded within 24 months after the SCD letter.

(2) As to multi-family site plans or PUD's which do not require platting, the determination will expire unless horizontal construction commences within 12 months after the date of issuance of the SCD letter, and construction proceeds with reasonable diligence thereafter.

~~(3) As to multi-phase projects, the determination shall be valid for the period set forth in an agreement between the applicant, the city and the school board consistent with the time frames for the impact of the proposed development.~~

~~(4) For a mixed use or residential Development of Regional Impact (DRI), school concurrency may be extended for up to five years where the DRI has addressed all questions regarding school impacts and the development order includes conditions to address mitigation of any school impacts, as agreed to by the school board, including those defined in the ILA. Alternatively, the determination shall be valid for the period set forth in an agreement between the applicant, the city and the school board consistent with the time frames for the impact of the proposed development.~~

~~(5) If a determination expires, the applicant may resubmit a request for determination of capacity to the school board to determine that adequate capacity continues to exist, and receive a SCD letter.~~

~~(6) Any renewed determination request shall be subject to a non-refundable fee for the cost of the review.~~

~~(7) The school board may extend, by resolution, the time periods set forth above upon its determination that the applicant has proceeded with its development in good faith and has not been responsible for undue delay.~~

~~(Ord. No. 2009-12, § 3, 7-7-2009)~~

~~Secs. 102-41 — 102-55. Reserved.~~

ARTICLE III. TRANSPORTATION CONCURRENCY PROCEDURES

Sec. 102-56. Application procedures.

(a) ~~*Developers*~~ *Development agreement.* Each applicant for transportation concurrency shall enter into a ~~developers~~ development agreement that will establish the criteria, time line, requirements, and expiration information for transportation concurrency except as provided in section 102-59. Applicable application fees in accordance with Appendix "B" of this Code shall be required at the time of application.

(b) *Certificate of capacity.* Any development order, preliminary or final, ~~developers~~ development agreement, site plan, or building permit issued prior to the effective date of the ordinance from which this section is derived cannot be used to apply for a certificate of capacity.

(c) *Concurrency application.* The planning department will receive the applications for a concurrency determination and make a determination as to whether the application is complete. An incomplete application will be returned to the applicant and be deemed as not "filed". The applicant shall be notified in writing regarding the status of the application and notice of all deficient items. Each concurrency application will be reviewed on a first come, first served basis. As each application is filed and determined to be complete, capacity (if available) will be temporarily reserved. The city desires to clarify when an application is deemed filed and complete, and provide durations for reservations of capacity so that such reservations will not be for indefinite or excessive periods and commencement of the temporary reservation of capacity shall be as follows:

(1) Upon:

a. The final determination of the planning department of a filed and complete concurrency application and the payment of all applicable fees.

~~(2) For purposes of DRI development orders, the following action shall constitute "a completed application for a development order":~~

~~a. The submission of all materials, and payment of all fees, required by the City Code, or other applicable law (e.g. F.S. Ch. 380, developments of regional impact), in order to commence the process for the development order.~~

~~(3)~~(2) Temporary reservation of capacity shall expire upon the earlier of the following:

a. Approval of the development order;

~~b. For a DRI application, one year after the reservation arises;~~

~~c.~~b. For all other development orders, six months after the reservation commences.

(4) The city commission may extend a temporary reservation by adopting a resolution but such extensions may not exceed a cumulative total of six months. Such a resolution may be adopted if a developer has sought approval of the development order in good faith, the developer has promptly responded to staff comments concerning its application and the developer has not been responsible for undue delay.

(Ord. 2006-47, § 1(102-40), 12-19-2006)

Sec. 102-57. Concurrency determination.

(a) Upon determination by the planning department that a concurrency application is complete, the city staff shall conduct a concurrency determination based upon the following:

(1) The project as proposed in the concurrency application.

(2) The best available level of service data at the time of application.

(b) If a public facility is to be provided by an entity other than the city, the entity shall submit all data relevant to the facility capacity, whereupon the city shall conduct a concurrency determination. All facilities shall meet the adopted levels of service before a certificate of capacity is issued.

(c) If the capacity of available public facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact of the development, the application for determination is approved. The applicant shall, upon payment of applicable fees in section 102-62 and Appendix "B" of this Code, receive a certificate of capacity.

(d) If the capacity of available public facilities is less than the capacity required to maintain the level of service standard for the impact of the development, the application for determination is denied. The applicant shall then select one of the following options:

(1) Accept a 15 calendar day encumbrance of public facilities that are available, and within the same 15 calendar day period amend the application to reduce the needed public facilities to the capacity that is available.

(2) Accept a 60 calendar day encumbrance of public facilities that are available, and within in the same 60 calendar day period arrange to provide, through an enforceable facilities agreement or concurrency development agreement, the public facilities, or funding for the construction of the public facilities, that are not otherwise available.

(3) Accept a temporary encumbrance of public facilities that are available, and within 30-calendar days provide the city with alternate data that demonstrates additional capacity is available or impact is less than calculated by the city. The city will have, at a minimum, ten working days to review the alternate data submitted. If the alternate data is not submitted within 30 days, the application shall be eliminated from the system.

(4) Reapply for a certificate of capacity at a later date.

(5) Appeal the denial of the application for a certificate of capacity, pursuant to the provisions of section 102-63. The requested capacities will be temporarily encumbered pending the final disposition of the appeal.

(e) The city reserves the right to accept or reject any alternate data submitted.

(f) Applications for expansion to existing development (excluding planned developments) will be reviewed only for the impact of the expansion. If the application is approved, the reservation becomes permanent upon payment of the capacity reservation fee.

(Ord. 2006-47, § 1(102-50), 12-19-2006)

Sec. 102-58. Certificate of capacity.

(a) Upon a concurrency determination finding of sufficient capacity to accommodate the proposed development, a certificate of capacity may be issued. Applicable fees as defined in Appendix "B" of this Code shall be required at the time of issuance of the certificate of capacity.

(b) Additional capacity reservation fees as defined in section 102-62 shall also be required. The reservation fee must be paid within 15 calendar days of the final approval of the underlying development order. Subject to the provisions of section 102-57, if an application cannot be approved because of temporary reservations preceding it, it may remain in the system until the temporary reservations are converted to permanent status, or released to the pool. The concurrency status of an application which remains in the system because of temporary reservations preceding it will be determined no later than ten days following the change in the status (approval/denial/pending) of the temporary reservations that caused the application to be held in the system. Subject to the provisions of section 102-56, in cases where two or more applicants are in need of the same facility that is near capacity, the first application received shall have first priority in the determination. An application that is ready for final approval can supersede the temporary reservation of an application ahead of it only if sufficient capacity is available to serve both the initial application and the superseding application.

(c) If the development order upon which the application is made is returned to the applicant for revision, the development order must be amended as required and resubmitted within 45 days. If the development order is not resubmitted within the 45-day timeframe, the concurrency application shall be removed from the system.

(d) When approved, notwithstanding the foregoing, the duration of any reservation of capacity shall be deemed to commence on the date of final action by city commission or staff.

(1) If additional action lapses or does not occur within the specified time period set forth above, the application for development order shall be deemed denied for purposes of a concurrency reservation (notwithstanding that it may be deemed granted for all other purposes).

(e) A certificate of capacity shall be valid for the same period of time as the development order with which it was issued. If the development order does not have an expiration date, the certificate of capacity shall be valid for six months. The applicant may request, in writing to the city, an extension of up to six months provided the applicant has made good faith efforts to keep the project moving forward.

(f) A certificate of capacity may be extended according to the same terms and conditions as the underlying development order. If the underlying development order is granted an extension, the certificate of capacity, if any, shall also be extended.

(g) A certificate of capacity can be extended to remain in effect for the life of each subsequent development order for the same parcel, as long as the applicant obtains a subsequent development order prior to the expiration of the earlier development order.

(h) A certificate of capacity runs with the land and is valid only for subsequent development orders for the same parcel, and to new owners of the original parcel for which the certificate of concurrency was issued.

(i) A certificate of capacity shall expire if the underlying development order expires or is revoked or denied by the city and the capacity has not been extended to a subsequent development order for the same parcel. A certificate of capacity issued in connection with a ~~developers~~ development agreement shall expire in accordance with the terms of such agreement, upon the cancellation or termination of such agreement, or upon entry of a non-appealable final order of a court of competent jurisdiction declaring such agreement illegal, invalid, or otherwise unenforceable by city.

(Ord. 2006-47, § 1(102-60), 12-19-2006)

Sec. 102-59. Exemptions.

(a) Development permits for the following types of construction are exempt from this article, and may commence development without a certificate of capacity:

(1) Improvements or additions to a single-family residence.

(2) Replacement structures which have the same impact on public facilities as the original structure.

(3) Amenities such as pools, fences, walls and signs.

(4) Temporary construction trailers.

(5) Wells and septic tanks.

(6) Remodeling, such as moving a wall, if no change in use, addition of units, or interior completion of a "shell only" structure is involved.

(7) Driveway or parking lot repaving.

(8) Change of electrical service.

(9) Reroofing of existing structures.

(10) Repair or replacement of mechanical systems, wiring or plumbing.

(11) Use permits and right-of-way permits that do not increase the needed capacity of public facilities.

(12) Accessory facilities for agricultural uses that create no additional impact on public facilities.

(13) Any sub-permit to new construction.

(14) Permits for historical documentation.

(15) Sign permits.

(16) Utilities such as telephone switching stations, electrical power substations and radio towers that create no additional impact on public facilities.

(17) Tree removal permits.

(18) Expansions that were disclosed by the applicant and subject to a concurrency determination as part of the original application (i.e., phased development).

(b) In order to monitor the cumulative effect on the capacity of public facilities, the planning department will perform an annual review of the following types of development to ensure that their capacities are included in the committed capacity:

(1) Development that creates de minimis impact on public facilities. Development of single-family residences on platted lots of record is considered de minimis.

(2) Development that is determined to be vested.

(Ord. 2006-47, § 1(102-70), 12-19-2006)

Sec. 102-60. Mitigation strategies.

(a) Acceptable mitigation strategies include contribution of funds, donation of rights-of-way, or construction of facilities or as specified for proportionate fair share mitigation in section 102-61 of this Code.

(b) The following are acceptable mitigation strategies for deficient road conditions (subject to specific review and approval by the city):

(1) System improvements, including but not limited to turn lanes, signals, acceleration/deceleration lanes and intersection improvements or donation of right-of-way.

(2) Alternative transportation programs, incentives and disincentives, including but not limited to transit systems, carpools, vanpools, limited parking, and staggered work hours.

(3) Contribution of funds, or donation of right of way, pursuant to a ~~developers~~ development agreement to fund system improvements.

(c) The city reserves the right to accept or reject specific mitigation plans.

(Ord. 2006-47, § 1(102-80), 12-19-2006)

Sec. 102-61. Proportionate fair share mitigation program.

(a) *Purpose and intent.* The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair share program, as required by and in a manner consistent with F.S. § 163.3180~~(16)~~(5)(h).1.c.

(b) *Findings.* The City of Belleview Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the proportionate fair share program:

(1) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;

(2) Allows developers to proceed under certain conditions by contributing their proportionate fair share of the cost of a transportation facility;

(3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;

(4) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the county to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the capital improvements element; and

(5) Is consistent with F.S. § 163.3180~~(16)~~(5)(h).1.c and supports the Belleview Comprehensive Plan.

(c) *Applicability.* The proportionate fair share program shall apply to all developments in the City of Belleview that have been notified of a lack of capacity to satisfy concurrency on a transportation facility in the county concurrency management system, including transportation facilities maintained by FDOT, or other jurisdictions, that are relied upon for concurrency determinations, pursuant to the requirements of subsection (e) of this section. The proportionate fair share program does not apply to ~~developments of regional impact (DRIs) using proportionate fair share under F.S. § 163.3180(12), or to~~ developments exempted from concurrency as provided in the City of Belleview Land Development Regulations, the City of Belleview Comprehensive Plan, and/or F.S. § 163.3180 regarding exceptions and de minimis impacts.

(d) *Definitions.* Unless otherwise stated, terms used in this section shall be interpreted as defined at the beginning of this chapter or as defined in the City of Belleview Land Development Regulations.

(e) *General requirements.*

(1) An applicant may choose to satisfy the transportation concurrency requirements of the land development regulations by making a proportionate fair share contribution, pursuant to the following requirements:

a. The proposed development is consistent with the comprehensive plan and applicable land development regulations.

b. The capital improvements element includes a transportation improvement(s) that, upon completion, will satisfy the transportation concurrency requirements of the land development regulations. The provisions of subsection (e)(2) of this section may apply if a project or projects needed to satisfy concurrency are not presently contained in the capital improvements element.

(2) The city may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair share program by contributing to an improvement that, upon completion, will satisfy the transportation concurrency requirements of the land development regulations, but is not contained in the capital improvements element where the following apply:

a. The city commission adopts, by resolution or ordinance, a commitment to add the improvement to the capital improvements element no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the city planner or designee, and determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)(1), consistent with the comprehensive plan, and in compliance with the provisions of this chapter. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed five years to fully mitigate impacts on the transportation facilities.

b. If the funds allocated for the capital improvements element are insufficient to fully fund construction of a transportation improvement required by the city concurrency management system, the city may still enter into a proportionate fair share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share is calculated if the proportionate fair share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the ~~city planner, city clerk,~~ city development services director and city public works director (or designees) and the entity (entities) maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair share component must be adopted into the capital improvements element at the next update.

(3) Any improvement project proposed to meet the developer's fair share obligation must meet design standards of the city or county for locally maintained roadways and FDOT standards for the state highway system.

(f) *Intergovernmental coordination.* Pursuant to the Intergovernmental Coordination Element of the City of Belleview Comprehensive Plan, the city shall coordinate with affected jurisdictions, including Marion County or FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving an application for proportionate fair share mitigation. An inter-local agreement may be established with other affected jurisdictions for this purpose.

(g) *Application process.*

(1) Upon receipt of a determination statement indicating a lack of capacity to satisfy transportation concurrency requirements of the land development regulations, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair share program pursuant to the requirements of subsection (e) of this section.

(2) Prior to submitting an application for a proportionate fair share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Inter-Modal System (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.

(3) Once determined to be eligible, the applicant shall submit:

a. A complete description of the requested proportionate fair share mitigation method(s),

b. The information required for a concurrency determination pursuant to Chapter 102 of the Land Development Regulations, and

c. Any additional information requested by the city planning department.

(4) The planning department shall review the application for sufficiency. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair share program as indicated in subsection (e) of this section, then the applicant will be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The city commission may, in its discretion, grant extensions of this time to cure such deficiencies, upon the applicant showing good cause for the extension and taking reasonable steps to affect a cure.

(5) ~~Pursuant to F.S. § 163.3180(16)(e), proposed~~ Proposed proportionate fair share mitigation for development impacts to facilities on the SIS requires authorization by the FDOT.

(6) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair share agreement will be prepared by the by the applicant with direction from the city, and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair share mitigation on a Strategic Inter-Modal System facility, no fewer than 21 business days prior to the city commissioners meeting when the proportionate fair share agreement is anticipated to be considered.

(7) The city shall notify the applicant regarding the anticipated date of the city commissioners meeting when the proportionate fair share agreement will be considered. No proportionate fair share agreement will be effective until approved by the city commission.

(h) *Determining proportionate fair share obligation.*

(1) Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

(2) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

(3) The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in F.S. § 163.3180~~(12)~~(5)(h)2, as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

OR

Proportionate Fair Share =

Σ [[(Development Trips;sub\sub;)/(SV Increase;sub\sub;)] x Cost;sub\sub;]

Where:

Development Trips;sub\sub; = Those new trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the City Concurrency Management System;

SV Increase;sub\sub; = Service volume increase provided by the eligible improvement to roadway segment "i" per subsection (e);

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

(4) For the purposes of determining proportionate fair share obligations, the city shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvements element, the TPO/TIP or the FDOT work program. Where such information is not available, improvement cost shall be determined using the following method:

a. An analysis by the city or applicant at the discretion of the city shall include costs by cross section type that incorporates data from: the Marion County Impact Fee Ordinance and/or recent projects by the city and/or other local governmental agencies. In order to accommodate increases in construction material costs, project costs shall be adjusted for inflation as follows:

$Cost_n = Cost_o \times (1 + Cost\ Growth_{3yr})^n$

Where:

$Cost_n$ = The cost of the improvements in year n;

$Cost_0$ = The cost of the improvements in the current year;

$Cost\ Growth_{3yr}$ = The growth rate of costs over the past three years;

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

The three-year growth rate is determined as follows:

$Cost\ Growth_{3yr} = [Cost\ Growth_1 + Cost\ Growth_2 + Cost\ Growth_3]$

Where:

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

Cost Growth $_{1}$ = The growth rate of costs in the previous year;

Cost Growth $_{2}$ = The growth rate of costs two years prior;

Cost Growth $_{3}$ = The growth rate of costs three years prior; or

(5) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section unless otherwise approved by the city commission.

(6) If the city has accepted right-of-way dedication for the proportionate fair share payment, credit for the dedication of the non-site related right-of-way shall be based on fair market on the date of the dedication. The applicant shall, at no expense to the city, supply the city with a survey and legal description of the land and convey the land by warranty deed free and clear of all liens and encumbrances. If the estimated value of the right-of-way dedication proposed by the applicant is less than the estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share contribution involving facilities under FDOT jurisdiction, FDOT must be contacted for essential information about compliance with federal law and regulations.

(i) *Impact fee credit for proportionate fair share mitigation.* Impact fee credits for proportionate fair share contributions shall be determined by Marion County.

(j) *Proportionate fair share agreements.*

(1) Upon execution of a proportionate fair share agreement the applicant shall receive a certificate of concurrency. Should the applicant fail to apply for a development permit within the life of the underlying development order then the agreement shall be considered null and void, and the applicant shall be required to reapply.

(2) Payment of the proportionate fair share contribution is due in full prior to the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement.

(3) All developer improvements authorized under this chapter must be completed prior to issuance of a final development order, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements.

(4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair share agreement must be completed prior to issuance of the final development order. If the dedication is completed more than 12 months from the date of execution of the proportionate fair share agreement, the proportionate fair share cost shall be recalculated at the time of dedication based on the best estimate of the construction cost of the required improvement at that time, pursuant to subsection (h) of this section, and adjusted accordingly.

(5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair share contributions to the extent the change would generate additional traffic that would require mitigation.

(6) Applicants may submit a letter to withdraw from the proportionate fair share agreement at any time prior to the execution of the agreement. The application fee, and any associated costs, will be non-refundable.

(7) The city commission may, in their discretion, enter into proportionate fair share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(k) *Appropriation of fair share revenues.*

(1) Proportionate fair share revenues shall be placed in the appropriate project account for funding of improvements in the capital improvements element, or as otherwise established in the terms of the proportionate fair share agreement. At the discretion of the city commission, proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair share revenues were derived. Proportionate fair share revenues may also be used as the 50 percent local match for funding under the FDOT TRIP, or matching funds under other grant programs that may be available.

(2) In the event a scheduled facility improvement is removed from the capital improvements element, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of subsection (e)(2)b. of this section.

(3) Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair share obligation calculated under subsection (h) of this section, the city will establish a process whereby the applicant may be reimbursed by subsequent development impacts to the facility.

(4) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan, as provided in F.S. § 339.155, the city may coordinate with the transportation planning organization and other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP or other grant programs that may be available. Such coordination shall be adopted by the city commission through an inter-local agreement that establishes a procedure for ear-marking of the developer contributions for this purpose.

(Ord. 2006-47, § 1(102-81), 12-19-2006)

Sec. 102-62. Fees.

(a) The city shall charge each applicant a fee in accordance with the fee schedule listed in Appendix "B" of this Code.

(b) The city shall also charge the concurrency determination fee to any individual (non-applicant) that requests an analysis of capacity. The fee shall be nonrefundable.

(c) For all applications where a transportation impact fee must be paid, the city shall charge a certificate of capacity fee, which is to be paid within 15 days after approval of the underlying development order.

(1) This fee shall be in the form of a prepayment of impact fees.

(2) The fee schedule is as follows:

a. Fifty percent at the time of approval of a ~~developers~~ development agreement with the city commission.

b. Seventy-five percent (cumulative) at the time of site plan approval by the site plan review committee.

c. One hundred percent (cumulative) prior to the issuance of a building permit.

(3) The certificate of capacity fee can be refunded if the development does not proceed only if the city or other provider of capacity has not expended or obligated the money for preconstruction costs or construction of public facilities.

(d) For a single-family residential subdivision, the certificate of capacity fee may be waived if all required infrastructure (i.e., roads, water and sewer lines) is installed prior to issuance of the first building permit. The required impact fees shall be paid upon issuance of a certificate of occupancy.

(Ord. 2006-47, § 1(102-90), 12-19-2006)

Sec. 102-63. Appeals.

(a) An applicant may appeal a denial of a certificate of capacity on three grounds:

(1) A technical error;

(2) The applicant provided alternative data or a traffic mitigation plan that was rejected by the city; or

(3) Unwarranted delay in review that allowed capacity to be given to another applicant.

(b) Appeal of denial of a certificate of capacity shall be through the city commission.

(c) The appeals process shall be as follows:

(1) The appeal shall be filed with the planning department within 15 calendar days of the notification that the application for a concurrency determination has been denied.

(2) The notice of appeal shall detail the basis of appeal.

(3) The record of the planning department's determination, including all exhibits, shall be received and constitute part of the record.

(Ord. 2006-47, § 1(102-110), 12-19-2006)

Sec. 102-64. Recognition of reservations of capacity issued by Marion County under joint city/county concurrency development agreements.

The city shall recognize, upon annexing property, certificates of capacity issued by Marion County to the owner of the annexed property under concurrency development agreements to which the city and county are parties, as if such owner had been issued a certificate of capacity by the city.

(Ord. 2006-47, § 1(102-120), 12-19-2006)

Chapter 106 ENVIRONMENTAL PROTECTION[3]

ARTICLE I. IN GENERAL

[3]Cross reference(s)—Dangerous buildings, § 22-40 et seq.; environment, ch. 38; parks and recreation, ch. 58; planning, ch. 122; subdivisions, ch. 130; zoning, ch. 134.

Sec. 106-1. Environmentally sensitive lands.

(a) In the city, other than the Grotto and Lake Lillian, environmentally sensitive lands have not yet been identified. Areas with potential include:

(1) Wildlife habitat in general and all other habitats of threatened or endangered species.

(2) City, county and/or state recreation sites.

(3) Freshwater marshes around former quarries.

(4) Prime aquifer recharge areas.

(b) All development proposals shall, in addition to protecting environmentally sensitive lands, document how the applicant proposes to protect and conserve the natural functions of soils, wildlife habitats, manmade lakes, freshwater beaches and shores, as appropriate.

(c) These proposals shall be in writing, and they will be revised as required by the city commission. They will be incorporated as a part of any approved subdivision plat, planned development or development order.

(d) The land development regulations of this chapter are intended to implement the Belleview Comprehensive Plan and protect these important resources.

(Ord. No. 92-02, § 1(ch. 4), 4-30-1992)

Secs. 106-2—106-30. Reserved.

ARTICLE II. FRESHWATER MARSH PROTECTION

Sec. 106-31. Quantity or quality.

Any development activity that would directly or indirectly affect the quantity or quality of marshes must be documented as being essential to the public interest. The burden for providing such documentation shall rest solely with the applicant.

(Ord. No. 92-02, § 1(4-1), 4-30-1992)

Sec. 106-32. Recreational activities.

Recreational activities in marshes shall be limited to access purposes. Examples of such acceptable purposes include boat ramps, docks elevated on pilings, and bridges elevated on pilings.

(Ord. No. 92-02, § 1(4-2), 4-30-1992)

Sec. 106-33. Disruption.

Any disruption of a marsh shall require mitigation, with restoration within one year to an area equal in square feet to the original, undisturbed area; and, with a mix of vegetative species and density (number of plants per square foot) equal to that which existed prior to disturbance.

(Ord. No. 92-02, § 1(4-3), 4-30-1992)

Sec. 106-34. Endangered or pristine habitat.

Any endangered or pristine habitat identified by a state or federal agency shall be preserved without any disturbance whatsoever.

(Ord. No. 92-02, § 1(4-4), 4-30-1992)

Secs. 106-35—106-70. Reserved.

ARTICLE III. NATURAL RESERVATION PROTECTION

Sec. 106-71. Enumeration of natural reservations.

(a) Natural reservations in Belleview consist of city lands which are specifically managed as recreation areas or as undeveloped wildlife and vegetation preserves. Those areas that are contiguous to a natural reservation shall be treated as an overlay zone, and only such types and intensities of land uses as are considered to be compatible with each natural area are to be permitted.

(b) All city parks are natural reservations as defined in this section.

(c) For existing lots of record, one single-family dwelling may be considered, located the maximum distance away from the city property as is possible, and remain in compliance with zoning district setbacks.

(d) For new subdivisions, a building setback line of 100 feet will be required as measured from the natural area.

(Ord. No. 92-02, § 1(ch. 4, art. 2), 4-30-1992)

Secs. 106-72—106-100. Reserved.

ARTICLE IV. SPECIFIC AND CUMULATIVE IMPACT PROTECTION

Sec. 106-101. Development.

Any development contiguous to a wetland, a city park, public open space, a wildlife management area or preserve, or any shoreline shall provide an assessment of the potential environmental impacts of the development upon those ecosystems, except as provided in section 106-102.

(Ord. No. 92-02, § 1(4-5), 4-30-1992)

Sec. 106-102. Exemption.

Single-family development on tracts of record prior to January 1990, is exempt from the requirements of this article.

(Ord. No. 92-02, § 1(4-6), 4-30-1992)

Sec. 106-103. Environmental impact assessment.

An environmental impact assessment shall meet the following minimum standards:

(1) It shall be prepared by an individual or a firm qualified in the environmental sciences and unrelated to the applicant.

(2) It shall document predevelopment conditions of the ecosystems described in section 106-101, it shall describe the cumulative effects of the various development phases (including surrounding development) upon environmental quality, and it shall describe those actions to be taken to protect or improve environmental quality.

(Ord. No. 92-02, § 1(4-7), 4-30-1992)

Secs. 106-104—106-130. Reserved.

ARTICLE V. WILDLIFE ASSESSMENT

Sec. 106-131. Assessment review process.

For all new subdivisions of over 40 acres in size and planned developments, the review process shall include a request by the city to the state fish and wildlife conservation commission and the U.S. Fish and Wildlife Service for an assessment of known or potential impacts upon threatened or endangered species or their habitat.

(Ord. No. 92-02, § 1(4-8), 4-30-1992)

Sec. 106-132. Wildlife management area.

(a) If threatened or endangered species are identified as provided in section 106-131, a wildlife management area shall be established, of a size adequate to maintain a viable population of the affected species. Over five percent of the land area in any subdivision or planned development will preserve or restore native wildlife habitat.

(b) The size of the habitat area will be established by a wildlife biologist employed by the developer, or as an alternative, by the developer in cooperation with the state fish and wildlife conservation commission.

(c) The habitat area may be retained for use as passive open space and an integral part of the development, or it may be conveyed to public or private, nonprofit use. As an incentive to developers, any undeveloped area development rights may be utilized on the remaining portion of the development, at a rate equal to 1.5 times the intensity of use that would have been allowed if the habitat area were not reserved.

(d) If an acreage adequate to maintain a viable population of the affected species cannot be provided on site, several options are available as follows:

(1) The developer may, conditional upon approval of the affected state and federal agencies, relocate the affected population to a suitable public habitat off site, which such habitat is inadequately stocked with the affected species;

(2) The developer may purchase an alternative site which is potentially suitable for the affected species but currently lacking one or more features essential for suitable habitat, create a suitable habitat

pursuant to a wildlife management plan approved by the state fish and wildlife conservation commission, and relocate the affected species at such time as the habitat becomes suitable; or

(3) Pay a fee to the state fish and wildlife conservation commission, at a rate to be established by that agency, for the state fish and wildlife conservation commission to acquire an alternative site, improve the site and relocate the affected species.

(Ord. No. 92-02, § 1(4-9), 4-30-1992)

Sec. 106-133. On-site habitat.

(a) Any on-site habitat shall be restored as necessary to provide optimal conditions for species survival.

(b) Restoration methods shall be pursuant to a wildlife management plan approved by the state fish and wildlife conservation commission.

(c) Restoration costs shall be paid by the developer. A bond may be posted if the developer desires to initiate construction prior to the completion of habitat restoration.

(Ord. No. 92-02, § 1(4-10), 4-30-1992)

Sec. 106-134. Wildlife management.

Where wildlife habitat is retained as an integral part of the development, the developer shall establish a mechanism that ensures perpetual wildlife management at a level adequate to maintain optimal conditions for species survival.

(Ord. No. 92-02, § 1(4-11), 4-30-1992)

Sec. 106-135. Mitigation.

Mitigation (replacement) is mandatory for any threatened or endangered species habitat that is ~~unavoidably~~ destroyed or adversely affected by development activities.

(Ord. No. 92-02, § 1(4-12), 4-30-1992)

Secs. 106-136—106-170. Reserved.

ARTICLE VI. GEOLOGIC HAZARDS

Sec. 106-171. Sinkholes.

Any development proposal of over five acres in size, any building over two stories high, or any development regardless of size, which in the opinion of the public works director or city engineer will be located in an area of known sinkhole formation, will be required to undergo evaluation for geologic hazards on site prior to development.

(Ord. No. 92-02, § 1(4-13), 4-30-1992)

Sec. 106-172. Evaluation.

An evaluation of geologic hazards shall include:

(1) The location of sinkholes on aerial photographs and on preliminary plats.

(2) The location of wetlands and flood-prone areas on preliminary plats.

(3) The location of soils with known limitations for road construction, based upon the county soil survey on preliminary plats.

(Ord. No. 92-02, § 1(4-14), 4-30-1992)

Sec. 106-173. Water retention areas.

(a) Developers shall, in consultation with and subject to approval from the public works director or the city engineer, locate water retention areas the maximum possible distance from:

(1) Structures on adjacent properties.

(2) City, county and state roads.

(3) Structures to be built on the property being developed.

(b) To reduce the possibility of sinkhole formation, all water retention areas will be designed to cover the maximum area and the minimum depth, taking into consideration the landowners parcel size.

(Ord. No. 92-02, § 1(4-15), 4-30-1992)

Secs. 106-174—106-200. Reserved.

ARTICLE VII. WELLFIELD PROTECTION

Sec. 106-201. Water conservation techniques.

The city commission will adopt water conservation techniques by resolution, and all new development and redevelopment shall comply therewith.

(Ord. No. 92-02, § 1(4-16), 4-30-1992)

Sec. 106-202. Pollution.

Any development within one-quarter mile of a wellfield must be designed by a licensed engineer to protect the wellfield from pollution.

(Ord. No. 92-02, § 1(4-17), 4-30-1992)

Chapter 110 FLOODPLAIN MANAGEMENT[4]

ARTICLE I. ADMINISTRATION

DIVISION 1. GENERAL

Sec. 110-1. Title.

These regulations shall be known as the Floodplain Management Ordinance of the City of Belleview, Florida hereinafter referred to as "this chapter."

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-2 Scope.

The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-3. Intent.

The purposes of this chapter and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

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[4]Editor's note(s)—Ord. No. 2014-18, § 2, adopted Nov. 4, 2014, amended ch. 110 in its entirety to read as herein set out. Former ch. 110, §§ 110-1—110-177 was entitled "Floods", and derived from: Code 1980, §§ 7-158—7-160.8; Ord. No. 94-01, § 1(7-158—7-160.8), adopted Feb. 15, 1994; Ord. No. 2003-02, § 1, adopted Mar. 18, 2003; Ord. No. 2004-19, adopted Aug. 3, 2004; and Ord. No. 2008-15, § 1, adopted July 15, 2008.

Cross reference(s)—Buildings and building regulations, ch. 22; environment, ch. 38; streets, sidewalks and other public places, ch. 74; utilities, ch. 86; planning, ch. 122; subdivisions, ch. 130; zoning, ch. 134.

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-4. Coordination with the Florida Building Code.

This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-5. Warning.

The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-6. Disclaimer of liability.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-7—110-30. Reserved.

DIVISION 2. APPLICABILITY

Sec. 110-31. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-32. Areas to which this chapter applies.

This chapter shall apply to all flood hazard areas within the City of Belleview, as established in section 110-33 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-33. Basis for establishing flood hazard areas.

(a) The Flood Insurance Study for Marion County, Florida and Incorporated Areas dated ~~August 28, 2008~~ April 19, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Belleview Development Services Department, Belleview City Hall, 5343 S.E. Abshier Blvd., Belleview, FL 34420.

(b) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to article I, division 5 of this chapter the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

  (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.

  (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-34. Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-35. Abrogation and greater restrictions.

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

chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-36. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit, nor repeal any other powers granted under state statutes.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-37—110-60. Reserved.

DIVISION 3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 110-61. Designation.

The director of development services is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-62. General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to article I, division 7 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-63. Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-64. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this chapter is required.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-65. Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to article I, division 7 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-66. Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-67. Inspections.

The floodplain administrator shall make the required inspections as specified in article I, division 6 of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-68. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 110-64 of this chapter;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code and this chapter to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Belleview are modified.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-69. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses;

assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of Belleview Department of Development Service, Belleview City Hall, 5343 S.E. Abshier Blvd., Belleview, FL 34420.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-70—110-90. Reserved.

DIVISION 4. PERMITS

Sec. 110-91. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-92. Floodplain development permits or approvals.

(a) Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(b) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof

of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on-site or preassembled and delivered on-site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-93. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, county parcel identification number, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in article I, division 5 of this chapter.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-94. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-95. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance (or as otherwise established by Florida State law), or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-96. Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other ordinance, regulation or requirement of this community.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-97. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The St. John's River Water Management District; F.S. § 373.036.

(2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

(4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(5) Federal permits and approvals.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-98—110-120. Reserved.

DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 110-121. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsections 110-122(2) or (3) of this chapter.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsection 110-122(1) of this chapter.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-122. Information in flood hazard areas without base flood elevations (approximate Zone A).

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

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is three feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-123. Additional analyses and certifications.

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

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any

increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 110-124 of this chapter and shall submit the conditional letter of map revision (CLOMR), if issued by FEMA, with the site plan and construction documents. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 110-124 of this chapter.

(4) In order to qualify for a Letter of Map Revision based on Fill (LOMR-F), the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-124. Submission of additional data.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-125—110-150. Reserved.

DIVISION 6. INSPECTIONS

Sec. 110-151. General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(1) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(2) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

a. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 110-122(3)b. of this chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

3. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet.

b. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 110-151(2)a. of this chapter.

(3) *Manufactured homes.* The City of Belleview Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-152—110-170. Reserved.

DIVISION 7. VARIANCES AND APPEALS

Sec. 110-171. General.

The city planning and zoning board shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the city planning and zoning board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-172. Appeals.

The city planning and zoning board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision of city planning and zoning board may appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-173. Limitations on authority to grant variances.

(a) The city planning and zoning board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 110-176 of this chapter, the conditions of issuance set forth in section 110-177 of this chapter, and the comments and recommendations of the floodplain administrator and the building official. The city planning and zoning board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

(b) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 110-123 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-174. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement and rehabilitation shall be subject to the requirements of the Florida Building Code.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-175. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of subsection 110-173(b), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-176. Considerations for issuance of variances.

In reviewing requests for variances, the city planning and zoning board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-177. Conditions for issuance of variances.

Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

(2) Determination by the city planning and zoning board that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-178—110-200. Reserved.

DIVISION 8. VIOLATIONS

Sec. 110-201. Violations.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-202. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-203. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by City of Belleview Ordinance or Florida law.

(Ord. No. 2014-18, § 2, 11-4-2014)

~~Secs. 110-204—110-220. Reserved.~~

ARTICLE II. DEFINITIONS

DIVISION 1. GENERAL

Sec. 110-221. Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this section.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-222. Terms defined in the Florida Building Code.

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-223. Terms not defined.

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-224—110-250. Reserved.

DIVISION 2. DEFINITIONS

Sec. 110-251. Terms defined.

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

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

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

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

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

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

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

(1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or

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

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

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

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

Existing building and *existing structure.* Any buildings and structures for which the "start of construction" commenced before August 28, 2008. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 28, 2008.

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

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

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

(1) The overflow of inland or tidal waters.

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

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

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

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

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

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

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

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

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

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

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

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

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

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

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

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

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

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

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood

hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

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

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

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

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

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

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

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

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

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

New construction. For the purposes of administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 28, 2008 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 28, 2008.

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

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

(1) Built on a single chassis;

~~(2) Four hundred square feet or less when measured at the largest horizontal projection;~~

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

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

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

~~*Start of construction.* The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.~~

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

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

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

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

~~(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.~~

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

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

~~(Ord. No. 2014-18, § 2, 11-4-2014)~~

Secs. 110-~~252~~204—110-270. Reserved.

ARTICLE ~~III~~ II. FLOOD-RESISTANT DEVELOPMENT

DIVISION 1. BUILDINGS AND STRUCTURES

Sec. 110-271. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to subsection 110-92(b) of this chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of article ~~III~~ II, division 7 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-272—110-290. Reserved.

DIVISION 2. SUBDIVISIONS

Sec. 110-291. Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-292. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 110-122(1) of this chapter; and

(3) Compliance with the site improvement and utilities requirements of article ~~III~~ II, division 3 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-293—110-320. Reserved.

DIVISION 3. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 110-321. Minimum requirements.

All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-322. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-323. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7, to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-324. Limitations on sites in regulatory floodways.

No development, including but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 110-123(1) of this chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-325. Limitations on placement of fill.

Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-326—110-350. Reserved.

DIVISION 4. MANUFACTURED HOMES

Sec. 110-351 General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-352. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.2, and this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-353. Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-354. Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with subsections (1) or (2) of this section, as applicable.

(1) *General elevation requirement.* Unless subject to the requirements of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an

expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A).

(2) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (1) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

a. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential, Section R322.2 (Zone A); or

b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-355. Enclosures.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-356. Utility equipment.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-357—110-380. Reserved.

DIVISION 5. RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 110-381. Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than 180 consecutive days; or

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-382. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 110-381 of this chapter for temporary placement shall meet the requirements of article ~~III~~ II, division 4 of this chapter for manufactured homes.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-383—110-400. Reserved.

DIVISION 6. TANKS

Sec. 110-401. Underground tanks.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-402. Above ground tanks, not elevated.

Above ground tanks that do not meet the elevation requirements of section 110-403 of this chapter shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-403. Above ground tanks, elevated.

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

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-404. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-405—110-420. Reserved.

DIVISION 7. OTHER DEVELOPMENT

Sec. 110-421. General requirements for other development.

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of section 110-324 of this chapter if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-422. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 110-324 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-423. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 110-324 of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Sec. 110-424. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated

floodways shall meet the limitations of section 110-324 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 110-123(3) of this chapter.

(Ord. No. 2014-18, § 2, 11-4-2014)

Secs. 110-425—110-450. Reserved.

Chapter 114 LANDSCAPING, TREES, BUFFERING, IRRIGATION AND FERTILIZER[5]

ARTICLE I. IN GENERAL

Secs. 114-1—114-9. Reserved.

Sec. 114-10. Basis for chapter provisions.

The intent of this chapter is to provide standards and guidelines for landscaping, water conservation for irrigation, fertilizer use, protecting and enhancing the quality and quantity of existing trees in the city and buffering requirements in accordance with the goals, objectives, and policies of the city's comprehensive plan. It is also the intent of this chapter to provide flexibility to encourage innovative and unique approaches to landscape design to improve overall aesthetic appearance of the city while preserving the environmental and ecological benefits that trees and landscaping provide.

(Ord. No. 2017-06, 4-18-2017)

~~Sec. 114-11. Definitions.~~

~~*Address* means the house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A—M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N—Z.~~

~~*Administrator* means the city administrator, or an administrative official of the city government designated by the city administrator to administer and enforce the provisions of this chapter.~~

[5]Editor's note(s)—Ord. No. 2017-06, adopted Apr. 18, 2017, amended ch. 114 in its entirety to read as herein set out. Former ch. 114, §§ 114-1—114-54 was entitled "Landscaping, Trees and Buffering," and derived from: Ord. No. 95-09, §§ 1—12, adopted Nov. 7, 1995; Ord. No. 96-11, § 1, adopted Sept. 3, 1996; Ord. No. 2007-31, § 1, adopted Oct. 16, 2007; and Ord. No. 2014-10, adopted June 3, 2014.

Editor's note(s)—Ord. No. 2007-31 adopted Oct. 16, 2007, amended ch. 114 by combining ch. 90 and ch. 114.

Cross reference(s)—Buildings and building regulations, ch. 22; parks and recreation, ch. 58; landscaping, § 118-151 et seq.

Applicator means any person who applies fertilizer on turf and/or landscape plants in City of Belleview, Florida.

Automatic controller means a mechanical or electronic timer, capable of operating valve stations to set days and length of time of a water application.

Best management practices means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Buffer means a strip of land a specific width containing such natural and manmade barriers to lessen or minimize the negative effects of noise, light, odor or other objectionable visual, auditory or olfactory stimuli to adjacent properties.

Clear visibility triangle means the triangular area formed by the intersection of ingress/egress, streets or rights-of-way lines and a straight line intersecting those two ingress/egress, streets or rights-of-way lines at point a minimum of 45 feet from their intersection.

Code enforcement officer, official or *inspector* means any designated employee or agent of City of Belleview whose duty it is to enforce codes and ordinances enacted by City of Belleview.

Commercial fertilizer applicator means any person who applies fertilizer on turf and/or landscape plants in City of Belleview in exchange for money, goods, services or other valuable consideration.

Commission means the City Commissioners of the City of Belleview, Florida.

DBH is the acronym for "diameter at breast height" as defined below.

Diameter at breast height means the diameter, in inches, of a tree measured 4½ feet above the existing ground.

District means the St. Johns River Water Management District.

Drip line means an imaginary, perpendicular line that extends downward from the outer most tips of the tree branches to the ground.

Fertilize, fertilizing or *fertilization* means the act of applying fertilizer to turf, specialized turf or landscape plant.

Fertilizer means any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Grade means the normal ground height at the base of the tree.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Hydrozones means grouping of vegetation with similar watering needs to minimize over irrigation and water consumption.

Institutional applicator means any person, other than a noncommercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners and managers of

public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Irrigation system means a permanent watering system designed to transport and distribute water to vegetation.

Landscape irrigation means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

Landscape plan means a landscape plan/open space plan showing the existing and proposed vegetation which shall include the type, size and location of vegetation as well as any irrigation system and construction protection measures to be utilized for the development site which shall be submitted with the required site plan for development.

Landscape plant means any native or exotic tree, shrub or ground cover (excluding turf).

Landscaping means any designated area containing a combination of vegetation (such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials). This landscaped area may include xeriscape as defined in the Florida Statutes.

Low maintenance zone means an area a minimum of six feet wide adjacent to watercourses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Micro-irrigation means the frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams or miniature sprays through emitters, placed along water delivery pipes (lateral). Micro-irrigation encompasses a number of methods or concepts including drip, subsurface, bubbler and spray irrigation, previously referred to as trickle irrigation, low-volume or low-flow irrigation.

Nonresidential landscape irrigation means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Nuisance tree. A list of nuisance trees can be found in section 114-47, Table 2(c) of this chapter.

Ornamental tree. A list of recommended ornamental trees can be found in section 114-47, Table 2(a) of this chapter.

Pasture means land used for livestock grazing that is managed to provide feed value.

Perimeter line means a line which clearly delineates the area surrounding a tree or tree group which is to be protected during any construction activity.

Person means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Plant communities means a natural association of plants that is dominated by one or more prominent species or characteristic physical attribute(s).

Protected tree means any tree of a species listed in Table 2(b) of this chapter that is 24 inches DBH or larger.

Protective marker means a highly visible, temporary fence limiting access to a protected area which ensures compliance with the intent of this chapter, such as 36-inch orange, plastic web fencing.

~~*Rain sensor device* means a low-voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a preset quantity.~~

~~*Residential landscape irrigation* means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.~~

~~*Runoff* means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.~~

~~*Shade tree* means any tree which shall have a mature crown in the ratio of two feet for every inch of its DBH. Shade trees will attain a combination height and crown spread sufficient to shade large areas. A list of recommended shade trees can be found in section 114-47, Table 2(b) of this chapter.~~

~~*Site plan* means a plan for site development as described in chapter 127 of this Code.~~

~~*Site-specific vegetation* means a selection of vegetation that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.~~

~~*Slow release, controlled release, timed release, slowly available* or *water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick-release product.~~

~~*Specialized turf manager* means a person responsible for fertilizing or directing the fertilization of a golf course or athletic field.~~

~~*Tree plan* means a plan showing the existing and proposed size, location and category of trees included as part of the site plan.~~

~~*Tree professional* means a certified arborist, horticulturist, or equally trained professional with experience in evaluation and appraisal of trees (training documentation shall be submitted to the city for verification and filing).~~

~~*Turf* and *turf grass* means continuous plant coverage consisting of grass species suited to grow in the city.~~

~~*Turf, sod* or *lawn* means a piece of grass-covered soil held together by the roots of the grass.~~

~~*Vegetation* means any living plant including grass, trees shrubs, etc.~~

~~*Water use zone* means a group of sprays, sprinklers or micro-irrigation emitters into separate zones, which can be operated simultaneously according to water requirements of the plants located therein.~~

~~*Xeriscaping* means landscaping utilizing drought tolerant vegetation typically native to the area which is self-sustaining without need of irrigation.~~

~~(Ord. No. 2017-06, 4-18-2017)~~

Secs. 114-~~12~~ 11—114-29. Reserved.

ARTICLE II. LANDSCAPING, TREES AND BUFFERING

Sec. 114-30. Applicability of article.

This article may be known as the City of Belleview Landscaping Ordinance. The provisions of this article shall apply to all nonresidential (commercial) and multifamily development, and all development subject to section 114-43 (Existing tree plan) of this chapter.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-31. Exemptions.

The following are exempted from this article:

(1) Bona fide agricultural activities.

(2) Landscaping for a single-family home or duplex.

(3) Any development which is governed by a valid site development plan or a valid building permit prior to the effective date of Ordinance No. 2017-06. However, the requirements of this article shall be applicable where there is a proposed change of use, redevelopment, or change to existing development that constitutes the need for additional landscaping or changes to existing landscaping.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-32. Landscape plan.

Landscape plans shall include existing and proposed vegetation which shall include the type, size, and location of vegetation as well as any irrigation system and construction protection measures to be utilized for the developed site which shall be submitted with the required site plan for development. A landscape plan serves to provide the specific location, size, type and area for existing and proposed landscaping including buffers as part of the site plan process. For all development subject to this article the following landscape plan requirements shall be met:

(1) Identify the size, type, category and location (shade tree or ornamental tree) of all replacement and existing trees required to maintain the minimum number of tree inches as required by article III of this chapter. All replacement trees shall be a minimum of three inches DBH and of Florida Grade #1 or better quality.

(2) The landscaped plan shall identify the size, type, and category (shade tree or ornamental tree) proposed to be planted and the size, type and location of all shrubs and ground cover to be installed. All proposed shrubs and ground cover species shall also be listed on the Waterwise Florida Landscape lists published by the St. Johns River Water Management District.

(3) A minimum landscaped area equal to ten percent of the total area allocated for parking, access, loading, dumpster pad, and traffic circulation shall be landscaped through a combination of landscaped islands and perimeter landscaped areas. The landscape plan shall include calculations for these areas and calculations for the amount of required landscaped areas.

(4) All designated landscaped areas shall be a minimum of 140 square feet in size. Where adjacent to parking or traffic circulation, curbing or other protective barriers shall be required to prevent encroachment and damage by vehicles.

(5) All shrubs to be installed shall be a minimum size of 24 inches from grade. Shrubs installed within the clear visibility triangle and for other areas where safety may be an issue shrubs shall not exceed a height of 30 inches in parking and traffic circulation areas or where deemed to be a safety hazard.

(6) The landscaped plan shall include calculations for preservation of existing and proposed trees to meet the minimum tree requirements as indicated in section 114-32 of this article.

(7) The construction protection measures to be utilized for the developed site, including location and type of protective markers.

(8) ~~Irrigation systems are not required by the city. However, if provided~~ If a landscape plan is required, the irrigation system(s) shall be detailed on the landscape plan showing the type(s) of system(s) to be installed and the anticipated flows to enable impact fee calculations.

(Ord. No. 2017-06, 4-18-2017)

Secs. 114-33—114-40. Reserved.

ARTICLE III. TREE PRESERVATION

Sec. 114-41. Applicability of article.

This article may be known as the City of Belleview Tree Ordinance. The provisions of this article shall apply to all development including: multifamily development, all nonresidential development, residential subdivisions (at the time of platting/development), and planned developments. A tree removal permit is required for the removal of trees six inches or larger DBH (a permit is not required for the removal of trees of the type shown in Table 2(c) or as otherwise exempted in this chapter) for any development subject to this chapter. The following are exempt from the requirements of this article:

(1) Except when otherwise required through a planned development or subdivision process, all single-family homes shall be exempt from the requirements of this article.

(2) Existing development with a valid development permit/order. However, the requirements of this article shall be applicable where there is a proposed change of use, redevelopment, or change to existing development that involves the removal of trees six inches or larger.

(3) All state-licensed, governmental and commercial plant or tree nurseries and botanical gardens where trees are grown for the purpose of being sold or for other public purposes.

(4) All groves of trees in active commercial operation for bona fide agricultural purposes only.

(5) Trees presenting an eminent danger to the public health or safety, as determined by the city planner or public works director.

In a declared emergency, the city commission may waive the requirements of this article to ensure the protection of the health, safety and welfare of the city and residents.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-42. Minimum tree requirements.

At a minimum, the City of Belleview shall require that existing or replacement trees for each property subject to this article provide for and maintain a minimum total tree DBH of 50 inches per acre (20 inches per acre for subdivision and residential planned developments located in common areas) of those species listed in Tables 2(a) and 2(b) of this article. A minimum of 60 percent of trees must be of tree species listed in Table 2(b) (shade trees) and up to 40 percent may be of those listed in Table 2(a) (ornamental trees). The city recognizes that larger trees provide a more immediate benefit to the overall quality of trees within the city. As such, replacement trees six inches DBH or larger shall provide additional 50 percent credit toward meeting the required number of tree inches for the property. For example, an eight-inch live oak replacement tree would count as 12 inches toward meeting the required number of inches per acre.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-43. Existing tree plan.

As part of the landscape plan submitted for all site plan approvals or for subdivisions, a tree professional shall review the subject property and submit a proposed tree preservation plan in conjunction with the required existing tree plan. Properties that have no existing trees six inches DBH or larger may submit a request to the site plan ~~committee~~ technical review staff to waive the requirement of the preservation plan. The tree preservation plan may be a separate site plan sheet or document or may be included as part of the landscape plan. The existing tree plan shall:

(1) Identify the size, type, category (shade tree, ornamental tree or prohibited tree), and location of all existing trees 24 inches DBH or greater.

(2) Identify the size, type, category and location of all existing shade trees (Table 2(b)) six inches DBH or greater.

(3) All protected trees shall be assessed by the tree professional based upon type, age and condition. The assessment shall provide a written recommendation as to which trees should be retained and which trees may be removed based upon their overall replacement value. The assessment shall include the following:

a. Trees determined by the tree professional to be of low replacement may be removed. All other trees shall be retained unless preservation of the tree(s) will significantly inhibit development of the site. In such cases, a written request with supporting documentation from the tree professional shall be submitted to the city requesting removal of the protected trees.

b. The site plan ~~committee~~ technical review staff shall make a determination on the request as part of the site plan review process.

(4) The applicable site plan requirements of sections 127-31 and 127-32 of this Code shall also be required for the tree plan.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-44. Restrictions.

Trees shall be prohibited from placement within a public or private right-of-way, utility easement, or maintenance easement which inhibit the clear visibility triangle or have the potential to disrupt utilities such as power lines, drainage facilities (unless designed to include trees) and similar public utilities. Trees and landscaping approved through the site plan review process to be placed within these areas shall be located such to have

minimal impact to underground and overhead utilities and the replacement (as a result of maintenance of the right-of-way or easement) of trees and landscaping shall run with the land and shall be the responsibility of any subsequent owners and tenants of the property in accordance with the approved site plan. All efforts shall be made to remove, prune, or top any trees which inhibit clear visibility or disrupt utility lines.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-45. Tree protection.

The tree plan shall identify trees to be retained and protected during construction. Emphasis should be given to preservation of tree groups to maximize survivability during construction. The following tree protection measures shall be used:

(1) A protective marker shall be placed around all shade trees with DBH greater than 24 inches and all protected trees, prior to any land preparation or other development activities. The protective fencing shall be located no closer than one-half the radius of the drip line or ten feet, whichever is more.

(2) Required protective markers shall remain in place until all construction activity, except landscaping within the protected area, is finished.

(3) Trees destroyed or receiving damage to the extent that survival is reasonably questionable must be replaced at the developer's/property owner's expense as provided in this article before a certificate of occupancy is issued.

(4) The decision of the City of Belleview Development Services Director regarding damage to trees or replacement of damaged trees shall be final.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-46. Off-street parking reduction for tree preservation.

Off-street parking may be reduced to preserve existing trees. The amount of off-street parking that may be reduced shall be determined by the site plan ~~committee~~ technical review staff in accordance with the intent of this chapter, the provisions of chapter 118 of the City Code and of the City of Belleview Land Development Regulations.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-47. Tree lists (groups).

The following trees (shade, ornamental or nuisance) are listed as recommended or prohibited species. All planting types shall be determined in accordance with the following tables (lists). The site plan ~~committee~~ technical review staff may allow exceptions for species not listed on the following tables but which are included on the species lists of Waterwise Florida Landscapes published by the St. Johns River Water Management District *(www.sjr.state.fl.us/)*. All planting allowed, as Waterwise Florida Landscape list exceptions, must be otherwise consistent in size, type and category, to the requirements of this chapter. All proposed shrubs and ground cover species shall also be listed on the Waterwise Florida Landscape lists published by the St. Johns River Water Management District.

Table 2(a) - List of Ornamental Trees (Recommended):

Common Name	Botanical Name
Bradford Pear	Pyrus calleryana

Crape Myrtle	Lagerstroemia indica
Flowering Dogwood	Cornus florida
Fringetree	Chionanthus virginicus
Holly, American	Ilex opaca
Holly, Dahoon	Ilex cassine
Holly, East Palatka	Ilex x attenuate "E. Palat."
Holly, Savannah	Ilex x attenuate varieties
Holly, Yaupon	Ilex vomitoria
Ligustrum Tree	Ligustrum japonicum tree-type
Maple, Japanese	Acer palmatum
Palm, Date	Phoenix spp.
Palm, Pindo	Butia capitalta
Palm, Sabal	Sabal palmetto
Palm, Washingtonian	Washingtonian filifera
Pine, Black	Pinus rigida serotina
Pine, Loblolly	Pinus taeda
Pine, Slash	Pinus elliot
Red Bud	Cercis spp.
Red Cedar	Juniperus spp.
Willow, Weeping	Salix babylonica

Table 2(b) - List of Shade Trees (Recommended)

Common Name	**Botanical Name**
Bald Cypress	Taxodium distichum
Elm, Drake	Ulmus parvifolia
Elm, Florida	Ulmus america/floridana
Elm, Winged	Ulmusalata
Hickory	Carya
Loblolly Bay	Gordonia/asianthus
Magnolia, Southern	Magnolia grandiflora
Magnolia, Sweetbay	Magnolia virginiana
Maple, Florida	Acer barbatum (floridanum)
Maple, Red	Acer rubrum
Maple, Silver	Acer saccharinum
Oak, Live	Quercus virginiana

Oak, Laurel	Quercus laurifolia
Oak, Shumard	Quercus shumardi
Oak, Southern Red	Quercus falcate
Oak, White	Quercus alba
Oak, Willow	Quercus phellos
Pecan	Carya illinoinensis
River Birch	Betula nigra
Sweetgum	Liquidambar styraciflua
Sycamore	Platanus occidentalis
Tulip Tree	Liriodendron tulipifera

Table 2(c)- List of Nuisance Trees (Prohibited)

Common Name	Botanical Name
Australian Pine	Casuarina spp.
Black Locust	Robinnia pseudoacacia
Chinaberry	Melia azedarach
Chinese Privet	Ligustrum lucidum
Chinese Tallow Tree	Sapium sebiferum
Honeylocust, common	Gleditsia triancanthes
Mulberry	Broussonetia spp.
Camphor	Cinnamonum camphora

(Ord. No. 2017-06, 4-18-2017)

Secs. 114-48—114-60. Reserved.

ARTICLE IV. BUFFERING

Sec. 114-61. Intent of the article.

This article is intended to provide for the growth and development of the City Belleview along orderly lines to meet the just requirements of a growing city, without unlawful discriminations and with as little added burden of restriction as possible to any property owners, by providing for buffering on commercial and multifamily residential uses and residential subdivisions of three or more lots, taking into account knowledge of existing conditions and circumstances.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-62. Applicability of article.

This article may be known as the City of Belleview Buffering Ordinance. The provisions of this article shall apply to all nonresidential (commercial) and multifamily development, and new platted subdivisions. The following are exempted from this article:

(1) Bona fide agricultural activities in existence at the time of annexation.

(2) Single-family and duplex homes constructed on individual lots.

(3) Any development which is governed by a valid site development plan or a valid building permit prior to the effective date of Ordinance No. 2017-06. However, the requirements of this article shall be applicable where there is a proposed change of use, redevelopment, or change to existing development that constitutes the need for buffering or additional landscaping or changes to existing landscaping.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-63. Buffer requirements.

Landscape buffers mitigate conflict between potentially incompatible land uses, strategically separate vehicular and non-vehicular use areas, define vehicular access and circulation and screen vehicular movement, noise and glare from public view and adjacent properties.

(1) A buffer shall be provided along property lines or along an abutting street right-of-way line and shall not be located on any portion of an existing, dedicated or proposed right-of-way, easement (unless an allowable use within the easement) or private street.

(2) A "Type A" buffer shall be provided when parking is proposed adjacent to a road right-of-way when parking stalls are positioned so that lights (including vehicle headlights and driving lights) may project or shine into the adjacent roadway.

(3) No structures or buildings may be located within a required landscaped buffer.

(4) The following buffer types are established for this article:

Buffer Type A - Minimum five-foot-wide buffer with two trees and ten shrubs per 100 linear feet.

Buffer Type B - Minimum ten-foot-wide buffer with four trees and 15 shrubs per 100 linear feet.

Buffer Type C - Minimum 15-foot-wide buffer with six trees and 20 shrubs per 100 linear feet.

Buffer Type D - Minimum 20-foot-wide buffer with eight trees and 25 shrubs per 100 linear feet.

(5) All required trees in a landscaped buffer shall be shade trees (Table 2(b)) and ornamental trees (Table 2(a)).

a. Ornamental trees shall not exceed 50 percent of the required number of trees in a landscaped buffer as specified by the buffer type listed above.

b. Trees and shrubs shall be located such to provide a continuous landscaped buffer (Refer to Illustration 7-B).

(6} Shrubs and ground covers, excluding turf grass, shall comprise at least 50 percent of the required buffer area and shall form a layered landscape screen with a minimum height of three feet achieved within one year of planting.

(7) Buffering requirements shall be established during the site plan process or building permit process, should no site plan be required.

(8) Buffering shall be required based upon the permitted or existing use of the adjacent property, in accordance with Table 4 below. The site plan ~~committee~~ technical review staff may require additional buffering where the proposed development or use will significantly affect the use and enjoyment of neighboring property or public safety.

Sec. 114-63(4) Landscape Buffer

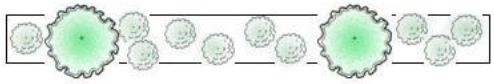
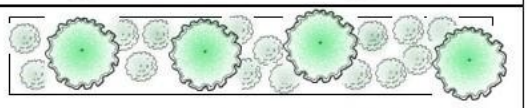
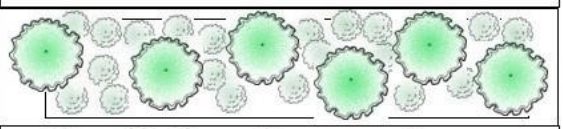
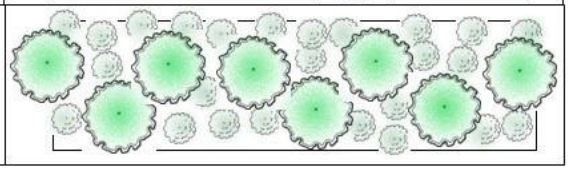
	Plant Material Requirements Per 100-feet of Landscape Buffer	Minimum Buffer Width	Illustration
Type "A"	2 – Trees 10 – shrubs	5 – feet	
Type "B"	4 – Trees 15 – shrubs	10 – feet	
Type "C"	6 – Trees 20 – shrubs	15 – feet	
Type "D"	8 – Trees 25 – shrubs	20 – feet	

Table 4: Buffer Matrix

		Permitted or Existing Use									
		AG	**SFR & Duplex**	**SFR & Duplex Subd.**	**MF**	**RMH**	**RO & B-1**	**BUS**	**IND**	**GU**	**PD**
Proposed Use	**AG**	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	SFR & Duplex	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	SFR & Duplex Subd.	NA	B	B	NA	NA	B	C	D	B	*
	MF	B	C	C	NA	A	B	C	D	B	*
	RMH	C	C	C	A	NA	A	C	D	B	*
	RO & B-1	C	B	B	B	B	NA	B	D	B	*
	BUS	D	C	C	C	C	B	NA	B	B	*
	IND	D	D	D	D	D	D	C	NA	B	*
	GU	B	B	B	B	B	B	B	B	NA	*
	PD	C*	C *	C *	C *	C *	C *	C *	C *	C *	C *

* Buffer requirement ~~to be determined based on use within planned development~~ may be revised as a part of the planned development review process based on specific uses within the planned development or on alternate buffering methods or other mitigation measures.

AG	Agriculture
SFR & Duplex	Single-family homes and duplex residential development on individual lots
SFR & Duplex Subd.	Single-family and duplex residential subdivisions of three lots or more.
MF	Attached single-family units in blocks of three and greater and multifamily developments
RMH	Mobile home and manufactured home parks
RO & B-1	Residential office and B-1 zoned small scale residential/commercial uses
BUS	Commercial uses
IND	Industrial uses
GU	Public use including parks, conservation, offices, and utilities
PD	Planned developments with an approved master plan of development

(9) Buffer requirement reductions and alternative designs.

a. Where decorative walls or berms are proposed that will provide additional mitigation for impact to adjacent properties, the number of required plantings within a buffer may be reduced by 50 percent.

b. When a combination of a wall and plantings is proposed, the wall shall be located so as to provide room between the wall and the property line to permit the remainder of the required plantings.

c. The site plan ~~committee~~ technical review staff may approve alternative buffer designs as waiver pursuant to chapter 127. Alternative buffer designs shall incorporate increased setbacks and/or use of existing native vegetation.

(Ord. No. 2017-06, 4-18-2017)

Secs. 114-64—114-70. Reserved.

ARTICLE V. LANDSCAPE IRRIGATION AND WATER CONSERVATION

Sec. 114-71. Intent of this article.

It is the intent and purpose of this article to implement procedures that promote water conservation through more efficient landscape irrigation.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-72. Landscape irrigation schedules.

(a) When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

(1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(2) Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(3) Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(4) No more than three-fourths inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.

(b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

(1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(2) Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(3) Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(4) No more than three-fourths inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.

(c) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-73. Exceptions to the landscape irrigation schedules.

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

(1) Irrigation using a micra-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.

(2) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one, 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

(3) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed one-fourth inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

(4) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.

(5) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

(6) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.

(7) The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

(8) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water or public supply sources.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-74. Additional requirements.

Any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-75. Variance from specific day of the week limitations.

A variance from the specific landscape irrigation days or day set forth in section 114-72 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-76. Application of article.

The provisions of this article shall apply to each person located within the City of Belleview, Florida.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-77. Enforcement officials.

Every code enforcement officer shall, in connection with all other duties imposed by law, be authorized to enforce the provisions of this article. In addition, the city administrator may also delegate enforcement responsibility for this article to agencies and departments of city government, in accordance with state and local law.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-78. Penalties.

Violation of any provision of this article shall be subject to the following penalties:

First violation: Written warning

Second violation: $50.00 fine

Subsequent violations: Fine not to exceed $500.00

Each day in violation of this article shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City of Belleview may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this article.

(Ord. No. 2017-06, 4-18-2017)

Secs. 114-79—114-90. Reserved.

ARTICLE VI. FLORIDA FRIENDLY FERTILIZER

Sec. 114-91. Intent of this article.

(a) This article shall be known and may be referred to as the Florida Friendly Fertilizer Use on Urban Landscapes.

(b) This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. This article requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the city's natural and constructed stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of area residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-92. Applicability.

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of the city, unless such applicator is specifically exempted by the terms of this article from the regulatory provisions of this article. This article shall be prospective only, and shall not impair any existing contracts.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-93. Fertilizer content and application rates.

(a) Fertilizers applied to turf and/or landscape plants within the city shall be applied in accordance with directions provided by Florida Administrative Code, and labeling requirements for urban turf fertilizers.

(b) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 pounds of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than one pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

Grass Species	**Maximum N application rate (Lbs./1,000 SF/year)**
Bahia Grass	3
Bermuda Grass	4
Centipede Grass	2
St. Augustine Grass	3
Zoysia Grass	4

(3) For new turf or landscape plants that are being installed or established, a one-time use of starter fertilizer as described in Rule 5E-1.003 shall be allowed at an application rate not to exceed 1.0 pounds of phosphorus (P_2O_5) per 1,000 square feet.

(4) No phosphorus fertilizer shall be applied to existing turf and/or landscape plants within the city at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.

(5) Nitrogen or phosphorus fertilizer may not be applied to turf or landscape plants except as provided above, unless a soil or tissue deficiency has been verified by an approved test by UF/IFAS Extension Soil Testing Laboratory or other accredited laboratory.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-94. Impervious surfaces.

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other

appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances or water bodies.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-95. Fertilizer-free zones.

(a) Fertilizer shall not be applied to turf grass within the following areas:

(1) Within 75 feet of the ordinary high water line of a water body for which an environmentally sensitive overlay zone (ESOZ) has been established by the city.

(2) Fifteen feet from the top of the bank of any drainage retention area.

(3) One hundred feet of a sinkhole or other karst feature that has an opening at the surface.

(b) In the event an area is included in one or more of the areas described in subsection (a) above, the more restrictive provision (i.e., the larger distance) shall apply.

(c) No fertilizer shall be applied to any non-turf area within 30 feet of any pond, stream, watercourse, lake, canal, or wetland as defined in chapter 62-340, Florida Administrative Code.

(d) Notwithstanding the foregoing provisions, newly planted or renovated turf or landscaping may be fertilized for the first 60 days after being planted or renovated, provided fertilizer application complies with Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002, as amended.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-96. Low maintenance zones.

A voluntary six-foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, watercourse, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent city regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material shall be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-97. Management of grass clippings and vegetative matter.

Grass clippings and/or other vegetative debris shall not be piled or disposed of in a stormwater system, water body, or wetland. Lawn clippings discharged onto a road or curb shall be swept, blown, or otherwise removed and disposed of in a manner consistent with this ~~Code~~ code.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-98. Exemptions.

The provisions set forth above in this article shall not apply to:

(1) Golf courses and athletic fields. For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, "BMPs for the Enhancement of Environmental Quality on

Florida Golf Courses, January 2007", as amended, shall be followed when applying fertilizer to golf courses. All other specialized turf managers shall use their best professional judgment to apply the concepts and principles embodied in the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002", as amended, and the instructions in Rule ~~5E~~ 5E-1.003(2), Florida Administrative Code, while maintaining the health and function of their turf and landscape plants.

(2) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14, provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the state department of agriculture and consumer services, office of agricultural water policy for the crop in question.

(3) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the state department of agriculture and consumer services, office of agricultural water policy for the crop in question.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-99. Training for fertilizer applications.

(a) All persons applying fertilizer as part of landscape maintenance services for hire shall abide by and be trained in the Florida Yards and Neighborhoods Environmental Landscape Management Course and the "Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002", as thereafter amended. New employees who will apply fertilizer shall obtain training by the date of the next available approved training course. Persons who apply fertilizer to lawns or specialized turf for hire will obtain a certificate of completion upon successful completion of the course. Certification is good for four years and must be taken against at the conclusion of the fourth year from issuance. As an alternative to taking such training course, a person may meet the educational requirement by providing proof that a minimum of four continuing education credits (CEU's) were received from an approved training organization in principles of Florida Friendly Landscape Management within the previous 24 months. The city shall maintain a list of approved training organizations.

(b) No person for hire shall apply fertilizer to any lawn or specialized turf unless such person is registered in the City of Belleview as having met compliance with the training requirements under subsection (a) above. Registrants will pay a registration management fee and will receive an authorization certificate, registration cards for individual employees, vehicle decals, and a copy of the "Florida Green Industries Best Management Practices for the Protection of Water Resources in Florida, June 2002", as amended. Renewal registration shall be required biennially, prior to September 30 in each odd calendar year thereafter. It is a violation of this section for any commercial fertilizer applicator to fertilize any lawn without having been first duly registered, or for any employee of a commercial fertilizer applicator to fertilize any lawn after the date of the next available training course following the date of hire, without having a certificate of completion from such training. A vehicle decal, when available from the city, shall be affixed and maintained to the exterior of all vehicles and trailers used in connection with the application of fertilizer within the incorporated area of the city.

(c) Commercial fertilizer applicators shall maintain adequate records that demonstrate compliance with the fertilization limits in this section. Invoices and account histories may be required for inspection by the city upon request and shall be made available at the place of business during normal working hours.

(d) Private homeowners are required to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers, except to the extent this article provides more stringent requirements.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-100. Enforcement.

Every code enforcement officer shall, in connection with all other duties imposed by law, be authorized to enforce the provisions of this chapter. In addition, the city administrator may also delegate enforcement responsibility for this chapter to agencies and departments of city government, in accordance with state and local law.

(Ord. No. 2017-06, 4-18-2017)

Sec. 114-101. Penalties.

Violation of any provision of this article shall be subject to the following penalties:

(1) *First violation:* Written notification and education

(2) *Second violation:* Written notification and education

(3) *Third violation:* $50.00

(4) *Forth and subsequent violation(s):* $100.00

Each day in violation of this article within a 365-day period, beginning the date of the first violation, shall constitute a separate offense. The board may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this article.

(Ord. No. 2017-06, 4-18-2017)

Secs. 114-102—114-125. Reserved.

Chapter 118 PARKING, SIDEWALKS AND STREETS[6]

ARTICLE I. IN GENERAL

Secs. 118-1—118-30. Reserved.

ARTICLE II. OFF-STREET PARKING AND LOADING

DIVISION 1. GENERALLY

[6]Cross reference(s)—Buildings and building regulations, ch. 22; parks and recreation, ch. 58; streets, sidewalks and other public places, ch. 74; signs, ch. 126.

Sec. 118-31. Parking of commercial vehicles.

(a) In residentially zoned areas, trucks or commercial vehicles shall not be parked on private property except as follows:

(1) A commercial vehicle not over one-ton capacity may be parked on a tract in an R-1 district in a fully enclosed garage or carport if such vehicle is used by a resident of the premises.

(2) A commercial vehicle of not over 1½ tons rated capacity may be parked in an enclosed garage on a tract whose principal use is residential other than R-1 and where the commercial vehicle is used by a resident of the premises.

(3) Permitted nonresidential uses may utilize and park on their premises such commercial or other vehicles as may be necessary and customary for such uses.

(4) In residentially zoned areas, no dismantled, disassembled, obsolete or wrecked vehicles or their parts shall be stored, sold or dumped. All vehicles must be tagged, titled and in running condition except those stored in a completely enclosed structure. (The grace period for compliance with this section expired in November, 1989; original adoption, May 16, 1989.)

(5) One commercial vehicle not over 1½ tons rated capacity may be parked in any residential district in a side or rear yard if such vehicle is used by a resident of the premises. This does not include the servicing or repair of such commercial vehicle. Vehicles over 1½ tons may be permitted by special exception.

(6) Permitted business uses may park on their premises commercial vehicles or other vehicles as may be necessary; provided, however, that such vehicle is used as may be necessary, and that such vehicle is used by the business occupying the property. This does not include the servicing or repairing of such commercial vehicle.

(b) All commercial vehicles in excess of 16,000 pounds (GVW) shall be prohibited from parking or being stored in any public or private right-of-way for more than one hour.

(Ord. No. 92-02, § 1(14-7), 4-30-1992)

Cross reference(s)—Businesses, ch. 26; traffic and vehicles, ch. 82.

Secs. 118-32—118-50. Reserved.

DIVISION 2. ADMINISTRATION[7]

Sec. 118-51. Nonconforming uses.

In the case of a building occupied by a use which is not permitted as a new use in the district in which such building is located where major repairs, substantial alterations or extensions of the use are to be made, no such major repairs, substantial alterations or extensions of a use shall be permitted unless and until the off-street parking requirements of this article for a new use of the type involved are applied to such existing use and are fully provided for.

[7]Cross reference(s)—Administration, ch. 2.

(Ord. No. 92-02, § 1(14-5), 4-30-1992)

Secs. 118-52—118-70. Reserved.

DIVISION 3. REQUIREMENTS

Subdivision I. In General

Sec. 118-71. Safety provisions.

(a) Parking spaces as required by this article shall contain some type of vehicle wheel stops to prevent any part of a vehicle from overhanging onto the right-of-way of any public road, alley or walkway.

(b) Maneuvering and access driveways, as well as parking stalls, shall be located so that vehicle will maneuver as follows:

(1) Maneuvering and access driveways, as well as parking stalls, shall be so located that no vehicle shall be required to back into or maneuver within the public street right-of-way of Front Street, SE 55th Avenue Road, 62nd Avenue from C-25 to Highway 441, SE 102nd Street, SE 110th Street, and any roadway designated as a Federally Functional Classified Roadway.

(2) Maneuvering driveways, access driveways and parking stalls may be located so that vehicles will be required to back onto other less heavily travelled roadways subject to the following:

a. Special conditions and circumstances exist, which are peculiar to the land, structure or building involved and failure to allow such parking plan would work an undue hardship on the property owner;

b. The parking plan must be approved by the site plan ~~committee~~ technical review staff, taking into account the practical alternatives which will make possible the reasonable use of the land, building or structure;

c. The parking plan will be in harmony with the general intent and purpose of this section and will not endanger the public;

d. In approving such parking plan the site plan ~~committee~~ technical review staff may prescribe appropriate conditions and safeguards to effect the intent of this section and protect the public;

e. Decision of the site plan ~~committee~~ technical review staff may be appealed to the city commission. The decision of the city commission is final agency action regarding such matters;

(c) Parking on public right-of-way is prohibited, unless designated for such use; except, temporary parking which causes no damage is permitted; and

(d) Where land uses or access points and driveways cause damage to city pavement or right-of-way, the city will correct the damage and the property owner shall be responsible to reimburse the city for the cost to correct such damage.

(Ord. No. 92-02, § 1(14-8), 4-30-1992; Ord. No. 2009-11, 6-2-2009)

Secs. 118-72—118-90. Reserved.

Subdivision II. Off-Street Parking

Sec. 118-91. Required.

(a) Every building, use or structure instituted or erected after the effective date of this ~~Code~~ code shall be provided with off-street facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

(b) Such off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.

(c) It shall be unlawful for an owner or operator of any building, structure or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person to utilize such building, structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this article.

(Ord. No. 92-02, § 1(14-1), 4-30-1992)

Sec. 118-92. Location, character and size.

(a) The off-street parking facilities required by this article shall be located on the same tract or parcel of land they are intended to serve; provided, however, that when practical difficulties, determined by the ~~zoning~~ development services director, prevent the establishment of such facilities on the same tract, the off-street parking facilities shall be provided on land within 300 feet of the tract.

(b) Each parking space shall be directly accessible from a street or alley or from an adequate aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient size to permit the convenient maneuvering of cars. Each space shall be accessible without driving over or through any other parking space. (See section 118-93 for minimum dimensional requirements.)

(c) The required off-street parking facilities shall be identified as to purpose and as to location when not clearly evident from a street or alley. Off-street parking facilities, including access aisles and driveways, shall be surfaced with a hard, dustless material and maintained in a good condition; provided, however, that driveways, access aisles and parking spaces for public and private schools offering academic courses and ~~churches~~ places of worship may be surfaced with grass or lawn except for employee and disabled permit parking spaces which must be paved. The perimeter of a grass parking lot shall be delineated with railroad ties, wheel stops, or other means as may be approved by the city public works director or designee.

(d) All off-street parking facilities required by this article shall be drained so as not to cause any nuisance to adjacent or public property, and any lighting thereon shall be so arranged and designed as to prevent any glare or excessive light on adjacent property. Such facilities shall be arranged for convenient access and safety of pedestrians and vehicles.

(e) A plan shall be submitted, inclusive of a St. Johns River W.M.D. permit (if applicable) with every application for a building permit for any use or structure required to provide off-street parking under this article, which

plan shall clearly and accurately designate the required parking spaces, access aisles and driveways and in relation to the uses or structures that these off-street parking facilities are intended to serve.

(Ord. No. 92-02, § 1(14-2), 4-30-1992)

Sec. 118-93. Minimum dimension requirements for parking stalls and driveways.

The minimum dimension requirements for parking stalls and driveways are as follows:

Angle of Parking (degrees)	Stall Width* (feet)	Stall Depth (feet)	Minimum Width Driveway (feet)	Minimum Width Two-Row Stalls and Driveway (feet)	Minimum Width One-Row Stalls and Driveway (feet)
90	9.0	19	24	62	43
60	10.4	19	18	56	37
45	12.7	19	14	52	33
30	18.0	17	12	46	29

* Measured parallel to the driveway.

(Ord. No. 92-02, § 1(14-2), 4-30-1992)

Sec. 118-94. Amount.

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

(1) Dwellings, single-family: ~~one~~ two parking spaces for each dwelling unit.

(2) Dwellings, multiple-family: 1½ parking spaces per dwelling unit, efficiency or one bedroom units. 2 parking spaces for units having 2 or more bedrooms.

(3) Roominghouse, lodginghouse, boardinghouse: one parking space for every two rental sleeping rooms, plus one parking space for the owner or operator.

(4) Dormitories, fraternities: one parking space for every three beds, plus one parking space for the manager or operator, plus one parking space for every two employees.

(5) Hotels~~, including clubs~~: two parking spaces for every three sleeping rooms, or two parking spaces for every three bathrooms, whichever may be greater. If, in addition to sleeping rooms, there are other uses operated in conjunction with and/or part of the hotel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel to the extent of 35 percent of the off-street parking specified in this article for retail stores, offices, service establishments, bars, restaurants, dining rooms and auditoriums.

(6) Motels, tourist homes, guest cabins, villas, tourist courts: one parking space for each guestroom, cabin or rental unit, plus one parking space for the owner or manager.

(7) Trailer courts, camps or parks: one parking space for each trailer.

(8) Hospitals: one parking space for every two beds for patients, plus one parking space for each paid and volunteer employee.

(9) ~~Sanitariums, asylums~~ Mental health facilities, orphanages, convalescent homes, homes for the aged and infirm: one parking space for every three beds for patients and inmates, plus one parking space for every three paid employees.

(10) Theaters and other places of assembly having fixed seats: one parking space for every four seats.

(11) Places of public assembly, including assembly halls (except those included in subsection (10) of this section), exhibition halls, convention halls, dancehalls, skating rinks, sports arenas, community centers, libraries and museums: one parking space for every five seats or one parking space for every 20 square feet of gross floor area occupied by guests, customers, patrons, members or other occupants, whichever may be greater.

(12) ~~Churches~~ Places of worship: one parking space for every ~~five~~ three seats in the auditorium or chapel area, not including Sunday school classrooms.

(13) Stadiums, racetracks, fairgrounds, circus grounds: one parking space for every five seats.

(14) Bowling alleys: two parking spaces for each alley.

(15) Mortuaries: one parking space for every four seats in public rooms.

(16) Medical, dental, chiropractic, etc., clinics (separate buildings): four parking spaces for each doctor.

(17) Business, professional and governmental offices: one parking space for every 400 square feet of floor area.

(18) Restaurants, bars, beer gardens, ~~clubs,~~ nightclubs: one parking space for every four seats ~~in the rooms for customer service~~, as determined by the occupancy load assigned by the Fire Marshall.

(19) Elementary schools, public, private or parochial: one parking space for each classroom, plus one-half of the additional parking spaces for rooms used for public assembly as otherwise required by this section.

(20) Junior and senior high schools and colleges, public, private or parochial: one parking space for each classroom, plus one parking space for every ten students or one-half of the additional parking spaces for rooms used for public assembly as otherwise required by this section, whichever may be greater.

(21) Retail stores, personal service shops, household repair or equipment shops, interior decoration shops: one parking space for every 300 square feet of floor area.

(22) Uses located in commercial shopping centers: one parking space for every 350 square feet of floor area.

~~(22)~~(23) Manufacturing and industrial uses, research and testing laboratories, bottling establishments, printing and engraving shops, warehouses, motor vehicle salesrooms, wholesale stores, and laundries ~~and storage buildings~~: one parking space for every 600 square feet of floor area of the buildings.

(24) Warehousing: one parking space per 3,000 square feet of floor area.

(25) Mini-warehousing/self-storage facilities; one parking space per 25 storage units.

~~(23)~~(26) Terminal facilities, including airports, railroad passenger and freight stations, bus depots, truck terminals, also, commercial swimming pools and the like: one parking space for every two employees, plus off-street parking space in an amount determined by the ~~board of adjustment~~ planning and zoning board to be adequate to serve employees and the public as customers, patrons and visitors.

~~(24)~~(27) Uses not specifically mentioned: The requirements for off-street parking for any use not specifically mentioned in this section ~~shall be the same as provided in this section for the use most similar to the one sought~~ shall be based on other documentation approved by the City such as the ITE Parking Generation Manual or American Planning Association publications, it being the intent to require all uses to provide off-street parking.

~~(25)~~(28) Fractional measurements: When units or measurements determining the number of required off-street parking spaces result in requirements of a fractional space, such fraction equal to or greater than one-half shall require a full off-street parking space.

~~(26)~~(29) Compound uses: In the case of compound uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately; and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

~~(27)~~(30) Measurement: For the purposes of this article, floor area shall mean the gross floor area inside of the exterior walls. In hospitals, bassinets shall not count as beds. In stadiums, sports arenas, ~~churches~~ places of worship and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, every 20 lineal inches of such seating shall be counted as one seat for the purpose of computing off-street parking requirements.

~~(28)~~(31) Minimum requirement: Irrespective of any other requirement of this article, each and every separate and individual store, office or other business shall be provided with at least one off-street parking space.

(Ord. No. 92-02, § 1(14-3), 4-30-1992)

Sec. 118-95. Combined off-street parking.

Nothing in this article shall be construed to prevent collective provision for one or the joint use of off-street parking facilities for two or more buildings or uses by two or more owners or operators, provided that the total of such parking spaces shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article. A copy of an agreement between joint uses shall be filed with the application for a building permit.

(Ord. No. 92-02, § 1(14-4), 4-30-1992)

Sec. 118-96. Parking alternatives.

(a) Use of required off-street parking by another building. No part of an off-street parking area required for any building or use by this article shall be included as a part of an off-street parking area similarly required for another building or use unless the type of use indicates that the periods of usage will not overlap or be concurrent with each other as determined by the ~~Site Plan Committee~~ site plan technical review staff.

(b) Reduced parking requirements.

(1) Parking Reductions for Specific Developments. To avoid requiring more parking spaces than actually needed to serve a development, the minimum number of parking spaces required under Section 118-94 may be reduced if an Applicant can demonstrate that the minimum parking spaces required under Section 118-94 are not needed, due to one or more of the following conditions:

a. The nature and operation of the use are such that the actual parking requirements of the proposed use are less than the minimum number of parking spaces required under Section 118-94. Such claims shall be based on data from similar developments, parking regulation of similar uses in other communities, or a trip generation or parking study prepared by a qualified professional.

b. Alternatives to on-site parking are provided. Such parking alternatives may include, but are not limited to, automated or valet parking which allows more vehicles to be parked in less space than conventional parking, remote parking with shuttle service to and from the remote location, and

ride-sharing or carpooling programs. All such alternatives shall be made binding on the development through approval by the City of a development order, development agreement, or restrictive covenant.

c. The Applicant's business hours do not overlap those of other businesses utilizing the same parking lot or area, so that sufficient parking will be available during the applicant's hours of operation.

d. The Applicant is redeveloping a site which was legally developed regarding parking standards and which, upon redevelopment, will not have the minimum on-site parking spaces required under Section 118-94, demonstrates that existing on-street or remote parking is available to serve the proposed redevelopment.

(2) The ~~Site Plan Committee~~ site plan technical review staff shall hear and decide requests for relief from the parking requirements of Section 118~~.~~-94, pursuant to the provisions of this Section. Any person aggrieved by the decision of ~~Site Plan Committee~~ site plan technical review staff may appeal such decision to the City Commission.

(3) To request relief under this Section, applicants shall file such request in writing with the ~~Development Services Department~~ development services department, together with any documents, supporting such request for relief.

(4) The Development Services Director shall provide an appropriate form for requests for relief from the requirements of Section 118~~.~~-94 ~~and include it in the City's Standard Forms set forth in Article III or Section 130 of the City Code~~.

(Ord. No. 92-02, § 1(14-6), 4-30-1992; Ord. No. 2022-08 , 7-5-2022)

Ord. No. 2022-08 , 7-5-2022, amended the title of sec. 118-96 to read as herein set out. The former sec. 118-96 title pertained to use of required off-street parking by another building.

Sec. 118-97. Buffering.

Where an off-street parking area abuts any R-1 or R-2 zoning district, the requisite perimeter landscaping shall include a visual screen or a decorative screen or fence:

(1) If plant materials are used for screening, they shall be selected and spaced to provide within two years an unbroken evergreen visual barrier that is three feet to six feet above the average ground level of the buffer area.

(2) If a decorative wall or fence is used for screening, it shall be six feet high with shrubs or vines planted abutting such wall on the side opposite the parking area at a planting interval of no more than five feet.

(Ord. No. 92-02, § 1(14-12), 4-30-1992)

Sec. 118-98. Paving and marking.

(a) All off-street parking areas of five spaces or less and off-street driveways, where applicable (such as R-O, B-1 and B-2) may be surfaced with gravel. All driveways shall be connected to streets or thoroughfares by pavement across the right-of-way, with a minimum of at least 24 feet of pavement. Gravel must meet the minimum specifications of stone commonly known as #57 gravel or stone.

(b) All other off-street parking areas shall be paved, and parking spaces shall be clearly marked with either white or yellow paint. As used in this section, the term "paved" includes paving blocks.

(c) Notwithstanding the provisions of subsection (a) above, all handicap parking shall be paved.

(Ord. No. 92-02, § 1(14-13), 4-30-1992; Ord. No. 2010-10, § 1, 7-20-2010)

Sec. 118-99. Access.

(a) Entrance and exit driveways shall be clearly marked with signs, and they shall be aligned at right angles to the street.

(b) No commercial lot may have more than two driveways providing access on any street frontage. For commercial lots with a width of 200 feet or less, no more than one driveway with a maximum width of 24 feet shall be permitted.

(Ord. No. 92-02, § 1(14-14), 4-30-1992)

Sec. 118-100. Lighting.

~~All parking facilities shall be lighted after dark throughout the hours during which they are used by the public. Such lighting shall not exceed an intensity of five footcandles, nor shall it be less than 1½ footcandles at ground level. Shielding shall be provided so as not to create a nuisance across lot lines.~~

~~(Ord. No. 92-02, § 1(14-15), 4-30-1992)~~

(a) All lighting, regardless of location, shall be designed to minimize direct glare and light spillage onto adjacent streets and properties.

(b) Maximum maintained illumination levels measured at finished grade on adjoining property within 25 feet of the property line of the project in question shall be no more than 1.0 footcandles if the adjoining property is zoned commercial and no more than 0.5 footcandles when the adjoining property is zoned residential or is an existing residential use within 100 feet of the property line.

(c) All luminaries shall employ IESNA cutoff or full cutoff light distribution designations and shall be fully shielded fixtures, or flat lenses to reduce glare or spillage, with the following exceptions:

(1) Luminaries that have a maximum output of 260 lumens per fixture (the approximate output of one 20 watt incandescent bulb), regardless of number of bulbs, may be left unshielded provided that fixture has an opaque top.

(2) Luminaries that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60 watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top.

Sec. 118-101. Internal wheel stops.

Where a combination of wheel stops and an abutting landscaped area exists, the required length of the required off-street parking space may be reduced by two feet; provided, however, that the overhang area shall be free of any trees, shrubs or other obstructions.

(Ord. No. 92-02, § 1(14-16), 4-30-1992)

Sec. 118-102. Garbage collection.

Each commercial lot shall, when developed, provide a paved location for trash and garbage disposal and pickup separate from any required off-street parking space.

(Ord. No. 92-02, § 1(14-17), 4-30-1992)

Cross reference(s)—Solid waste, ch. 66.

Secs. 118-103—118-120. Reserved.

Subdivision III. Off-Street Loading

Sec. 118-121. Adequate space to be provided and maintained.

On the same tract with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things for delivery and shipping so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

(Ord. No. 92-02, § 1(14-10(A)), 4-30-1992)

Sec. 118-122. Enlarged or extended structures.

Where any structure is enlarged or any use is extended so that the ~~side~~ size of the resulting occupancy comes within the scope of this subdivision, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its extended or enlarged size.

(Ord. No. 92-02, § 1(14-10(B)), 4-30-1992)

Sec. 118-123. Specifications of loading space.

For the purposes of this subdivision, an off-street loading space shall be an area at the grade level of at least ten feet wide by 60 feet long, with 12-foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading or off-street parking space. Such loading space shall be accessible from the interior of the building to be served.

(Ord. No. 92-02, § 1(14-10(C)), 4-30-1992)

Sec. 118-124. Provision of spaces according to square footage.

Off-street loading spaces shall be provided as follows:

(1) For all business uses, all industrial uses, all warehouse uses:

Square Feet	Space(s) Required
Over 5,000—25,000	1
25,001—60,000	2
60,001—120,000	3
120,001—200,000	4
200,001—290,000	5
Every 90,000 over 290,000 or major fraction thereof	1

(2) For each auditorium, convention hall, exhibition hall museum, hotel, office building, sports arena, stadium, hospital, sanitorium, welfare institution or similar use which has an aggregate gross floor area of over 10,000 square feet, but not over 40,000 square feet: 1 space; for each additional 60,000 square feet or major fraction thereof over the original 40,000 square feet: 1 space.

(Ord. No. 92-02, § 1(14-10(D)), 4-30-1992)

Sec. 118-125. Space provided only for designated use.

Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the needs of any other use.

(Ord. No. 92-02, § 1(14-10(E)), 4-30-1992)

Sec. 118-126. Parking facilities not to be substituted for loading requirements.

Off-street parking facilities required by this article shall not be used to meet off-street loading requirements of this subdivision.

(Ord. No. 92-02, § 1(14-10(F)), 4-30-1992)

Sec. 118-127. Collective or joint facilities.

Nothing in this subdivision shall prevent the collective or joint provision of off-street loading facilities for two or more uses or buildings, provided that the requirements of this subdivision are fulfilled.

(Ord. No. 92-02, § 1(14-10(G)), 4-30-1992)

Sec. 118-128. Spaces to be marked on permit applications.

Off-street loading spaces shall be plainly marked on applications for permits and shall be maintained at all times as an off-street loading space.

(Ord. No. 92-02, § 1(14-10(H)), 4-30-1992)

Secs. 118-129—118-150. Reserved.

Subdivision IV. Landscaping[8]

Sec. 118-151. Tree preservation.

The amount of off-street parking required by this article may be reduced at the option of the applicant in order to preserve trees located on the site which would otherwise have to be removed due to providing required off-street parking, subject to the following conditions:

[8]Cross reference(s)—Landscaping, ch. 114.

(1) All trees to be preserved shall be at least six inches in diameter, as measured four feet above ground level, and shall be located within the area of the site in which the actual required off-street parking is to be provided, i.e., exclusive of any perimeter landscaping.

(2) For each tree that is to be preserved, the required off-street parking spaces may be reduced as follows:

Tree Trunk Diameter 4 Feet Above Ground	Off-Street Parking Space Space Reduction	Diameter of Open Space to be Provided at Base of Tree Being Preserved (feet)
6—12	1	13
13—20	3	22
21—30	7	34
Over 30	10	41

(3) In no case shall the provisions of this section be utilized to reduce the total amount of off-street parking space required by more than 20 percent.

(Ord. No. 92-02, § 1(14-9), 4-30-1992)

Secs. 118-152—118-180. Reserved.

ARTICLE III. SIDEWALKS

DIVISION 1. GENERALLY

Secs. 118-181—118-200. Reserved.

DIVISION 2. CONSTRUCTION, MAINTENANCE AND REPAIR

Sec. 118-201. Generally.

(a) The designation of the streets, parts of streets, alleyways or other roadways where sidewalks are to be constructed, repaired and maintained shall be made solely at the discretion, and at the option, of an authorized agent of the city, with the approval of a majority of the city commission.

(b) At such time as the city determines to exercise its option to construct, repair, maintain or otherwise perform work upon any of the sidewalks or portions of sidewalks within the city, whether the work to be performed is on an isolated section of sidewalk or as part of a citywide construction or repair program, the contractor selected to perform the work shall be of the city's choosing. Nothing in this section shall be construed to prohibit a property owner, or his authorized agent, from obtaining a permit to repair or replace sidewalks adjacent to, or upon his property, at the owner's cost, and at no cost to the city.

(c) The standard to which the sidewalks shall be constructed or maintained will be as is established by the city.

(Ord. No. 92-02, § 1(14-18), 4-30-1992)

Sec. 118-202. ~~Mandatory construction~~ Construction of sidewalks.

(a) *Basis for section.* The City of Belleview recognizes the importance of expanding, upgrading and improving the existing sidewalk network in a planned and timely manner to facilitate multi-modal transportation opportunities and improve the overall mobility for pedestrians throughout the city.

(b) *Applicability.* All new multifamily developments, commercial developments and subdivision developments shall include construction of sidewalks as set forth herein; except the city commission may determine that construction of a sidewalk may create safety issues for pedestrians. In such cases, the city commission may waive the sidewalk requirements of this section. Otherwise, the requirement for sidewalks may be met by:

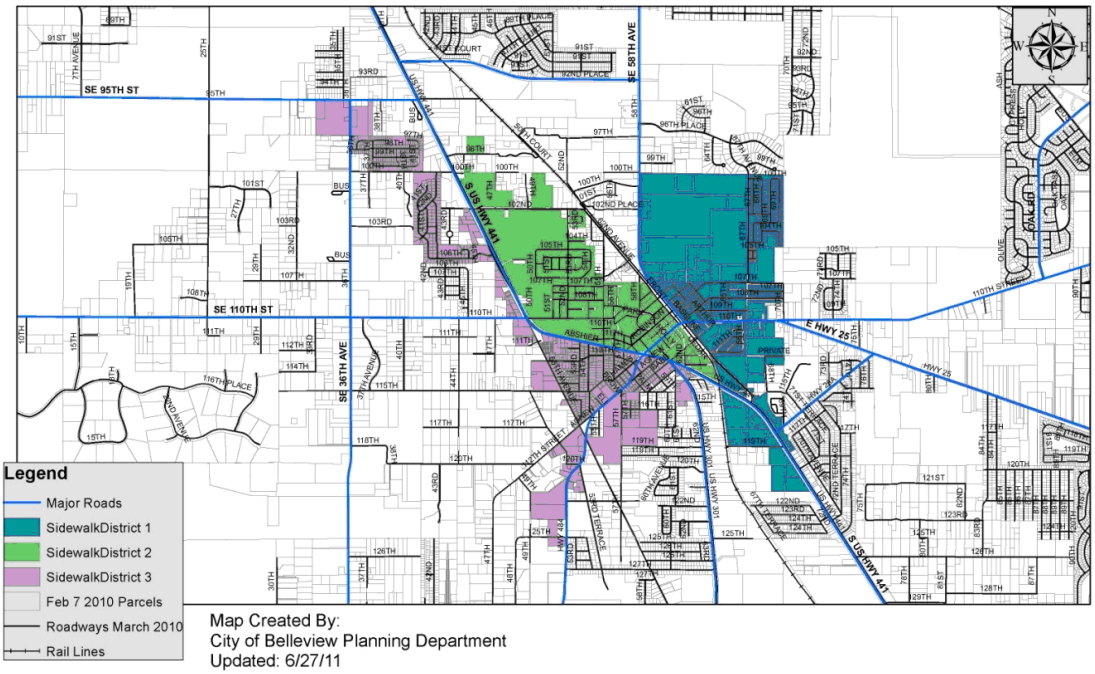
(1) Constructing such sidewalks as part of the new development; or

(2) Paying into the city sidewalk fund equal to the full cost of construction/installation of such sidewalks, based upon the Engineering News-Record Construction Cost Index, commonly referred to as the 20-City National Index.

a. *Fund designation.* These funds shall be collected and will be designated according to their district within the City of Belleview, as set forth in the "Sidewalk District Map" set forth herein-below in figure 1.

FIGURE - 1

City of Belleview
Sidewalk District Map



b. *Use within district.* Funds collected within a district shall be used only for projects within that district, except for multi-district projects, as provided in subsection c., herein.

c. *Multi-district projects.* Funds from each affected district may be utilized for projects which traverse district boundaries or which lie within more than one district. The apportionment of funds from each district affected shall be approved by the city commission, pursuant to recommendations by the city development services director and the city public works director.

(c) *City sidewalk fund.* The city shall create a separate interest bearing account. This account shall be known as the city sidewalk fund.

(d) *Expenditure of funds.* Expenditures from the city sidewalk fund account shall only be utilized for the construction of new sidewalks to expand the existing sidewalk network or to upgrade and improve existing sidewalks to current design/construction standards. These funds shall not be utilized for routine maintenance. Sidewalk projects utilizing these funds shall be considered annually by the city commission as part of the capital improvements program.

(e) *Payment into the city sidewalk fund.* Payment into the city sidewalk fund shall constitute the agreement by the developer/property owner that the expenditure of the sidewalk funds to expand and improve the existing city sidewalk system provides a direct benefit to the city and the subject property. Payment into this fund shall satisfy the sidewalk construction requirements for the subject property or properties.

~~(f) *Deferral of sidewalk requirement.* The city commission may grant requests to defer the requirements of this section, as provided hereinafter:~~

~~(1) Requests for deferral must be submitted in writing, on the form adopted by the city land development services department, together with payment of the applicable application fee.~~

~~(2) To grant a request for deferral of the sidewalk requirement the city commission must make a specific finding of fact that either:~~

~~a. There are no sidewalk construction plans or sidewalk projects within the foreseeable future that will result in sidewalks adjacent to or providing pedestrian access to the subject property; or~~

~~b. There are no sidewalk construction plans or sidewalk projects within the foreseeable future that are in the proximity of the subject property and which will result in a benefit to the property.~~

~~(3) The applicant for deferral and the city must have entered into a written agreement that the property owner shall construct the deferred sidewalk at such time as a sidewalk is constructed adjacent to the subject property or the city may assess the subject property for its proportionate fair share of the cost to construct future sidewalks that meet the criteria set forth in subsections (f)(2)a. or (f)(2)b., above. Such assessment shall be on a front foot basis and shall include, but not be limited to, right-of-way acquisition, design and construction.~~

(Ord. No. 92-02, § 1(14-21), 4-30-1992; Ord. No. 2007-23, § 1, 10-2-2007; Ord. No. 2010-18, § 1, 9-21-2010; Ord. No. 2011-14, § 1, 8-16-2011)

Sec. 118-203. Required according to city commission discretion.

(a) Sidewalks may be required, at the sole discretion of the elected officials, for single-family residential development which is clustered or which requires central sewer services.

(b) Sidewalks may be required by the city commission, following consultation with the planning commission, on one side of any street in a subdivision where it is deemed essential to pedestrian movement and safety.

(c) Sidewalks may be required to be constructed on both sides of collector streets, and on arterial streets and on the property line side of all frontage roads on arterial streets as deemed necessary by the city commission.

(d) The city commission, following consultation with the planning commission, may require additional sidewalks and wider sidewalks leading to and going through commercial areas, school sites, places of public assembly and other congested areas.

(e) The city commission, upon recommendation of the public works director/city engineer and consultation with the police department, and a finding that it is in the best interest of the public safety and welfare, may require the construction of sidewalks along the perimeter of a development or subdivision in lieu of or in addition to providing sidewalks that are internal to the development or subdivision.

(Ord. No. 92-02, § 1(14-22), 4-30-1992)

Sec. 118-204. Construction standards.

(a) *Locations.*

(1) Where required, sidewalks will extend from the front entrance of every principal structure to within 70 feet of every parking space.

(2) Where a sidewalk crosses a driveway or internal access road, the crosswalk area shall be marked with paint and shall be provided with stop signs for vehicular traffic.

(b) *Materials.* All sidewalks shall be constructed of either poured concrete or asphalt.

(c) *Dimensions.* The minimum pavement width of a sidewalk shall be 60 inches.

(d) *Separation.* Pedestrian and vehicular traffic shall be separated as much as possible and conflicts there shall be kept to a minimum.

(e) *Driveway aprons.* Driveway aprons over sidewalk areas shall be paved with concrete in accordance with the specifications set forth by the city.

(Ord. No. 92-02, § 1(14-23), 4-30-1992; Ord. No. 2010-18, § 2, 9-21-2010)

Sec. 118-205. Allocation of costs.

At such time as the city initiates the construction of new sidewalks, and/or initiates the replacement or repair of existing sidewalks as a part of a major renovation program, the cost of such initial construction, replacement, renovation and repair shall be divided equally between the city and those owners of property abutting the improvement, or upon whose property the improvement is constructed or repaired.

(Ord. No. 92-02, § 1(14-19), 4-30-1992)

Secs. 118-206—118-230. Reserved.

DIVISION 3. SPECIAL ASSESSMENTS[9]

Sec. 118-231. Authority to collect; amount.

(a) The city, by resolution duly adopted in accordance with law, shall have the express authority to levy and collect special assessments for the construction, repair, replacement and maintenance of sidewalks under such circumstances where a particular class of property owners are benefited by such improvement.

[9]Cross reference(s)—Special assessments, ch. 70.

(b) The amount of special assessment shall be determined by and prorated according to the foot frontage of the respective properties benefited by the such improvements, or by such other equitable method, as determined by the city commission.

(Ord. No. 92-02, § 1(14-20), 4-30-1992)

Secs. 118-232—118-260. Reserved.

ARTICLE IV. STREETS

DIVISION 1. GENERALLY

Sec. 118-261. Damage to trees and shrubs.

It shall be unlawful for any person to cut, destroy or injure any of the trees growing in or upon any of the public squares or streets of the city, provided that nothing contained in this section shall be so construed as to prevent the city from trimming or removing the same at its discretion.

(Ord. No. 92-02, § 1(14-30), 4-30-1992)

~~Sec. 118-262. Railroad train crossings not to block public streets and roads for more than a reasonable period of time.~~

~~(a) A railroad company shall not order, allow, permit or operate its system so that its trains or equipment, or any cars and equipment carried by its trains, block the crossings of railroad tracks and public streets, roads and highways within the city for more than a reasonable period of time, but in any event, for a period exceeding five minutes; provided, however, that such crossings may be blocked by such railroad company for longer than five minutes in an emergency only, and provided further that such railroad company shall operate its system in such a manner, with such trains and sufficient crews and facilities, so as to avoid blocking such crossings for an unreasonable period of time in all nonemergency situations.~~

~~(b) For the purposes of this section, an emergency includes, but is not limited to, the following: a railroad accident or collision, a locomotive or rail-car mechanical failure, a track-switching or signal-system failure, or a blocking of the tracks themselves that is not due to or caused by any railroad company operations, or that is otherwise beyond the control of the railroad company. An emergency does not include events such as delays in scheduling, delays in arrival or delays in delivery.~~

~~(c) Any person violating the provisions of this section or any officer or director of any railway company authorizing or permitting the violation of this section or neglecting to comply with the requirements of this section, shall be punished in accordance with the City Code of Ordinances.~~

~~(Ord. No. 92-02, § 1(14-34), 4-30-1992)~~

~~State law reference(s)—Railroads, F.S. ch. 351; blocking of streets by railroad engines and cars, F.S. § 335.141(4).~~

Secs. 118-~~263~~ 262—118-280. Reserved.

DIVISION 2. PERMITS

Sec. 118-281. Driveway permit.

(a) *Circumstances requiring.* A driveway permit shall be required of all parties seeking to improve real property, where such property abuts or is contiguous to a paved public roadway, as follows:

(1) Where the property is unimproved and new construction is contemplated, the driveway permit shall be applied for and be issued at the time of the issuance of the basic building permit.

(2) Where additional improvements are to be constructed upon the property which had previously been improved, and the construction will be in the nature of a roadway, driveway, carport, garage or other like or similar work which contemplates use for motor vehicles, the driveway permit shall be applied for prior to the commencement of any construction.

(3) The driveway permit shall specify the minimum standards for construction and shall be as specified by the public works director.

(4) The driveway permit shall require that area of land lying between the edge of the paved roadway and the boundary line of the property to be paved.

(5) No certificate of occupancy or other evidence of completion shall be issued until such time as the building official has verified compliance with the required regulations, relating to the installation of a culvert, replacement of damaged sidewalk or curbing, required paving, or other required action.

(b) *Minimum fee.* The minimum fee to be charged for the permit required by this section shall be established by adopted resolution of the city commission.

(c) *Number and location.* The number and location of driveways shall be as follows:

(1) Driveways for single family or duplex dwellings shall be at least ten feet in width. Driveways for multi-family and nonresidential uses shall be at least 12 feet in width. No driveway shall exceed 24 feet in width at the property line, nor be located closer than three feet to a property line unless an agreement for a shared driveway is provided. There shall be one driveway access point per street frontage with the exception of circular driveways.

(2) Circular driveways beginning and ending at the right-of-way are allowed on all lots provided sufficient maneuvering space is provided and a safety hazard is not created. Circular driveways shall have a maximum of two driveway access points per street frontage. No driveway shall exceed 12 feet in width at the property line, nor located closer than three feet to a property line unless an agreement for a shared access driveway is provided.

(Ord. No. 92-02, § 1(14-26((B), (C)), 4-30-1992)

Cross reference(s)—Connection of driveway or walkway to a public place, § 74-31; disturbance of pavement, § 74-32; permit fee, § 74-37.

Sec. 118-282. Street excavation permit generally.

It shall be unlawful for any person to do any construction or repair work involving the tearing up and relaying of any street or part of street or right-of-way to obstruct, dig up or into or in any way disturb any street or part of a street or right-of-way, including removal of earth from ditches, in the city without first procuring from the department of public works a written permit therefor. The permit provided for in this section shall be issued under such conditions as may be prescribed by the commission, and shall accurately describe the portion of the street to be affected and shall make provision for the replacement of that part of the street which is to be replaced in the same condition as when disturbed and shall state a definite time within which the permit shall be operative.

(Ord. No. 92-02, § 1(14-26(A)), 4-30-1992)

Cross reference(s)—Connection of a driveway or walkway to a public place, § 74-31; disturbance of pavement, § 74-32.

Sec. 118-283 – 118-284. Reserved. ~~Erection and lighting of barricades.~~

~~Any person carrying on or doing any construction, excavation or repair work in any street or part of a street in the city pursuant to a permit from the city commission, as provided in section 118-282, shall erect and maintain proper, safe and sufficient barricades, and during that period of time between one-half hour after sunset and one-half hour before sunrise shall maintain sufficient lights or flares around such barricades, work or excavations to warn persons of the presence of such excavations and work and to prevent injury to persons and property.~~

~~(Ord. No. 92-02, § 1(14-27), 4-30-1992)~~

~~Cross reference(s)—Lights and barricades, § 74-33.~~

~~Sec. 118-284. Replacing street.~~

~~Upon the expiration of any permit granted by the city commission, the permit holder shall replace that street or part of a street upon which such construction, excavation or repair work has been performed in the same condition as the street or part of a street existed prior to the construction, excavation or repair work, and failure to do so shall constitute a violation by the permit holder.~~

~~(Ord. No. 92-02, § 1(14-28), 4-30-1992)~~

~~Cross reference(s)—Repair, § 74-34.~~

Sec. 118-285. Obstruction and encroachment permit on public streets.

It shall be unlawful for any person to close, obstruct or encroach upon, under any pretense, any of the squares, streets or sidewalks of the city without a permit; provided, however, that nothing contained in this section shall be so construed as to prevent merchants and others in receiving and delivering their goods and wares in the usual manner, or prevent the erection of scaffolds and ladders or for storing material for the purpose of building and repairing.

(Ord. No. 92-02, § 1(14-29), 4-30-1992)

Sec. 118-286. Planting trees or shrubs on public right-of-way permit.

No person shall plant any tree or shrub on a public right-of-way without first obtaining a permit therefor.

(Ord. No. 92-02, § 1(14-35), 4-30-1992)

Secs. 118-287—118-310. Reserved.

DIVISION 3. CURB CUTS AND DRIVEWAYS

Sec. 118-311. Traffic flow.

The circulatory function of arterial streets, collector streets and frontage roads shall not be hampered by any excessive amount of ingress and egress of motorized vehicles. To this end curb cut number and design on arterial and major collectors shall be limited as directed by the state department of transportation, the county or the city, as appropriate. The city shall require the provision of vehicular interconnections between compatible uses to reduce vehicular traffic on the adjacent roadways. Cross-access easements are required for all commercial developments fronting on a major collector or arterial roadway.

(Ord. No. 92-02, § 1(14-24(A)), 4-30-1992)

Sec. 118-312. Visibility at curb cuts or driveways.

In all zoning districts where a curb break intersects a public right-of-way, no fence wall, hedge, landscaping or other structure shall be erected, planted, placed or allowed to grow in such a manner as to obstruct cross-visibility between a height of 2½ feet and six feet within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break with public right-of-way lines, with two sides of each triangle being ten feet in length from the point of intersection and the third being a line connecting the end of the two other sides.

(Ord. No. 92-02, § 1(14-24(B)), 4-30-1992)

Sec. 118-313. Visibility at intersections.

The provisions regarding visibility at intersections are in section 134-466 of subpart B of this Code.

(Ord. No. 92-02, § 1(14-25), 4-30-1992)

Secs. 118-314—118-330. Reserved.

DIVISION 4. SPECIAL ASSESSMENTS[10]

Sec. 118-331. Authority to collect; amount.

(a) The city, by resolution duly adopted in accordance with law, shall have the express authority to levy and collect special assessments for the construction, repair, replacement and maintenance of roadways under such circumstances where a particular class of property owners are benefited by such improvement.

(b) The amount of special assessment shall be determined by and prorated according to the foot frontage of the respective properties benefited by such improvements, or by such other equitable method, as determined by the city commission.

(Ord. No. 92-02, § 1(14-31), 4-30-1992)

State law reference(s)—Supplemental and alternative method of making local municipal improvements, F.S. ch. 170.

[10]Cross reference(s)—Special assessments, ch. 70.

Sec. 118-332. Collection; lien.

There is incorporated into this section by reference, and specifically adopted as the governing law of the city, as if the same were set forth in this section, all of the provisions as contained in F.S. ch. 170, as such statute shall be from time to time amended, and all procedures outlined by F.S. ch. 170 are specifically adopted as the procedures to be employed by the city in the levy of special assessments for sidewalk, roadway and other like improvements, and for collection of such amounts, as well as in the creation of liens against the assessed property, for the purpose of securing the payment of the special assessments.

(Ord. No. 92-02, § 1(14-32), 4-30-1992)

Sec. 118-333. Notice of proposed special assessment.

(a) In addition to any notice requirements mandated by F.S. ch. 170, the city shall also be required to notify all affected property owners, by certified or registered mail, return receipt, of the presentation of any proposed resolution relating to the imposition or a special assessment for the purposes contemplated by this section.

(b) Such notice shall advise the property owner of the nature of the improvement or the work to be performed, the total estimated cost and the apportionment of the cost among the affected property owners, and specifically, the contribution to be made by the owner receiving the notice.

(Ord. No. 92-02, § 1(14-33), 4-30-1992)

Chapter 122 PLANNING[11]

ARTICLE I. IN GENERAL

Secs. 122-1—122-30. Reserved.

ARTICLE II. LOCAL PLANNING AGENCY[12]

Sec. 122-31. Authority.

This article is enacted pursuant to and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act.

(Ord. No. 92-02, § 1(8-16), 4-30-1992)

[11]Cross reference(s)—Administration, ch. 2; buildings and building regulations, ch. 22; environment, ch. 38; special assessments, ch. 70; streets, sidewalks and other public places, ch. 74; utilities, ch. 86; vegetation, ch. 90; environmental protection, ch. 106; floods, ch. 110; subdivisions, ch. 130; zoning, ch. 134; planning and zoning board of adjustment, § 134-141 et seq.; planned developments, § 134-281 et seq.

[12]State law reference(s)—Local planning agency, F.S. § 163.3174.

State law reference(s)—Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.

Sec. 122-32. Designation.

Pursuant to, and in accordance with F.S. § 163.3174, the city planning and zoning board ~~of adjustment~~ is designated and established as the local planning agency for the city.

(Ord. No. 92-02, § 1(8-17), 4-30-1992; Ord. No. 99-04, § 1, 6-15-1999)

Sec. 122-33. Duties and responsibilities.

The duties and responsibilities of the local planning agency shall be as provided for in ~~the Local Government Comprehensive Planning and Land Development Regulation Act~~ F.S. § 163.3174(4).

(Ord. No. 92-02, § 1(8-18), 4-30-1992)

Sec. 122-34. Organization, rules and procedures.

Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in this article.

(Ord. No. 92-02, § 1(8-19), 4-30-1992)

Sec. 122-35. Public meetings and records.

All meetings of the local planning agency shall be public meetings, and all agency records shall be public records. The local planning agency shall encourage public participation.

(Ord. No. 92-02, § 1(8-20), 4-30-1992)

State law reference(s)—Similar provisions, F.S. § 163.3174(5).

Sec. 122-36. Appropriations; expenditures.

The city commission shall appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning and Land Development Regulation Act expend all sums so appropriated and other sums made available for the use from fees, gifts, state or federal grants, state or federal loans, and other sources, provided that acceptance of loans or grants must be approved by the city commission.

(Ord. No. 92-02, § 1(8-21), 4-30-1992)

State law reference(s)—Similar provisions, F.S. § 163.3174(3).

Chapter 126 SIGNS[13]

Sec. 126-1. Purpose and intent.

~~The regulations and requirements of this chapter may be referred to as the "land development regulations." Further, these regulations shall be the minimum requirements to promote the public health, safety and general welfare, and to protect the character of residential, business and industrial areas throughout the city. It is also the purpose of this chapter to establish minimum sign standards that strive to allow signage displayed in a safe and aesthetic manner that promotes a better Belleview. Therefore, it is the intent of these regulations that the display of signs: should not adversely distract motorist, enhance the appearance of Belleview, be appropriate to the land, building and use, and be adequate but not excessive for the purpose for which they are intended.~~

~~It is intended that signs placed on land or on a building for the purpose of message display, identification, or for advertising a use on-site shall be deemed to be accessory and incidental to subject land, building, or use. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in the demand for public attention. It is further the intent of this sign chapter that any use of the city seal or logo on any sign or advertisement must be approved by the city commission.~~

~~(Ord. No. 2008-21, § 1, 10-21-2008)~~

In order to preserve the city as a community in which people wish to, live, visit, vacation, work, invest in, and retire, the city must maintain a visually aesthetic and safe environment. The regulation of signs within the city is an effective means by which to achieve this desired end. These sign regulations are prepared with the intent of promoting the public health, safety and general welfare in the city through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. This article regulates signs which are placed on private property, or on property owned by public agencies including the city, and over which the city has zoning authority. These sign regulations are intended to:

(1) Encourage the effective use of signs as a means of communication in the city;

(2) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;

(3) Improve pedestrian and traffic safety;

(4) Minimize the possible adverse effect of signs on nearby public and private property;

(5) Foster the integration of signage with architectural and landscape designs;

(6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

[13]Editor's note(s)—Ord. No. 2008-21, § 1, adopted 10-21-2008, amended Ch. 126, in its entirety to read as herein set out 126. Prior to inclusion of said ordinance, Ch. 126, pertained to similar subject matter. See also the Code Comparative Table.

(7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;

(8) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;

(9) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;

(10) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;

(11) Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;

(12) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

(13) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;

(14) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

(15) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;

(16) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

(17) Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

(18) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;

(19) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of the city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its residential and agricultural communities;

(20) Enable the fair and consistent enforcement of these sign regulations;

(21) To promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the city's goals of quality development;

(22) To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of city, county, state and federal law;

(23) To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and

(24) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and

spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 126-2. ~~Definitions.~~ Unregulated zones.

a. It is the intent of this article to regulate signs in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.

b. The sign standards in this chapter are intended to include every zone in the city. The zones are defined by the zoning ordinance and official zoning map. Where this article provides for zone-specific sign regulations or allowances, those specific regulations and allowances shall control.

c. If any zone is omitted from this article, or if a new zone is created after the enactment of this article, only exempt signs as described in this article shall be permitted in such zone until this article shall be amended to include sign regulations and allowances for that zone.

d. If any area is annexed into the city limits, no sign, except exempt signs described in this article, shall be permitted therein until the area annexed has been zoned by the city commission. Signs in existence as of the time of annexation shall be brought into compliance with this article within one year of annexation.

~~All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the city commission may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.~~

~~In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare of the city. Where any provision of these regulations, the city comprehensive plan, or any other law or regulation in effect in Belleview, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the city comprehensive plan, or any other law or regulation in effect in Belleview, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.~~

~~In all circumstances, the provisions of these regulations shall be interpreted and construed to be consistent with the city comprehensive plan. Where any provision(s) of these regulations are determined to be in conflict with the comprehensive plan, the comprehensive plan shall control.~~

~~The following terms and definitions are provided for the implementation of the regulations as set forth in this chapter:~~

~~*Abandon* means to cease active use for a period of six consecutive months or more, including signage for a business or use that has been closed or vacated for the same consecutive period.~~

~~*Abutting property* means any property that is immediately adjacent or contiguous to property or that is located immediately across any road or public right-of-way.~~

~~*Agricultural signs* means signs related to bona fide agricultural activities being performed on the property.~~

~~*Agriculture* means the production, keeping, grazing, or maintenance for sale, lease, or personal use, of plants and animals useful to man, and may include, but not be limited to, forage and sod crops, grain and seed crops, fruits of all kinds, vegetables, and nursery, floral, ornamental, and greenhouse products.~~

~~*Alley* means a public or private way which is not designed for general travel but is used primarily as a means of secondary access to a lot abutting thereon. Alley ways do not count toward a secondary frontage for the purpose of determining the quantity and size of signage allowed.~~

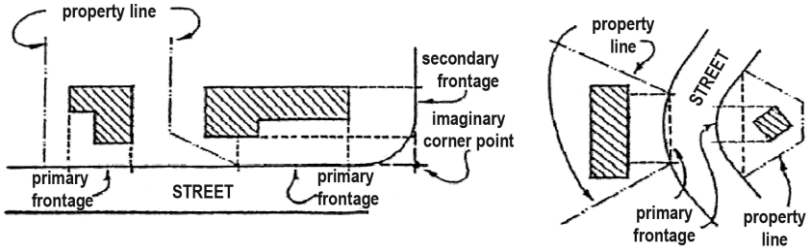
Alteration means any change in a building's structural parts, stairways, type of construction, means of ingress and egress, wiring, plumbing, heating or cooling system, and other changes affected or regulated by the City of Belleview Building Codes or this land development regulations, except for minor changes or repairs not involving the aforesaid features. The word alteration may include, but not be limited to, the words altered, repaired, modification to construction or reconstruction.

Automatic changeable copy means a facing which through a mechanical system is capable of delivering two or more advertising messages and shall not rotate so rapidly as to cause distraction to a motorist.

Awning means a roof-like cover, securely fastened on one side or end to a building, and the balance of which extends over or before a place (as a walkway or before a window) as a shelter and whose bottom edge is at least seven feet above the highest grade level beneath it.

Awning, illuminated means a structure, as described above, which is illuminated from the reverse side with artificial light to the extent that such artificial light is visible through to the exterior.

Building frontage means the part of the building facing a road, street, highway or easement serving the building. For the purpose of calculating sign area, building frontage shall be measured as follows:



Change of use means a discontinuance of an existing use and the substitution of a different kind or class of use. Change of use is not intended to include a change of ownership for the same business.

Erect means to build, construct, attach, hang, place, suspend, or affix and shall include the painting of wall signs.

Facade means the entire building wall, including wall face, parapet, fascia, windows, doors, canopy and roof of any complete elevation.

Fascia means a flat strip or band.

Flag means a fabric of distinctive design that is used as a symbol (as of a nation, state or city), or is displayed to show affiliation with a specific recognized organization (such as fraternal, religious or charitable organization).

Floor area, gross means the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

Grade:

Average grade means the average grade adjacent to the structure or sign structure. Finished grade may be considered by the site plan review committee for projects requiring on-site fill.

Existing grademeans natural elevation of the ground surface, prior to construction, adjacent to the proposed structure or sign structure.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed structure.

Height of sign means, for on-site signs, the distance between the top of a sign and the average grade elevation below it. For off-site signs, height of sign means the distance between the top of the sign, excluding

embellishments, and the roadway centerline grade perpendicular to that point of the sign closest to the road right-of-way.

Lot means a designated parcel, tract, or area of land established by plat, subdivision or otherwise permitted by law, to be used, developed or built upon as a unit.

Lot line means a line of record bounding a lot which divides one lot from another lot, from a public or private street or any other public space.

Lot line, front means any side of a lot which fronts upon a street, be it public or private. The primary front lot line is that frontage on which the address is given.

Outparcel means a parcel of land generally related to and subdivided from a larger surrounding tract, which contains a freestanding structure when developed and is primarily accessed within the surrounding tract.

Nonconforming uses mean uses which were lawful before the city's zoning code was adopted or amended, which uses would be prohibited or regulated and restricted under terms of the zoning code or future amendments thereto.

Owner means the person in whom the fee ownership, dominion, or title of property (i.e., the proprietor) is vested. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

Parcel or parcel of land means a contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant person in the public records of Marion County Florida, as of the effective date of these regulations or as may be subsequently recorded pursuant to city regulations.

Pennant means any flag like piece of cloth, plastic, or paper attached to any staff, cord, building or other structure that hangs loosely for the purpose of attracting attention to the site.

Permitted uses means residential uses of property in nonresidential districts which are permitted by the Belleview City Code. (Example: Residential use of property zoned for B-2 Commercial use.)

Premises means the lot or lots, plots, portions of parcels of land considered as a unit for a single development or activity.

Principal use building means a building/structure in which is conducted the principal use of the lot on which it is situated, including any attached carport, shed, garage or any other structure which is a part of the principal building and structurally dependent, totally or in part, on the principal building. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which the dwelling is situated.

Principal use means the use which constitutes the primary activity, function or purpose to which a parcel of land or building is put.

Property means land which is the subject of the specific development application.

Shopping center means any commercial building or development housing three or more tenants on a single ownership parcel.

Sign means any letters, numbers, symbols, graphics, pictures, three-dimensional objects, figures or combination thereof which is erected, constructed, placed, attached or painted on a structure or the ground, which identifies, advertises or directs attention to a product, business, institution, place, person or event, and which can be seen from the public right-of-way. When not modified by the terms "structure" or "face" the term "sign" shall include all parts of the sign and its supporting structure.

Abandoned sign means:

(1) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the city shall consider the

existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

(2) Any sign structure which has not been used for business purposes for over six months, and that is nonconforming according to existing codes regarding height, setback or sign area.

(3) Any previously permitted portable or temporary sign for which permitted time has expired.

Animated sign means any sign of which all or any part thereof revolves or moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically. Animated signs include signs such as electronic, LCD and LED signs and are only permitted to allow for video or flashing upon approval of the city commission.

Awning sign means any metal, canvas or plastic cover, hood, or canopy projecting from and supported by a building when such device extends beyond the building, building line, setback line or property line.



Awning Sign

Banner sign means signs either with or without frames, possessing characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind. For the purposes of this chapter national flags, flags of political subdivision and symbolic flags of any institution or business shall not be considered banners. See promotional signs definition.

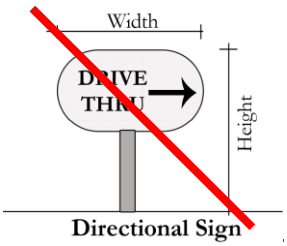
Billboard sign means any outdoor advertising sign (not permissible under section 126-5 of this chapter) upon which advertising matter may be displayed and which generally advertises businesses, firms or organizations along with their goods and services on panels commonly placed in public places, typically on poles, alongside highways. These signs may also be equipped with a variety of special lighting and display effects, including digital, LCD and photographic.

Canopy sign means any sign installed on any ornamental roof-like structures of cloth or otherwise that provides or suggests shelter and projects from a wall or is supported by columns; or any temporary or permanent cover providing shelter or decoration (as over a door or window), including an awning.

Changeable copy sign means any poster board, bulletin board, billboard, sign, screen, surface or wall, with characters, letters or illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged or altered without changing the face of the poster board, bulletin board, sign, screen, surface or wall. Animated/electronic signs shall not be considered changeable copy signs for the purposes of this definition.

Construction sign means a sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

Directional sign means any sign intended to provide direction of the public, including signs which direct traffic onto or within a premises, identify restrooms, parking areas or spaces, freight entrances, or other facilities for the convenience of the public.



Directory sign means a sign that provides a listing of the occupants of a multi-tenant center and their suite/building numbers. Directory signs are not intended to be visible from the public right-of-way but to give direction to customers already within the site.



Double-faced sign means a sign with two faces that are no more than 12 inches apart at their furthest point (for billboards any sign with an angle that exceeds 30 degrees).

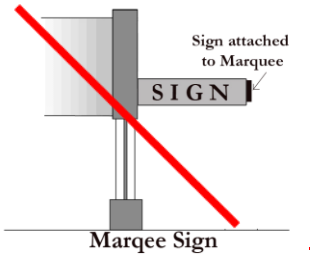
Freestanding sign means a sign supported by a sign structure in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support. The term includes monument and pole signs.

Ground sign. See "freestanding sign."

Identification sign means a sign that indicates the name and type of business or service, or the name of the development located on the site where the sign is located.

Illuminated sign means a sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

Marquee sign means a projecting sign attached to or hung from a marquee and such marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

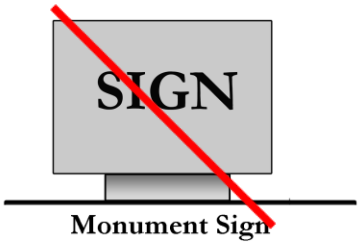


Membership sign means a sign identifying affiliation with a travel club, business association, credit card company, or professional association.

Menu board means a wall sign designed and intended to provide information about the menu served in a restaurant.

Menu board, drive-through means a wall or free standing sign designed and intended to provide information about the menu served in a restaurant or other drive-through service.

Monument sign means a freestanding sign which is in contact with or in close proximity, to the ground for a minimum of 40 percent of the sign width.

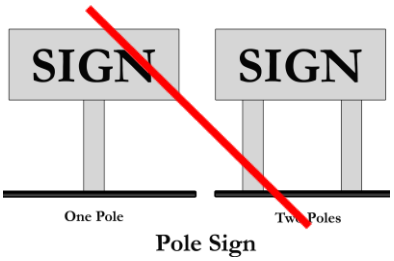


Nonconforming sign means any sign which is in violation of these regulations at the time of its effective date.

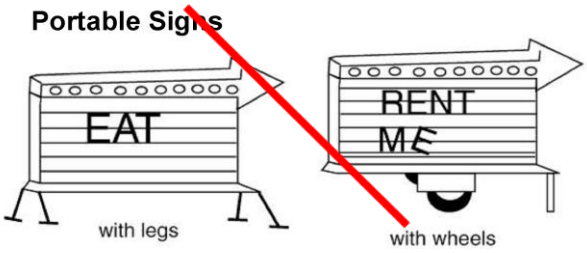
On-site sign means any structure, poster board, bulletin board, neon sign, screen, surface or wall with characters, letters or illustrations affixed thereto, thereon, or thereunder, by any method or means whatsoever, which is used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried on therein or thereat, or for advertising any service or product actually and actively being offered for sale therein or thereon; but shall not include street or directional signs, occupancy identification signs, or real estate signs.

Outdoor advertising sign means any billboard or sign placed on public bench or bus shelter or other outdoor advertising sign (not subject to section 126-5 of this chapter) upon which advertising matter may be displayed and which generally advertises businesses, firms or organizations, along with their goods and services.

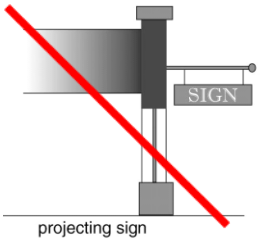
Pole sign means a freestanding sign supported by one or two poles, columns, or other fabricated support member without any type of secondary support. Pole/pylon signs typically provide clear view between the sign and the ground.



Portable sign means any sign not permanently affixed to a permanent base, whether on its own trailer, wheels, or otherwise, which is capable of being transported from one place to another.



Projecting sign means an outdoor advertising display sign which is affixed to any building wall or structure and extends beyond the building wall, structure, building line or property line more than 12 inches.



projecting sign

~~*Promotional sign* means a sign designed and intended to attract attention to a commercial establishment, advertise a special promotion or holiday, or a special activity such as a grand opening or going-out-of-business.~~

~~*Public information sign* means any sign located wholly on public property and used for public information or direction.~~

~~*Real estate sign* means any structure, device, display board, screen, surface or wall, with characters, letters or illustrations placed thereto, thereon, or there under, by any method or means whatsoever, where the matter displayed shall be used solely for the purpose of offering for sale, lease, or for rent the exact property upon which the sign is placed.~~

~~*Required governmental sign* means any sign required by federal, state, or local laws or ordinances.~~

~~*Residential use* means use of property as a single-family, two-family or multiple-family residence.~~

~~*Residential zoning district* means an area zoned to permit single-family, two-family or multiple-family residences.~~

~~*Roof-mounted sign* means a sign erected over or on, and wholly or partially dependent upon the roof of any building for support, or attached to the roof in any way. Includes any appurtenance or equipment attached to any building in such a manner that the height of the appurtenance or equipment exceeds the height of the wall elevation of the structure.~~

~~*Sandwich board sign* means a freestanding, portable, two-sided sign that is connected at the top, open at the bottom, and forms an inverted "V" when viewed from the side.~~

~~*Snipe sign* means any sign of any material, including paper, cardboard, wood and metal, which does not apply to premises where it is located, or which is attached to a tree, structure, shrub or utility pole.~~

~~*Subdivision entrance sign* means a sign designed to identify the subdivision, neighborhood, apartment or condominium development or commercial complex but which shall not be designed or displayed for development or promotional purposes and shall not contain or be more than a single purpose sign.~~

~~*Temporary sign* means any sign intended or permitted to be displayed for a limited period of time.~~

~~*Trivision* means a billboard sign having two or more moveable, motor-driven faces which alternate at brief intervals.~~

~~*V-shape sign* means a sign with two faces forming a "V" shape with a separation of any part of the sign face of more than 12 inches (for billboards any sign with an angle that exceeds 30º). All copy area for V-shape signs shall count toward the maximum allowable sign area.~~



~~*Vehicle sign* means a sign painted upon, attached to, or erected over, under, or on any vehicle or trailer. Vehicle signs include, but are not limited to, magnetic signs, vehicle "wraps", decals, signs painted upon or otherwise affixed or physically attached to a vehicle or trailer.~~

~~*Wall sign* means any sign installed parallel to and flush against the face of the outside wall of a building, supported by the building and which has only one advertising surface.~~

~~*Window sign* means any sign copy display area within the frame area of windows or doors. Copy within this area is not regulated as part of this sign chapter.~~

~~*Sign area* means the total surface of the sign including the background and frame but not structural supporting elements outside the frame. The sign area for double-faced signs is the total surface area of one side for example a four feet × four feet double-faced sign would be 16 square feet and not 32.~~

~~*Sign face* means any plane, surface, curve or other area containing a sign.~~

~~*Sign height* means the distance between the top of a sign and the average grade elevation below it, or the centerline grade of the adjacent roadway, whichever is less.~~

~~*Sign structure* means the uprights, supports, braces and framework supporting a sign. Sign structures are limited to monument or pole (one or two) supporting structures. The site plan review committee may allow for variations where such variation promotes the purpose and intent of this chapter.~~

~~*Site* means any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land which is in one ownership, or contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.~~

~~*Special event* means a sign which announces or advertises temporary activities fairs, carnivals, circuses, revivals, or sporting, charitable or educational events.~~

~~*Structure* means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.~~

~~*Substantial damage/deterioration* means in the event a sign is damaged or becomes deteriorated to a degree that any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure shall require any such sign to comply with the regulations of this chapter. For billboards, substantial damage/deterioration is deemed to occur when more than 75 percent, or the limitation as established by the current Florida Statute, of a billboard is damaged by any cause, then the billboard sign or structure shall not be permitted to be repaired or replaced or must otherwise comply with the regulations of this chapter. The market value of the structure shall be that prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring.~~

~~*Tenant* means any person or persons in possession of a premise under title, lease, or rental agreement. Such premises, for purposes of this Code, is referred to as a tenant space.~~

~~*Trailer* means any vehicle, wheeled conveyance or device towed by a truck, automobile, motorcycle, scooter or other vehicle.~~

~~*Wall mural* means a sign that is a painting or an artistic work that is composed of photographs or arrangement of color and that displays a commercial or noncommercial message, relies solely on the side of a building for rigid structural support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material, which is held in place flush or flat against the surface of the building. Wall murals may only be painted or utilized after approval by the city commission.~~

~~(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2010-01, 2-2-2010; Ord. No. 2010-06, 5-18-2010; Ord. No. 2010-11, § 1, 7-20-2010; Ord. No. 2010-17, 10-19-2010; Ord. No. 2012-12, 11-20-2012)~~

Sec. 126-3. Rights not transferrable off property.

The rights contained in this chapter, including but not limited to those associated with sign sizes, numbers, types and allowances, as well as rights associated with nonconforming signs and appeal rights may not be transferred in any manner to any other person, nor aggregated with the sign rights of any other person, so as to apply to a property, sign, structure or building other than the property, sign, structure or building associated with the right in question.

Sec. 126-4. Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this article have been satisfied.

Sec. 126-5. Content neutrality as to sign message.

Notwithstanding anything in this article to the contrary, other than the lawful distinctions between commercial and non-commercial content, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 126-~~3~~ 6. Permitting requirements.

Except as otherwise provided in this ~~Code~~ code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign as required by this chapter. No permit shall be issued until the site plan review committee or the development services department determines that such work is in accordance with the requirements contained in this chapter and a copy of any required state licenses or permits or documentation from the state indicating no such license or permits are required have been submitted to the city.

(1) *Application:* Prior to the erection of any sign, the owner of the premises where the sign is to be located, or his authorized agent (with authorizing documentation), shall submit a sign permit application on a city application form. The changing of advertising copy or message on changeable copy

signs, which are specifically designed for the use of replaceable copy shall not require a sign or building permit.

Every sign permit application shall include a site drawing (including vertical depiction) of the proposed sign showing the location, height, size, stress/wind load, and distance from property lines and from other signs where applicable, property zoning designation(s) and all other information required to determine compliance with this chapter and the standard building code, as adopted by the city.

Animated motion/videos signs. Application for animated motion or video signs, animated or motion signs ~~with time, date, and temperature, may be approved by the development services director. Such applications~~ must detail the type of flashing and/or video (frequency~~,~~ and intensity~~, and content~~).

(2) *Sign plan:* Each application shall be accompanied by design plans showing: the area of the sign, size, type, details for fastening or attaching (mounted signs), and illumination details such as type, intensity, and direction (if applicable). All sign applications shall include a vertical (to scale) drawing depicting the proposed sign including the sign structure for free standing signs. Additionally, all sign applications shall also include a site drawing (to scale) showing the location of the sign, location/placement, sizes (including area calculations), types (pole, monument, wall, etc.) and styles (channel letters, cabinet, etc.), materials and form of illumination for all signs to be installed within the development, including any out-parcels to be developed in conjunction with the main site or at a later date.

(3) *Fees:*

a. *All signs:* Permit applications are subject to permitting and processing fees, which are established by resolution of the city commission.

b. *Billboards:* In addition to permit and processing fees, all billboards are subject to an annual fee (established by resolution) to be paid by January 1st of each calendar year. This fee is intended to cover administrative costs associated with ensuring that all billboards are properly maintained and utilized in accordance with their approval and the overall intent and purpose of this chapter.

~~(4) *Signs exempt from permitting requirements:* The following types of signs may be erected without a sign permit, provided such signs and operations conform to the provisions contained in this chapter and with all other building, structural and electrical standards of the city:~~

~~a. *Public information and city event signs:* Signs owned/maintained by a governmental agency used for public safety/information for city sponsored services or events. It is not the intent of this section to exempt typical freestanding, wall-mounted, or other such signs for specific city facilities such as "city hall" from obtaining necessary sign permits.~~

~~b. *Agricultural signs:* Signs related to bona fide agricultural activities being performed on the property are permitted, provided that each sign does not exceed 16 square feet. The following signs are allowed:~~

~~1. One sign per street frontage.~~

~~2. One delivery entrance sign if an entrance is dedicated for deliveries only.~~

~~3. One sign for seasonal goods or services.~~

~~c. *Required governmental signs:* Signs required by federal, state, or local law or regulations such as traffic control devices, evacuation information and routes, or other necessitated emergency related event signs.~~

~~d. *Real estate signs:* Real estate signs, as provided in section 126-5 of this chapter.~~

~~e. *Membership signs:* One membership signs of two square feet or less per business (or unit for multi-tenant buildings).~~

~~f. *Address signs:* Signs/letter for property addresses. Lettering must be between four and 12 inches to ensure visibility from the accessing roadway. Upon written request to the site plan review committee modification of these requirements may be allowed to ensure adequate visibility from the adjacent roadway to the sign location.~~

~~g. *Other signs:* Garage sale signs (no more than three consecutive days), animal warning or no trespassing signs, signs announcing league registration for the Belleview Sports Complex (maximum six square feet, must have property owner permission, and not located within public right-of-way), signs attached or painted on outside equipment or machines such as gas pumps or vending machines provided such signs are part of the equipment and do not extend or enlarge the size of the equipment for the sole purpose of providing additional area for advertising.~~

~~(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2020-12, 10-20-2020)~~

(4) *Signs allowed, no permit required.* The following types of signs may be erected without a sign permit, provided such signs and operations conform to the provisions contained in this chapter and with all other building, structural and electrical standards of the city:

a. *Temporary signs*. Temporary signs shall be allowed on each parcel within the city as follows:

1. In residential zones, each parcel may display up to four temporary signs which individually shall not exceed four square feet in sign area, and four feet in height.

2. In all non-residential zones, each parcel may display one temporary sign which shall not exceed 24 square feet in sign area and six feet in height. Alternatively, each parcel in a non-residential zone may display up to eight temporary signs, which cumulatively shall not exceed 24 square feet in sign area and four feet in height.

3. Temporary signs displayed outdoors shall be constructed of metal, plastic, wood or pressed wood, but not of cardboard or paper, and shall be fastened to a temporary support not exceeding four inches by four inches. Temporary window signs displayed on the inside of a window may be constructed of cardboard or paper, as well as metal, plastic, wood or pressed wood.

4. Temporary signs may be installed on any sign type authorized within the relevant zone. Alternatively, a temporary sign may be installed using an H frame, spider step stake, inverted L frame, banjo-style frame, or T frame. Any such alternative installation option used must be firmly secured to the ground or to a building located on the parcel.

5. Temporary signs not affixed to a permanent sign structure, but using one of the alternative installation options listed above, must be removed and securely stored during any days for which the National Weather Service has issued a tropical storm warning covering the city.

b. *Flags.*

1. For each detached dwelling unit in a residential district, two flags not greater than 15 square feet in sign area each may be displayed. One flagpole is allowed for each parcel in the city zoned for single family residential use not to exceed 25 feet in height.

2. For each parcel in a multi-family residential or non-residential districts three flags not greater than 24 square feet in sign area (each) may be displayed. Two flagpoles are allowed for each parcel in the city that is zones for multi-family residential or non-residential use not to exceed 35 feet in height.

c. *Flags, banners, and pennants.* One banner sign, up to three flags (in addition to the three permitted in subparagraph b above), and hanging pennants may be displayed on a temporary basis for no more than 30 consecutive calendar days and no more than 90 total calendar days per year.

d. *Parking space signs, non-residential*. Onsite parking space number or identification signs, not exceeding one two square foot of sign face per sign, shall be allowed on each parcel of non-residential use having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six feet unless otherwise required by applicable law.

e. *Street address signs and residential mailboxes*. For each parcel within the city, one attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed two square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the city.

f. *Street address signs, non-residential*. For each parcel in non-residential use, the street address sign shall not exceed four square feet in sign area.

g. *Warning signs and safety signs*. Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be four feet unless otherwise required by applicable law.

h. *Wayfinding/directional signs*. Non-commercial wayfinding signs when erected as part of a wayfinding system adopted by the city.

i. *Temporary window signs*. For each commercially zoned or commercially used parcel within the city, one or more temporary window signs may be displayed on the inside of the window. The temporary window sign(s) shall not cover more than 50% of the area of the window, except that if the business displaying such sign(s) is also displaying the one permanent window sign authorized by this article, then the total area of the window covered by a combination of these shall not exceed 65 percent of the area of the window.

i. *Sandwich board signs:* A freestanding, single or double face, nonilluminated advertising sign may be located in front of the business/unit for which the advertising is intended, subject to the following conditions:

1. Such signs are only permitted during regular business hours for the entity advertised.
2. A sign shall not be affixed to the ground or attached to any utility pole, parking meter or upon any other equipment or structure located within the city sidewalks or streets.
3. The maximum height shall not exceed four feet and the maximum width shall not exceed two feet.
4. A sign must be located in a manner that permits a minimum of 60 inches of unobstructed width for pedestrian traffic between the sign and the curb line of the street.
5. A sign shall be made of painted metal or wood.
6. No permit is required for such signs.

Sec. 126-~~4~~ 7. General requirements/standards.

(a) *Compliance with other regulations.* All signs shall be designed, erected, altered and maintained in accordance with the provisions of this chapter and in compliance with the requirements permitting and applicable building and electrical codes of the city.

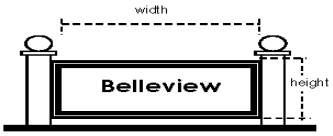
(b) *Construction and maintenance.* All signs shall permanently affix on the sign structure or copy face the sign permit number. All signs, together with their parts, supports, braces, guys and anchors shall be properly maintained, treated and/or painted. Unless made of galvanized or non-corroding material, all signs shall be thoroughly painted as necessary to maintain the sign or sign structure in good working condition. No sign structure or framework may be exposed by removal of sign faces or advertising copy for a period in excess of 60 days. Upon request in writing, the development services director or designee may allow for an extension (maximum additional 45 days).

(c) *Landscaping requirements.* Monument, pole, or other freestanding signs (not including billboards) of 50 square feet or more in size shall provide a landscaped area equal to the total sign area to be located around or otherwise adjacent to the sign. For replacement signs surrounded by existing concrete and asphalt, the site plan review committee may allow the landscaping to be located as close to the existing sign structure as possible.

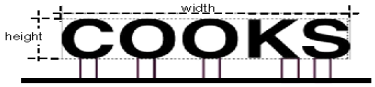
(d) *Illumination of signs.* All light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding properties or adversely affect the safe operation of motor vehicles on public or private roads, highways or parking areas. Light from or for sign illumination shall also not cause or create a condition that can reasonably be determined to create a nuisance or impede the enjoyment/use of surrounding properties.

(e) *Calculating sign area.* Sign area shall be calculated based upon the area of sign copy and does not include the structure unless the structure area is part of the copy. In computing sign area in square feet, standard mathematical formulas for common shapes will be used. Common shapes shall include squares, rectangles, trapezoids, circles and triangles. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used (see graphics below). The total sign area will be the area of the smallest common shape that encompasses the several components of the sign (see diagrams below). All words and components of a sign or related message shall be included as one sign. Individual words or components may be considered separate signs only if they are obviously disassociated from other components. When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute sign area (see the diagrams in this section below).

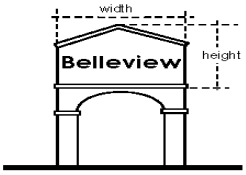
Double-faced signs that meet the definition contained in this chapter shall be calculated based upon the area of one side (copy area). For example a four feet × four feet double-faced sign would be counted as 16 square feet and not 32 square feet. V-shaped signs shall be counted as two signs and the combined copy area of all sign area.



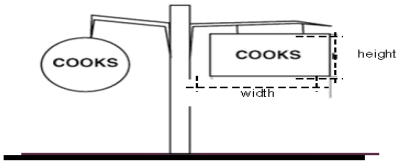
Area measured as a rectangle



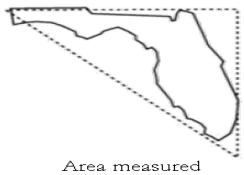
Area measured as a rectangle



Area measured as a rectangle

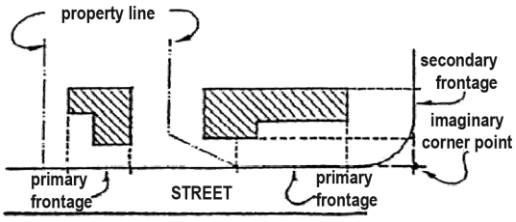


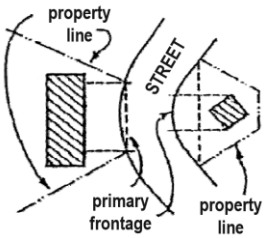
Area measured as a circle plus a rectangle



Area measured as a triangle

(f) For the purpose of calculating sign area, building frontage shall be measured as follows:





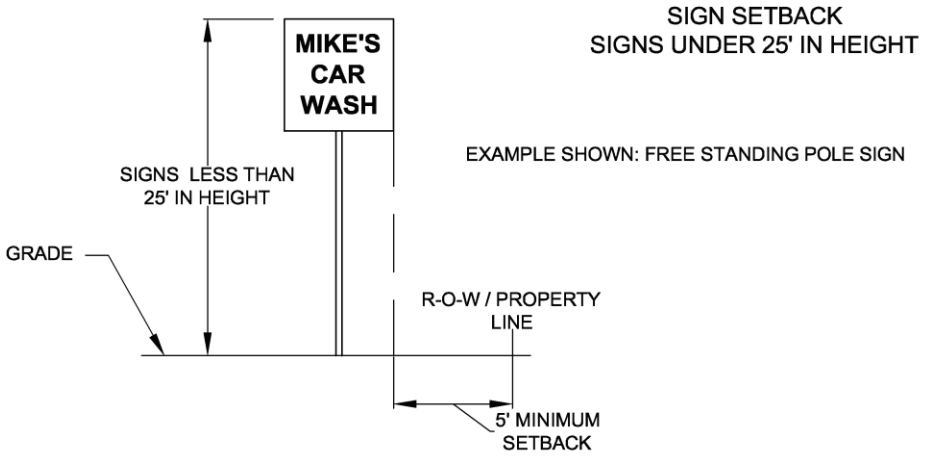
~~(f)~~(g) *Sign placement standards.* The placement of all signs ~~are~~ is subject to the following standards ~~dependant~~ dependent upon the type of sign.

(1) *Freestanding signs:*

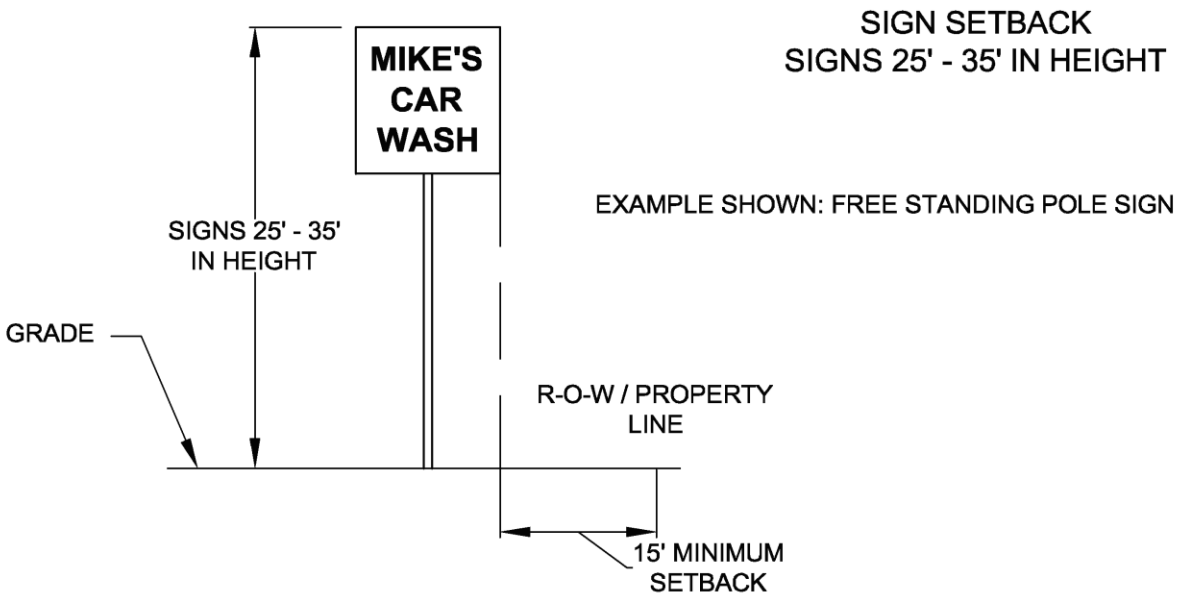
a. Signs shall be located wholly within the premises/property.

b. Shall maintain a 25-foot setback from side lot lines or equal distance from opposite property lines for lots smaller than 50 feet in width. The site plan review committee may allow for up to a ten feet variation to this requirement to maximize distance between other existing signs.

c. Signs under 25 feet in height shall maintain a minimum of a five-foot setback from the right-of-way/property line to the nearest point of the sign unless the principal ~~use building~~ structure is closer than five feet in which case the sign under 25 feet in height may be allowed up to the existing setback of the principal use ~~building~~ structure (see diagram below).



d. Signs over 25 feet in height must maintain a minimum of 15 feet setback from the right-of-way/property line to the nearest point of the sign (see diagram below).



e. No sign or sign structure shall be located within the clear visibility triangle, as defined in chapter 118-312 and chapter 134-466 of these land development regulations.

f. Signs (not including wayfinding/directional ~~or directory~~ signs and signs that do not require a permit as specified in Section 126-6(4)) on the same parcel/tract of land shall maintain a minimum 150 feet separation between other on-site signs.

(2) *Wall signs:*

a. No wall sign or supporting structure shall project more than 12 inches from the wall of a building.

b. No wall sign shall extend above the roof line except where an exterior parapet wall projects above the roof line, in which case, such sign may extend to the top of such wall.

c. Wall signs shall not cover upper story windows or architectural ornamentation.

d. Wall sign width shall not exceed 75 percent of the façade width or unit frontage in multi-tenant buildings. For example: a 100-foot-wide single unit frontage may have a maximum wall sign width of 75 feet. Alleyways do not count toward a secondary frontage for the purpose of determining the quantity and size of signage allowed.

(3) *Other signs:*

a. Projecting signs shall be erected only on a wall of a building, and shall not project out more than 48 inches.

b. Projecting signs shall not project into the public right-of-way, a parking space, a travel lane, or a driveway.

c. Awning signs shall not be placed on the curved or diagonal portion of the awning.

d. The width of an awning sign shall not exceed 75 percent of the width of the awning.

e. Projecting and awning signs shall maintain a clearance of seven feet (unless otherwise required by the building code) between the finished grade and the bottom of the sign if it extends over a sidewalk or walkway area.

~~f. Directory signs may be attached to a wall or be freestanding but shall not be located within 15 feet of any public right-of-way line.~~

~~g.~~f. Roof mounted signs shall not cover upper story windows or architectural ornamentation.

~~h.~~g. A maximum of two-roof mounted signs shall be allowed per building, with the total area of such signs not to exceed ten percent of the square footage of the façade of the building.

~~(g)~~(h) *Animated, LCD, LED signs.* The following regulations apply to all animated signs including animated, LCD, and LED signs:

~~(1) On-site LCD and LED signs are restricted to the copy/display solely for the on-site business or businesses (multi-tenant occupancies) or noncommercial messages for which the sign is permitted. The display of any other copy is a violation of this section.~~

~~(2)~~(1) Words, images, lights and traffic control symbols so as to interfere with, mislead of confuse traffic, such as flashing blue lights "stop, look, caution, danger, slow" are prohibited.

~~(3)~~(2) Animated signs and signs with video may only be installed after obtaining a permit from the development services department. ~~Signs displaying only time, date, and/or temperature may be approved by the development services director.~~

(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2013-15, 11-19-2013; Ord. No. 2020-12, 10-20-2020)

Sec. 126-~~5~~ 8. Permanent signs.

(a) *Residential zoning districts.* The following sign standards apply to residential zoning districts: A-1, R-1, R-2, R-3, RMH, R-4, RO zoning districts:

(1) *Residential subdivisions and multi-family developments.* The following sign standards apply to residential subdivisions and multi-family developments including mobile home parks and residential planned developments (RPD) unless otherwise specifically allowed through the planned development approval process:

Type of Signs	Number of Signs	Maximum Sign Area (per sign)	Maximum Sign Height
Monument/Wall	1 double-faced monument or 2 single-faced wall signs per development entrance	32 sq. ft. (site frontage <100 ft.) 48 sq. ft. (site frontage ≥100 ft.)	8 ft.
Wayfinding/Directional	Determined on a case-by-case basis	4 sq. ft.	~~3~~ 6 ft.
~~Directory~~	~~Determined on a case-by-case basis~~	~~2 sq. ft. per building/unit, up to a maximum of 32 sq. ft. total per sign~~	~~6 ft.~~

(2) ~~[*Reserved.*]~~ Alleyways do not count toward a secondary frontage for the purpose of determining the quantity and size of signage allowed.

(b) *Nonresidential zoning districts.*

(1) *Single-tenant/use developments:* The following sign standards apply to all nonresidential zoning districts including: B-1, B-2, B-3, B-4, B-5, M-1, M-2, GU, H, and commercial planned developments (CPD) with a single-use development shall comply with all of the following standards:

Note: Additional, general placement standards are set forth in subsection 126-~~4~~7(f) hereinabove:

a. *Maximum sign area:* The maximum combined sign area for monument, pole, and building mounted signs for single tenant/use developments shall be 80 square feet plus two square feet per linear foot frontage of the principle use building façade (main entrance, must be declared in application if multiple entrances provided). Alleyways do not count toward a secondary frontage for the purpose of determining the quantity and size of signage allowed.

b. *Maximum sign height (freestanding signs):*

1. Monument*: Eight feet.

2. Pole*: 25 feet, if setback from the nearest property line five feet; or 35 feet if setback from the nearest property line 15 feet.

*Note placement requirements in section 126-~~4~~7(f). Refer also to Illustration 8 of this code.

c. *Other signs:*

1. ~~Drive-thru menu boards: One per drive-thru lane with a maximum 50 square feet each, the top of which shall not exceed nine feet in height from grade.~~ Each restaurant shall be

allowed one attached display sign of no more than three square feet of sign face area, located at the entrance, or service window of a restaurant.

2. Each restaurant shall be allowed one drive-through lane sign for each drive-through lane constructed on the property. Drive through lane signs shall be placed so as to be viewed from the drive-through lane and may provide a mechanism for ordering products while viewing the drive-through lane sign. The drive-through lane sign shall have a surface area not exceeding 50 square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed nine feet above ground level. If more than one drive-through lane sign is installed, the total square footage for all such signs shall not exceed 60 square feet, with no single sign exceeding 40 square feet. If the applicant provides satisfactory proof to the building official that its franchisor or parent company mandates a standardized drive-through sign for all of its locations which sign exceeds any of the foregoing limits, the building official shall approve a permit application depicting the mandated standardized sign.

~~2.~~3. ~~Directional~~Wayfinding/directional: As approved by the site plan ~~committee~~ technical review staff. In determining said approval the site plan ~~committee~~ technical review staff shall consider the following criteria:

a) The location and number of access points to the site.

b) The location of different onsite use areas such as repair and sales.

(2) *Multi-tenant developments.* Multi-tenant developments such as shopping centers, mixed-use developments and office parks in all nonresidential zoning districts including: B-1, B-2, B-3, B-4, B-5, M-1, M-2, GU, H, and commercial planned developments (CPD) shall comply with all of the following standards.

Note: Additional, general placement standards are set forth in subsection 126-47(f) hereinabove.

a. *Maximum sign area:* The maximum combined sign area for monument, pole, and building mounted signs for multi-tenant developments shall be as follows:

1. Building mounted signage: Two square feet of building mounted sign per linear feet of unit/main entrance frontage for each tenant unit. Anchor tenants occupying 20,000 square feet or more of building space may have an additional 35 square feet of building mounted signage. Alleyways do not count toward a secondary frontage for the purpose of determining the quantity and size of signage allowed.

2. Other signage:

1. Less than 10,000 square feet of building area: 115 square feet.

2. 10,000—50,000 square feet of building area: 155 square feet.

3. 50,000—100,000 square feet of building area: 185 square feet.

4. Greater than 100,000 square feet of building area: 210 square feet.

b. *Maximum sign height (freestanding signs):*

1. Monument*: Eight feet.

2. Pole*: 25 feet, if setback from the nearest property line five feet; or 35 feet if setback from the nearest property line 15 feet.

*Note placement requirements in section 126-47(f).

c. *Other signs:*

1. ~~Drive-thru menu boards: One per drive-thru lane with a maximum 50 square feet each not to exceed nine feet in height from grade.~~ Each restaurant shall be allowed one attached display sign of no more than three square feet of sign face area, located at the entrance, or service window of a restaurant.

2. Each restaurant shall be allowed one drive-through lane sign for each drive-through lane constructed on the property. Drive through lane signs shall be placed so as to be viewed from the drive-through lane and may provide a mechanism for ordering products while viewing the drive-through lane sign. The drive-through lane sign shall have a surface area not exceeding 50 square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed nine feet above ground level. If more than one drive-through lane sign is installed, the total square footage for all such signs shall not exceed 60 square feet, with no single sign exceeding 40 square feet. If the applicant provides satisfactory proof to the building official that its franchisor or parent company mandates a standardized drive-through sign for all of its locations which sign exceeds any of the foregoing limits, the building official shall approve a permit application depicting the mandated standardized sign.

~~2.~~3. ~~Directional~~Wayfinding/directional: As approved by the site plan ~~committee~~ technical review staff. In determining said approval the site plan ~~committee~~ technical review staff shall consider the following criteria:

a) The location and number of access points to the site.

b) The internal parking circulation necessitating additional signage to various onsite businesses and uses.

c) Size of parcel, improvements thereon, and anticipated need for directions to onsite uses.

(c) *Residential uses in nonresidential zoning districts.* The sign standards for nonconforming or permitted residential uses of property, lying within nonresidential districts, shall be determined by the zoning classification of the property, not the actual usage.

(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2010-01, 2-2-2010; Ord. No. 2010-06, 5-18-2010; Ord. No. 2013-05, 3-19-2013; Ord. No. 2013-15, 11-19-2013)

Sec. 126-~~6~~ 9. Temporary signs.

~~All temporary signs erected for directional purposes, public information or to direct attention to special events shall be confined to those that are of a general public interest and shall be limited to the giving of such information. Other temporary signs allowed include:~~

~~(1) *Real estate signs:*~~

~~a. One sign per frontage, advertising the sale or lease of real property or a business opportunity with a maximum of two signs allowed.~~

~~b. Must be located on the property for which the sign is advertising for sale or lease.~~

~~c. Large parcels with a site frontage of 500 feet or more are allowed a maximum of two signs per frontage, at least 240 feet apart.~~

~~d. Real estate signs shall not be illuminated and shall not exceed the following square footage:~~

1. Six square feet sign per parcel/tract designated for one residential unit.

2. Thirty-two square feet sign for multiple parcel/tract/unit properties.

3. Sixty-four square feet for all other districts.

e. Said signs are subject to setback, height, and other requirements pertaining to freestanding signs applicable to the district where placed.

f. Real estate signs shall contain only the following information, or any combination thereof at the option of the sign owner:

1. House, apartment, unit, business, or other short description of the property.

2. The words "for sale, for lease, for rent, for exchange, for let, see your broker," or similar phrase.

3. The registered name of the broker and the term "broker," "realtor," or logo if the offer is through an agent, or the words "by owner" if the offer is not through an agent.

4. One telephone number and/or "inquire within" or a similar phrase, and a room, apartment, or unit number if needed.

(2) *Political campaign signs:* Signs announcing candidates seeking public office and other information pertinent thereto shall be exempt from city permitting requirements subject to the following regulations:

a. Political election signs may be posted at the time of the opening of the election qualifying period.

b. No sign shall be located within or over the public right-of-way or located on utility poles or trees. Any sign placed in such prohibited areas shall be subject to removal without notice by the city.

c. No sign shall be located or erected on any property owned by the city, with the exception of campaign signs, located at polling sites, in compliance with Florida Statutes, on election dates. Nothing herein shall be deemed to prohibit third parties in possession, pursuant to a written lease with the city, from placing campaign signs on the demised premises.

d. Political campaign signs for all elections shall be removed within ten days of said election. Political campaign signs for candidates, who are eliminated from a primary, shall be removed within ten days following said primary.

(3) *Open house signs:* In all zoning districts, two on-premises signs not to exceed 12 square feet in area each, inviting the inspection of property may be placed in addition to a permitted for sale or lease sign. Said sign shall be limited to the words "open" or "open house" or similar words. All signs shall be removed daily at the end of the open house.

(4) *Promotional signs/banners:* Promotional signs/banners are allowed and no permit will be required, subject to the following terms:

a. One banner per business may be displayed. Except, valid sign businesses may have additional banners providing they do not contain advertising content. (Example: Language such as "banners for sale" is allowable.)

b. All banners shall be maintained and kept in good repair (not frayed or torn and all repairs should be permanent, matching original or new condition to the extent possible). The intent of this regulation is to ensure sufficient repair so as not to degrade the overall appearance of the sign/banner.

c. Each banner shall not exceed 60 square feet in size.

~~(5) *Construction signs:* Nonilluminated construction signs of 32 square feet or less are allowed at active construction sites. Any such sign shall be removed within 15 days after the certificate of occupancy for the structure is issued.~~

(a) *General rule concerning temporary signs*. Unless otherwise provided for in this article, temporary signs shall not be erected for more than 100 days prior to the event being advertised on the temporary sign begins, and they shall be removed promptly at the event's conclusion. Temporary signs not advertising an event to occur on a specific date but which are related to the occurrence of an expected future event or transaction, including but not limited to temporary real estate for sale signs, shall not be subject to the 100-day provision of this subsection, but such signs shall also be removed promptly upon the earliest of the occurrence of the event or transaction, or the expiration of the listing or other similar change in facts eliminating the opportunity of the future event or transaction from occurring.

(b) *Usage and removal of political campaign advertisements*. Temporary signs erected by a candidate for political office, or that candidate's agent(s), may not erect such signs earlier than 30 calendar days before the scheduled election (as to candidates for city commissioner), or 60 days before the scheduled election (as to candidates for all other political offices). Pursuant to Florida Statutes § 106.1435, each candidate, whether for a federal, state, county, municipal or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days (or as to candidates for city office, 72 hours) after:

(1) Withdrawal of his or her candidacy;

(2) Having been eliminated as a candidate; or

(3) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in Florida Statutes Chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons. If political campaign advertisements are not removed within the specified period, the city shall have the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the city.

~~(6) *Sandwich board signs:* A freestanding, single or double face, nonilluminated advertising sign may be located in front of the business/unit for which the advertising is intended, subject to the following conditions:~~

~~a. Such signs are only permitted during regular business hours for the entity advertised.~~

~~b. A sign shall not be affixed to the ground or attached to any utility pole, parking meter or upon any other equipment or structure located within the city sidewalks or streets.~~

~~c. The maximum height shall not exceed four feet and the maximum width shall not exceed two feet.~~

~~d. A sign must be located in a manner that permits a minimum of 60 inches of unobstructed width for pedestrian traffic between the sign and the curb line of the street.~~

~~e. A sign shall be used to advertise the type of business, sale items or daily menus and located directly in front of the business it is advertising.~~

~~f. A sign shall be made of painted metal or wood.~~

~~g. No permit is required for such signs.~~

~~(7)~~(c) *Wind activated/inflatable attractions:* Wind activated/inflatable attractions may be allowed subject to the general requirements for all signs set forth in section 126-~~36~~, together with the following conditions:

a. *Number.* One wind activated or inflatable sign/attraction may be allowed in addition to a promotional sign or banner. The wind or inflatable sign/attraction must be secured to the ground and not located to interfere or have the potential to fall on any utility lines or roadway.

b. *Permit required.* No wind activated/inflatable attractions shall be placed on a site without the issuance of a permit from the city. No more than three permits may be issued for each tenant per calendar year.

c. *Duration.* May be displayed for a maximum of 15 consecutive days and for total of 45 days per calendar year. Failure to remove wind activated/inflatable attractions within the prescribed time-frame shall result in a violation of this provision. No new permits shall be issued during the calendar year in which such a violation occurs.

d. *Maintenance.* Wind activated/inflatable attractions shall be maintained in good repair. Frayed edges, faded lettering, tears, holes, and similar signs of deterioration shall be considered a violation of this provision.

~~(8)~~(d) *Special event signs.* Temporary signs ~~which draw attention to~~ located in conjunction with a special event of public interest or which promote temporary special events such as fairs, carnivals, circuses, revivals, sports events, concerts/live music, craft shows, car shows, charitable events, ~~or~~ educational events, and other similar activities may be placed and used only as provided herein. Such signs are referred to herein as "special event signs."

~~a.~~(1) All persons erecting or using special event signs shall comply with each of the following requirements, to wit:

~~1.~~(a) Signs may only be placed on City of Belleview property upon approval by the city commission;

~~2.~~(b) Signs placed on private property, may only be used with the owner's approval or approval of the person or entity entitled to possession of said private property;

~~3.~~(c) Only one sign may be erected or used per parcel of real property (legal lot of record);

~~4.~~(d) Signs may not exceed ten square feet;

~~5.~~(e) Signs may not be attached to or otherwise added to any existing signage;

~~6.~~(f) Signs shall not be placed in the right-of-way of any public street, road, alley or thoroughfare.

~~b.~~(2) Special event signs may be used for 14 days prior to the event and shall be removed within two days after the permitted time.

~~1.~~(a) Failure to remove special event signs within the prescribed time-frame shall result in a violation of this section and the City Code.

~~2.~~(b) Special event signs not removed within two days after the event may be removed by the city. The city shall charge $25.00 for removing such signs, together with $5.00 per day storage fee. Any sign not claimed within 30 days shall be forfeited and disposed of by the city.

~~c.~~(3) Special event signs shall be placed so that they will not adversely affect the safe operation of motor vehicles on public or private roads, highways or parking areas. Such signs shall be

immediately removed upon notice from the Belleview Police Department or Belleview Code Enforcement Official that the public safety is adversely affected by the sign.

~~d. Special event signs may only be utilized to provide public information or to direct attention to special events and are limited to only displaying such information or announcement of special event.~~

(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2009-01, § 1, 2-17-2009; Ord. No. 2010-17, 10-19-2010; Ord. No. 2013-05, 3-19-2013)

Sec. 126-~~7~~ 10. Outdoor advertising signs.

Outdoor advertising signs which contain commercial or noncommercial advertising, or which depict goods or services, or which publish any message or other matter are deemed by this article to constitute a separate use. The control and regulation of the display of such advertising is deemed to be appropriate to the character and sound development of the city, and it is intended that such advertising be confined to certain commercial and industrial properties. It is also the intent of these regulations to establish minimum permitting requirements for such signs in addition to other requirements/regulations of the state or other regulatory agencies.

(1) *Billboards:* Billboards may be placed only on property with a minimum of 100 feet of road frontage subject to the following restrictions (Alleyways do not count toward a secondary frontage for the purpose of determining the quantity and size of signage allowed):

a. *Permissible locations.* U.S. Highway 441, U.S. Highway 301, State Road 35 (Baseline Road), and SR 25 (Hames Road).

Required zoning: B-4, B-5, M-1 and M-2.

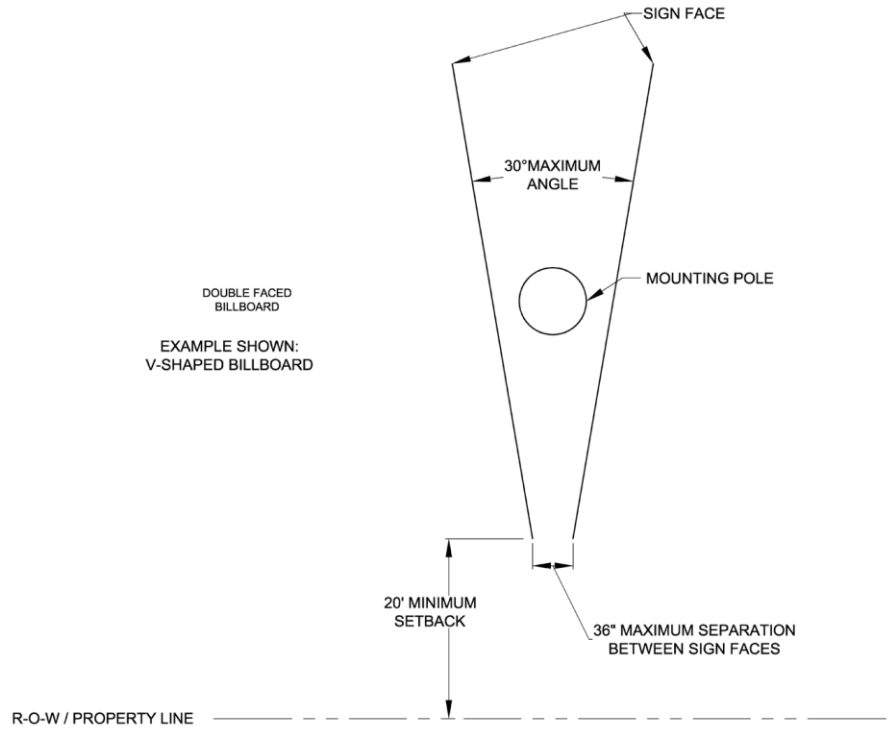
b. *Identification of billboard signs.* Every billboard sign hereafter erected, constructed or maintained, for which a permit is required, shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have permanently affixed and visible at ground level, the sign permit number issued by the city.

c. *Single faced billboards.* A billboard structure having only one area of copy including V-shape signs that does not meet the requirements for a double-faced sign as indicated in section 126-~~3~~6 below.

d. *Double-faced billboards.* For the purposes of this chapter, double-faced billboards shall have advertising/copy areas of equal size and shape. The following types of billboards shall be considered double-faced billboards:

1. A billboard structure where the signs are placed back-to-back as long as the backs of the signs are not separated by more than 48 inches.

2. A billboard structure when constructed in the form of a "V" when viewed from above, provided the internal angle at the apex is not greater than 30 degrees and the billboard's structure is not separated by more than 36 inches at the apex of the "V" (see diagram below):



e. *Size requirements.* The total height and length of a billboard face shall not exceed ten and one-half feet by 36 feet, respectively. The total advertising surface area shall not exceed 378 square feet per advertising surface. Molding, skirts and aprons shall not be included in the total advertising surface area square footage if copy does not appear in these areas. The molding, skirt or apron may, however contain the name of the owner of the structure.

If the molding, skirt, or apron contains other copy, computation of the total advertising surface area shall include the square footage of the nearest rectangular shape whose perimeter encloses that copy.

f. *Extensions.* Extensions will be allowed (additional square footage) not to exceed 15 percent of the allowable square footage of advertising surface area. Extensions will be allowed to a maximum of five additional feet above the allowable height of 40 feet above ground level. It is not the intent of this language to allow extensions which result in a billboard with additional square feet of internal advertising surface.

g. *Structure requirements.*

1. *Height.* No billboard or attachment or extension thereto shall exceed an overall height of 40 feet above the crown of the adjacent roadway, except as otherwise permitted in this chapter. No stacking of billboard faces shall be permitted.

2. *Ground clearance.* Clearance of not less than 15 feet shall be maintained between the lower edge of a billboard and the ground.

3. *Supporting structure.* No portion of the supporting structure shall be visible above any advertising display area. All bracing shall be hidden or covered so that it shall not be visible from the public right-of-way. The covered portion of the ends of such signs shall not be used for advertising purposes. Supporting structures must be of single metal post design.

No portion of a billboard structure may project more than five feet over the roof of any other building or structure so as to constitute an obstruction to firefighting equipment.

h. *Established setbacks.*

1. No portion of any billboard shall be erected or maintained within 20 feet of any property line.

2. No billboard structure shall be erected within 50 feet of the nearest residential zoning district; the distance to be measured from the closest point of the billboard structure to the closest residential zoning district boundary.

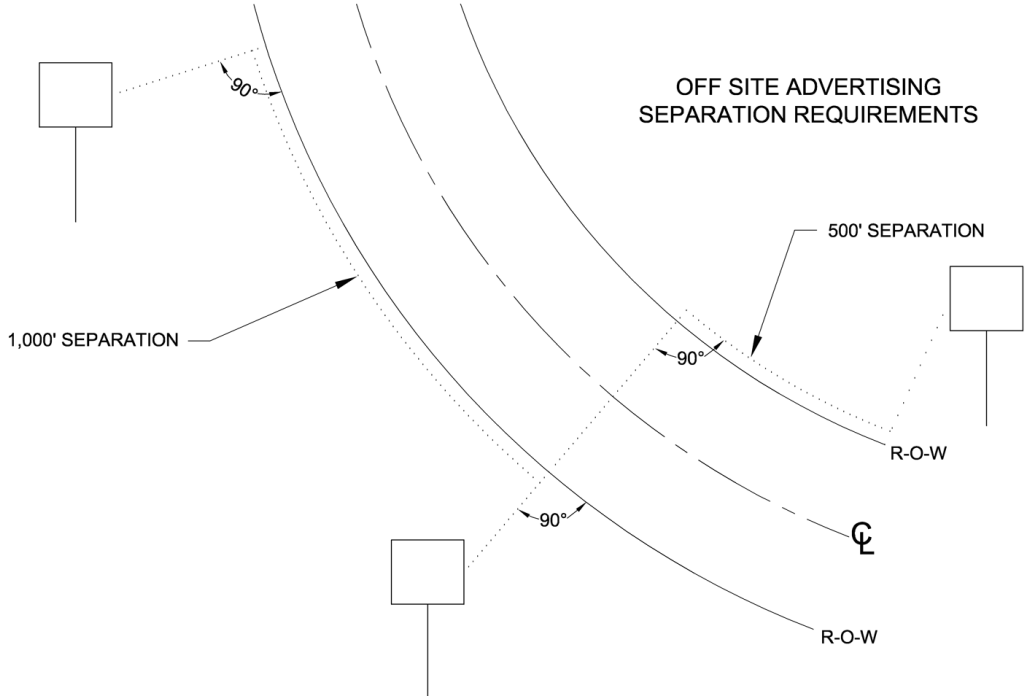
3. No billboard structure shall be erected or maintained within 40 feet of a ground/monument or pole sign.

i. *Limited access highway.* Along limited access highways and expressways as established by the State of Florida or any of its political subdivisions, no billboard shall be allowed within 150 feet of the outside curb (the nearest curb to the proposed sign) of the main traffic route of such street or highway. It is intended specifically by this provision that such setback shall not be measured from the curb line of ramps or ways used exclusively for access to or exit from such highway or street; however, all billboards located along such ramps or ways shall meet all appropriate yard and building setback requirements for the zoning district in which they are located.

j. *Number of billboard signs permitted; spacing requirements.*

1. *General provisions.* No billboard structure shall be constructed unless the required distance to the nearest existing or approved billboard structure is maintained as provided herein.

2. *Spacing requirements.* No two billboards shall be spaced less than 1,000 feet apart on the same side of the highway. No billboard shall be spaced less than 500 feet apart from any billboard located on the opposite side of the highway (being measured from the nearest point parallel and opposite of the road right-of-way extending along the road right-of-way a distance of 500 feet - see diagram below).



The development services department may allow modification to existing billboards where such modification promotes the intent of this chapter and decreases nonconformity. Such allowances shall not change the nonconforming status of such signs if, a nonconformity still exists after modification. The intent of this section is to allow for improvement, relocation, or other modifications to existing signage but to not encourage the continuing existence of nonconforming signs.

k. *Illumination and movement.* No billboard shall be erected, or any existing billboard maintained, that incorporates flashing, scintillating, beacon or running lights or movement, or which gives the visual impression of such flashing, scintillation or other movement. No tri-vision signs shall be permitted.

l. *Animated, LCD, and LED billboards.* Animated, LCD, and LED billboards are allowed provided such billboards comply with the regulations of this section and all other regulations for such signs as provided in subsection 126-~~47~~47(g) of this chapter.

(2) *Benches and shelters.* The city recognizes the benefit provided by public transportation and as such, at such time that a public transportation system provides service to the city, benches and public transportation shelters shall be allowed along the service routes and may contain advertising to offset the cost of providing such facilities. The advertising content and copy area shall be subject to specific agreement between the provider of such public facilities and the city.

(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2010-17, 10-19-2010)

Sec. 126-~~8~~ 11. Signs subject to amortized removal.

(a) Any nonconforming sign which becomes destroyed, damaged or deteriorated shall be subject to removal if not repaired within 90 days after the owner of the building, structure or property to which such sign is attached has been notified in writing by the development services department. Upon failure to comply

within the time specified, the development services department is hereby authorized to cause removal of such sign and any expense incident thereto shall be paid by the person owning and occupying the building or structure to which such sign is attached.

(b) No permit for new signs, other than for changes in sign content, shall be issued until all nonconforming signs on premises advertising the same business are removed or brought into compliance with this ~~Code~~ code.

(c) Any sign (excluding billboards) which does not conform to the standards of this ~~Code~~ code that is destroyed or substantially damaged/deteriorated by any cause, then the sign shall be immediately replaced or repaired to meet all the requirements of this ~~Code~~ code.

(d) Any billboard destroyed or substantially damaged/deteriorated whereby more than 75 percent, or the limitation as established by the current Florida Statute, of a billboard is destroyed or damaged by any cause, then the billboard sign or structure shall not be permitted to be repaired or replaced.

(e) Any change in the principal use of the premises shall cause the legally nonconforming sign to be removed and replaced with a sign conforming to this chapter.

(Ord. No. 2008-21, § 1, 10-21-2008)

~~**Sec. 126-9. Signs subject to loss of legally nonconforming status.**~~

~~Any change in the principal use of the premises shall cause the legally nonconforming sign to be removed and replaced with a sign conforming to this chapter.~~

~~(1) Any nonconforming sign which becomes deteriorated or damaged shall be subject to removal if not repaired within 45 days (extensions for good cause of up to 45 days may be granted upon request in writing) after the owner of the building, structure or property to which such sign is attached has been notified in writing by the development services director or designee. Upon failure to comply within the time specified, the code enforcement officer is hereby authorized to cause removal of such sign and any expense incident thereto shall be paid by the property owner on which such sign is located.~~

~~(2) No permit for new signs, other than for changes in sign content, shall be issued until all nonconforming signs on the premises/site advertising the same business are removed or brought into compliance with this Code.~~

~~(3) Any sign destroyed or substantially damaged/deteriorated as defined in this chapter. Such sign shall be immediately replaced, repaired, or otherwise brought into compliance with the regulations of this chapter.~~

~~(Ord. No. 2008-21, § 1, 10-21-2008)~~

Sec. 126-~~10~~ 12. Prohibited signs.

(a) *Prohibited signs:* The following signs or types of signs are prohibited in the city:

(1) A sign erected without a permit where a permit is required.

(2) Any sign not specifically authorized by this ~~Code~~ code.

(3) Any sign that interferes with traffic or might reasonably be confused with or obstruct the view or effectiveness of any official traffic sign, traffic marking or otherwise obstruct the sight of motorists or pedestrians.

(4) Signs that encroach into an electric utility clear zone, as determined by the standards contained in the latest National Electrical Code.

(5) Signs attached to trees or utility poles.

(6) Snipe signs.

(7) A sign found by the building official to be structurally unsafe or a hazard to public safety.

(8) Any abandoned sign. This includes:

a. Any sign face that advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the city shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

b. Any sign structure which has not been used for business purposes for over six months, and that is nonconforming to existing codes regarding height, setback or sign area.

~~(9) A series of two or more signs that must be read together to obtain a single message.~~

~~(10)~~(9) Flashing signs, except flashing signs approved by the city commission as provided herein below.

~~(11)~~(10) A sign that obstructs any fire escape, window, door or other opening used as a means of ingress and egress so as to prevent free passage of persons.

~~(12)~~(11) Any sign that interferes with openings required for ventilation.

~~(13) Any vehicle sign except:~~

~~a. Political signs.~~

~~b. Bumper stickers.~~

~~c. Signs required by law, ordinance, or regulation.~~

~~d. Signs that identify the owner or lessee of the vehicle and the products or services of the owner or lessee.~~

~~e. Parking of vehicles displaying vehicle signs so that such signs may be viewed from any public street or sidewalk is prohibited.~~

~~1. The following vehicle signs shall be exempted from the provisions of this section:~~

~~(i) Political campaign signs.~~

~~(ii) Bumper stickers.~~

~~(ii) Signs required by law, ordinance, or regulation.~~

~~(iv) Vehicles having signs securely attached to the roof, trunk, top or top rails, no larger than two square feet.~~

~~(v) Magnetic signs, vehicle wraps, decals affixed to vehicles and signs painted on vehicles; there shall be no maximum sign area for such signs. Nothing in this subsection shall be construed to allow signs attached to the roof, trunk, top or top rail of a vehicle or trailer, other than as permitted in subsection d. hereinabove.~~

~~2. Any vehicle that displays a sign permitted by this section shall be validly registered, have a current Florida license tag, be insured, be in operable condition (capable of being legally driven on public streets), and have no flat tires.~~

~~3. It is the intent of this section to regulate vehicle signs on vehicles which are not regularly used by the advertised business or which are utilized primarily to park along public rights-of-way to serve as signage to advertise to passing motorists or pedestrians.~~

~~(14)~~(12) Any sign that is unsightly because of deterioration or lack of maintenance.

~~(15)~~(13) Off-premises signs, except as permitted in this chapter.

~~(16)~~(14) Tri-vision signs.

~~(17)~~(15) Any sign displaying the city seal, without express approval of the Belleview City Commission.

(b) *Removal of prohibited signs:* Immediate removal of prohibited signs will be required according to the following procedures:

(1) City designated code enforcement officials, shall immediately notify the owner of any prohibited sign, by certified mail, that the sign is prohibited and must be removed or brought into compliance within ten days after receipt of the notice. The notice shall also inform the owner of the penalties provided in this chapter.

(2) If the owner of the prohibited sign fails or refuses to remove the sign or bring into compliance within ten days after receipt of the required notice, the city may institute an action in a court of competent jurisdiction to require removal of the sign.

(c) Flashing signs ~~that provide announcements of special events or matters of general public interest~~ may be permitted on a temporary basis, as provided herein, to wit:

(1) Temporary flashing signs may only be utilized pursuant to approval by the city commission, as follows:

a. Temporary flashing signs may be permitted for ten consecutive days or for such lesser period of time, as determined by the city commission in granting a request for use. The maximum period of use for a flashing sign may not exceed ten days.

b. Such signs may be placed one day prior to use and shall be removed within three days after the permitted time.

c. Failure to remove flashing signs within the prescribed time-frame shall result in a violation of this provision. No new permits shall be issued during the calendar year in which such a violation occurs.

d. Signs not removed within one week of the expiration of the approved time period may be removed by the city. The city shall charge $25.00 for removing such signs, together with $5.00 per day storage fee.

(2) Temporary flashing signs must be approved by the city commission, in advance of use. In determining whether to grant an application for a temporary flashing sign and the length of time such sign may be utilized, the city commission shall consider the following:

~~a. Whether the announcement is of general public interest or is to draw attention to a special event of public interest; and~~

~~b.~~ a. Whether the placement of the temporary sign will adversely affect the safe operation of motor vehicles on public or private roads, highways or parking areas; and

~~c.~~ b. Whether the placement of the temporary sign is likely to cause or create a condition that can reasonably be determined to create a nuisance or impede the enjoyment/use of surrounding properties; and

~~d.~~ c. The length of time to permit the use (not to exceed the limits set forth in subsection 126-~~10~~12(c)(1)a.; and

~~e.~~ d. The recommendation of the city development services director and of the Belleview Police Chief or their designated representative.

~~(3) Temporary flashing signs may only be utilized to provide public information or to direct attention to special events and are limited to only displaying such information or announcement of special event.~~

~~(4)~~ (3) The City of Belleview Development Services Department shall provide a form for interested parties to use in requesting approval of a temporary flashing sign.

(Ord. No. 2008-21, § 1, 10-21-2008; Ord. No. 2010-11, § 1, 7-20-2010; Ord. No. 2013-01, 1-22-2013)

Sec. 126-11. Enforcement.

(a) *Enforcement:* The development services director, or his designee, is hereby authorized and directed to enforce all provisions of this chapter through code enforcement procedures and action, or such court procedures as the city deems appropriate.

(b) *Conflict with other regulations:* Where the provisions of this chapter are in conflict with any other local, state, or federal ordinance or code or parts of ordinances or codes, the most stringent provision shall govern.

(c) *Penalty for commencing work without permit:* In addition to other penalties provided by ordinance, a permit fee of double the amount specified shall be required by the development services department if work has commenced without the permit required by this chapter. Additional fees and penalties to discourage repeat offenses may be assessed as identified in appendix B (fee schedule) of the city regulations.

(d) *Severability clause:* Should any section, subsection, paragraph, sentence or clause of this chapter be declared unconstitutional or invalid by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

(Ord. No. 2008-21, § 1, 10-21-2008)

Chapter 127 SITE PLANS[14]

ARTICLE I. SITE PLANS

DIVISION 1. GENERALLY

Sec. 127-1. Title.

This article shall be known and may be cited as the "City of Belleview's Site Plan Ordinance."

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

[14]Editor's note(s)—Ord. No. 2009-18, § 2, adopted August 18, 2009, amended the chapter 127 in its entirety and changed the title of Ch. 127 from "site plans and drainage plans" to "site plans." It also created a new Ch. 128 titled "stormwater management." See also the Code Comparative Table.

Sec. 127-2. Coverage.

(a) The provisions of this article shall apply within the entire area of the present and future incorporated areas of the city.

(b) The regulations set out in this article shall apply from the enactment date of this article to all proposed industrial construction, commercial construction and construction of all multifamily residential projects erected on a single parcel, anywhere in the incorporated areas of the city.

(c) The regulations set out in this article shall also apply from the enactment date of this article to all proposed additions, alterations or improvements to existing buildings or improvements located upon all multifamily residential projects, all industrial and all commercial parcels.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. 127-3. Exemptions.

No site plan or drainage plan for development shall be required for any of the following:

(1) A single-family residence on the site provided that there are no other structures on the site with the exception of accessory buildings, recreation facilities, and/or driveways serving the residence.

(2) A building permit for the development of exterior alterations to a single-family residence.

(3) Any building permit for the development of interior alterations to an existing structure, provided that there is no change of use or that the intensity of use does not increase.

(4) A building permit for the development of exterior alterations to an existing structure other than a single-family residence which does not increase the existing roof area.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

~~Sec. 127-4. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Accessory building* means a structure which is used as an accessory structure to the main structure. Such accessory structure may be attached to or unattached to the main structure, i.e., garage, shed, etc.~~

~~*Alteration* means any change in size, shape, character, occupancy or use of the building or structure.~~

~~*Coverage* means the impervious area of a parcel or tract.~~

~~*Coverage limits* means the maximum coverage of a parcel or tract allowed before a drainage plan is required.~~

~~*Development* means the erection of a structure and/or the construction of site improvements as defined in this section.~~

~~*Drainage plan* means a plan drawn to scale which shows the existing elevation contours, finish grades and/or finished elevation contours and storm-water collection and disposal facilities. The plan must be prepared by a licensed engineer in the State of Florida. A drainage plan is required for all new constructions, additions or changes which result in the property exceeding the coverage limits.~~

~~*Site* means any parcel or tract of land upon which the erection of the proposed structure and/or the proposed site improvements will take place.~~

~~*Site improvements* means the development of pavement, earthwork, curb, curb and gutter, walkways, drainage facilities and other improvements which could reasonably be expected to alter the surface stormwater runoff conditions of any site.~~

~~*Site plan, basic* means a site plan drawn to scale which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development in accordance with section 22-333. A basic site plan will be required for a change of use or internal/external alterations which do not change the existing coverage.~~

~~*Site plan, full* means a site plan drawn to scale and certified by a licensed architect or engineer licensed in the State of Florida which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development in accordance with section 22-333. A full site plan is required for all new construction. A full site plan is also required for external alterations or additions which increase the existing coverage.~~

~~*Structure* means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.~~

~~(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)~~

~~Sec. 127-5~~ 127-4. Site plan review.

(a) *Purpose and intent.* It is the purpose and intent of this section that the site plan approval process is established to ensure that new developments within the City will be compatible with surrounding and adjacent areas and will be built in conformance to the land development regulations and other applicable City and state requirements.

(b) *Reviewers.* The site plan reviewers shall be comprised of all City departments and agencies that may have a responsibility for some aspect of the site development. Departments shall review the site plan for conformity with City and other agency requirements.

(c) *Meetings.* If needed, meetings of the site plan review team shall be held as needed to provide opportunity for pre-application discussions, consider requests, and other matters. The development services department shall provide staff to document the meetings, which will be included in the development file.

(d) *Development review:*

(1) *Application.* The Reviewers may make findings on the type of application and/or information required for a proposed project. Specifically, the intent of this section is to grant flexibility to the committee (as necessary) to determine the minimum, appropriate type of application and information required for review of the project.

(2) *Review period.* All applications shall be submitted to the development services department for distribution to the appropriate City departments and agencies. All applications submitted pursuant to this section shall be reviewed within two business working weeks from the date of completeness determination.

a. All reviewing staff and agencies shall submit a written response to the development services department to be distributed to the applicant. The applicant will be notified as to approval, approval with conditions or denial from each committee member. All the reasons for recommendation from each reviewer shall be set forth in the written confirmation.

b. For submittal of revised or additional information, the development services department shall use discretion in allotting review time based upon the extent of the revised or additional information being submitted. Reviewing staff and agencies may request additional review time

and such request shall be included as comments to be forwarded to the applicant. Applicants shall have 90 calendar days after comments are received in which to respond to comments or to request additional time to respond. If a response to comments or request for extension is not received within 90 calendar days, the application shall be considered withdrawn by the applicant. Up to two 30-day extensions of time shall be permitted after which the application shall be considered withdrawn by the applicant.

c. After the site plan has been modified to satisfy all City requirements, the site plan will be resubmitted for review and approval.

(1) Revised drawing files shall be uploaded, retaining the same file name as the initial upload.

(2) Resubmittal fees shall apply beginning with the third review cycle. Fees are based on the development services fees chart.

d. After a site plan has been found to comply with all requirements it will be approved by the City and the applicant may sign and seal the plan digitally using an approved certificate authority (CA). Unless approved otherwise, the applicant shall provide two sets of signed and sealed paper plans. The applicant with a plan that is not signed and sealed digitally using an approved certificate authority (CA) shall be required to submit two sets of signed and sealed paper plans along with an electronic version (PDF format) of those approved plans.

e. Approval of the site plan shall be valid for two years from the time of approval, providing there have been no changes in the City or other regulatory agencies requirements during those two years. If changes have been made to City or state requirements, a new site plan must be submitted.

f. A one-year extension of the two-year validity period, provided above, may be granted by the development services director upon written request of the applicant provided that the site plan complies with all current regulatory requirements.

(e) *Waivers.* The Developer must submit a detailed, written request for the waiver with code reference and the rationale for the request to the Development Services Director. Waivers cannot violate any building, fire or safety standards. Once approved, all waivers shall be listed with code references on the plan.

(f) The City will maintain on file a copy of all approved site plans, subdivision plans and drainage plans in accordance with public records laws."

Sec. ~~127-6~~ 127-5. Evaluating consultant.

The applicant and site plan reviewers may conduct a pre-submittal conference to determine whether a consultant's services will be required by the City to evaluate the site plan or drainage plan.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. ~~127-7~~ 127-6. Compliance; inspection; approval; revision; fee.

(a) No site improvements shall be developed without the submission and approval of the required site and/or drainage plan.

(b) The review and/or development of any improvements made pursuant to an approved site plan or drainage plan shall be inspected by the city, or such other agency as it may from time-to-time contract with for providing of this service.

(c) The development of any improvements made pursuant to an approved site plan or drainage plan shall be inspected by the city prior to issuance of a certificate of occupancy.

(d) Copies of permits required from other agencies must be submitted to the city prior to the final site inspection and issuance of a certificate of occupancy.

(e) No site improvements other than those indicated on the approved site plan shall be permitted, unless a revised site plan is submitted and approved.

(f) The applicant must submit the site plan together with a submittal fee as set forth in the site plan fee schedule as established by resolution of the city commission. The fees may be amended at any time by resolution of the city commission.

(g) A drainage plan must be prepared by a professional engineer licensed by the Florida Board of Professional Engineers, and is required for all new constructions, additions or changes which result in the property exceeding the coverage limits.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. ~~127-8~~ 127-7. Penalty for violation of article.

Any person or any agent of such person who violates any of the provisions of this article shall be punished as provided in section 1-14. In addition to the penalties provided in section 1-14 of this Code, the city commission is authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violators of this article.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. ~~127-9~~ 127-8. Temporary certificate of occupancy permits.

(a) *[Issuance.]* Temporary certificate of occupancy permits and the per day extensions may be administratively granted by the site plan ~~committee~~ technical review staff for up to a maximum period of not to exceed 90 days. Any extensions after the 90-day period must be approved by the Belleview City Commission prior to the expiration of the time frame.

(b) *Payment of fees.* All fees, including fees set out in appendix B, table 2.B, must be paid in full before issuance of the final certificate of occupancy.

(Ord. No. 07-14, § 1, 6-19-2007; Ord. No. 2009-18, § 1, 8-18-2009)

Secs. 127-~~10~~ 9—127-30. Reserved.

DIVISION 2. REQUIREMENTS FOR SITE PLANS

Sec. 127-31. Basic site plans.

(a) Shall be submitted in ~~triplicate on a 24-inch by 36-inch sheet, with a ¾-inch margin on all sides except for the left binding, where a two-inch margin shall be provided~~ in a format as specified by the development services department.

(b) Shall designate a title by which the project or development can be identified and referred to for record purposes with the name, address and telephone number of the applicant, including, date and revision date/number all shown on the bottom or right-hand side.

(c) Shall show a location map with reference to existing and/or proposed streets and roads.

(d) Shall show a North arrow, graphic scale and stated scale not to exceed one inch to 100 feet, symbol legend and necessary notes, including abbreviations, if used.

(e) Shall show the current/proposed coverage in mathematical percentages.

(f) Shall show the current zoning designation.

(g) Shall show dimensions of the boundaries and a legal description of the site.

(h) Shall show location/dimensions of all access to the property.

(i) Shall show the location on the site and dimensions of all existing structures and site improvements.

(j) Shall provide the location on the site and dimensions of proposed structures and site improvements.

(k) Shall show front, back and side setback lines of all existing/proposed structures.

(l) Shall show identification of the use or proposed use of every existing and proposed structures.

(m) Shall show the location/dimensions of dumpster pads.

(n) Shall show the location/dimensions of existing/proposed business signs.

(o) Shall provide calculations showing number of required parking spaces including handicapped parking spaces. Location/dimensions of existing/proposed parking, including handicapped parking including the required signage. Handicapped must meet federal and state requirements.

(p) Shall show the location/dimensions of all sidewalks, driveways and impervious areas.

(q) Shall show the location of all stop signs, stop bars, wheel stops and pavement markings.

(r) Shall show the location of all on-site outdoor lighting.

(s) Shall show existing/proposed landscaping/trees.

(t) Shall show existing/proposed fencing.

(u) Shall show the location of all access roadways and easements.

(v) Shall provide the owner's certification with original signatures certifying that he and his successors and assigns shall perpetually maintain the improvements as shown on the plan.

All of the above are minimum requirements. The committee reserves the right to request additional information after their initial review.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. 127-32. Full site plans.

(a) Shall be submitted in ~~quadruplicate~~ in a format as specified by the development services department and include all of the elements of the basic site plan listed under section 127-31.

(b) Shall detail the location of any existing and/or proposed water wells, water and sewer lines, water meters, sewer clean-outs, back-flow prevention valves (if other than city installed), and grease traps (if applicable) on a separate sheet.

(c) May be required to separate the proposed landscape plan from the existing tree plan detailing the proposed deletions and/or relocations of trees to separate sheets, if heavily treed property.

(d) Provide a cover sheet with an index for separately numbered sheets for the site plan, the landscaping plan, the existing/proposed tree removal plan, and the utility plan if necessary.

(e) Provide an electronic version of the site plan and all components ~~on a computer disk~~ in a format specified by the ~~director of public works~~ development services department.

(f) Provide the owner's certification as well as the architect/engineer's certification with embossed seal and original signatures.

All of the above are minimum requirements. The committee reserves the right to request additional information after their initial review.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. 127-33. Shared use.

The review committee will also review change of use for any previously approved sites with shared use that include, but is not limited to parking, access, signage, and/or drainage. The approval process will take into consideration the impact of the proposed use in relationship to the entire site.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Sec. 127-34. Owner, architect/engineer certification.

(a) The owner of the site shall certify the following:

I, _____, the owner of the property described on this plan, do hereby certify that I/we, our successors or assigns shall continuously monitor and maintain the improvements as shown on this plan, and shall also defend this plan against any litigation occurring from this plan and against any litigation occurring from damages as a result of this project.

Owner/Date

(b) The architect shall certify the following:

I, _____, do hereby certify that this plan was prepared under my supervision; and I shall make a final inspection of the constructed facility for compliance with this plan and defend this plan against any damage that may occur as a result of the construction as shown hereon.

Florida Registered
Architect
No.

(All signatures must be originals; corporations must attach a corporate seal; architects/engineers must give their registration number and seal their work.)

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 1, 8-18-2009)

Secs. 127-35—127-55. Reserved.

Chapter 128 STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 128-1. Purpose and intent.

The purpose of this chapter is to:

(1) Preserve the water resources of the city, which are critical to the public health, safety and welfare of its citizens.

(2) To control stormwater runoff so as to prevent erosion, sedimentation and flooding.

(3) To encourage recharge of the aquifer upon which the public depends for potable fresh water.

The intent of these design standards is to encourage environmentally sound stormwater management practices; they should go beyond simply providing drainage facilities. Emphasis should be placed on the use of upland facilities for stormwater control and groundwater recharge. The city's stormwater management perspective includes the control of both water quantity and water quality.

The requirements hereafter are intended to promote the following objectives while not unduly restricting landowners use of property:

(1) To prevent loss of life and significant loss of property due to flooding.

(2) To protect, restore, and maintain the chemical, physical and biological quality of ground and surface waters.

(3) To encourage productive and enjoyable harmony between humanity and nature.

(4) To prevent harm to the community by activities which adversely affect water resources.

(5) To encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their function.

(6) To minimize the transport of sediments and pollutants to surface waters.

(7) To protect, restore and maintain the habitat of fish and wildlife.

(8) To perpetuate natural groundwater recharge.

(9) To encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system.

(10) To ensure the attainment of these objectives by requiring approval and implementation of stormwater management plans for all activities which may have an adverse affect upon groundwater and surface water.

(Ord. No. 2009-18, § 2(1), 8-18-2009)

Sec. 128-2. Definitions.

All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed in order that the true intent and meaning of the city commission may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare of the city. Where any provision of these regulations, the city comprehensive plan, or any other law or regulation in effect in Belleview, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the city comprehensive plan, or any other law or regulation in effect in Belleview, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In all circumstances, the provisions of these regulations shall be interpreted and construed to be consistent with the city comprehensive plan. Where any provision(s) of these regulations are determined to be in conflict with the comprehensive plan, the comprehensive plan shall control.

The following terms and definitions are provided for the implementation of the regulations as set forth in this chapter:

Access means or place of ingress and egress, by pedestrian or vehicle, to a lot, parcel, or tract of land.

Accessory building means a structure which is used as an accessory structure to the main structure. Such accessory structure may be attached to or unattached to the main structure, i.e., garage, shed, etc.

Adjacent means to share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

Alley means a public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

Aquifer means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

Area of environmental sensitivity means an area where environmental quality may be highly susceptible to degradation and where alteration may cause predictable losses of natural resources.

Area of special flood hazard means the area/land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated on the federal emergency management association (FEMA) flood insurance rate map (FIRM).

Base flood elevation means a flood elevation having a one percent chance of being equaled or exceeded in any given year.

Berm means a mound of earth to provide screening or buffering between uses.

Buffer (also, landscape buffer) means land or a combination of land and vegetation for the separation of one use from another and the alleviation of adverse effects of one use or area to another.

Concurrency means the public facilities and services necessary to maintain the adopted level of service standards are available concurrent (at the same time) with the impacts of development.

Coverage means the impervious area of a parcel or tract.

Coverage limits means the maximum coverage of a parcel or tract allowed as specified by the zoning district.

Curvilinear stormwater facility means stormwater facilities designed with a minimum of 50 percent of the basin edge that is non-linear in design. The intent of this definition is to promote natural, non-rectangular, and non-square shaped stormwater retention facilities.

Development means the erection of a structure and/or the construction of site improvements as defined in this section.

Drainage facilities (also called stormwater management facilities) means manmade structures designed to collect, convey, hold, divert, or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Drainage plan means a plan drawn to scale which shows the existing elevation contours, finish grades and/or finished elevation contours and stormwater collection and disposal facilities. The plan must be prepared by a licensed engineer in the State of Florida.

Dry detention means a system designed to collect and temporarily store stormwater in a normally dry basin with subsequent gradual release of the stormwater.

Easement means an interest in a specified land area owned by another that entitles its holder to a specific limited use or enjoyment.

Engineer means a professional person licensed by the state to practice in the state, the county and the city.

Flood insurance rate map (FIRM) means an official map of the city, on which, areas have been delineated for both the special hazard areas and the risk premium zones applicable to the city.

Flood plain means an area inundated during a 100-year flood event or identified by the national flood insurance program on flood insurance rate maps or flood hazard boundary maps.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer to the building.

Hydroperiod means the cyclical changes in the amount or stage of water in an aqueous habitat.

Impervious area means mainly constructed surfaces—rooftops, sidewalks, roads, parking lots, driveways, patios, etc.—covered by impenetrable materials such as asphalt, concrete, limerock, brick and stone. These materials seal surfaces, repel water and prevent precipitation from infiltrating soils. Some surfaces such as pervious concrete may be considered partially impervious according to the manufacturer specifications and installation (see definition for pervious concrete).

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests, including developer's holding development rights susceptible to claims of vested rights or takings.

Lot means a parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded or registered in the files of the clerk of the county court.

Lot coverage means the ratio of the total area of all impervious surfaces (those incapable of being permeated as by moisture) on a lot to the total lot area.

Parcel means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Pervious (also pervious surface or pervious area) means material that allows the percolation or absorption of water into the ground including, but not limited to grass, mulch, and stone. Pavers (excluding those specifically designed and constructed to be pervious) and limerock are not considered as pervious surface. Some surfaces such

as pervious concrete may be considered semi-pervious according to the manufacturer specifications and installation (see definition for pervious concrete).

Pervious concrete means concrete installed by a national ready mix concrete (NRMC) certified contractor which allows for some percolation of runoff.

Retaining wall means a constructed wall or barrier used to support or hold in place, a mass of earth.

Right-of-way (ROW) means a land in which the state, a county, a municipality, or private entity owns the fee simple title or has an easement dedicated or required for transportation or utility use.

Site means any parcel(s) or tract(s) of land upon which the erection of the proposed structure and/or the proposed site improvements will take place.

Site improvements means the development of pavement, earthwork, curb, curb and gutter, structures, walkways, drainage facilities and other improvements which could reasonably be expected to alter the surface stormwater runoff conditions of any site.

Site plan, basic means a site plan drawn to scale which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development (see also chapter 127 site plans). A basic site plan will be required for a change of use or internal/external alterations which do not change the existing coverage or as otherwise determined by the site plan review committee.

Site plan, full means a site plan drawn to scale and certified by a licensed engineer licensed in the State of Florida which accurately depicts a development plan and illustrates the existing conditions on the subject parcel of land, together with details of the proposed development (see also chapter 127 site plans). A full site plan is required for all new construction. A full site plan is also required for external alterations or additions which increase the existing coverage or as otherwise determined by the site plan review committee.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Subdivision means the division of land, whether improved or unimproved, into three or more contiguous lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land any of which do not equal or exceed ten acres, for the purpose, whether immediate or future, of transfer of ownership or development; or any division of land if the extension of an existing street or the establishment of a new street is involved to provide access to the land. The term includes re-subdivision, the division of land into three or more horizontal condominium parcels or horizontal cooperative parcels, and the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, horizontal condominium parcels, horizontal cooperative parcels, or other recorded instrument, and, when appropriate to the context, means the process of subdividing or to the lands or areas subdivided.

Swale means a manmade trench which:

(1) Has a top width to depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than three feet horizontal to one foot vertical.

(2) Contains contiguous areas of standing or flowing water only following a rainfall event.

(3) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake.

(4) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Tract means an area of land, public or private, occupied or intended to be occupied, by or for a lawful purpose, including a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainage-way, water main, sanitary or storm sewer main, canal, landscape buffer, or for similar use. The term "tract," when used

~~for land platting purposes, means an area separate and distinct from platted lots or parcels and not included within the dimensions or areas of such lots or parcels. Unless otherwise expressly stated, the dedication of a tract on a plat reflects an intention of the dedicator(s) to dedicate such tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record.~~

~~*Wetlands* means wetlands as set forth in F.S. § 373.019. The terms "wetlands" and "jurisdictional wetlands," as used in this Code, shall be synonymous.~~

~~*Wet detention* means the collection and temporary storage of water in a permanently wet impoundment in such a manner as to provide for treatment through physical, chemical, and biological processes with subsequent gradual release of the stormwater.~~

~~*Zoning district* means a specified area within the city, as adopted by the city commission, to which uniform minimum standards apply as related to the locations, types and intensities of land use.~~

~~(Ord. No. 2009-18, § 2(2), 8-18-2009)~~

Sec. ~~128-3~~ 128-2. Permitting requirements.

The city engineer and public works director or designee shall review all stormwater management plans and information and make a recommendation to the site plan ~~committee~~ technical review staff for final action. The site plan review committee may consider alternative drainage proposals in accordance with accepted professional practices upon written explanation and request from the project engineer.

Projects that the city engineer or public works director determines will not adversely impact neighboring properties may recommend to the site plan ~~committee~~ technical review staff that they be exempt from site plan review. All requested exemptions shall be cumulative and shall not to exceed a total of 300 square feet of additional impervious area (this exemption may be increased to a maximum 1,000 square feet cumulative for request to install handicapped parking and/or handicapped accessibility compliance).

(1) The requirements of this chapter shall apply to all areas within the city limits of the city and shall be satisfied prior to final project approval subject to the city site plan review committee.

(2) No person shall conduct a development activity, subdivide, make any change in the use of land, construct any stormwater management system or structure, or change the size of an existing structure or system, unless specifically exempted in this chapter, without first obtaining approval from the city as provided herein.

(3) Documentation from the St. Johns River Water Management District (SJRWMD) is required for all stormwater management plans; however, approval by SJRWMD will not result in or constitute the automatic approval of the stormwater management plans by the city.

The city commission may impose fees for the services of the city engineer in addition to site plan review fees; such fees shall be included in the fee schedule of the City Code of Ordinances.

(Ord. No. 2009-18, § 2(3), 8-18-2009)

Sec. ~~128-4~~ 128-3. Exemptions.

The following activities shall be exempt from the requirements of this article:

(1) The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture, provided no disruption of natural surface waters will result. Also exempt is the construction, maintenance, and operation of self-contained agricultural drainage systems, provided there is no off-site diversion of runoff. This exemption will not apply where clearing and drainage may directly or

indirectly impact areas defined as conservation areas pursuant to the City of Belleview or Marion County Comprehensive Plans.

~~(2) The construction, alteration, or maintenance of a single-family residence and accessory structures or a group of such residences and accessory structures constructed as part of a family homestead subdivision in accordance with the requirements of § 407.74.5 where clearing and drainage does not adversely impact adjacent properties by diverting runoff.~~

~~(3)~~ (2) Emergency exemption — emergency maintenance work performed for the protection of public health and welfare.

~~(4)~~ (3) Installation of sidewalks and paving within rights-of-way where the city engineer and public works director have determined that such improvements will not adversely impact surrounding properties or the receiving drainage basin and where such improvements are exempted from permitting by the SJRWMD.

(Ord. No. 2009-18, § 2(4), 8-18-2009)

Sec. ~~128-5~~ 128-4. Performance criteria.

The stormwater management system design shall conform to the following standards:

(1) Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District, Applicant's Handbook, Management and Storage of Surface Waters, in order to achieve the state water quality standards established by the Florida Department of Environmental Protection ~~in Chapter 17-3, Florida Administrative Code, or as amended~~.

(2) Wetlands shall only be used for stormwater treatment as allowed by SJRWMD criteria, providing that one-half of the required treatment volume is retained in an offline pollution abatement pond in order to skim the first flush prior to discharge into the wetland. The applicant must provide assurance that this offline retention will not deprive the wetland of water which will alter the hydroperiod.

(3) Wet detention:

a. The wet detention pond shall be designed to meet the regulations of the SJRWMD.

b. The wet detention pond shall be designed to retain a minimum of one half the regulatory treatment volume between the Seasonal High Water Line (SHWL) and the invert of the bleed down device (orifice or "V" notch Weir). This retained volume is to provide for permanent retention of stormwater prior to discharge through the bleed down device.

c. The starting water level used for water quality criteria shall be the invert of the bleed down device. No credit shall be given towards water quality for the retained volume discussed in item b., listed above.

(4) Pervious ~~concrete~~ and semi-pervious pavement:

a. Pervious ~~concrete~~ and semi-pervious pavement may be allowed for use ~~on~~ as parking and vehicular and non-vehicular travel areas. Pervious ~~concrete~~ and semi-pervious pavement must be installed and maintained in accordance with suggested manufacturer's guidelines and installation shall be certified by a Florida licensed Engineer. Credit for use of pervious and semi-pervious pavement may be granted up to the manufacturer's performance specifications, not to exceed 50 percent pervious, if it is installed in accordance with the manufacturer's guidelines to allow percolation and the installation is certified by a Florida licensed Engineer.

(Ord. No. 2009-18, § 2(5), 8-18-2009)

Sec. ~~128-6~~ 128-5. Design criteria.

(a) *Runoff volume and peak rate.*

Design storm (minimum):

STORMWATER FACILITY	FREQUENCY AND DURATION
Stormwater Retention Areas	100-year 24-hours or 25-year 96-hour storm event
Canals, ditches, swales, stormdrains or culverts	25-year 24-hours storm event

Rainfall frequency, duration, and distribution for stormwater management systems are to be in accordance with the SJRWMD applicant's handbook.

(b) *Water quality.*

(1) At a minimum, all developments will treat the required pollution abatement volume prior to discharge to receiving waters.

(2) The pollution abatement volume and treatment method shall be as required by SJRWMD, Florida Administrative Code Section 40C-42, except that sites utilizing a Wetlands Stormwater Management System must treat one-half of the required volume in an offline detention pond before discharging into the wetland.

(c) *Peak rate and volume attenuation.*

(1) Post development peak rate shall be less than pre-development peak rate calculated using the 25-year 24-hour storm event.

(2) Post development discharge volume shall be less than the pre-development discharge volume calculated using the 100-year 24-hour or 25-year 96-hour storm event. The drainage retention area (DRA) shall recover the design volume within 14 days after the storm event.

(d) *Development within flood-prone areas (100-year flood).* All development within special flood hazard areas as delineated on the official National Flood Insurance Program, flood insurance rate maps, or the latest and best information available, shall comply with the requirements of SJRWMD and the criteria in chapter 110 floods of the land development regulations and applicable Florida Building Code requirements.

(e) *Retention/detention pond requirements.*

(1) Side slopes shall be designed per SJRWMD regulations.

(2) Where retention/detention areas are located on the project periphery, the developer may be required to provide additional landscaping or screening to adequately protect abutting properties, not including right-of-ways.

(3) Curvilinear stormwater facilities and stormwater facilities with slopes that do not require fencing are encouraged.

(4) Fencing of stormwater facilities shall be in accordance with the SJWMD or as determined by the city engineer due to steep side slopes or design which potentially endanger human life, must be designed with a six-foot high chain link fence or better (i.e., brick wall) and shall include landscaping consisting of 20 shrubs (climbing vines may be allowed) per 100 linear feet located on the opposite side of the fence/wall of the stormwater retention area. Species shall be consistent with chapter 114-32 of ~~the Land Development Code~~ this code.

(5) All stormwater facility side slopes shall be stabilized with sod.

(6) Maintenance access:

a. Regular maintenance is crucial to the long term effectiveness of stormwater management systems. The systems must be designed to permit personnel and equipment access and to accommodate regular maintenance activities. For example, high maintenance features such as inlets, outlets, and pumps should be easily accessible to maintenance equipment and personnel. Legal authorization, such as an easement, deed restrictions, or other instrument must be provided establishing a right-of-way or access for maintenance of the stormwater management system unless the operation and maintenance entity wholly owns or retains ownership of the property. Access maintenance easements must be a minimum of 12 feet in width as determined by the city engineer.

(7) Minimum soil borings and permeability test shall be required based upon the following stormwater retention area sizes:

Stormwater Retention (size basin area)	Number of Soil Borings Required
<5,000 square feet	*1
5,000 square feet -1 acre	*2
>1 acre	*2 per acre

* Additional soil borings may be required by the city engineer or public works director.

(Ord. No. 2009-18, § 2(6), 8-18-2009)

Sec. ~~128-7~~ 128-6. Hydraulic design criteria.

(a) *Roadway (pavement) design.*

(1) *General.* Good pavement drainage design consists of the proper selection of grades, cross slopes, curb types, inlet locations, etc., to remove the design storm rainfall from the pavement in a cost-effective manner while preserving the safety, traffic capacity, and integrity of the highway and street system. These factors are generally considered to be satisfactory, provided that excessive spreads of the water are removed from the vehicular traveled way and that siltation at pavement low points is not allowed to occur. The guidelines included herein will accomplish these objectives.

(2) *Stormwater spread into traveled lanes.* The acceptable spread limits for arterial and collector roadways are defined as approximately one-half the traveled lane width. Acceptable spread limits for local roadways are defined as being below the crown of the road.

(b) *Storm sewer and culvert design.*

(1) *Minimum pipe size.*

a. The minimum size of pipe to be used in storm sewer systems is 15 inches.

b. The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be 15 inches.

(2) *Pipe grade.*

a. All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 feet per second (fps) when flowing full.

b. A headwall, inlet, manhole, or mitered end section is required at the end of a pipe and erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities, unless the outlet is permanently submerged.

(3) *Maximum lengths of pipe.* The following maximum lengths of pipe shall be used when spacing access structures of any type.

PIPE SIZE	MAXIMUM PIPE LENGTH
to 18 inches	300 feet
24 to 36 inches	400 feet
42 inches and larger	500 feet

(4) *Allowable materials.* Allowable material for storm sewers and structures shall be in accordance with Florida Department of Transportation (FDOT) standards and specifications.

(5) *Minimum cover.* Minimum cover shall be one foot below the final pavement grade as determined by FDOT standards.

(6) *Design tailwater.* All storm sewer systems and culverts shall be designed taking into consideration the tailwater of the receiving facility or waterbody. The tailwater elevation used shall be based on the design storm frequency.

(7) *Design procedure.* The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

(Ord. No. 2009-18, § 2(11), 8-7-2009)

Sec. ~~128-8~~ 128-7. Dedication of drainage easements and rights-of-way.

(a) Drainage easements shall be required for all shared use stormwater facilities utilized or designed to accommodate multiple properties or developments. Easements shall be secured by the owner or applicant and indicated on the plat, site plan/~~improvement~~ construction plan and on a separate recorded document approved by the city.

(b) When a proposed stormwater management system will carry water across private land outside the development, the off-site drainage easements shall be secured by the owner or applicant and indicated on the plat, site plan/~~improvement~~ construction plan and on a separate recorded document approved by the city.

(c) All drainage easements, both on-site and off-site, shall be recorded on a final plat and on a separate recorded document approved by the city and shall also be shown on applicable site plans or ~~improvement~~ construction plans and shall be free and clear of liens and encumbrances.

(Ord. No. 2009-18, § 2(8), 8-18-2009)

Sec. ~~128-9~~ 128-8. Stormwater management information and calculations required.

(a) It is the responsibility of the applicant to include in the stormwater management system plan application sufficient data and analysis for the city engineer and the public works director or designee to fully evaluate the application.

(b) The applicant shall include in the submittal all plans, calculations and supporting information that is to be submitted to SJRWMD. In addition to this, other information that is to be included with or on the plans includes:

(1) One hundred-year floodplain compensating calculations, if applicable.

(2) Storm sewer, culvert, and open channel tabulations (signed and sealed).

(Ord. No. 2009-18, § 2(9), 8-18-2009)

Sec. ~~128-10~~ 128-9. Maintenance.

(a) The operation and maintenance of the stormwater management system shall be per SJRWMD regulations as the minimum criteria and in accordance with City of Belleview standards, including but not limited to keeping the area free of debris and excess vegetation.

(b) The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All permit applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities.

(c) The stormwater management system to be maintained by the legal entity shall have adequate easements, in accordance with this ~~Code~~ code, to permit the city to inspect and, if necessary, to take corrective action should the legal entity fail to maintain the system properly.

(Ord. No. 2009-18, § 2(10), 8-18-2009)

Sec. ~~128-11~~ 128-10. US Highway 441, 301, and 27 drainage exception area.

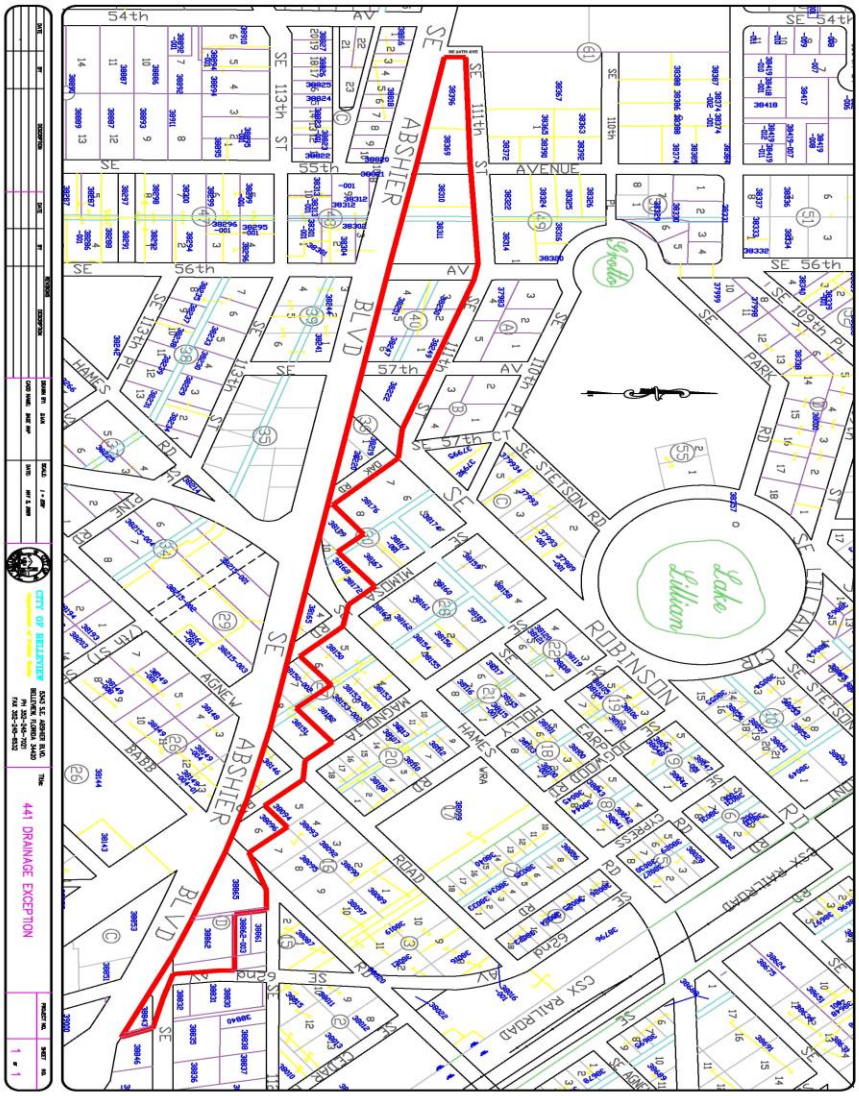
Highway 441, 301, and 27 exception.

Certain properties along Highway 441, 301 and 27 will be exempt from meeting the city's drainage requirements to the extent their property was covered as of 1986. Proof of coverage as of that date is the responsibility of the property owner. A drainage plan to contain the run-off of any additional coverage must be submitted. All other governmental agency requirements must still be met. The parcels of land exempted from the drainage requirements set forth herein shall be known as the US Highway 441, 301, and 27 drainage area exception and is more particularly described as follows, to wit:

For the point of beginning, commence at the intersection of the easterly right of way of SE 54th Avenue and the northerly right of way of US 441, 301 and 27, thence North along the Easterly right of way of SE 54th Avenue to the intersection of the Southerly right of way of SE 111th Street. Thence easterly along said southerly right of way to the intersection of the Northerly right of way of SE Robinson Road. Thence continue Easterly to the intersection of the Southerly right of way of SE Robinson Road and the Northerly right of way of SE Oak Road. Thence Southeasterly along said Northerly right of way of SE Oak Road to the intersection of the Northerly boundary of Lot 9 block 30 of the Town of Belleview as recorded in plat book "A" page 15, in the public records of Marion County Florida. Thence Northeasterly along said boundary line to the Easterly boundary of said lot 9, thence Southeasterly along said Easterly boundary to the Southeasterly corner of said lot 9. Thence northeasterly to the Northwesterly corner of Lot 1, Block 30. Thence continue Northeasterly along the boundary of Lot 1 to the Westerly boundary of Southeast Mimosa Road. Thence Southeasterly along the western boundary of southeast Mimosa Road to the Northerly right-of-way of SE Hames Road. Thence southeasterly to the northwesterly corner of Lot 5, Block 27. Thence southeasterly along the easterly right-of-way of SE Mimosa Road to a point which is the Northerly boundary of a parcel of property whose parcel number is 38150-002 and is comprised of Lot 7, Block 27 and a portion of Lot 6, Block 27 of the

aforementioned Town of Belleview. Thence Northeasterly along the boundary of said parcel to a point which in the Center of an abrogated alley. Thence Southeasterly along the centerline of said alley to a point which is the intersection of a projection of the Northerly boundary of Lot 1, Block 27. Thence Northeasterly to the intersection of the Westerly boundary of said Lot 1, Block 27. Thence continue Northeasterly along the Northerly boundary to the intersection of the Westerly right of way line of SE Magnolia Road. Thence Southeasterly along said Westerly right of way line to the Northerly right-of-way of SE Agnew Road. Thence Southeasterly to the Northwesterly corner of Lot 5, Block 16 said point also on the easterly right-of-way line of SE Magnolia Road. Thence southeasterly along the easterly right-of-way line of SE Magnolia Road to the Northwesterly corner of Lot 6, Block 16. Thence northeasterly along the northerly boundary of Lot 6, Block 16 to the Northeasterly corner. Thence southeasterly along the eastern boundary of Lot 6 to the northerly right-of-way of SE Babb Road. Thence easterly to the intersection of the southerly right-of-way line of SE Babb Road and the southerly right-of-way of SE 112th Street. Thence easterly along the south right-of-way line of SE 112th Street to the Northwesterly corner of a parcel of property which parcel number is 38861. Said point also being the easterly right-of-way line of an unnamed alley. Thence southeasterly along the right-of-way of said alley to the northwesterly corner of a parcel of property which parcel number is 38862. Thence easterly along the north boundary of said parcel to the westerly right-of-way of SE 62nd Avenue. Thence southeasterly along the westerly right-of-way of SE 62nd Ave. to the northerly right-of-way of SE 113th Street. Thence southeasterly to the Northwesterly corner of a parcel of property whose parcel number is 38846 said point also being the intersection of an unnamed alley and the southerly right-of-way line of SE 113th Street. Thence southeasterly along unnamed alley to the northerly right-of-way of US 441 and US 27. Thence northwesterly along the northerly right-of-way line of US 441 and US 27 to the point of beginning.

(Ord. No. 2004-17, 8-3-2004; Ord. No. 2009-18, § 2(11), 8-18-2009)



Chapter 130 SUBDIVISIONS[15]

[15]Cross reference(s)—Any ordinance dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-9(11); buildings and building regulations, ch. 22; environment, ch. 38; streets, sidewalks and other public places, ch. 74; utilities, ch. 86; vegetation, ch. 90; environmental protection, ch. 106; floods, ch. 110; planning, ch. 122; zoning, ch. 134.

State law reference(s)—Platting, F.S. §§ 177.011—177.151.

ARTICLE I. IN GENERAL[16]

Sec. 130-1. General specifications.

All construction and quality control shall be in strict conformance with the current applicable requirements with the City of Belleview Code of Ordinances and the City of Belleview Design and Specifications Manual. All quality control test results must be submitted with the engineer's letter of certification. The letter of certification shall be accompanied by one copy of all test results properly signed and sealed.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-2. Platting required.

Unless a subdivision plat has been recorded in the public records of Marion County, Florida in accordance with the requirements of this chapter and F.S. ~~§ 70.803~~ chapter 177 (or applicable City of Belleview or Florida law), no building permit shall be issued if the property on which the permit is requested is:

(1) The result of the division of land into three or more parcels, any one of which is less than three acres; or

(2) Access to the property is by means of right-of-way or easement serving more than one parcel provided after July 15, 1970, except such access as may be established by public authority.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-3. Dividing platted lots.

(a) Residential lots, established by a final plat recorded in the public records of Marion County, Florida, shall not be divided except through abrogation or replatting, as provided in this chapter.

(b) Commercial lots, established by a final plat recorded in the public records of Marion County, Florida, may be divided into only two parcels, upon approval by the city commission.

(c) No platted lot may be divided into more than two parcels, regardless of size.

(d) No building permit shall be issued for portions of lots created by dividing a platted lot, unless and until approval by the city commission of such lot division.

(e) Requests for city commission approval of proposed lot division shall be submitted upon the form provided for such requests, together with a filing fee of $100.00 and the following:

(1) Proof that the proposed change has been advertised in a newspaper of general circulation for two weeks, in accordance with F.S. § 177.101(3), (4); and

[16]Editor's note(s)—Ord. No. 2013-09, adopted July 16, 2013, amended art. I in its entirety to read as set out herein. The former art. I, §§ 130-1—130-17, pertained to similar subject matter and derived from Ord. No. 92-02, §§ 1(11-1)—(11-17) and (11-28), adopted April 30, 1992; and Ord. No. 2001-5, § 1, adopted Feb. 20, 2001.

(2) Certificates showing that all state and county taxes have been paid; and

(3) An opinion of title confirming that the applicant(s) are the owners of the lot sought to be divided; and

(4) A certificate from the project engineer of the subdivision that the dividing of the lot will not increase the impervious areas of the subject property over that which was included for the parcel to be divided, in design and construction of the storm water drainage collection system.

(f) Approval by the city commission shall be at a public hearing. In determining whether to grant the requested lot division, the city commission shall consider the foregoing matters together with the following:

(1) Recommendation of the city's development services director and the city public works director; and

(2) Whether both lots created through the division of the existing subdivision lot will have access as provided in Florida Statute and this City Code; and

(3) Although the division of the lot, need not result in both parcels being equal in size, both parcels created shall comply with all requirements of this chapter including, but not limited to, regulations regarding the following: lot size, lot coverage, set-backs, grassing, sewage collection system, access and streetlights.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-4. Abrogation of recorded plats and replatting.

(a) *Abrogation.* Abrogation of recorded plats in their entirety or any of their parts, including rights-of-way, shall be considered, upon application in writing to the city commission. The application packet shall include, but is not limited to, the following: the resolution for abrogation, opinion of title, tax receipts and letters of no objection from affected utilities companies. Upon conditional approval of the city commission and their assignment of a hearing date, the applicant shall cause the matter to be publicly advertised according to F.S. § 177.101(3), (4), and a public hearing shall be held at such time and place as the city commission may decide.

(b) *Replatting.* Replatting of recorded plats in their entirety or any of their parts, including rights-of-way, shall be considered upon application in writing to the city commission. The application packet shall include, but is not limited to, the following: the resolution for replatting, opinion of title, tax and letters of no objection from affected utilities companies. Upon conditional approval of the city commission and their assignment of a hearing date, the applicant shall cause the matter to be publicly advertised according to F.S. § 177.101(3), (4), and a public hearing shall be held at such time and place as the city commission may decide.

(1) Replatting of an existing subdivision, which results in an increase in the number of lots or which will otherwise increase the impervious areas of the subject property must provide for such increases in the stormwater collection system and drainage retention areas as are necessary to meet the requirements in section 130-11. If there are no existing stormwater collection and stormwater retention areas, then adequate stormwater collection system and drainage retention areas shall be provided for the net increase in lots or any increases in the impervious areas of the subject property.

(2) All lots created through replatting of an existing subdivision, must have access as provided in section 130-9.

(3) Replatted subdivisions shall comply with the requirements of this chapter including, but not limited to, regulations regarding size, grassing, sewage collection system and streetlights.

(c) *Compliance.* No person or entity shall divide any existing lot within a platted subdivision, transfer a portion of any lot or lots in existing subdivisions, or otherwise move or amend lot lines in an existing subdivision, without first complying with the lot dividing, abrogation, or replatting provisions set forth in this chapter.

(d) *Violations.* No building permit or certificate of occupancy will be issued regarding improvements placed upon any lots or portion of lots altered or conveyed contrary to the provisions of this section. Further, after the effective date of Ordinance No. 99-13 (December 7, 1999), upon written notice of such violation, the city may terminate water and sewer service to any property altered or conveyed, contrary to the provisions of this section.

(e) *Enforcement.* Enforcement of this section shall be pursuant to article V, chapter 2 of subpart A of this Code.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-5. Change of project surveyor.

Change of project surveyor at any time after the submission of the preliminary plat shall require written notification to the city engineer and/or the public works director from the developer accompanied by written acknowledgement from the newly designated project surveyor.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-6. Change in project engineer.

Change of project engineer at any time after the submission of the ~~improvement~~ construction plan shall require written notification to the city engineer and/or the public works director from the developer accompanied by written acknowledgement from the newly designated project engineer.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-7. Change of subdivision name.

Change of subdivision name at any time after the submission of the preliminary plat and prior to the recording of the final plat in the public records will be considered only upon written notice from the developer or project surveyor to the city engineer and/or the public works director. The notification must certify that all drawings and exhibits previously submitted bearing the original subdivision name are applicable to and binding under the new subdivision name.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-8. Subdivision classification.

Subdivision classification is established for identifying subdivisions according to lot size, right-of-way requirements, type of improvements required and lot use as follows:

(1) Class A subdivisions are those in which the lots are less than one acre in area, all lots are served by a central water and sewer service, curb and gutter roadways with underground power.

(2) Class B subdivisions are those in which the lots are less than one acre in area, all lots are served by utilities as stated for class A subdivisions except overhead power.

(3) Class C subdivisions are those in which the lots are less than one acre in area, all lots are served by a central water and sewer service, and drainage is provided by swaled ditchlines on each side of the roadway with overhead power.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-9. Subdivision improvements development.

(a) *Generally.* No plat or amended plat of a subdivision shall be allowed to be recorded in the public records of the county until all the required improvements have been completed, all test results and letter of certification from the project engineer have been received, and the improvements have been accepted by the city commission, except as provided in subsection (b) of this section.

(b) *Approval; recording.* Upon approval by the city commission, posting a letter of credit from a local bank sufficient to guarantee completion of all the required subdivision improvements or providing a performance bond sufficient to guarantee construction of such improvements, and execution of an indemnification agreement in a form approved by the city commission, the plat of a subdivision may be recorded. No more than 25 percent of the lots may be issued building permits pursuant to this subsection.

(c) *Building permits.* Building permits for buildings in subdivisions under construction may be issued after the plat is recorded and all required improvements are completed and approved by the city or upon providing a performance bond sufficient to guarantee construction of such improvements, and execution of an indemnification agreement in a form approved by the city. No certificates of occupancy (CO) may be issued until all improvements have been constructed and approved and the plat recorded.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-10. Required subdivision improvements; roads.

Roads shall be constructed within rights-of-way dedicated by the plat and within unimproved public rights-of-way according to the classification of the subdivision as follows:

(1) Class A subdivisions shall have paved roadways with curb and gutter within a 50-foot dedicated right-of-way.

(2) Class B subdivisions shall have paved roadways with curb and gutter within a 60-foot dedicated right-of-way.

(3) Class C subdivisions shall have paved roadways with five-foot shoulders on each side of pavement and graded swales for drainage within a 66-foot dedicated right-of-way.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-11. Stormwater collection system.

The stormwater collection system shall be designed for a ten-year/24-hour storm (6.9-inch or greater) considering post-development condition only. The stormwater inlets shall conform to current state department of transportation details, and all culvert pipes shall be bituminous-coated corrugated pipe or reinforced concrete pipe. Calculations shall be provided to show proper pipe sizing with an 18-inch diameter being the minimum size allowed.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-12. Drainage retention areas.

(a) Drainage retention areas shall be designed to store a ten-year/24-hour rainfall (6.9-inch minimum) using post development condition and using the most current criteria of the Soil Conservation Services Technical Release No. 55 (SCS TR55). The dedicated water retention basis shall provide for a ten-foot berm around the

inside of the dedicated area and be accessible by means of a 20-foot dedicated right-of-way. All drainage retention basins shall have side slopes not greater than three horizontal to one vertical, the slopes entirely sodded and the entire perimeter fenced with a six-foot chainlink fence with an 18-foot access gate.

(b) Prior to recording the record plat, copies of all permits or letters of exemptions from the St. Johns River Water Management District must be furnished to the ~~city clerk~~ development services director.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-13. Signs.

Street signs at every intersection are required. The street names shall conform to the Marion County Master Plan Street Quadrant System~~, adopted September 4, 1973~~ (Chapter 15, Article 2 of the Marion County Code of Ordinances). Traffic control signs shall be installed as shown on the ~~improvement~~ construction plan.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-14. Grassing.

Grassing (sod) shall be required in areas of right-of-way not paved or stabilized; storm drainage swales; berms of drainage retention areas; and, all disturbed areas due to construction. At the direction of the public works director, seeding may be allowed.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-15. Sewage collection system.

A sewage collection system, meeting the Belleview Design and Specification Manual standards shall be provided by the extension of the city's system. The project engineer shall be responsible for the complete design of the system expansion and all required applications to the state for approval. No work shall be performed until the state has approved the plans. The construction shall be the total responsibility of the developer. Prior to acceptance and use of the system, the project engineer shall obtain clearance from the state and the city. The public works director and city engineer shall make an inspection of the system and be assured of the location of all service laterals and a detailed certified as-built plan of the constructed facilities has been received.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-16. Streetlights.

The developer shall be responsible for the coordination and planning with the power utility for the installation of 4,000 lumen ~~mercury vapor~~ LED streetlights. The utility shall determine the number and spacing of the lights and prepare a plan for review and approval by the city. The compensation, for all the streetlight installation (in compliance with the approved plan) shall be the responsibility of the developer.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-17. Certification of satisfactory completion.

When all required subdivision improvements have been constructed, the project engineer shall submit a letter of certification (Form F-3) stating that all improvements have been constructed in accordance with the approved ~~improvement~~ construction plan and that all test results have been reviewed as to interval, width and

depth and the improvements meet the regulations of the code of subdivision regulations of the city. The letter of certification shall be accompanied by one copy of all test results properly signed and sealed.

(Ord. No. 2013-09, 7-16-2013)

Sec. 130-18. Maintenance of improvements.

No later than after completion of the improvements and prior to acceptance of same by the city, the developer and the city commission shall enter into a developer's agreement whereby the developer shall be totally responsible for the maintenance of all constructed improvements for a period of one year from the date of the agreement or such other period of time as the city may require (such as until 50 percent occupancy). After the developer's maintenance period, the subdivision improvements will be inspected by the public works director and/or the city engineer, and any corrections or repairs shall be noted (if applicable). After correction, the city will assume the perpetual maintenance of all improvements.

(Ord. No. 2013-09, 7-16-2013)

Secs. 130-19—130-50. Reserved.

ARTICLE II. PLAN PREPARATION AND SUBMITTAL

DIVISION 1. GENERALLY

Sec. 130-51. General design requirements.

This section includes minimum requirements for subdivision presentation, preparation and design. Construction requirements are ~~included in article III of this chapter~~ contained in division 4 of this article.

(1) Access to adjacent unplatted land shall be provided by the continuation to the subdivision boundary of all rights-of-way for major roads. Additional access to the subdivision boundary shall be provided by the continuation of minor streets to the subdivision boundary centered on quarter/quarter section lines where existing conditions do not prohibit such location. In no event shall points of access to adjacent unplatted lands exceed 1,000 feet and at least one such access shall be provided to each adjacent unplatted ownership.

(2) Right-of-way planning shall provide for the continuation of rights-of-way of major roads throughout the subdivision from which rights-of-way for minor roads so located as to discourage their uses by through traffic. Minimum centerline radii shall be 150 feet. Horizontal curves are required when right-of-way centerlines deflect by ten degrees of more. Rights-of-way shall intersect at right angles wherever possible but in no event shall the smaller angle of intersection be less than 60 degrees. Intersections involving more than two rights-of-way shall not be permitted. If two rights-of-way intersect and are on opposite sides of centerline, separation of at least 100 feet must be provided or they must directly align.

(3) Block lengths shall not exceed 600 feet. Larger block lengths will be permitted for blocks surrounding or adjacent to natural or artificial features such as lakes, rivers, and golf courses where limiting rights-of-way are unfeasible and impractical.

(4) Cul-de-sac diameters to the right-of-way line shall not be less than 100 feet.

(5) Easements reserved and granted for the installation and maintenance of public utilities and drainage facilities shall not be less than 20 feet in width and shall be shown on the final plat by means of dashed lines or by notation. A ten-foot easement may be required on highway frontage.

(6) Block corners shall have a right-of-way radius of not less than ten feet for class A and B subdivisions, and 25 feet for class C subdivisions.

(7) The front line of every lot shall be on a dedicated road right-of-way. No front shall have less than 40 feet (as measured along the right-of-way), and all lots must meet the minimum width requirements, as required in the zoning code for the property at the front yard building setback line.

(8) Drainage rights-of way shall not be less than 20 feet in width and shall be dedicated on the plat.

(9) Sight distance as recommended by AASHO Policies shall be a requirement where subdivision rights-of-way intersect county roads or state roads.

(10) Requirements of others: Governmental agencies having jurisdiction or interest other than the city should be consulted during preliminary stages to ascertain current policies and requirements. Location of subdivision roads entering state highways; the boundary of sovereign lakes; and the claim of sovereignty of water bodies or wetlands; and outfalls into receiving waters are included in those proposals which may require approval of other agencies. The telephone and electric company, including any other public utility which may be reasonably expected to furnish their respective services to the subdivision, must be given the opportunity to determine the location and configuration of utility easements expected to be necessary for future installation and maintenance. Such public utilities shall be provided with at least three prints of the preliminary ~~plan~~ plat.

(Ord. No. 92-02, § 1(11-18), 4-30-1992)

Secs. 130-52—~~130-70~~ 130-066. Reserved.

DIVISION 2. MASTER PLAN

Sec. 130-67. Applicability.

(a) Master Plans shall be submitted for multi-phase development projects unless specified otherwise herein.

(b) Preliminary Plats that show the phasing for a development project can be used in lieu of a Master Plan.

(c) Master Plans submitted in lieu of Conceptual Plans for PUD rezoning applications, shall follow the procedures outlined under Conceptual Plans.

Sec. 130-68. Submittal requirements.

(a) Master Plan applications shall be submitted to the public works director.

(b) A fee in the amount established by resolution of the City Commission shall accompany the application.

(c) Development Review Plan Application available at the development services department.

Sec. 130-69. Review and approval procedures.

(a) The site plan technical review staff shall review Master Plans, other than those submitted for PUD rezoning applications, with staff comments and approve, approve with conditions, or provide further direction to the applicant.

(b) Master Plans submitted in lieu of Conceptual Plans for PUD rezoning applications shall be reviewed by site plan technical review staff and a recommendation of approval, approval with conditions, or denial forwarded to the planning commission and the city commission. Final approval by the site plan technical review staff shall be held pending the outcome of the PUD rezoning application. The city commission will approve or deny these Master Plans and any amendments determined to be significant by the site plan technical review staff.

(c) One approved plan shall be returned to the applicant.

Sec. 130-70. Completion and close out

Master plans shall be valid for five years with a one-time extension of two years if requested in writing by the applicant prior to expiration. Such requests shall be submitted to the development services director for review and approval.

DIVISION ~~2~~ 3. PRELIMINARY ~~PLAN~~ PLAT

Sec. 130-71. Generally.

A plan entitled "Preliminary ~~Plan~~ Plat" shall be submitted to the ~~city engineer through the city clerk~~ development services director.

(Ord. No. 92-02, § 1(11-19(A)), 4-30-1992)

Sec. 130-72. Preparation.

Trimline sheet size for the preliminary ~~plan~~ plat shall either be 24 inches by 36 inches or 36 inches by 48 inches. A three-fourths-inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided. Multiple sheets may be used but in this event sheet number and total number of sheets must be clearly indicated on each sheet and cross referencing between sheets must be used. Abbreviations should be avoided but if used they should be defined in the notes. Necessary notes and symbol legends shall be included. The front or cover sheet shall include a location map drawn to scale showing the position of the proposed subdivision in the city, and other pertinent orientation information. Each sheet of the preliminary ~~plan~~ plat shall contain the subdivision name, a graphic scale, a stated scale and a north arrow. The preliminary ~~plan~~ plat shall not be drawn to a scale smaller than 100 feet to the inch. When a project is to be developed as two or more subdivisions, drawings for all shall be at the same scale. The identification "preliminary ~~plan~~ plat," the date, scale, revision date (if any), subdivision name, surveyor (or surveying firm) and other such information shall be shown in convenient grouping in the lower righthand corner of every sheet, preferably in a conventional title block. Each print submitted shall bear the original signature and seal of the project surveyor and project engineer. The project surveyor shall certify that the drawing was prepared by him and that information shown is correct. The project engineer shall certify that the proposed drainage retention areas are sufficient in size and location. Coloring used as a code to identify certain features is not permitted. Lots, blocks and tracts shall be consecutively numbered or otherwise properly identified.

(Ord. No. 92-02, § 1(11-19(B)), 4-30-1992)

Sec. 130-73. Content and purpose.

The preliminary ~~plan~~ plat is submitted for the purpose of showing the plan of subdivision including lot sizes and shapes, right-of-way widths and locations, existing easements, proposed special reservations, street numbers based on the county quadrant system, effect on adjacent properties and existing improvements that affect the method of subdivision. All required information shall be fully and clearly shown in order to accomplish this purpose. If adjacent lands are in a recorded subdivision, a sufficient portion lying immediately adjacent to the proposed new subdivision shall be shown to relate lot lines and right-of-way lines. The perimeter of the proposed subdivision shall be carefully plotted to scale and dimensions to the nearest foot shall be shown. All existing improvements including pavement, buildings, utilities, fences and drainage facilities in or immediately adjacent to the proposed new subdivision shall be shown and dimensioned. The water's edge of lakes, streams, rivers and other water bodies, and their flood plane limits, shall be shown. Existing surface, aerial and underground utilities shall be shown. Lot sizes shall conform to the properties' zoning classification.

(Ord. No. 92-02, § 1(11-20), 4-30-1992)

Sec. 130-74. Submittal.

Two prints of the preliminary ~~plan~~ plat shall be submitted to the ~~city clerk~~ development services director for review by the city engineer, at least two weeks prior to each regular meeting of the city commission. ~~If CAD was utilized in the preparation of such plans, then a computer disc~~ , along with an electronic CAD file ~~copy~~ of the preliminary ~~plan~~ plat ~~will also be submitted~~. The ~~clerk~~ development services department shall stamp each print with the date of receipt. The submittal must be accompanied by a fully completed application form (Form F-1) and a check payable to the City of Belleview, in an amount to be established by adopted resolution of the city commission as a fee for processing. The fee will include subsequent processing of the ~~improvement~~ construction plan if submitted. No refund will be made for withdrawn or disapproved plans or for discontinued projects. The fee shall include the processing of resubmittals, if any. One print shall be returned to the project surveyor with the notation "approved," "approved as noted" or "not approved."

(Ord. No. 92-02, § 1(11-21), 4-30-1992)

Sec. 130-75. Variance request.

A preliminary ~~plan~~ plat examined by the city engineer will not be approved if found to violate the requirements of this chapter unless the developer indicates that a variance by the commission is to be requested. In this event the developer, or his authorized agent, shall appear before the commission to request the variance be granted for the nonconforming conditions. Plans shall not be approved if found in violation of the city's zoning ordinance. All proposed variances shall be clearly identified on the preliminary plat or master plan, as applicable.

(Ord. No. 92-02, § 1(11-22), 4-30-1992)

Sec. 130-76. Expiration.

A preliminary plat shall expire two years following approval by the commission unless construction plan approval is granted in accordance with division 4 of this article. The developer may request an extension of the preliminary plat by the commission upon demonstration that the developer is actively seeking development plan approval.

Sec. 130-76. Central waste and sewer system plans.

(a) *Generally.* Two sets of water and sewer system plans along with specifications, meeting Belleview Design and Specification Manual standards, and the required state department of environmental protection application forms shall be submitted to the city clerk for review and approval by the city engineer and the public works director following approval of the preliminary plan plat.

(b) *Preparation.* Preparation of the plans shall conform to the requirements of the state department of environmental protection. All sheets shall be of 24-inch by 36-inch sheet sizes of sufficient detail to show the master plan, plan and profile, and system details. All plans must be signed and sealed by the designing engineer.

(c) *Approval.* After review, one set of plans shall be returned to the designing engineer marked "approved," "approved as noted," or "not approved." Those plans marked "approved" or "approved as noted" shall be returned with the applications properly signed by the city.

(Ord. No. 92-02, § 1(11-23), 4-30-1992)

Sec. 130-77. Paving and drainage plans.

(a) *General.* Two sets of paving and drainage plans along with specifications shall be submitted to the city clerk for review and approval by the city engineer and the city utility director following approval of the preliminary plan plat.

(b) *Preparation.* Preparation of the plans shall be on 24-inch by 36-inch sheet sizes of sufficient detail to show the master stormwater drainage system, plan and profile, and detail sheets. If to sufficient scale, the plan and profile sheets may show pavement, drainage, water and sewer.

(c) *Certification.* The designing engineer shall place on the front sheet of the improvement plan the following certification and sign and seal such certification:

I, _____, do hereby certify that this plan was prepared under my supervision; the drainage facilities have been sufficiently sized to retain[1] a 6.9-inch rainfall runoff after this project is constructed; based on current SCS TR55 criteria, the basin shall drain within seven calendar days; and I shall make a final inspection of the constructed facility for compliance with this plan and defend this plan against any damage that may occur as a result of the construction as shown hereon.

	Florida Registered Engineer No._____

[1] To retain means to provide sufficient volume in the basin for the 6.9-inch rainfall event from this project with discharge only by percolation.

(d) *Approval.* After review, one set of plans shall be returned to the designing engineer marked "approved," "approved as noted," or "not approved." Those plans marked "approved" shall only imply as to meeting the intent and requirements of this chapter. The city assumes no liability as to the adequacy of the drainage facilities.

(Ord. No. 92-02, § 1(11-24), 4-30-1992)

Secs. 130-78—130-100. Reserved.

DIVISION 4. CONSTRUCTION PLAN

Sec. 130-77. Applicability.

Construction Plans shall be submitted for construction, including but not limited to public or private roads, road modifications, traffic signal installations/modifications, offsite road improvements, and other offsite linear type construction such as utility and stormwater installations. All public or private road improvements shall comply with this code. Offsite improvements and traffic signal installations/modifications shall be submitted as a separate application.

Sec. 130-78. Submittal requirements.

(a) Construction Plan applications shall be submitted to the development services department.

(b) A fee in the amount established by resolution of the City Commission shall accompany the application.

(c) Development Review Plan Application available at the development services department.

(d) Easement requirements of each utility shall be indicated by the utility on a copy of the Preliminary Plat or by letter.

(e) A copy of the vertical and horizontal control notes shall be submitted to the public works director for review.

(f) Show connections to other phases.

(g) Show buffering and landscaping.

(h) The construction plans shall show all required improvements proposed to be constructed including all public and private utilities.

(i) The data block on the front page of the plan shall also include the design speed, functional classification, and roads status whether private or public.

Sec. 130-79. Review and approval procedures.

(a) An inspection fee based on the miles of roadway to be reviewed shall be paid prior to plan approval. The fee shall be the amount established by resolution of the City Commission. The fee schedule is available at the development services department.

(b) The public works director shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.

(c) For public road subdivisions, notice of compliance or exemption from the water management district regulations must be received prior to commencement of construction.

(d) Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County do not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.

(e) A public works approved authorization shall be issued by the development services department at the time of plan approval or prior to commencing construction in the case of offsite improvements.

(f) One approved plan shall be returned to the applicant.

Sec. 130-80. Construction, completion and close out.

(a) Construction Plans shall be valid for three years with a one-time extension of two years if requested by the applicant in writing prior to expiration and approved by the commission. The extension shall be subject to review of and compliance with code changes since the original approval.

(b) Pre-Construction Conference.

(1) A pre-construction conference shall be scheduled by the public works director for offsite improvements or utilities.

(2) Maintenance of Traffic plans for offsite improvements and signal installation shall be submitted at the pre-construction conference to be approved by the public works director.

(3) Applicant shall notify the public works director of onsite improvement work 72 hours prior to commencing construction.

(c) All subdivision improvements shall be constructed in accordance with approved plans and shall conform to regulations and specifications in effect on the date of approval of the construction plans.

(d) If improvements are not completed, an Improvement Agreement containing the estimate of cost of remaining subdivision improvements as shown on the approved Construction Plans shall be provided. The Improvement Agreement form is available at the public works department. A security, limited to an irrevocable letter of credit or bond only, shall be provided in the amount of 125 percent of the estimated cost of remaining improvements as well as a partial As-Built/Record Survey. The Improvement Agreement shall be approved by the commission.

(e) If an applicant desires to construct up to five model homes, or similar type features, prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:

(1) Approval of the Preliminary Plat and Construction Plans;

(2) The development being served by a central sewer and central water system;

(3) The Final Plat has been submitted for review including cost estimate with appropriate assurance for subdivision improvements if incomplete;

(4) No more than five percent of the total number of building lots, not to exceed 50 building permits; and

(5) Approval by the City Commission.

(f) As-Built Submittal.

(1) Two sets of As-Built/Record Survey signed and sealed by a Florida Licensed Professional Surveyor and Mapper meeting standards set forth in Ch. 5J-17 FAC shall be submitted prior to final inspection along with a digital version of the survey in a format pre-approved by the public works director. The engineer of record for the project needs to review as-builts, sign and seal compliance with the permitted plans.

(2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.

(3) Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the public works director and submit a request for final inspection with a certification of final completion. The certification form is available at the public works department. After all work is completed, inspected, and accepted by the City, a letter of completion will be issued to the applicant.

(g) For public road subdivisions, the applicant is required to provide for the inspection of the surface water management system by a Florida Registered Professional Engineer to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The City shall be

copied on all inspection reports required by the governing Water Management District permit for operation and maintenance.

(h) For public road subdivisions, a maintenance agreement with a security limited to an irrevocable letter of credit or bond only in the amount of twenty percent of the original construction cost of subdivision improvements shown on the approved Construction Plans. The maintenance agreement form is available at the public works department. Subdivision improvements shall be maintained by the Developer for a minimum period of two years from the date of construction completion acknowledged by the public works director and 60 percent occupancy. The letter of credit or bond shall be released upon acceptance of the constructed improvements for maintenance by the City.

(i) For public road subdivisions, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, upon review and approval by the City.

(j) For private road subdivisions, a development agreement shall be submitted specifying maintenance responsibilities and the name of the entity responsible for such maintenance with the appropriate legal documents.

Sec. 130-81 – 130-100. Reserved

DIVISION ~~3~~ 5. FINAL PLAT[17]

Sec. 130-101. Generally.

Final plats, in addition to the requirements of this division, shall be prepared in accordance with F.S. ch. 177.

(Ord. No. 92-02, § 1(11-25(A)), 4-30-1992)

Sec. 130-102. Preparation.

Trimline sheet size for the final plat shall be 24 inches by 36 inches. A one-inch margin shall be provided on all sides of the drawing except for the left binding side where a three-inch margin shall be provided. The required acknowledgments and dedications, notifications, notes and declarations shall be on the first sheet and extended to following sheets, if necessary. North orientation shall be toward the top of each sheet. Lettering shall read from the bottom of the sheet or the right side of the sheet. No letter or number shall be less than one-eighth of an inch in height and stroke for letters shall be bold enough so as to be clearly legible after reduction. Centerlines of rights-of-way shall be noted as such and right-of-way width on each side of the centerline shall be shown. Scale shall not be smaller than one inch = 100 feet.

(Ord. No. 92-02, § 1(11-25(B)), 4-30-1992)

[17]State law reference(s)—Plats made for recording, F.S. § 177.091.

Sec. 130-103. Content and purpose.

The final plan is for the purpose of providing a perpetual record of the manner of subdivision of the land with absolute reference to parcel designation, dimensions, bearings, reference marks and all data necessary for positive identification of parcels and retracement of lines without either being subject to interpretation or dispute. The final plat shall conform to the approved preliminary dimensions and alignment resulting from the more exact final computations and plotting will be permitted.

(Ord. No. 92-02, § 1(11-25(C)), 4-30-1992)

Sec. 130-104. Submittal.

(a) After completion of all construction of the subdivision improvements, the final plat may be presented to the ~~city clerk~~ development services director for review. If CAD was utilized in the preparation of the plat, ~~a computer disc~~ an electronic copy of the final plat will also be submitted. The project surveyor shall present two mylar prints of the final plat along with the project engineer's letter of certification, as-built drawings, an attorney's opinion of title or title company certificate, and two completed executed maintenance agreements (Form F-2) and/or developer's agreement. The plats must be completed, signed and notarized with all appropriate seals affixed. ~~Within two weeks after submittal, one~~ One print of the plat will be returned to the project surveyor for final corrections and the developer, or his designated agent, may schedule an appearance before the city commission for acceptance and signatures.

(b) After acceptance by the city commission, as acknowledged by the signature of the mayor-commissioner and attested to by the ~~city clerk~~ development services director, the original plat will be returned to the developer for recording in the public records of the county. After recording, the developer shall be responsible for returning ~~three prints~~ one print to the city. The plat shall be recorded by the developer within 45 days following acceptance by the commission unless an extension is granted by the commission.

(Ord. No. 92-02, § 1(11-25(D)), 4-30-1992)

Sec. 130-105. Subdivision maintenance.

(a) *Generally.* After all improvements have been completed and are accepted by the city, the developer shall enter into a maintenance agreement (Form F-2) and/or developer's agreement stating the maintenance responsibilities of the improvements.

(b) *Maintenance responsibility.* Maintenance responsibility shall be the developer's for a minimum period of ~~one~~ two years from the date of construction completion acknowledged by the public works director and 60 percent occupancy after acceptance of the improvements and recording of the record plat. After the one-year period, the city shall inspect the subdivision and if any damages or repairs are required shall state in writing to the developer the correction required. After the repairs, the city shall assume the maintenance responsibility.

(Ord. No. 92-02, § 1(11-26), 4-30-1992)

Secs. 130-106—130-140. Reserved.

~~ARTICLE III. STANDARD FORMS~~

Sec. 130-141. Use; requirements.

Standard forms as included and identified in this section as Forms F-1 through F-3 are to be used exclusively for the uses and purposes intended. No other types of submittals will be accepted. Forms submitted must be fully and properly executed using ink or typewriter. Correct signatures and seals must appear on legal agreements and forms.

(Ord. No. 92-02, § 1(11-27), 4-30-1992)

FORM F-1
APPLICATION FOR PRELIMINARY PLAN APPROVAL

(1)	Name of Subdivision
(2)	Description of Land
(3)	Developer
	Address
	Telephone
(4)	Designer
	Address
	Telephone
(5)	Approximate area of subdivision _____ acres.
(6)	Total number of lots or parcels _____.
(7)	Approximate size of lots _____ × _____ or _____ acres.
(8)	Subdivision developments intended

	YES	NO
Central water	_____	_____
Central sewer	_____	_____
Underground power	_____	_____
Overhead power	_____	_____
Curb and gutter roads	_____	_____
Scaled roads	_____	_____

(9)	Variances that will be requested from ordinance
(a)	
(b)	
(c)	
(d)	
	Signed _____
	Professional _____ No. _____
	State of Florida

FORM F-2
MAINTENANCE AGREEMENT

THIS agreement made and entered into this _____ day of _____, 20___, between _____, hereafter referred to as "developer," and the city commission of the City of Belleview, a municipal corporation, under the laws of the State of Florida, hereinafter referred to as "city."

WITNESSETH

WHEREAS, developer has heretofore filed a request for approval of subdivision improvements within _____ hereinafter called the "subdivision"; and

WHEREAS, all supporting certified test results and letter of certification have been received and approved by the city engineer; and

WHEREAS, as a condition precedent to the acceptance of the improvements by the city, the city requires that the subdivision improvements be maintained by the developer for a continuous period of one year beginning with the date of said acceptance; and

WHEREAS, developer has agreed to maintain stated improvements in _____ subdivision for the one year period aforesaid; and

WHEREAS, the parties hereto agree that maintenance shall consist of the continual cleaning, mowing, repairing and replacing of the subdivision improvements to a neat, functional and safe condition excepting only that deterioration which can be expected to result from normal service.

NOW THEREFORE, the parties, for the purposes herein promise, agree and covenant as follows:

(1) The city hereby approves the construction of the subdivision improvements within _____ subdivision.

(2) The developer hereby covenants and agrees:

a. That he will continuously maintain and repair all such improvements at his expense for a period of one year after completion and approval by city.

b. After the one-year maintenance period, all such improvements within the subdivision and the maintenance thereof by the developer shall be deemed accepted by the city unless the developer is notified in writing prior to the 12 months after the date of this agreement.

(3) The city covenants and agrees:

a. Upon approval of the subdivision improvements, the city will: (1) authorize the issuance of building permits for construction, (2) permit connections to the city water and sewer lines, (3) authorize the protection and enforcement of city regulations, and (4) provide all other municipal services allowed by the city Charter.

b. After maintenance and repair of all such improvements for a period of one year by the developer, the city shall inspect the improvements and, if approved, shall continually maintain the improvements within the subdivision.

(4) Nothing in this agreement shall supersede or take precedence over any existing ordinances, regulations or codes of the city.

(5) In the event the developer shall default in the performance of or fail to perform the obligations of this agreement and the city is required to take action or assume the maintenance responsibility, the city shall be entitled to recover all damages, costs and legal expenses incurred or suffered by the city, including a reasonable attorney's fee by reason of the said default.

(6) This agreement shall be binding upon and insure to the benefit of the respective parties hereto, their successors and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals and executed this agreement on the day and year first above mentioned.

	DEVELOPER
Witness _____	
Witness _____	
	CITY
	Mayor-Commissioner, City of Belleview
Attest _____	

FORM F-3
CERTIFICATION OF SUBDIVISION IMPROVEMENTS

City Commission
City of Belleview
5343 S.E. Abshier Boulevard
Belleview, Florida 32620

Ref: Certification of Subdivision Improvements
_ _

Gentlemen:

I hereby certify to the city commission of the City of Belleview, that I have inspected the improvements in the above-referenced subdivision and I have found all improvements have been completed in compliance with the approved plans and all approved amendments thereto.

I further certify that I have examined the results of all required quality control tests made by an independent testing laboratory and all construction meets the requirements of the subdivision ordinance. Copies of these tests are attached.

I also certify that I have examined the construction of all drainage facilities and these facilities are in compliance with the approved plans.

	By Registered Engineer No._____

Chapter 134 ZONING[18]

[18]Cross reference(s)—Any ordinance pertaining to zoning map amendments and rezoning saved from repeal, § 1-9(12); restricting locations of alcoholic beverage businesses, § 10-1; location of church or school near established alcoholic beverage business not to render business nonconforming, § 10-2; responsibilities of the zoning department, § 14-61; review of decisions by the zoning department, § 14-62; internet cafes, § 14-519; ch. 22; swimming pools, § 22-50 et seq.; environment, ch. 38; special assessments, ch. 70; streets, sidewalks and other public places, ch. 74; vegetation, ch. 90; environmental protection, ch. 106; floods, ch. 110; planning, ch. 122; signs, ch. 126; subdivisions, ch. 130.

ARTICLE I. IN GENERAL

Sec. 134-1. Title of chapter.

The rules and regulations of this chapter shall be known and cited as the "zoning code."

(Ord. No. 92-02, § 1(art. 1), 4-30-1992)

Sec. 134-2. Scope of chapter.

No building, structure or land within the corporate limits of the city shall hereafter be used or occupied, and no building, structure or part of such shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in full conformity with the regulations specified in the zoning code.

(Ord. No. 92-02, § 1(15-24), 4-30-1992)

Sec. 134-3. Provisions of zoning regulations declared to be minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other ordinance, the most restrictive or that imposing the highest standards shall govern, unless otherwise specifically provided.

(Ord. No. 92-02, § 1(15-8), 4-30-1992)

Sec. 134-4. Exemptions.

Essential services shall be permitted as authorized and regulated by law; it being the intention of this section to exempt such essential services from the application of the zoning code. This exemption shall apply to power lines, telephone lines, water lines, sewer lines and gas lines only.

(Ord. No. 92-02, § 1(15-39), 4-30-1992)

~~Sec. 134-5. Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Abatement device* means a device used to reduce emissions of air pollutants to the ambient air.~~

~~*Accessory building or structure* means a subordinate building or structure on the same tract with or a part of the main building which is occupied by or devoted to an accessory use.~~

~~*Accessory use and structures* means a use naturally and customarily incidental to, subordinate to and subservient to the main use of the premises. This definition shall include water treatment plants or sewage treatment plants used exclusively for one tract, development or planned development project required by a governmental agency having jurisdiction.~~

Accessway means a private traffic-carrying way set aside for vehicular traffic primarily serving only one premises or planned development project, including private driveways, entrances or exitways and similar private vehicular access, located on the parcel served thereby.

Adult arcade shall have the same meaning as defined in section 14-37.

Adult bookstore shall have the same meaning as defined in section 14-37.

Adult booth shall have the same meaning as defined in section 14-37.

Adult cabaret shall have the same meaning as defined in section 14-37.

Adult material shall have the same meaning as defined in section 14-37.

Adult photographic studio shall have the same meaning as defined in section 14-37.

Adult physical culture establishment shall have the same meaning as defined in section 14-37.

Adult theater shall have the same meaning as defined in section 14-37.

Adult use establishment shall have the same meaning as defined in section 14-37.

Alcoholic beverage establishment shall have the same meaning as defined in section 14-37.

Alloy means a solid or molten mixture of two or more metals, or of one or more metals and nonmetallic elements. Examples of alloys include steel, brass, and bronze.

Animal specialty farm means a premises or portion of a premises on which a specified number of specialty animals, reptiles or birds are raised for personal use or for the purpose of fur, feathers, skin or laboratory use. The term "rare animals" means species not native to North America and any other dangerous animals and reptiles.

Apartment house. See *Multiple dwelling.*

Automobile wrecking means the dismantling and disassembling of two or more used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. See *Junkyard.*

Bar and *saloon* mean any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages; or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Board of adjustment means an appointed, quasijudicial body which hears and decides requests for special exceptions, which hears and decided requests for variances and which hears and decides appeals to decisions of the zoning administrator. (See article II of this chapter.)

Boardinghouse. See *Lodginghouse.*

Boatyards and ways means a premises or portion of a premises where facilities for the construction, reconstruction, major repair, maintenance and/or sale of boats, marine engines, equipment and services of all kinds are provided, including marine railways, lifting or launching services and marinas.

Bottle club means any premises in which any alcoholic beverage is received or kept or to which any such beverage is brought for consumption on such premises by any person for a consideration.

Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition shall include tents, awnings or vehicles situated on private property and serving in any way the function of a building. The word "building" shall include the word "structure." See *Structure.*

Building permit means a valid permit issued by appropriate authority under the provisions of the standard building code.

Cabana means a structure to be used for residential purposes constructed as an addition to a mobile home.

Capacity means the maximum lawful level of designed use of any structure or part thereof as determined by the city's adopted building code and expressed in terms of occupants, seats, persons, employees or other units specified by such building code.

Carport means a private garage not completely enclosed by walls and doors.

Change of occupancy means a discontinuance of an existing use and substitution therefor of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Church means a permanent building used as a place of assembly for religious worship or services.

Clean aluminum means aluminum that contains less than 0.004 percent cadmium and 0.002 percent arsenic.

Club, private, means those associations and organizations of a fraternal or social character not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs or other institutions operated as a business. See *Nightclub*.

Commercial vehicle means any vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats. See section 118-31 of this Code.

Common wall means a solid wall in a single, vertical plane joining two dwelling units but completely separating such units.

Completely enclosed building means a building separated on all sides from adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Compound use means the use of any land or building in a particular zoning district for both a residential use and nonresidential use permitted in such district, either of which may be the principal use.

Comprehensive plan means the city comprehensive plan as amended and adopted pursuant to F.S. ch. 163.

Convalescent homes means a building or its portion wherein, for compensation, living accommodations and care are provided for persons suffering from illness, other than contagious, which is not of sufficient severity to require hospitalization; or for persons requiring further institutional care after being discharged from a hospital.

Coverage means that percentage of the tract area covered or occupied by buildings, roofed portions of structure or site improvements.

Department shall have the same meaning as defined in section 14-37.

Deteriorating means structures that need more repair than can be provided in the normal course of maintenance and possess defects of an intermediate nature which, if left unattended, could lead to serious structural damage.

Development means the erection, construction or placement of any building on any land; the alteration, replacement or reconstruction of any structural part of any building on any land; the addition to any principal or accessory residential, office, business, industrial or public use; and any change of use.

Dilapidated means structures in a state of decay, or those that have fallen into partial ruin through neglect or misuse which are unsafe, unsanitary or which constitute a fire hazard or are otherwise dangerous to human life.

District means an area of the city designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this chapter.

Dormitory means a dwelling used or intended to be used for the furnishing of sleeping accommodations for pay to transient or permanent guests and in which more than 1,500 square feet of floor area are used or intended to be used for such purpose. Meals or housekeeping facilities may also be provided to such guests or tenants, but no dormitory shall maintain an eating or drinking place open to the public in the same building or in any building in connection therewith.

Drive-in restaurant and *refreshment stand* mean any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles.

Driveway means a private road connecting a house, garage or other building with the street, including the designated access point at the intersection of the street pavement, or, if the street is not paved, with the edge of the right-of-way.

Due public notice means publication of notice of the time, place and purpose of such hearing in accordance with F.S. § 166.041(3) or amendment thereto. The advertisement shall contain a location map. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. In addition, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of each owner of property within 300 feet of the subject property, 30 days prior to the public hearings. Such notices shall also be posted in a conspicuous place on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Proof of the required publication, mailing and posting shall be maintained by the zoning director.

State law reference(s)—Procedures for adoption of ordinances, F.S. § 166.041.

Duplex. See *Dwelling, two-family.*

Dwelling means any building or its part, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking facilities.

(1) *Dwelling, one-family.* A dwelling occupied not otherwise than by one family.

(2) *Dwelling, two-family.* A building occupied by two dwellings with separate cooking facilities; also known as a duplex unit.

(3) *Dwelling, multiple.* A space, area or portion of a building designed for and occupied by more than two dwellings with cooking facilities for the exclusive use of each dwelling.

(4) *Dwelling, group.* A building or its part in which several unrelated persons or families permanently reside, but in which individual cooking facilities are not provided for the persons or families. Group dwelling may include a roominghouse, fraternity house, sorority house, convent, monastery or private club in which one or more members have a permanent residence. Group dwelling shall not be deemed to include a hotel, motel, tourist home or trailer camp.

Dwelling unit means a room or rooms in a dwelling, other than a roominghouse or dormitory, comprising the essential elements of a single housekeeping unit. Although a dwelling unit need not contain facilities for the storage, keeping and preparation of food for consumption within the premises, each area which has separate facilities for such use shall be considered as a separate dwelling unit.

Emission collection system means equipment that is installed for the purpose of directing, taking in, confining, and conveying emissions.

Engineer means a professional person licensed by the state to practice in the state, the county and the city.

Erected means built, constructed, reconstructed, moved upon or any physical operation on the premises required for building, excavations, fill, drainage and the like shall be considered a part of erection.

Essential services means those services which normally must be provided to the public or to a principal use in order for the use to function properly, including only the following services: power lines, telephone lines, water lines and sewer lines.

Family means one person or a group of two or more persons living together and interrelated by bonds of blood, marriage or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

Feedlot means any area in which livestock are maintained within a structure, pen or corral in close quarters for the purpose of fattening such livestock for the final shipment to market.

Floor-area ratio means the extent of development of any lot expressed as a ratio of the gross floor area of all buildings on a lot to the total lot area.

Fluff means the material that remains after scrapped items, such as computers, appliances, and electronics are recycled for their metal content, and is a mixture containing scrap metals and nonmetallic materials including, but not limited to, plastics, vinyl, sponge, foam, leather, textiles, rubber and glass.

Forging operations means the operation of an oven to heat treat metals, including annealing, tempering, quenching, and shaping; metal management, welding, grinding, and finishing.

Foster child means any dependent child placed in a home by a state agency or by a state-licensed, private child-placing agency.

Foster home means a dwelling occupied by parents licensed by the state to care for a maximum of three foster children in such dwelling; provided, however, that more than three foster children are permitted in one foster home when such foster children are all related to each other by blood.

Foundry operations means the operation of a furnace in which scrap metal, ingots, and/or other forms of metal is charged, melted, and tapped; the casting of metal parts; the cooling and shake-out of the cast metal parts; mold and core making; grinding and finishing of the cast metal part; metal management and sand reclamation.

Frontage of a building means the side or wall of a building approximately parallel and nearest to a street. When on a corner, the frontage of a building shall be determined by the applicant.

Furnace. For the purposes of this section, a device used to remelt metal. Types of furnaces include, but are not limited to, cupola, electric arc, sweat, and reverberator furnaces.

Garage apartment means a dwelling unit erected in a garage in a residential district.

Garage, private, means an accessory structure designed or used for the inside parking of self-propelled private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main use. An unattached private garage is to be considered as an accessory building.

Government agency means the United States, any other country, the State of Florida, any other state, the County of Marion, any other county, the City of Belleview, any other municipality, any special district and any agency, board, commission, authority or political subdivision.

Gross floor area means the sum of the horizontal areas of the floors of a building on a given land area, measured from the exterior facade of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven feet, floors of interior balconies or mezzanines and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios and porches.

Group housing means two or more buildings for dwelling purposes, erected or placed on the same tract. See subsection 134-244(c) and section 134-651.

Guesthouse means a dwelling unit in a building separate from and in addition to the main residential building on a tract, intended for intermittent or transient occupancy by a gratuitous guest.

Hazardous use means a use which is identified in the text of this chapter, including any schedule, as being hazardous and subject to the hazardous use regulations.

Height of building means the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deckline for a mansard roof and the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Home occupation means an occupation or activity which may be compatible, conducted and maintained within a dwelling unit. Such activity shall be incidental to the principal residential use of the premises. See section 134-541.

Horse farming means the breeding, training, preparation, care, maintenance and treatment of horses which are used for commercial breeding and sale purposes, or which are used for participating in racing, showing and other related sporting or entertainment events.

Hotel means a building or its part in which sleeping accommodations are offered to the public with no cooking facilities for use by the occupants and in which there may be a public dining room for the convenience of the guests. Access to the sleeping rooms shall be through an inside lobby or office.

Intensity of development means the extent of development of any land expressed as residential density or floor area ratio.

Junkyard means a place, structure or tract where junk, waste, discarded, salvaged or similar materials, such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumberyards, house wrecking yards and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops, clothing, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances, nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations. See section 134-561.

Kennel means any place or premises where four or more dogs over four months of age and/or other specialty animals are kept for pay.

Land means and includes water surface and land under water.

Livestock means any domesticated quadrupeds held as property, raised for personal use or raised for the production of livestock and livestock products for sale. The term "livestock" includes the boarding, breeding, training, exercising, care and treatment of horses on the premises and the accessory facilities and structures designed for such purposes.

Living area means that portion of the total area of a residence which is suitable for yearround use as living quarters, including fully enclosed porches and breezeways, but excluding enclosed garages, screened porches (without any windows or sidings) and carports.

Lodginghouse means a building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests but which may or may not provide meals for guests and which also may serve as the residence of the operator.

Lot means a parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded or registered in the files of the clerk of the county court.

Lot area means the total horizontal area included within lot lines.

Lot coverage means the ratio of the total area of all impervious surfaces (those incapable of being permeated as by moisture) on a lot to the total lot area.

Lot depth means the mean horizontal distance between the front and rear lot line.

Lot lines means the property boundary as provided by a legal description:

(1) *Front lot line.* That property line which abuts a public street. If the lot abuts on two or more streets, the front lot line shall be that property line abutting a street which has been so designated by the owner at the time of an application for a certificate of zoning compliance, provided that such a lot is not thereby made nonconforming.

(2) *Side lot line.* Any property line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(3) *Rear lot line.* That property line which is most distant from and is or is most nearly parallel to the front lot line.

Lot width means the shortest horizontal distance between side lot lines measured along any line which intersects the minimum required front yard setback line.

Metal. For the purposes of this section, metals include ferrous (iron-based) metals and alloys and nonferrous (non-iron-based) metals and alloys. Examples of metals include iron, steel, and other iron-based alloys; aluminum, copper, brass, bronze, gold, silver, zinc, tin, lead, platinum, nickel, chromium, cadmium, manganese, mercury, tungsten, and titanium and their alloys.

Metal management means the transport, receipt, collection, sorting, segregation, separation, compilation, crushing, shredding, and storage of metals, metal-containing materials and nonmetallic materials.

Metal melting and processing facility means any real property or structure that is used for melting metal or metallic alloys in a furnace; heat treating metals or metallic alloys at temperatures within 80 percent on an absolute temperature basis of the melting point of the metal or alloy; or receiving, sorting, segregating, recycling or reselling scrap metal. Metal melting and processing facilities include foundries, forges, and die casting facilities, and scrap metal recycling facilities.

Metal melting and processing operations means any of the following operations at metal melting and processing facilities: Foundry operations, forging operations, smelting operations, small scale metal melting operations.

Metal recycling operations means the receipt and storage of unprocessed metal and mixed materials; segregation and separation of metals from nonmetallic material; metal crushing and shredding; finished processed metal storage; waste material treatment and storage; treatment, transfer, and delivery of processed recycled metals for further use, and process waste handling and disposal.

Mini-warehouse (self-service storage facility) means a building consisting of individual small, self-contained units that are leased or owned for the storage of household goods, business goods, or contractor supplies.

Mobile home means a structure, transportable in one or more sections, which is eight feet or more in width or over 29 feet in length and which is built on an integral chassis and is designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile home park means a place set aside and offered by any person, firm, corporation, municipality or other public body where single-family mobile home residences are allowed and where premises are leased or owned by an occupant.

Mobile home rental park means a place set aside and offered by a person, firm, corporation, municipality or other public body where two or more mobile homes are offered for rent, or two or more spaces are offered for living or sleeping purposes.

Mobile home subdivision means an area designated for the sale of individual lots for the use by the owners of both the mobile homes as defined in this section and the lots; such lots having been created by the division of a parcel of land into two or more plats according to a subdivision plat approved by the city commission and located within a zoning district which allows the use of a mobile home as either a permitted use or as a special exception.

Modular home means a manufactured building pursuant to F.S. ch. 553. A closed structure, building assembly or system of subassemblies which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building for residential use. A modular home may not include:

(1) Any structure not approved by the department of community affairs.

(2) A mobile home which has had its integral chassis removed.

Motel means a building or its part in which sleeping and/or living accommodations are offered to the public primarily on a shortterm or transient basis with access to the individual units from the exterior of the building and parking facilities for the use of guests near their quarters.

Multiple-family use means more than one single-family or duplex dwelling unit on a lot or on any tract of land under unified control by a person.

Nightclub means a restaurant, dining room, bar or other similar establishment providing food or refreshments wherein paid floor shows or other forms of paid entertainment are provided.

Nonconforming lot means any lot which does not meet the requirements for minimum lot area, lot depth or lot width for any use for the district in which such lot is located.

Nonconforming structures means a structure or portion thereof, existing at the effective date of Ordinance No. 92-02, or any amendment thereto, which was occupied, designed, erected, intended or structurally altered for a use not permitted at its location by the provisions of this chapter for a new use and/or which does not conform to all of the regulations applicable to the district in which it is located. See article VI of this chapter.

Nonconforming use means the use of a structure or premises, existing at the effective date of Ordinance No. 92-02, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located. See article VI of this chapter.

Nursing home. See *Convalescent home.*

Nursery school means a place for the day care and/or instruction of six or more children not remaining overnight and not related by blood or marriage to the operator. The term "nursery school" includes group day care homes and child care facilities but not family day care home.

Occupied means arranged, designed, built, altered, converted to, rented or leased or intended to be occupied.

Own means to hold the legal or equitable title to a tract of real property evidenced by instrument of lawful conveyance.

Owner means the person, firm, trust or corporation that holds the legal or equitable title to a tract of real property as evidenced by an instrument of lawful conveyance.

Package store means a place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

Park/open space area shall have the same meaning as defined in section 14-37.

Parking means the temporary, transient storage of private passenger motor vehicles used for personal transportation while their operators engaged in other activities. It shall not include the storage of new or used cars for sale, service, rental or any other purpose other than specified above. See chapter 118.

Parking space means an area adjacent to a driveway or other vehicular access designed to be used for the parking of a motor vehicle.

Pet, household, means an accessory use permitted in all zones. Household pets shall not be considered to include poultry, cattle, horses, ponies, pigs, lambs, sheep, goats or other animals normally raised for food; and all such animals are specifically prohibited in residential zones.

Planning and zoning board means an appointed, quasijudicial body which hears and decides requests for special exceptions, which hears and decided requests for variances and which hears and decides appeals to decisions of the zoning administrator. (See article II of this chapter.)

Porch means a roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than the exterior walls of such building. Open-mesh screening shall not be considered an enclosure.

Poultry means any chickens, pigeons, turkeys, ducks, geese or guinea fowls.

Poultry market means a commercial establishment or place where live poultry or fowls are kept and prepared for sale, including killing or cleaning.

Principal structure means a structure in which is conducted the principal use of the lot on which it is situated, including any attached carport, shed, garage or any other structure which is a part of the principal building and structurally dependent, totally or in part, on the principal building. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which the dwelling is situated.

Principal use means the use which constitutes the primary activity, function or purpose to which a parcel of land or building is put.

Public and semipublic buildings or uses. See section 134-517.

Recreation units means those units described as follows which are less than eight feet in width with a maximum length of living space not to exceed 35 feet:

(1) *Pickup coach.* A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(2) *Motor home.* A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(3) *Camping trailer.* A canvas or other collapsible, folding structure mounted on wheels and designed for travel, recreation and vacation use.

(4) *Auto camper.* A lightweight, collapsible unit that is transported on an automobile or other vehicle and designed for travel, recreation and vacation uses.

(5) *Other travel units.* Other units designed for travel, recreational and vacation uses not specifically described above.

These units may be parked or stored in any zone on property owned by the persons holding the legal title to such recreation unit, provided that such unit is not parked or stored within eight feet of any adjacent property line or in the minimum front yard requirements and is not occupied or connected to existing utilities.

Remodeling, redecorating or *refinishing* means any change, removal, replacement or addition to walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

Restaurant means a building or room, not operated as a dining room in connection with a hotel, where food is prepared and served for pay for consumption on the premises.

Retaining wall means a constructed wall or barrier used to support or hold in place a mass of earth.

Road. See *Street.*

Room means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and service porches.

Roominghouse. See *Lodginghouse.*

Sanitarium. See *Convalescent home.*

Scrap metal means leftover, unused, discarded, dismantled, demolished, or damaged metal products collected for reuse or recycling. Examples of scrap metal include, but are not limited to, engine blocks, wheels, automobile parts, frames, cans, electronics, consumer products, wiring, construction excess, tools, and furniture.

Service building means a building housing separate toilet and bathing facilities for men and women and also having laundry facilities and slopwater sinks.

Setback means the minimum distance between the street line or base building line and the front line or side line of the building or any projection thereof, excluding projections specifically permitted. See Illustration 1 at the end of this chapter.

Sign. See *Street graphic.*

Site improvements means the development of pavement, earthwork, curb, curb and gutter, walkways, drainage facilities, and other improvements which could reasonably be expected to alter the surface stormwater runoff condition of any site.

Site plan means a plan indicating the permitted design and extent of development of a parcel of land approved under and pursuant to this chapter.

Small scale metal melting operations means metal melting operations which melt nonferrous metals such as: Aluminum, gold, lead, silver, sterling silver, tin or zinc; and which use a furnace to melt no more than five kilograms of metal or scrap metal at a time.

Smelting operations means the operation of a process to produce silver, iron, copper and other base metals from their ores.

Special exception means a use that would not be appropriate generally or without restriction through the particular zoning district or classification but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare. To be considered as a special exception, a proposed use must be approved in accordance with sections 134-201 or 134-202.

Specified anatomical area shall have the same meaning as defined in section 14-37.

Specified sexual activity shall have the same meaning as defined in section 14-37.

Stockyard means any area in which transient livestock are kept temporarily for slaughter, market or shipping.

Street means a means of right-of-way of for vehicular traffic, regardless of size or designation, but excluding accessways. The term "street" shall specifically include only the following rights-of-way:

(1) A right-of-way of the state highway system, the county road system or the city road system.

(2) An unabrogated right-of-way in a platted subdivision.

(3) A right-of-way conveyed to the board of county commissioners and/or the city commission by deed recorded in the office of the county clerk prior to June 15, 1970.

(4) A right-of-way established by maintenance under the provisions of F.S. § 95-361.

(5) A right-of-way, a deed for which is accepted by the vote of the board of county commissioners and/or the city commissioners and duly recorded in the office of the county clerk.

(6) An easement or right-of-way access, the location, dimensions and terminal points of which are defined in a judgement entered by a court of competent jurisdiction.

(7) A private easement or right-of-way serving more than one parcel or record, existing prior to June 15, 1970 and recognized as an existing road for purposes of administration of Chapter 70-803, Laws of Florida, 1970.

(8) A road existing prior to June 15, 1970, for which there is no formal right-of-way established of record but which was recognized as a prescriptive public easement for purposes of administration of Chapter 70-803, Laws of Florida, 1970, during the period subsequent to June 15, 1970, and prior to the adoption of this chapter.

a. By specific action of the board of county commissioners and/or the city commissioners reflected in the minutes of that board/commission; or

b. By action of the Marion County Building Official pursuant to authority delegated by the board of county commissioners and/or city commissioners.

(9) A street for which there is no formal right-of-way established prior to June 15, 1070. The recognition of such public easement as streets for purposes of this chapter shall require for the following:

a. Physical identification of said street on an aerial photograph of Marion County, Florida, taken prior to June 15, 1970, by the administrative official.

b. Two recordable affidavits, one of which shall be the person seeking recognition of the existence of the street, collectively containing the following information:

1. The location, width and terminal points of the street;

2. A description of all parcels through which the street passes, and the names and addresses of the owners of record of each such parcel and of the owners of record of any easements thereon;

3. The parcel or parcels served by the street for which land use permits and/or certificates of use will be requested;

4. A statement as to the length of time during which the street has been in continuous, open and notorious use as the sole access to the parcel or parcels for which land use permits and/or certificates of use would be requested based upon the existence of such street;

5. The affiant's age, the number of years the affiant has resided in Marion County and the affiant's current address.

Street graphic means any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe, trademark or combination of these which shall be so constructed, placed, attached, painted, erected, fastened or manufactured for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever which can be seen and deciphered from the right-of-way of a public street or highway, including graphics placed inside a window, but intended to attract the attention

of those outside in the public right-of-way, but not including inside graphics of one square foot or less which are located more than two feet from the window surface.

Structural alteration means any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Structure, principal means the building in which is conducted the principal use of the parcel in which it is situated.

Substandard lot means any nonconforming lot with less than 2,500 square feet of lot area or less than 25 feet of lot width.

Tent means any structure or enclosure the roof of which and/or ½ or more of the sides are of silk, cotton, canvas, fabric or a light material.

Time-share estate means any interest in a dwelling unit under which the exclusive right of use, ownership, possession or occupancy of the unit circulates among the various owners of time-share estates in such unit in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule.

Time-share unit means a dwelling unit in which time-share estates have been created.

Tourist camp or park means a tract of ground upon which three or more single-family camp cottages or tents are located and maintained for the accommodation of transients, whether or not a charge is made.

Tourist court means a group of attached or detached dwellings which are provided primarily for transient guests, including auto courts, motels and motel lodges.

Tourist home means a building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests with or without meals and which also serves as a residence of the operator.

Tract means land occupied or to be occupied by a building or use, and their accessory building and accessory uses, together with such yards and open spaces as are required by this chapter. A tract may consist of one or more or portions or a platted tract and/or unplatted land:

(1) *Tract, area.* The total area of land contained within the tract lines.

(2) *Tract, corner.* A tract of which at least two adjacent sides abut for their full length upon a street, provided that two sides intersect at an interior angle of not more than 135 degrees. Where a tract is on a curve if tangents through the intersection of the tract lines with the street lines make an interior angle of not more than 135 degrees, such a tract is a corner tract. In the case of a corner tract with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described. See the Schedule of District Regulations, section 134-245, and amendments thereto. Also see Illustration 2 at the end of this chapter.

(3) *Tract, double frontage.* A tract which either is located at the corner of two intersecting streets or which has two or more yards or property boundary lines which abut and are contiguous to a street right-of-way.

(4) *Tract depth.* The mean horizontal distance between the front and rear tract lines. See the Schedule of District Regulations, section 134-245.

(5) *Tract, interior.* A tract other than a corner tract with only one frontage on a street. See tracts marked B in Illustration 2 and the end of this chapter. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(6) *Tract line front.* The line dividing a tract from a street or base building line, whichever will result in a lesser depth of tract. On a corner tract, both street tract lines shall be considered to be front tract lines for the purpose of determining the required front yard depth. On through tracts, both front tract lines as above defined shall be considered to be front tract lines for the purpose of determining required yards. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(7) *Tract line, rear.* The tract line opposite and most distant from the front tract line. In the case of a triangular or gore-shaped tract wherein the two side tract lines converge in the rear, the rear tract line shall be considered to be a line ten feet in length within the tract parallel to and at the maximum distance from the front tract line. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(8) *Tract line, side.* Any tract line other than a front or rear tract line. A side tract line separating a tract from a street is called a side street tract line. A side tract line separating a tract from another tract or tracts is called an interior or side tract line. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(9) *Tract line, street or alley.* A tract line separating the tract from a street or alley. See the Schedule of District Regulations, section 134-235, and amendments thereto.

(10) *Tract of record.* A lot whose location and dimensions may be ascertained by reference to a plat duly recorded in the plat books in the office of the county clerk duly registered in that office under the provisions of Chapter 70-803, Laws of Florida, 1970, on the effective date of this chapter; or a tract, the location and dimensions of which are specifically described as a parcel in a deed, contract for deed or other instrument of lawful conveyance. See section 134-245.

(11) *Tract, reversed frontage.* A tract extending between and having frontage on a major traffic street and a minor traffic street and with no vehicular traffic from the major traffic street. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(12) *Tract, through.* A tract abutting on two streets, not at their intersection if any, which may be either a corner or interior lot. See tracts marked C in the Illustration 2 at the end of this chapter. See the Schedule of District Regulations, section 134-245, and amendments thereto.

Trailer. See mobile home, travel trailer or recreation unit.

Trailer park means an area set aside primarily for travel trailers, campers and other recreational vehicles, providing temporary water, sewer and electrical hookups for such vehicles.

Transmitter tower means a structure designed, constructed or used for the sole purpose of broadcasting any form of radio, television, radar or other types of wave impulse or other electromagnetic signal.

Travel trailer means a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having a body width not exceeding eight feet and being of any length, providing that its body length does not exceed 35 feet.

Use means the purpose for which land or a structure thereon is designated, arranged or intended to be occupied or utilized or for which it is occupied or maintained. This definition includes the use of water surface and land underwater to the extent covered by zoning districts and over which the country and/or city has jurisdiction:

(1) *Use, nonresidential:* A use permitted in a specific residential zoning district which is not residential in character.

(2) *Use, residential:* A use for living or sleeping of persons not institutional in character, such as a one-family, two-family or multiple-family dwelling, mobile home, roominghouse, hotel, motel, tourist home, lodginghouse, boardinghouse, villas, bungalow court.

Used means arranged, designed, constructed, altered, converted, rented, leased or intended to be used.

Utility building or facility means a location or installation of a utility company where employees are not stationed and traffic is not generated, such as a substation or lift station.

Variance means a modification of the regulations of this chapter when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. A variance is authorized only for the height, area or size of a structure or size of yards or open spaces not for use. See section 134-178.

Visibility at intersections means a clear, unobstructed field of view which shall be required to be maintained at all intersections pursuant to minimum standards as established in this chapter. See Illustration 4-A at the end of this chapter and section 134-466.

Warehouse/distribution center means a building used for storage and wholesale distribution of manufactured products, supplies and equipment.

Yard means a space on the same tract with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in section 134-42. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective tract lines. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-245, and amendments thereto:

(1) *Yard, front.* A yard extending across the full width of the tract between the front tract line and the nearest line of the main use or main building on the tract. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(2) *Yard, rear.* A yard extending across the full width of the tract between the rear tract line and the nearest line of the main building. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(3) *Yard, required.* Required yard shall mean the minimum yard required by this zoning code. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-245, and amendments thereto.

(4) *Yard, side.* A yard extending from the front yard to the rear yard between the side tract line and the nearest line of any building or use of the tract. The width of a side yard shall be the shortest distance between the side tract line and the nearest use or building on the tract. See yard diagram, Illustration 1 at the end of this chapter, for details. See the Schedule of District Regulations, section 134-245, and amendments thereto.

Zoning department means the city building, zoning and licensing department.

Zoning director means the officer of the city or such other person to whom is so delegated the duty of enforcing the terms of the zoning code. See section 134-61.

Zoning district means a specified area within the city, as adopted by the city commission, to which uniform minimum standards apply as related to the locations, types and intensities of land use.

Zoning map means the official map adopted by ordinance, showing the zoning districts applicable to all lands within the city, and all amendments thereto.

(Ord. No. 92-02, § 1(15-1, 15-2), 4-30-1992; Ord. No. 95-07, § 1, 9-19-1995; Ord. No. 98-04, § 1, 5-5-1998; Ord. No. 2002-08, § 1, 7-16-2002; Ord. No. 2004-02, 3-2-2004; Ord. No. 2008-17, 9-2-2008; Ord. No. 2012-03, 3-20-2012)

Cross reference(s)—Definitions generally, § 1-2.

Secs. ~~134-6~~ 134-5—134-40. Reserved.

ARTICLE II. ADMINISTRATION[19]

DIVISION 1. GENERALLY

Sec. 134-41. Purpose of article

This article sets forth the basic procedures and provisions for the administration of this zoning code. Such administration shall be done by the building official and ~~zoning~~ development services director through the use of building permits, site plan approvals and certificates of zoning compliance.

(Ord. No. 92-02, § 1(15-3), 4-30-1992)

Sec. 134-42. Zoning amendments.

(a) *Generally.* The city commission may amend zoning of a parcel or parcels of land only after the planning and zoning board, established pursuant to division 5 of this article, has considered the matter and made a recommendation to approve, deny or is deadlocked. Changes may be proposed by the city commission, by the board or by affected property owners. The board must hold at least one public hearing on the proposed change and submit its recommendations to the city commission in writing. The city commission must then conduct its own public hearings and then act on the proposed changes, considering the recommendation from the planning commission as to approval, denial, approval with conditions or deadlock.

(b) *Rezoning.* In cases of rezoning, the city commission shall hold two public hearings, each to be held after 5:00 p.m. The ~~zoning~~ development services director shall give due public notice of the city commission's consideration of such rezoning request, in accordance with section 134-5. Such public notice shall be advertised in a newspaper of general circulation in the city; shall contain the date, time and place of the public hearing; shall advise the place where the ordinance may be inspected; shall advise that interested parties may appear and be heard; and shall advise the title and substance of the proposed ordinance. The advertisement shall contain a location map. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. In addition, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of each owner of property within 300 feet of the subject property, 30 days prior to the public hearings. Such notices shall also be posted in a conspicuous place on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Proof of the required publication, mailing and posting shall be maintained by the development services director.

(c) *Waiver.* An amendment which does not rezone real property or amend the land use plan may be adopted as an emergency measure without complying with the public notice requirements of F.S. § 166.041.

(Ord. No. 92-02, § 1(15-10), 4-30-1992; Ord. No. 98-05, § 1, 5-5-1998; Ord. No. 2008-17, 9-2-2008)

State law reference(s)—Procedures for adoption of ordinances, F.S. § 166.041.

[19]Cross reference(s)—Administration, ch. 2.

Sec. 134-43. Planning and zoning fees.

All persons shall pay planning and zoning fees in the amounts set forth in appendix "B", table 2, "building and development fees".

(Ord. No. 2003-13, § 1, 4-15-2003)

Cross reference(s)—Appendix B, table 2.

Secs. 134-44—134-60. Reserved.

DIVISION 2. ADMINISTRATIVE OFFICIALS[20]

Sec. 134-61. Designation of building official and ~~zoning~~ development services director.

The building official and ~~zoning~~ development services director shall be designated by resolution by the city commission. The city commission may also by resolutions from time to time designate persons to replace or assist such officers. Personnel designated to assist either such officer shall have the same authority under this chapter as such officer.

(Ord. No. 92-02, § 1(15-4), 4-30-1992)

Sec. 134-62. Duties of ~~zoning~~ development services director.

(a) The ~~zoning~~ development services director shall be responsible for issuing all certificates of zoning compliance required by this chapter; for approving all site plans except those required for properties in the historic district; and for advising the city commission concerning site plans for properties in the historic district and applications for rezoning to the planned development district. Certificates of zoning compliance and site plan approvals shall be given only in full compliance with this chapter. No certificate of zoning compliance or site plan approval which is not in full compliance with the conditions, limitations and requirements of this chapter shall be valid.

(b) The ~~zoning~~ development services director shall promptly investigate all complaints or alleged violations of this zoning code and shall:

(1) Inform complainants of all findings and actions.

(2) Act to prevent violations and to detect and secure the correction of violations.

(3) Notify violators in writing indicating the nature of the violation and ordering remedial action.

(4) Order the discontinuance of the illegal use of land, buildings or structures; the removal of illegal building or structures or additions, alterations or structural changes; the discontinuance of any illegal work being done; or shall take any other lawful action authorized by this chapter necessary to ensure compliance with or to prevent violation of this chapter.

(5) Develop such administrative procedures and forms as are necessary to uniformly enforce this zoning code.

[20]Cross reference(s)—Administration, ch. 2.

(6) Maintain written records of all official actions taken.

(7) Explain the various schedules as they apply to specific requests for zoning approval.

(8) Receive, transmit or otherwise act upon applications for zoning amendments, site plans, request for annexation, etc.

(Ord. No. 92-02, § 1(15-4(A)), 4-30-1992)

Sec. 134-63. Duties of building official.

The building official shall be responsible for issuing all building permits required by this chapter or any building code or other ordinance adopted by the city commission. Building permits shall be issued only for development or construction after a certificate of zoning compliance has been obtained. No building permit issued by the building official for any development or construction which is not in full compliance with the conditions, limitations and requirements of this chapter shall be valid.

(Ord. No. 92-02, § 1(15-4(B)), 4-30-1992)

Secs. 134-64—134-80. Reserved.

DIVISION 3. CERTIFICATES OF ZONING COMPLIANCE

Sec. 134-81. Required.

Prior to obtaining any required building permit, dividing or changing the size or configuration of any lot of record preparing a site or grading or changing the use of any land within the city, a certificate of zoning compliance must be obtained. It shall be unlawful for any person to do or perform or create, or to cause to be done or performed or created, any such act or activity or use of land without having first obtained a certificate of zoning compliance required by this chapter.

(Ord. No. 92-02, § 1(15-5(A)), 4-30-1992)

Sec. 134-82. Application.

An application for a certificate of zoning compliance shall be made to the ~~city clerk~~ development services director, accompanied by the required filing fee and three copies of each of the following items of information:

(1) A legal description for the property, including the parcel number.

(2) A declaration of ownership of the property for which the certificate is requested and, if the application is filed by persons other than the owners, written authorization from the owners.

(3) Either an approved site plan as may be required in this chapter or a detailed sketch depicting the boundaries of the land in question, indicating existing structures and uses, specifying proposed construction or development incident to the proposed use, including all structures, fences and paving, and showing the required setback lines for the proposed use pursuant to the applicable zoning district requirements.

(4) Number of parking spaces required and/or provided.

(5) Any other information which the ~~zoning~~ development services director has deemed necessary in the initial meeting with the applicants to determine conformance with and to provide for the enforcement of this chapter.

(Ord. No. 92-02, § 1(15-5(B)), 4-30-1992)

Sec. 134-83. Processing.

The ~~zoning~~ development services director shall approve or deny certificates of zoning compliance. One copy will remain with the ~~zoning~~ development services director~~, one with the city clerk~~ and one with the building department. After approval, a copy of the certificate of zoning compliance and site plans shall be forwarded to the ~~city clerk and~~ city engineer for approval.

(Ord. No. 92-02, § 1(15-5(C)), 4-30-1992)

Sec. 134-84. Expiration and revocation.

(a) If the proposed use for which a certificate of zoning compliance is issued or construction for such use is not begun within one year of issuance of the certificate of zoning compliance, the ~~zoning~~ development services director shall declare such certificate of zoning compliance to be expired after which it shall not have lawful effect. At the request of the applicant and for good cause shown, the ~~zoning~~ development services director may extend the effective period of a certificate of zoning compliance for an additional year.

(b) Upon finding that any use authorized by a certificate of zoning compliance or construction to facilitate any use is not being conducted or performed in accordance with the terms of such certificate or requirements of this chapter, the ~~zoning~~ development services director shall revoke such certificate of zoning compliance, shall notify the owner (as shown by the most recent tax rolls) of the property for which such certificate was issued why it is being revoked ~~and shall send a copy of such notice to the city clerk~~. After a notice of revocation, the property owner shall have seven days in which to cure any violation or noncompliance to the satisfaction of the ~~zoning~~ development services director to have such certificates of zoning compliance reinstated.

(Ord. No. 92-02, § 1(15-5(D)), 4-30-1992)

Secs. 134-85—134-110. Reserved.

DIVISION 4. BUILDING PERMITS

Sec. 134-111. Required.

No building or other structure shall be erected, moved, added to or structurally altered, and no property may be site-prepared without a building permit therefor issued by the building official.

(Ord. No. 92-02, § 1(15-6(A)), 4-30-1992)

Sec. 134-112. Application.

An application for a building permit shall be made to the building official and shall include the following items of information:

(1) A valid certificate of zoning compliance for the proposed use of the property.

(2) A detailed site plan that clearly depicts the improvements to be constructed or altered, the boundaries of the property, set backs, easements, existing improvements. Said detailed site plan shall be sworn to for accuracy by a contractor, engineer, surveyor or the homeowner.

(3) Proof that any special exception, variance, other special permit or approval required for the proposed use has been obtained.

(4) A declaration of ownership of the property for which the permit is requested and if the application is filed by persons other than owners.

(5) Three copies of plans as required by section 134-341.

(6) Any other information, which the building official has deemed necessary in the initial meeting with the applicant to determine conformance with and to provide for the enforcement of this chapter and the city building codes. This additional information may include an accurate survey of the property, certified by a licensed engineer or surveyor.

(Ord. No. 92-02, § 1(15-6(B)), 4-30-1992; Ord. No. 2005-01, 1-18-2005)

Sec. 134-113. Processing.

After receiving a complete application for a building permit, the building official shall either approve or reject the application. If the proposed development or construction, as described and depicted by the applicant, is in compliance with all the requirements of this chapter and the building code, the building official shall approve the application in writing and forward to the ~~city clerk~~ development services director copies of any permits issued. If the proposed development or construction, as described and depicted by the applicant, is not in compliance with all of the requirements of this chapter and the building code ordinance, the application shall be rejected. A written rejection describing the reasons therefor shall be provided to the applicant.

(Ord. No. 92-02, § 1(15-6(C)), 4-30-1992)

Sec. 134-114. Schedule of fees.

The building inspection and permit fees set forth in appendix "B", table 2, "building and development fees" shall be paid by all persons obtaining building permits or utilizing the delineated services of the city.

(Ord. No. 92-02, § 1(15-7), 4-30-1992; Ord. No. 2003-09, § 1, 4-15-2003)

Cross reference(s)—Appendix B, table 2.

Secs. 134-115—134-140. Reserved.

DIVISION 5. PLANNING AND ZONING BOARD[21]

[21]Editor's note(s)—Ord. No. 2008-17, adopted Sept. 2, 2008, changed the title of Div. 5 from "Planning and Zoning Board of Adjustment" to "Planning and Zoning Board."

Cross reference(s)—Administration, ch. 2; planning, ch. 122.

Subdivision I. In General[22]

Sec. 134-141. Planning and zoning board.

(a) *Creation.* There is hereby created a planning and zoning board, which shall be referred to as the planning and zoning board and may be referred to in this chapter as the "board."

(b) *Appointment.* Regular members of the board and the alternate shall be appointed by the city commission. Appointments shall be made on the basis of experience, civic involvement and interest in planning and zoning matters, at the sole discretion of the city commission.

(c) *Membership.* The board shall consist of five regular members and one alternate.

(1) *Term of office.* The regular members shall serve for a term of three years, and alternate members shall serve a term of one year, unless they are appointed to replace an existing member of the board. An alternate appointed to replace an existing member of the board, shall fulfill the term of the member replaced.

(2) *Residency requirement.* Members of the board, including the alternate, shall be residents of the city, shall be registered voters therein and shall not be delinquent in payment of property taxes for property within the corporate limits of the city.

(3) *Alternates.* The city commission will designate alternates as such. Such alternates may act in the temporary absence or disability of any regular members upon request by the chair of the board.

(4) *Vacancy.* An appointment to fill any vacancy on the board shall be for the remainder of the unexpired term of office. It shall be the duty of the chair of the board to notify the city commission within ten days after any vacancy shall occur among the members of the board and may make a recommendation for a replacement following an advertisement of the vacancy, if necessary. The city commission shall promptly fill such vacancy.

(5) *Absenteeism.* If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy.

(6) *Removal.* Members of the board may be removed from office for cause by the affirmative vote of three members of the city commission upon written charges and a public hearing unless waived in writing by the member sought to be removed. As used in this section, the term "cause" shall include, but not be limited to, conviction of a felony, failure to disclose a conflict of interest, frequent absences from meetings.

(Ord. No. 2008-17, 9-2-2008)

[22]Editor's note(s)—Ord. No. 2008-17, adopted Sept. 2, 2008, amended Subdivision I, §§ 134-141—134-151, in its entirety to read as herein set out Subdivision I, §§ 134-141—134-151. Prior to inclusion of said ordinance, Subdivision I, §§ 134-141—134-151, pertained to similar subject matter. See also the Code Comparative Table.

Sec. 134-142. Meetings.

The board shall endeavor to hold at least one regular meeting per month. special meetings shall be held at the call of the chair or two members of the board. Workshops shall be called as deemed necessary by the board.

(1) *Chair, vice-chair.* The members of the board shall elect a chair and a vice-chair, who shall be voting members, from among the members of the board.

(2) *Quorum.* The presence of three or more members, including the alternate if asked by the chair to serve, shall constitute a quorum of the board.

(3) *Voting and decisions.* In all matters coming before the board and for recommendations to the city commission for change of zoning classification, variances, special exceptions and proposed annexations, decisions of the board shall be made by a majority vote of the quorum present.

(4) *Rules of procedure.* The board shall adopt rules for the transaction of its business

(Ord. No. 2008-17, 9-2-2008)

Sec. 134-143. Minutes; public records.

The board shall keep minutes of its proceedings, which shall be a public record and which shall show the vote of each member or, if absent or failing to vote, indicating such fact. The board shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. No. 2008-17, 9-2-2008)

Sec. 134-144. Members holding other offices.

No member of the board shall hold any other office in any municipality or government in the county, except for voluntary boards for the city. Such voluntary boards which are exempt from the prohibition of this section shall include, but not be limited to~~, pension board, code enforcement boards and the like.~~ boards such as the police pension board, or any other ad hoc board the commission may need appoint from time to time.

(Ord. No. 2008-17, 9-2-2008)

Sec. 134-145. Compensation.

Members of the board shall receive no salaries or fees for service on the board but may receive actual and necessary expenses incurred in the performance of their duties of office.

(Ord. No. 2008-17, 9-2-2008)

Sec. 134-146 Conflict of interest.

Members of the board called on to sit in a particular case may not abstain from voting unless they have a conflict of interest as provided by Florida law.

(Ord. No. 2008-17, 9-2-2008)

Sec. 134-147. Legal counsel to the board.

The city commission may appoint legal counsel for the board.

(Ord. No. 2008-17, 9-2-2008)

Sec. 134-148. Applications; cutoff date.

The cutoff date for all applications to the board shall be established by the City of Belleview Development Services Director.

(Ord. No. 2008-17, 9-2-2008)

Secs. 134-149—134-170. Reserved.

Subdivision II. Powers and Duties

Sec. 134-171. Planning.

The board shall be responsible for performing the functions of reviewing the city comprehensive plan on a regular basis and providing to the elected officials their recommendations as to any changes considered to be necessary or appropriate by the board. The board is designated and established as the local planning agency for the city in accordance with chapter 122 of these land development regulations.

(Ord. No. 92-02, § 1(15-76(F)), 4-30-1992)

Sec. 134-172. Rezoning requests.

(a) The board shall, upon a written application, hear all rezoning requests. The board shall then make a recommendation to the city commission to deny or grant the request with the comprehensive plan, existing patterns of land use and traffic circulation patterns.

(b) It shall be understood by the petitioner that a property owner shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every six months following denial or once every 12 months following approval.

(Ord. No. 92-02, § 1(15-76(D)), 4-30-1992)

Sec. 134-173. Annexation.

Applications shall be made to the board on all proposed annexations. The board will review the annexations and make their recommendation to the city commission. (See article VII of this chapter, zoning following annexation).

(Ord. No. 92-02, § 1(15-76(E)), 4-30-1992)

Sec. 134-174. Administration.

In exercising its powers, the board may, upon appeal and in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination made by an administrative official in the enforcement of this zoning code and may make a necessary order, requirement, decision or determination and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board makes the final decision.

(Ord. No. 92-02, § 1(15-79), 4-30-1992)

Sec. 134-175. Appeals.

The board is to hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination by an administrative official in the enforcement of this zoning code. Appeals to the board may be taken by any person aggrieved or by any officer, board or bureau of the city commission affected by any decision of an administrative official. Such appeal shall be taken within 30 days after rendition of the order, requirements, decision or determination appealed from by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the ground of such appeal. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken.

(Ord. No. 92-02, § 1(15-76(A)), 4-30-1992)

Sec. 134-176. Hearing of appeals and special exceptions.

The board shall fix a reasonable time for the hearing of appeal, give public notice of such hearing, as well a due notice to the parties in interest, and decide the same within a reasonable time; except, however, that in no case shall a decision by the board be delayed more than 30 days beyond the date of the initial hearing on any subject. The advertisement shall contain a location map. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. In addition, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of each owner of property within 300 feet of the subject property, 30 days prior to the public hearings. Such notices shall also be posted in a conspicuous place on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Proof of the required publication, mailing and posting shall be maintained by the development services director. Upon the hearing, any party may appear in person, by agent or by attorney. Appellants may be required to assume such reasonable costs in connection with appeals as may be determined by the city commission through action in the setting of fees to be charged for appeals. For procedural purposes, an application for a special exception shall be handled by the board as for appeals.

(Ord. No. 92-02, § 1(15-81), 4-30-1992)

Sec. 134-177. Stay of work and proceedings on appeal.

An appeal to the board stays all work on the premises and all proceedings in the furtherance of the action appealed from whom the appeal was taken shall certify to the board that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be

stayed by a restraining order which may be granted by the board or by a court of record on the application on notice to the officer from whom the appeal is taken and due cause shown.

(Ord. No. 92-02, § 1(15-80), 4-30-1992)

Sec. 134-178. Variances.

(a) The board is to authorize upon appeal such variances from the terms of the zoning code as will not be contrary to the public interest when, owing to a special size, shape, physical features of or on the parcel involved, a literal enforcement of the provisions of this zoning code would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this zoning code, the board must find that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;

(2) The special conditions and circumstances do not result from the actions of the applicant;

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district; i.e., this means that the board may not grant a use variance (see subsection (d) of this section);

(4) Literal interpretation of the provision of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;

(5) The variance which is granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

(6) The grant of the variance will be in harmony with the general intent and purpose of the zoning code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(b) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this zoning code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning code.

(c) The board may prescribe a reasonable time limit within the action for which the variance is required shall be begun or completed, or both.

(d) Under no circumstances, except as permitted in this section, shall the board grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited in the zoning district. No conforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

(Ord. No. 92-02, § 1(15-76(C)), 4-30-1992)

Sec. 134-179. Time limit.

Where the planning and zoning board has given or granted an approval, special permit or a variance pursuant to the provisions of the zoning code, such approval, grant or permit shall become null and void unless work thereon is completed within 24 months of the date of issuance of the initial building permit.

(Ord. No. 92-02, § 1(15-27), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Secs. 134-180—134-200. Reserved.

Subdivision III. Special Exception Standards of Review

Sec. 134-201. Intent.

(a) The intent of this subdivision is to provide uniform standards and/or review criteria that the board shall utilize in exercising its responsibilities as established in this division specifically, in considering requests for land use which are identified in section 134-~~245~~ 244, as being permitted as a special exception, hearing the request, making findings, prescribing appropriate safeguards and conditions and prescribing time limits.

(b) For each special exception, in addition to the special conditions and criteria established in this subdivision, all other regulations for the zoning district in which the proposed special exception is to be located shall apply. Furthermore, the standards and review criteria as established in this subdivision are not intended to be exclusive of any other special conditions and/or standards which the board considers necessary to protect the public's safety and general welfare. Each special exception shall be reviewed in consideration of the special conditions which are particular to the parcel of land, intensity of use proposed, the character and intensity of adjacent land uses and the goals, objectives and policies of the city comprehensive plan.

(Ord. No. 92-02, § 1(15-83), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Sec. 134-202. Policy.

Every property owner shall be given the opportunity, albeit not the right, to use their property as they desire. This opportunity must, however, be balanced with the rights of neighboring property owners and the rights of the citizens of the community. Special exceptions should be granted only when the existing circumstances are in fact "special" and create a need such that an exception to the rules under which all other citizens are required to abide is in fact necessary. A special exception may only be granted if the applicant demonstrates that:

(1) The proposed use will not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the neighboring property owners and the citizens of the city;

(2) The proposed use is necessary to eliminate a specific demonstrable hardship imposed upon the applicant by the existing facts and the rules prohibiting the proposed use;

(3) The applicant has exhausted all other potential sources of eliminating the hardship referenced in this section; and

(4) There is no other relief available to the applicant except the granting of a special exception.

(Ord. No. 99-01, § 3, 2-16-1999)

Secs. 134-203—134-230. Reserved.

Sec. 134-231. Guidelines.

Schedules 2 and 3 following section 134-~~245~~ 244, and this article currently provide examples of uses for which a special exception might be appropriate. These examples are meant to be guidelines only, and shall not be deemed to be an exhaustive list of the potential uses for which a special exception may be granted.

(Ord. No. 99-01, § 3(B), 2-16-1999)

Sec. 134-232. Restrictions.

(a) *Special exceptions.* A special exception may be granted only as provided herein:

(1) *Use by current owner/occupant only.* A special exception does not run with the land and shall automatically terminate when the applicant no longer owns and occupies the property.

(2) *No adverse effect.* A special exception shall only be granted upon a finding that the proposed use will not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the neighboring property owners and the citizens of the city.

(3) *Demonstrable hardship.* The proposed use is necessary to eliminate a specific demonstrable hardship imposed upon the applicant by the existing facts and the rules prohibiting the proposed use.

(b) *Additional restrictions.* A special exception may be conditioned upon additional restrictions as the planning and zoning board and/or the city commission may deem appropriate.

(c) *Existing use.* A special exception will be granted for the same or similar purpose as an existing use, only upon a finding of a specific demonstrable hardship, not caused by the applicant's willful disregard for the Belleview City Code and City Regulations.

(d) *Mobile home.* The ~~board of adjustment~~ planning and zoning board shall grant a special exception to replace a mobile home that is a nonconforming residential use with a new or different mobile home (including larger mobile homes), upon the same parcel of land as the original nonconforming mobile home, as provided herein. Before granting any special exception for a nonconforming mobile home and any additions or amenities to accompany it, the ~~board of adjustment~~ planning and zoning board must finds as follows:

(1) *No adverse effect.* The proposed replacement mobile home and amenities will not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the neighboring property owners and the citizens of the city.

(2) *Demonstrable hardship.* The proposed use is necessary to eliminate a specific demonstrable hardship imposed upon the applicant by the existing facts and the rules prohibiting the proposed use.

(3) *Occupied within six months.* The provision for a special exception set forth in this section shall apply only to mobile homes to replace existing mobile home used as a residence within six months of the application for special exception.

(4) *Comply with City Code.* The mobile home and any additions or amenities (such as porches, carports, enclosed rooms, etc.) be approved as otherwise required in the City Code and building regulations.

(5) *Additional restrictions.* A special exception may be conditioned upon additional restrictions as the planning and zoning board and/or the city commission may deem appropriate.

(Ord. No. 99-01, § 3(C), 2-16-1999; Ord. No. 2006-01, 2-21-2006; Ord. No. 2008-17, 9-2-2008; Ord. No. 2011-18, § 1, 8-16-2011)

Sec. 134-233. Procedure.

(a) An applicant shall file a written request for a special exception with the ~~city clerk or the city clerk's designated agent~~ development services director. The written request shall be submitted no later than the last Monday of the month and accompanied by the required fee and all information the applicant deems

appropriate to support the request. The amount of the fee and the application form shall be established by resolution of the city commission.

(b) The clerk shall notify all property owners within 300 feet of the property.

(c) The application shall be presented by the ~~city clerk~~ development services director to the planning and zoning board at the second regularly scheduled meeting following submission of the application; however, review of the application may be rescheduled or postponed by either the applicant or the board. The applicant or their authorized representative must be present when the board hears the request. The burden is on the applicant and interested parties to present all facts necessary to support the request. No facts may be inferred by the board.

(d) The planning and zoning board may grant the special exception only if the board finds that the applicant has met the criteria and requirements stated in this section. The board shall prepare written findings delineating the specific facts (not conclusions), upon which the board relied in granting the special exception. The special exception shall be conditioned upon the written findings of fact being presented to the board at a meeting of the board at which a quorum is present and formally approved by a majority of the board members present.

(Ord. No. 99-01, § 3(D), 2-16-1999; Ord. No. 2008-17, 9-2-2008)

Sec. 134-234. Appeal.

(a) *Applicant's appeal.* An applicant whose request for a special exception has been denied by the planning and zoning board shall have the right to appeal such decision to the city commission.

(b) *Commissioner's appeal.* A city commissioner who believes that the planning and zoning board acted improperly in granting a special exception shall have the right to appeal such decision to the city commission.

(c) *Procedure.* Notice of appeal shall be given in writing to the ~~city clerk or the city clerk's designated representative~~ development services director within ten days from the date of the decision from which the appeal is being taken. The matter shall be placed on the agenda of the next regularly scheduled commission meeting which would provide not less than 30 days' notice to the commissioners and interested parties. The applicant shall be allowed to present all facts the applicant deems necessary to support the applicant's request. The planning and zoning board chairperson or any other member of the board, and any other citizen or interested party, shall be permitted to speak on the matter. The decision of the city commission shall be final.

(Ord. No. 99-01, § 3(E), 2-16-1999; Ord. No. 2008-17, 9-2-2008)

Sec. 134-235. Agricultural special exceptions.

(a) *Cemeteries.*

(1) The perimeter of a proposed cemetery shall be fenced.

(2) The owner shall certify that there will be an ongoing lawn and grounds-keeping program, in perpetuity.

(3) An irrigated buffer strip 15 feet wide shall be maintained around the perimeter.

(4) In addition to those requirements established in section 134-~~245~~ 244, there will be a maximum height regulation of no more than 30 feet for each structure.

(5) Interior access roads shall be paved with a minimum pavement width of 12 feet and grassed shoulders with a minimum width of ten feet on each side and a maximum slope of one to 20 to allow for passing

and parking. Any cul-de-sac shall have a minimum radius of 40 feet and a minimum paved radius of 20 feet.

(6) If the cemetery is to be public, documentation shall be provided that it meets or exceed state standards.

(b) *Dog kennels.*

(1) Each individual dog shall have access to a fenced run having a solid concrete floor and minimum dimensions of four feet wide and 50 feet long.

(2) Each kennel space and contiguous run as established above shall be reachable by one hose bib per two runs with enough hose attached to reach all portions of the run and kennel.

(3) A method of daily collection and disposal of solid wastes shall be approved by the county sanitarian.

(4) A site plan submitted by the applicant shall indicate the number of kennels, accessory buildings, the water system and parking areas.

(5) The applicant shall document that the proposed site plan has been reviewed and approved by the Marion County Humane Society.

(6) To reduce noise pollution, all dogs shall be housed indoors between 9:00 p.m. and 6:00 a.m.

(7) A minimum spatial separation of 600 feet shall be provided between all dog kennels, runs or houses and an adjacent residential district.

(8) Stormwater runoff will be retained on site in areas designed for the 100-year storm by a licensed engineer.

(c) *Veterinary hospitals and clinics.*

(1) The applicant shall certify as to an approved method of disposing of hazardous wastes.

(2) One off-street parking space shall be provided per ten animal spaces, plus one parking space per paid employee.

(3) Housing for domestic animals shall be provided as per dog kennels; see subsections (b)(1),(b)(2), (b)(3), (b)(6) and (b)(7) of this section.

(4) Hoofed animals shall be separated from any residential district by at least 200 feet.

(d) *Farm equipment sales.*

(1) All equipment, either stored or displayed outdoors, shall be fenced, having a maximum mesh size of four inches in any direction and a minimum height of four feet.

(2) All mechanized equipment shall be operable at all times.

(3) No inoperable equipment or parts of equipment may be stored or displayed outside.

(4) There shall be a special separation of 100 feet for all structures and/or equipment from any adjacent residential district.

(5) No motorized equipment may be operated on the premises between the hours of 9:00 p.m. and 6:00 a.m., except within a completely enclosed building.

(6) The permanent on-site densities as established for the B-1 district shall apply.

(Ord. No. 92-02, § 1(15-84), 4-30-1992)

Cross reference(s)—Animals, ch. 18.

Sec. 134-236. Residential special exceptions.

~~(a)~~ *Private recreation buildings.*

(1) The applicant shall certify that the proposed use will be of a completely noncommercial nature.

(2) The proposed structure must be accessory to the principal use.

(3) Access shall be via the same driveway as the principal use.

~~(b) *Parks and playgrounds.*~~

~~(1) The applicant shall certify as to the provision of supervision or that the park or playground will not be open to the general public.~~

~~(2) If the park or playground is open to the public, the applicant shall document that an insurance policy is in effect (and will remain in effect) at all times that such facility is being utilized.~~

~~(3) Motorized rides and/or coin-operated machines are prohibited uses.~~

~~(4) Any equipment including, but not limited to, swingsets, slides, bleachers, concession stands and playing fields or courts, shall be located a minimum of 200 feet from all adjoining or noncontiguous residentially zoned parcels.~~

~~(5) Off-street parking shall be provided at the rate of one space per four users at the peak hour.~~

~~(6) A minimum of two separate restrooms are required to be provided.~~

~~(7)~~(5) ~~No admission fees may be charged.~~

(Ord. No. 92-02, § 1(15-85), 4-30-1992)

Sec. 134-237. B-4 special exceptions.

(a) *Bus terminal.*

(1) The site plan shall provide for an internal traffic circulation system which eliminates the need for backing buses into public roads.

(2) Passenger ingress and egress shall be weatherproofed.

(3) Short-term parking for taxicabs and private automobiles shall be provided.

(4) If the terminal is contiguous to a residential zone, it will have a solid masonry wall at least ten feet high as a noise buffer.

(b) ~~*Penny*~~ *Amusement arcade.*

(1) Alcoholic beverages shall be prohibited.

(2) The hours of operation shall be limited to 9:00 a.m. through 9:00 p.m.

(3) There shall be minimum of one off-street parking space per coin-operated machine, plus one per four chairs or stools and one per employee on the maximum shift.

(Ord. No. 92-02, § 1(15-86), 4-30-1992)

Sec. 134-238. M-1 special exceptions.

(a) *Brewery.*

(1) The applicant shall provide the city with an analysis which certifies the chemical makeup of all effluent to be generated. The city commission reserves the right to refuse to accept the effluent, to require pretreatment or to accept the effluent.

(2) The fee for municipal acceptance and treatment of the effluent will be negotiable.

(3) Access must be directly onto an arterial road without the need to drive through either residential or commercial zoning districts.

(b) *Sawmill.*

(1) Access via any residential district is prohibited.

(2) A site plan shall be submitted indicating the methods to be used to:

a. Control stormwater runoff.

b. Prevent fire.

c. Reduce dust emission.

(3) The applicant shall certify that noise levels will not exceed 55 dB from 7:00 a.m. to 10:00 p.m.; or 45 dB from 10:00 p.m. to 7:00 a.m., when measured within any adjacent dwelling unit, and will not exceed 60 dB at any receiving land use. As used here, the term "dB" means decibels as defined by the American National Standards Institute (ANSI).

(4) The proposed location shall be at least 660 feet from any residential land use or residential zoning district.

(c) *Small scale metal melting operations.* Small scale metal melting operations may be located on M-1 or M-2 zoned property pursuant to special exception, which special exception may be granted upon the following conditions:

(1) Parcels shall be at least one contiguous acre in size, not bisected or divided by a street, road, alley or other thoroughfare.

(2) Access shall be via an arterial or collector roadway or on properties with immediate access to rail or other adequate transportation facilities.

(3) All processes shall be within a completely enclosed structure.

(4) Windows and other openings shall be screened in a manner which precludes light emissions from directly shining into adjacent residential zoning districts.

(5) No loose uncontained outdoor storage is permitted. Storage shall be indoors or in storage pods/containers. Such storage facilities shall be located at least 300 feet from residential zoning districts.

(6) Structures of a non-administrative nature (i.e., used for processing or manufacturing) shall be located at least 300 feet from any residential zoning district.

(7) Noise levels at any adjacent zoning district other than M-1 or M-2 shall not exceed 55 dB.

(8) The owner or operator of a metal melting or processing facility shall not conduct any of the following operations unless emissions to the atmosphere from that operation are collected and vented to an air pollution abatement device to meet acceptable emission.

(10) The handling of fluff shall be accomplished in a manner that ensures containment on-site at the facility, until properly disposed.

(Ord. No. 92-02, § 1(15-87), 4-30-1992; Ord. No. 2012-03, 3-20-2012)

Sec. 134-239. M-2 special exceptions.

(a) *Asphalt plant.*

(1) Access shall be limited to arterial roads.

(2) A spatial separation of at least 1,200 feet shall be provided between any structure, batch-mixing facility or materials storage area and any adjacent residential zoning district.

(3) All driveways and interior roads shall be paved.

(4) The applicant shall document that the state department of environmental protection has been provided with a copy of the proposed site plan, type of equipment, and an application for permitting.

(b) *Junkyard.*

(1) A site development plan shall be submitted for review by the planning commission, which shall make appropriate recommendations to the planning and zoning board for consideration in its determination to grant or deny approval.

(2) The entire perimeter of each junkyard shall be surrounded by an opaque visual barrier at least eight feet high.

(3) Ingress and egress shall not abut any residential zoning district.

(4) All burning on the premises is prohibited.

(5) Facilities for the collection and recycling of used oil and gasoline or diesel fuel shall be located on the premises, used and operable at all times.

(6) If the property abuts any residential district, the use of heavy machinery before 8:00 a.m. or after 5:00 p.m. is expressly prohibited. Heavy machinery includes, but is not limited to, impact hammers, crushers, shredders, cranes, forklifts and similar equipment which, when operated, generates noise levels which might adversely impact upon adjacent land values.

(7) Access shall be directly onto a paved arterial or collector road.

(8) All lighting shall be shielded so as not to shine directly onto adjacent properties.

(9) All driveways and aisles shall be paved.

(10) The owner or, if other than the owner, the operator shall document that a professional exterminator has been retained and will continue to be retained for monthly visits and treatment as necessary to control rodents, mosquitos and other potentially noxious animals.

(c) *Meat processing.*

(1) All structures shall be located a minimum distance of 1,200 feet from any residential zoning or commercial zoning district.

(2) The applicant shall provide the city with an analysis which certifies the chemical makeup of all effluent to be generated. The city commission reserve the right to refuse to accept the effluent, to require pretreatment, or to accept the effluent.

(3) All wood and/or paper storage yards shall be located a minimum of 1,200 feet from any residential zoning district.

(4) All access shall be to and from an arterial highway.

(d) *Slaughtering/rendering.* See subsection (c) of this section, meat processing, of which all subsections (1) through (4) apply.

(e) *Smelting/refining.*

(1) Access shall be via an arterial road.

(2) All processes shall be within a completely enclosed structure.

(3) Windows and other openings shall be screened in a manner which precludes light emissions from directly shining into adjacent residential zoning districts.

(4) Outdoor storage areas shall be located at least 600 feet from residential zoning districts.

(5) Structures of a non administrative nature (i.e., used for processing or manufacturing) shall be located at least 1,200 feet from any residential zoning district.

(6) Noise levels at any adjacent zoning district shall not exceed 55 dB.

(f) *Stockyard.*

(1) Each animal-confinement area shall contain automatic watering devices capable of providing an adequate supply of water to sustain the maximum number of animals which can be held in such area.

(2) The applicant shall certify in writing that all animal wastes will be collected on a daily basis with disposal into a waste disposal system approved by either the county sanitarian or the state department of environmental protection, as appropriate.

(3) All stormwater runoff shall be retained on site in a water-retention area designed to accommodate the 100-year storm event. A licensed engineer's seal is required.

(4) Permanent or seasonally wet areas will be fenced to exclude stock.

(5) Hoofed animals shall be separated from any residential district by at least 200 feet.

(Ord. No. 92-02, § 1(15-88), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

ARTICLE III. DISTRICTS

Sec. 134-240. Categories of districts.

In order to classify, regulate and restrict the use of land, water, buildings and structures; to regulate the height and bulk of buildings; to regulate the intensity of land use; to implement the comprehensive plan and to promote orderly urban growth within the corporate area of the city, the following zoning district categories are established:

(1) Residential districts:

a. Single-family, R-1.

b. Single-family and duplex, R-2.

c. Multifamily, R-3.

d. Mobile home, RMH and R-4.

e. Residential/office, R-O.

(2) Business districts:

a. Neighborhood business, B-1.

b. Community business, B-2.

c. Central business, B-3.

d. General business (arterial), B-4.

e. Wholesale business, B-5.

(3) Industrial districts:

a. Light industrial, M-1.

b. Heavy industrial, M-2.

(4) Government use, GU.

(5) Historic district, H.

(6) Planned development:

a. Commercial planned development, CPD.

b. Residential planned development, RPD.

c. Mix use planned development, MPD.

(7) Agriculture, AG.

(Ord. No. 92-02, § 1(15-11), 4-30-1992; Ord. No. 95-07, § 2(15-11), 9-19-1995; Ord. No. 2005-19, 8-16-2005)

Sec. 134-241. Zoning district map.

The most current copy of this map shall be signed and dated by the mayor-commissioner and the ~~city clerk~~ development services director, and it shall be posted in the office of the ~~zoning~~ development services director.

(Ord. No. 92-02, § 1(15-12), 4-30-1992)

Sec. 134-242. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted tract lines shall be construed as following such tract lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and the event of change in the shoreline shall be construed as moving with actual shorelines.

(6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1)—(5) of this section shall be so construed. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the map.

(7) Where the street or property layout existing on the ground is at variance with that shown on the official zoning maps or in other circumstances not covered by subsections (1)—(6) of this section, the board shall interpret the district boundaries.

(Ord. No. 92-02, § 1(15-13), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Sec. 134-243. District boundary lines.

(a) Where a business district is separated by a street from a residential district, then any tract in such nonresidential district adjacent to the separating street shall be provided with a yard at least 25 feet in depth along such separating street.

(b) Where a business district directly abuts on a residential district without any separator between them, such as a street, alley or other public open space, then any tract in such nonresidential district shall be provided with a yard at least ten feet in depth adjacent to the residentially zoned property.

(c) Where an industrial district directly abuts on a residential district without any separator between them, such a street, alley or other public open space, then any tract in such nonresidential district shall be provided with a yard at least 20 feet in depth adjacent to the residentially zoned property.

(d) Where a yard is required in this section, such yard may be used for walkways, driveways and landscaping but not for any other use or program.

(e) Where a B-1, B-2 or B-4 district is separated by a street from an A-1 district, then any tract in such business district adjacent to the separating street shall be provided with a yard at least 25 feet in depth along such separating street.

(f) Where a B-1, B-2 or B-4 district directly abuts on an A-1 district without any separation between them, such as a street, alley or other public open space, then any tract in such business district shall be provided with a yard at least 25 feet in depth adjacent to the A-1 district.

(Ord. No. 92-02, § 1(15-41), 4-30-1992)

~~Sec. 134-244. Intent and purpose in adopting the various districts.~~

~~(a) *Single-family residential (R-1).* These R-1 districts are intended to be single-family residential areas with low population densities.~~

~~(b) *Two-family residential (R-2).* These R-2 districts are intended to serve the same needs as the R-1 districts, subject to the limitations, requirements and procedures specified for the single-family districts, plus the additional use of duplexes and two dwellings on one tract. Most of the areas designated R-2 are primarily rental property rather than single-owned properties.~~

~~(c) *Multiple-family residential (R-3).* These R-3 districts are intended to be high-density residential areas permitting single-family, two-family and multiple-family residences and also related uses in keeping with the residential character of the districts.~~

~~(d) *Residential mixed use (R-4).* These R-4 districts are intended to allow for a mix of residential development types utilizing single- or double-wide mobile or manufactured homes and/or conventional construction homes.~~

(e) *Mobile home districts (RMH).* These RMH districts are established for the purpose of providing mobile homes either in mobile home parks or on individual lots. They are intended to create an environment of a residential character designed to enhance living conditions and permitting only those uses, activities and services which are compatible with the residential environment.

(f) *Residential office (R-O).* These R-O districts are intended primarily for multiple-family residences and certain office uses of a nonretail nature which are not incompatible with single-family development. Although office uses are permitted to operate for profit, the area is not to be considered a business zone.

(g) *Neighborhood business (B-1).* These B-1 districts are intended to serve as a transitional district that allows for residential and low impact commercial development with small market areas intended to serve the immediate neighborhood. Properties with the B-1 designation should be located on local streets and be of such size and shape to allow for development with adequate ingress and egress, off-street parking and loading and other requirements and amenities. Further, the character of the B-1 development should be appropriate to the scale and character of the neighborhood to ensure compatibility with existing development.

(h) *Community business (B-2).* The B-2 community business district is intended primarily to meet the shopping and limited service needs of several neighborhoods or a substantial territory. Retail stores are intended to include convenience, fashion and durable goods. Typically, the maximum parcel size to be zoned for such a use shall be ten acres and should be located along collector or local roadways.

(i) *Central business district (B-3).* This B-3 district is included to serve the downtown shopping and office needs of a large community. At the present time, the city has no central business district within its jurisdiction. The B-3 zone is preserved for this use in case it is needed in the future.

(j) *General business (B-4).* The B-4 district serves as a dedicated commercial district prohibiting residential development activities and limiting the type and intensity of outside activities and display of goods. The intent of this district is to allow the outdoor display of finished goods offered for sale by retail establishments. It is not the intent of this district to allow for the storage of raw materials or unfinished goods. The B-4 general business district is intended to apply to arterial and collector streets where business establishments primarily not of a neighborhood or community service-type may properly locate to serve large sections of the city and metropolitan area.

(k) *Wholesale business (B-5).* The B-5 wholesale business districts are intended to serve as intensive commercial areas that include retail, service, and storage uses including shopping centers allowing for certain repair and other services, storage and warehouse uses including outside storage of goods and raw materials, mini-warehouse (self-service storage facilities) with outdoor storage, sales of large or heavy machinery and equipment, and the storage of vehicles, boats and recreation vehicles. The B-5 districts are located along arterial and collector roadways and typically serve large sections of the city rather than nearby residential areas. In order to minimize conflict and protect the health, safety and well-being of the city residents, residential and institutional uses are not permitted in these B-5 districts.

(l) *Light industrial (M-1).* The M-1 light industrial district is intended primarily for the manufacture of small articles and nonobjectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent residential or business district, and the activities permitted in an M-1 district are intended to be such as may be compatible with such neighboring district under the yard and separation regulations; provided, however, that specific standards are established to ensure that all operations will meet these objectives. The M-1 districts are located along arterial or collector roadways or on properties with immediate access to rail or other adequate transportation facilities providing for the movement of goods. In order to minimize conflict and preserve the M-1 districts for their primary purposes, residential and institutional uses are not permitted therein.

(m) *Heavy industrial (M-2).* The M-2 district is intended primarily for those manufacturing activities which may unavoidably create some undesirable effects which are not properly associated with residential or business

areas. The M-2 districts are located along arterial roadways or on properties with immediate access to rail or other adequate transportation facilities providing for the movement of goods. In order to minimize conflicts and to preserve and protect the character of the M-2 districts, certain residential and institutional uses are not permitted therein.

(n) *Government use (GU).* The GU governmental use district is intended to apply in those areas where the only activities conducted are those of the governmental agencies. Areas classified GU are shown on the official zoning map, but no restrictions are shown on the schedule of district regulations since any lawful government activity can be carried on in a GU district. Consistent with the city's comprehensive plan, the GU district is also the appropriate designation for all public schools and is a permissible zoning district under all residential and commercial future land use designations.

(o) *Historic (H).* The H historic district is established as an overall or overlay district which is designed to allow a relaxation, modification or augmentation of the applicable provisions of the underlying zoning district by the city commissioners where historic structures or areas or landmarks are involved.

(p) *Planned development (PD, RPUD RPD, CPD, MPD).* It is the purpose of this PD or RPUD RPD, CPD, or MPD district to provide a method for landowners or developers to submit proposals for unique zoning district provisions for individual planned developments which are not provided for or allowed in the zoning districts established by this zoning code. The planned development provisions are intended to promote flexibility of design and permit planned diversification and integration of uses and structures while, at the same time, retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging maximum flexibility in the proposals which may be considered while, at the same time, retaining maximum control in the city commission over the approval or disapproval of such proposals, the planned development provisions are designed to:

(1) Permit more efficient and economic uses of land;

(2) Encourage a more compatible and harmonious development of contiguous lands;

(3) Promote homeownership opportunities for all residents of the community;

(4) Provide flexibility to meet changing needs, technologies, economics and consumer preferences;

(5) Permit a more efficient use of bypassed lands;

(6) Be totally controllable in terms of the impact on the proposed site and surrounding neighborhoods;

(7) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources;

(8) Preserve to the greatest extent possible and utilize in a harmonious fashion existing landscape features and amenities;

(9) Provide for more usable and suitably located recreational facilities than would otherwise be provided under conventional land development procedures;

(10) Provide for more open spaces and scenic areas, either commonly owned or public owned, than would otherwise be provided under conventional land development procedures;

(11) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;

(12) Accomplish more desirable living and working environments than would be possible through the strict application of minimum requirements of the city's other zoning regulations;

(13) Permit the combining and coordinating of architectural styles, building forms and building relationships within a planned development;

(14) Provide an environment of stable character compatible with surrounding developments;

(15) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, welfare or safety or for the protection or preservation of lands either internal or external to the planned development; and

(16) Ensure the preservation and maintenance of common areas and open spaces.

(q) *Agriculture (AG).* The intent of the AG agriculture district is to provide designated areas for new or continued agricultural enterprises. These are activities which, by their nature, may require substantial buffering to either protect the agribusiness from surrounding land uses or to protect the adjoining land uses from adverse impacts associated with the agricultural use.

(r) *Some activities not specifically shown as allowable uses in chapter 134, appendix A, Schedule 2.* Uses permitted in residential districts and Schedule 3. Schedule of regulations; nonresidential, which may significantly impact neighboring parcels of land may only be approved though a special exception.

(Ord. No. 92-02, § 1(15-14), 4-30-1992; Ord. No. 2002-02, § 1, 7-16-2002; Ord. No. 2008-11, 6-3-2008; Ord. No. 2011-15, § 1, 8-16-2011; Ord. No. 2013-06, 5-21-2013)

Sec. 134-245 244. Schedules of district regulations.

(a) *General provisions.* No building or land shall hereafter be used or occupied and/or building or part of a building shall be hereafter erected, constructed, reconstructed, moved into or within the city or structurally altered unless in conformity with the regulations specified in this section for the district in which it is located.

(b) (1) *Lot, yard and height regulations.* No building shall hereafter be erected or altered to:

(1) a. Exceed height;

(2) b. Accommodate or house a greater number of families;

(3) c. Occupy a greater percentage of lot area; or

(4) d. Have narrower or smaller rear yards, front yards, side yards or other open spaces than required or in any other manner contrary to the provisions of this chapter.

Schedule 1 at the end of this article provides the requisite minimum standards to be met by any permitted development in the various zoning districts.

(c) *Special districts.*

(1) *Agriculture.* The minimum size for an agricultural lot shall be three acres; however, the size may be as small as one acre for uses which have no principal structure. Where a principal structure exists or is proposed, the minimum dimensions shall be:

a. Lot width: 300 feet.

b. Lot depth: 300 feet.

c. Setback, front yard: 50 feet.

d. Setback, side yard: 25 feet.

e. Setback, rear yard: 50 feet.

f. Setbacks for accessory buildings housing livestock shall be at least 75 feet from the front property line.

g. Height limitation: Maximum of 50 feet, with the exception of a silo which shall not exceed 100 feet.

(2) *Some activities not specifically shown as allowable uses in chapter 134.* Uses permitted in this chapter which may significantly impact neighboring parcels of land may only be approved though a special exception.

(2) *Historic.* As an overlay district, the historic district has the dimensional requirements of the underlying zoning district, which requirements may be modified or waived by the city commission upon a recommendation by the board.

(d) *Uses permitted in the various districts.* Schedule 2 at the end of this article identifies those uses which are permitted in the various residential districts. Schedule 3 at the end of this article identifies those uses which are permitted in the various nonresidential districts. The interpretation of these schedules shall be the responsibility of the zoning director subject to the appeals procedures as provided in this chapter. As an alternative to filing an appeal, an applicant may propose any use or uses as a planned development as provided in this chapter.

(1) *Uses permitted in historic district.* Uses by right shall be the permitted uses of the zoning district in which the property is situated.

(2) *Uses permitted in agriculture district.*

a. Uses by right shall be:

1. Single-family dwellings including mobile and manufactured homes and customary accessory uses incidental thereto.

2. Guesthouses (one per lot); provided, however, that a maximum of two mobile homes may be permitted per lot.

3. General farming, horticulture and agriculture, including nurseries, greenhouses, truck farming, apiaries, groves, orchards, fish farms, dairies, field crops, fruit and berry crops and similar uses.

4. Raising and breeding of certain large farm animals including, but not limited to horses, bison, donkeys, sheep, cattle, goats, swine, llama, alpacas, and ostriches shall be subject to the density limitations established as follows:

The minimum square footage of contiguous open lot area, not including the dwelling and the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of animals that may be kept shall not exceed four per acre except offspring which may be kept until weaned.

5. Raising of poultry for personal use shall be allowed subject to the following density limitations:

10 poultry	1—4 acres
25 poultry	4.1—10 acres
Up to 35 poultry	Over 10 acres
Over 35 poultry	Poultry farm

6. Poultry farm: Raising and breeding of over 35 poultry is considered a poultry farm and shall be permitted only on those parcels of over ten acres. Poultry farms, including all pens, or structures used or occupied in conjunction with these activities, shall be set back at least 100 feet from the front and rear lot lines, and 50 feet from the side lot lines.

7. Roadside vending of fruits and vegetable products which are raised on the premises.

8. Requirements for the storage of manure.

a. Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare or safety of humans or animals.

b. The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.

b. Uses by special exception:

1. Cemeteries.

2. Dog kennels.

3. Veterinary hospitals and clinics.

4. Agricultural equipment sales.

c. Uses prohibited:

1. Specialty animals, native or imported, including large reptiles are strictly prohibited.

2. Meat processing or rendering.

(3) *Uses permitted in governmental district.* Uses by right in this district shall included uses for the purposes of: utility, telecommunication, transportation corridors, stormwater management facilities, and all related structures, and uses for purpose of providing local, state, or federal governmental services. Allowable uses shall include but not limited to: public libraries, public schools, recreational facilities and parks, water and wastewater facilities, and governmental offices and equipment/service yards.

(e) *Adult use establishments.*

(1) *Location criteria.* Adult use establishments shall be permitted in the B-5 wholesale business district, subject to the following locational criteria:

a. No adult use establishment including an adult bookstore operating only as an adult bookstore may be located within 500 feet of any A-1, R-1, R-2, R-3, R-4, RMH, R-O, RPD, H, and GU district or any residential use, nor within 1,000 feet of any church/place of worship, private or public school, day care facility; nor within 500 feet of any group homes and foster care facilities, park/open space area, indoor recreation facility, or commercial recreation facilities (indoor or outdoor), which is validly located or has previously received legal authority to locate.

b. The distance requirements shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from any entrance regularly used by patrons of the adult use establishment to the nearest property line of the zoning districts or uses identified in subsection (e)(1)a of this section.

c. No adult use establishment may be located within 1,000 feet of any other adult use establishment or alcoholic beverage establishment which is operating under an alcohol beverage permit.

d. The distance requirements between two adult use establishments or between an adult use establishment and an alcoholic beverage establishment shall be measured by following, the shortest route of ordinary pedestrian travel along the principal streets in the area between the main entrances of such establishments.

(2) *Prohibited operation of business or activity.* Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section in chapter 14 of this city Code. Additionally, nothing in this section or chapter 14 of this city Code shall be construed to authorize, allow or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

(3) *Existing nonconforming adult use establishment.* An existing adult use establishment shall adhere to the requirements in subsection (f) of this section, nonconforming adult use establishments.

(4) *Hours of operation.* An adult use establishment shall adhere to the requirements in section 14-332, hours of operation.

(f) *Nonconforming adult uses.*

(1) Adult uses which have been established at their existing locations prior to the effective date of Ordinance No. 95-07, and which are not in conformity with the locational requirements of this section, may continue to operate for one year after the effective date of Ordinance No. 95-07, unless terminated sooner for any reason including failure to have a valid adult use license or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. After the one-year period, a nonconforming adult use shall be regarded as operating in violation of this section.

(2) If two or more adult use establishments are within 1,000 feet of one another, but otherwise in a permissible location, the adult use establishment which first began continual operation at the particular location is the conforming use and the later established adult use establishment is nonconforming.

(3) An adult use establishment lawfully operating or permitted to operate as a conforming use is not rendered a nonconforming use through the subsequent location of a church/place of worship, private or public school, day care facility, group homes or foster care facilities, park/open space area, indoor recreation facilities, commercial recreation facilities (indoor or outdoor), or residential zoned property within the locational provision of subsection (e) of this section.

(4) If a court of competent jurisdiction determines that, as applied to a particular nonconforming adult use, the one-year period for attaining conforming status is unenforceable, then a two-year period shall apply.

(g) *Variances.*

(1) If an applicant receives a certification of noncompliance because the location of the proposed adult use is in violation of the locational requirements of this section, then the applicant may, not later than 60 calendar days after receiving notice of the certification of noncompliance, file with the zoning director and the planning and zoning board a written request for a variance from the locational restrictions of subsection (e) of this section. Filing of such a request shall preserve the pending status of the application for purposes of the review of conflicting applications.

(2) If a timely written request is filed with the zoning director and with the planning and zoning board, then the board shall consider the request for a variance. The zoning director shall set a date for the hearing within 60 days from the date the written request is received.

(3) The planning and zoning board shall hear and consider evidence offered by any interested person in a public hearing scheduled with public notice. Public notice shall be pursuant to the requirements of this chapter. The planning and zoning board may, in its discretion, grant a variance, with reasonable conditions, from the locational restrictions of subsection (e) of this section if it makes the following findings.

(4) The planning and zoning board may only grant a variance to the provisions of this section by an affirmative vote of four members of the board. Failure to obtain four affirmative votes shall result in a denial of the variance. The decision of the planning and zoning board is "final agency action" regarding the requests for variance.

(5) If the planning and zoning board denies the variance, the applicant may not reapply for a variance until at least one year has elapsed since the date of the board's action. This requirement may be waived by the city commission.

(6) The grant of a variance, under this subsection does not exempt the applicant from any other provisions of this section other than the locational restrictions of section 14-261 of this Code, as conditioned by the planning and zoning board.

(h) *Condominiums.*

(1) *Definitions.* The following words, terms and phrases, when used in this subsection (h), shall have the meanings ascribed to them in this subsection (h)(1), except where the context clearly indicates a different meaning:

Cluster homes means condominium dwelling units, wherein each dwelling has a side yard which is less than the minimums for noncondominium single-family dwellings.

Condominiums means a structure of two or more dwelling units, the interior space of which are individually owned; with the remaining property (including land and/or improvements thereto) being areas for common use and/or benefit.

Multiunit means condominium dwelling units having two or more stories, wherein one or more of the dwellings is a single-story.

Patio home means a single-story condominium dwelling unit, including two or more dwellings which have one or more common side walls, with no side lot setback between dwellings.

Townhouse means a condominium dwelling unit having dwellings which consist of two or more stories, wherein two or more dwellings have one or more common side walls with no side lot setback between dwellings.

(2) *Zoning.* Condominiums shall be allowed only in R-3 zoning pursuant to the following restrictions and conditions:

a. Each dwelling shall have a minimum of two parking places.

b. Each building shall have a minimum side lot of eight feet, with a minimum 16 feet between the buildings, where no water or sewer mains pass between the buildings.

c. Water and/or sewer mains must be located a minimum of ten feet from the footer of any building.

d. Lot coverage ratio for the entire condominium development shall be a maximum 60 percent.

e. Front yard setbacks shall be a minimum of 25 feet for each building.

f. Rear yard setbacks shall be a minimum of 25 feet for each building.

g. The maximum height of any building in a condominium development shall be a maximum of 50 feet (measured from the ground to the tallest point on such building, including the roof).

h. Setbacks and side lot minimum distances shall be measured from the exterior surface of the exterior walls.

i. All condominium projects consisting of four or more dwelling units erected on a single parcel must comply with the city site plan and drainage provisions, chapter 22 of this Code.

(3) *Easements.* No structure may be erected, placed upon or extended over any existing easement. A minimum of 20 feet is required for utility easements.

(4) *Review.* There may be simultaneous review of the proposed development by other agencies authorized by local or state law to conduct such reviews. All condominium developers must comply with the rules, regulations and other requirements of such agencies. The developer will be responsible for all costs incurred by way of such reviews.

(5) *Compliance with Code provisions.* All developers must comply with all other pertinent sections of this Code including, but not limited to, drainage requirements, traffic impact and system development charges.

(Ord. No. 92-02, § 1(15-15), 4-30-1992; Ord. No. 95-07, §§ 3(15-48), 5(23-28, 23-29), 9-19-1995; Ord. No. 99-01, § 4, 2-16-1999; Ord. No. 99-11, § 1, 1-18-2000; Ord. No. 2008-11, 6-3-2008; Ord. No. 2008-17, 9-2-2008)

Sec. 134-245. Single-family residential (R-1).

(a) *Intent and purpose.* These R-1 districts are intended to be single-family residential areas with low population densities.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Gardens.

(3) Group homes and foster care facilities, subject to the requirements of subdivision VII, division 4, article V of this chapter.

(4) Places of worship.

(c) *Accessory uses.*

(1) Accessory dwelling units.

(2) Home occupations.

(3) Private garages

(4) Private recreation buildings.

(5) Private storage sheds.

(6) Vegetable and tree gardens.

(d) *Prohibited uses.*

(1) Duplex (two-family) dwellings.

(2) Mobile homes.

(3) Multifamily dwellings.

(4) Compound uses.

(5) Manufacturing.

(6) Retail sales, wholesale sales.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 25 feet.

(2) Side yard – 8 feet.

(3) Rear yard – 25 feet.

(4) Lot area – 7,500 square feet.

(5) Lot width – 75 feet.

(6) Living area – 600 square feet.

(7) Lot cover – 30 percent.

(8) Maximum floor area ratio – 0.40.

(9) Floor height – Two stories or 40 feet in height.

Sec. 134-246. Two-family residential (R-2).

(a) *Intent and purpose.* These R-2 districts are intended to serve the same needs as the R-1 districts, subject to the limitations, requirements and procedures specified for the single-family districts, plus the additional use of duplexes and two dwellings on one tract. Most of the areas designated R-2 are primarily rental property rather than single-owned properties.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Duplex (two-family) dwellings.

(3) Gardens.

(4) Group homes and foster care facilities, subject to the requirements of subdivision VII, division 4, article V of this chapter.

(5) Places of worship.

(c) *Accessory uses.*

(1) Home occupations.

(2) Private garages

(3) Private recreation buildings.

(4) Private storage sheds.

(5) Vegetable and tree gardens.

(d) *Prohibited uses.*

(1) Mobile homes.

(2) Multifamily dwellings.

(3) Compound use.

(4) Manufacturing.

(5) Retail sales, wholesale sales.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 25 feet.

(2) Side yard – 8 feet.

(3) Rear yard – 25 feet.

(4) Lot area – 4,000 square feet.

(5) Lot width – 75 feet.

(6) Living area – 600 square feet.

(7) Lot cover – 40 percent.

(8) Maximum floor area ratio –0.40.

(9) Floor height – Two stories or 40 feet in height.

Sec. 134-247. Multiple-family residential (R-3).

(a) *Intent and purpose.* These R-3 districts are intended to be high-density residential areas permitting single-family, two-family and multiple-family residences and also related uses in keeping with the residential character of the districts.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Duplex (two-family) dwellings.

(3) Condominiums, subject to the standards of sec. 134-244(a)(6).

(4) Multi-family dwellings.

(5) Gardens.

(6) Group homes and foster care facilities, subject to the requirements of subdivision VII, division 4, article V of this chapter.

(7) Places of worship.

(c) *Special exception uses.*

(1) Schools in conjunction with places of worship

(d) *Accessory uses.*

(1) Home occupations.

(2) Private garages.

(3) Private recreation buildings.

(4) Private storage sheds.

(5) Vegetable and tree gardens.

(e) *Prohibited uses.*

(1) Mobile homes.

(2) Compound use.

(3) Manufacturing.

(4) Retail sales, wholesale sales.

(f) *Lot, yard, and height regulations.*

(1) Front yard – 35 feet.

(2) Side yard – 8 feet.

(3) Rear yard – 25 feet.

(4) Lot area – 4,000 square feet.

(5) Lot width – 100 feet.

(6) Living area – 600 square feet.

(7) Lot cover – 50 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – Three stories or 50 feet in height.

Sec. 134-248. *Residential mixed use (R-4).*

(a) *Intent and purpose.* These R-4 districts are intended to allow for a mix of residential development types utilizing single- or double-wide mobile or manufactured homes and/or conventional construction homes.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Mobile homes.

(3) Gardens.

(4) Group homes and foster care facilities, subject to the requirements of subdivision VII, division 4, article V of this chapter.

(5) Places of worship.

(c) *Accessory uses.*

(1) Home occupations.

(2) Private garages.

(3) Private recreation buildings.

(4) Private storage sheds.

(5) Vegetable and tree gardens.

(d) *Prohibited uses.*

(1) Duplex (two-family) dwellings.

(2) Multifamily dwellings.

(3) Compound use.

(4) Manufacturing.

(5) Retail sales, wholesale sales.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 25 feet.

(2) Side yard – 8 feet.

(3) Rear yard – 25 feet.

(4) Lot area – 4,000 square feet.

(5) Lot width – 50 feet.

(6) Living area – 600 square feet.

(7) Lot cover – 40 percent.

(8) Maximum floor area ratio – 0.40.

(9) Floor height – Two stories or 40 feet in height.

Sec. 134-249. Mobile home district (RMH).

(a) *Intent and purpose.* These RMH districts are established for the purpose of providing mobile homes either in mobile home parks or on individual lots. They are intended to create an environment of a residential character designed to enhance living conditions and permitting only those uses, activities and services which are compatible with the residential environment.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Mobile homes.

(3) Gardens.

(4) Group homes and foster care facilities, subject to the requirements of subdivision VII, division 4, article V of this chapter.

(5) Places of worship.

(c) *Accessory uses.*

(1) Home occupations.

(2) Private garages.

(3) Private recreation buildings.

(4) Private storage sheds.

(5) Vegetable and tree gardens.

(d) *Prohibited uses.*

(1) Duplex (two-family) dwellings.

(2) Multifamily dwellings.

(3) Compound use.

(4) Manufacturing.

(5) Retail sales, wholesale sales.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 25 feet.

(2) Side yard – 8 feet.

(3) Rear yard – 25 feet.

(4) Lot area – 4,000 square feet.

(5) Lot width – 50 feet.

(6) Living area – 600 square feet.

(7) Lot cover – 40 percent.

(8) Maximum floor area ratio – 0.40.

(9) Floor height – Two stories or 40 feet in height.

Sec. 134-250. Residential office (R-O).

(a) *Intent and purpose.* These R-O districts are intended primarily for multiple-family residences and office uses which are of a scale that are not incompatible with single-family development. Although office uses are permitted to operate for profit, the area is not to be considered a business zone.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Duplex (two-family) dwellings.

(3) Mobile homes.

(4) Multifamily dwellings.

(5) Compound use.

(6) Gardens.

(7) Group homes and foster care facilities, subject to the requirements of subdivision VII, division 4, article V of this chapter.

(8) Home occupations.

(9) Orphanages.

(10) Places of worship.

(11) Professional offices (less than 3,000 square feet of gross floor area).

(c) *Accessory uses.*

(1) Private garages.

(2) Private recreation buildings.

(3) Private storage sheds.

(4) Vegetable and tree gardens.

(d) *Prohibited uses.*

(1) Adult use establishments.

(2) Manufacturing.

(3) Pawn shops.

(4) Retail sales, wholesale sales.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 25 feet.

(2) Side yard – 8 feet.

(3) Rear yard – 25 feet.

(4) Lot area – 4,000 square feet.

(5) Lot width – 50 feet.

(6) Living area – 600 square feet.

(7) Lot cover – 50 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – Two stories or 40 feet in height.

Sec. 134-251. Neighborhood business (B-1).

(a) *Intent and purpose.* These B-1 districts are intended to serve as a transitional district that allows for residential and low impact commercial development with small market areas intended to serve the immediate neighborhood. Properties with the B-1 designation should be located on local streets and be of such size and shape to allow for development with adequate ingress and egress, off-street parking and loading and other requirements and amenities. Further, the character of the B-1 development should be appropriate to the scale and character of the neighborhood to ensure compatibility with existing development.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Duplex (two-family) dwellings.

(3) Multifamily dwellings.

(4) Art galleries.

(5) Convalescent homes.

(6) Gardens.

(7) Group homes/foster care.

(8) Libraries.

(9) Medical, dental, veterinarian offices (not including medical marijuana treatment centers).

(10) Museums.

(11) Orphanages.

(12) Parking, free or charge.

(13) Places of worship.

(14) Professional offices.

(c) *Prohibited uses.*

(1) Adult use establishments.

(2) Automobile, parts and accessory retail sales.

(3) Pawn shops.

(4) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(d) *Lot, yard, and height regulations.*

(1) Front yard – 10 feet.

(2) Side yard – 0 feet.

(3) Rear yard – 0 feet.

(4) Lot area – 6,000 square feet.

(5) Lot width – 50 feet.

(6) Living area – None.

(7) Lot cover – 50 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-252. Community business (B-2).

(a) *Intent and purpose.* The B-2 community business district is intended primarily to meet the shopping and limited service needs of several neighborhoods or a substantial territory. Retail stores are intended to include convenience, fashion and durable goods. Typically, the maximum parcel size to be zoned for such a use shall be ten acres and should be located along collector or local roadways.

(b) *Permitted uses.*

(1) Single-family dwellings.

(2) Duplex (two-family) dwellings.

(3) Multifamily dwellings.

(4) Animal hospitals, inside.

(5) Art galleries.

(6) Auditoriums.

(7) Banks, financial institutions.

(8) Bicycle sales and rental (indoor and outdoor) and repair.

(9) Business services (except heavy equipment sales and services).

(10) Convalescent homes.

(11) Dry cleaning (drop off and pick up only).

(12) Food catering.

(13) Fruit-packing/shipping (inside).

(14) Gardens.

(15) Group homes/foster care.

(16) Hospitals.

(17) Hotels/motels/lodging.

(18) Indoor recreation and amusements (except amusement arcades).

(19) Libraries.

(20) Locksmiths.

(21) Lodges/fraternities/sororities.

(22) Medical, dental, veterinarian offices.

(23) Medical marijuana treatment centers.

(24) Museums.

(25) Orphanages.

(26) Package stores.

(27) Parking, free or charge.

(28) Personal services.

(29) Places of worship.

(30) Photography and art studios.

(31) Post offices.

(32) Professional offices.

(33) Radio and television studios.

(34) Repair services, jewelry, electronics, and small appliances.

(35) Restaurants, bakeries, delicatessens, cafes (enclosed).

(36) Retail sales and services (indoor).

(37) Schools.

(38) Tailors.

(39) Taxidermists.

(c) *Prohibited uses.*

(1) Adult use establishments.

(2) Automobile, parts and accessory retail sales.

(3) Pawn shops.

(4) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(d) *Lot, yard, and height regulations.*

(1) Front yard – 10 feet.

(2) Side yard – 0 feet.

(3) Rear yard – 0 feet.

(4) Lot area – 6,000 square feet.

(5) Lot width – 60 feet.

(6) Living area – None.

(7) Lot cover – 60 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-253. Central business district (B-3).

(a) *Intent and purpose.* This B-3 district is included to serve the downtown shopping and office needs of a large community. At the present time, the city has no central business district within its jurisdiction. The B-3 zone is preserved for this use in case it is needed in the future.

(b) *Permitted uses.*

(1) Animal hospitals, inside.

(2) Art galleries.

(3) Auditoriums.

(4) Banks, financial institutions.

(5) Bicycle sales and rental (indoor and outdoor) and repair.

(6) Business services (except heavy equipment sales and services).

(7) Convalescent homes.

(8) Dry cleaning (drop off and pick up only).

(9) Food catering.

(10) Fruit-packing/shipping (inside).

(11) Hospitals.

(12) Hotels/motels/lodging.

(13) Indoor recreation and amusements (except amusement arcades).

(14) Libraries.

(15) Locksmiths.

(16) Lodges/fraternities/sororities.

(17) Medical, dental, veterinarian offices.

(18) Medical marijuana treatment centers.

(19) Museums.

(20) Package stores.

(21) Parking, free or charge.

(22) Personal services.

(23) Photography and art studios.

(24) Places of worship.

(25) Post offices.

(26) Professional offices.

(27) Radio and television studios.

(28) Repair services, jewelry, electronics, and small appliances.

(29) Restaurants, bakeries, delicatessens, cafes (enclosed).

(30) Retail sales and services (indoor).

(31) Schools.

(32) Tailors.

(33) Taxidermists.

(c) *Prohibited uses.*

(1) Adult use establishments.

(2) Automobile, parts and accessory retail sales.

(3) Pawn shops.

(4) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(d) *Lot, yard, and height regulations.*

(1) Front yard – 10 feet.

(2) Side yard – 0 feet.

(3) Rear yard – 0 feet.

(4) Lot area – 0 square feet.

(5) Lot width – 0 feet.

(6) Living area – None.

(7) Lot cover – 70 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-254. General business (B-4).

(a) *Intent and purpose.* The B-4 district serves as a dedicated commercial district prohibiting residential development activities and limiting the type and intensity of outside activities and display of goods. The intent of this district is to allow the outdoor display of finished goods offered for sale by retail establishments. It is not the intent of this district to allow for the storage of raw materials or unfinished goods. The B-4 general business district is intended to apply to arterial and collector streets where business establishments primarily not of a neighborhood or community service-type may properly locate to serve large sections of the city and metropolitan area.

(b) *Permitted uses.*

(1) Agricultural and garden supplies (indoor and outside sales).

(2) Ambulance services.

(3) Animal hospitals, inside and outside.

(4) Armory.

(5) Art galleries.

(6) Auditoriums.

(7) Automobile oil change services.

(8) Automobile parts and accessory retail sales.

(9) Banks, financial institutions.

(10) Bars/craft alcohol.

(11) Bicycle sales and rental (indoor and outdoor) and repair.

(12) Boat/marine motors sales and repair.

(13) Building, plumbing, electrical material and supply sales.

(14) Building contractors.

(15) Business services (except heavy equipment sales and services).

(16) Cabinet shops.

(17) Car washes.

(18) Cold storage locker plants.

(19) Construction equipment sales and repair.

(20) Convalescent homes.

(21) Crating, packing/shipping.

(22) Dry cleaning (drop off and pick up only).

(23) Food catering.

(24) Fruit-packing/shipping.

(25) Fruit/vegetable, outside sales.

(26) Fuel sales (retail).

(27) Furniture repair.

(28) Gardens.

(29) Hospitals.

(30) Hotels/motels/lodging.

(31) Indoor recreation and amusements (except amusement arcades).

(32) Landscaping equipment repair services.

(33) Libraries.

(34) Locksmiths.

(35) Lodges/fraternities/sororities.

(36) Medical, dental, veterinarian offices.

(37) Medical marijuana treatment centers.

(38) Mini-warehouse/self-storage facilities (indoor).

(39) Mobile home sales.

(40) Motor vehicle sales and rental (except trucks and trailers).

(41) Motor vehicle repair, except body.

(42) Museums.

(43) Nurseries and landscaping supply sales.

(44) Outdoor recreation and amusements (except racetracks).

(45) Outdoor sales.

(46) Package stores.

(47) Parking, free or charge.

(48) Pawnshops.

(49) Personal services.

(50) Photography and art studios.

(51) Places of worship.

(52) Plumbing, heating, and air conditioning.

(53) Post offices.

(54) Professional offices.

(55) Radio and television studios.

(56) Repair services, jewelry, electronics, and small appliances.

(57) Restaurants, bakeries, delicatessens, cafes (enclosed).

(58) Restaurant supply sales.

(59) Retail sales and services (indoor).

(60) Schools.

(61) Tailors.

(62) Taxidermists.

(63) Travel trailer park.

(64) Upholstery/seat cover shops.

(65) Warehouse distribution center.

(c) *Special exception uses.*

(1) Amusement arcades.

(2) Bus terminals.

(d) *Prohibited uses.*

(1) Adult use establishments.

(2) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 10 feet. Lots of record as of May 16, 1989, shall have a 0-foot front yard setback.

(2) Side yard – 3 feet.

(3) Rear yard – 0 feet.

(4) Lot area – 7,500 square feet.

(5) Lot width – 75 feet.

(6) Living area – None.

(7) Lot cover – 70 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-255. Wholesale business (B-5).

(a) *Intent and purpose.* The B-5 wholesale business districts are intended to serve as intensive commercial areas that include retail, service, and storage uses including shopping centers allowing for certain repair and other services, storage and warehouse uses including outside storage of goods and raw materials, mini-warehouse (self-service storage facilities) with outdoor storage, sales of large or heavy machinery and equipment, and the storage of vehicles, boats and recreation vehicles. The B-5 districts are located along arterial and collector roadways and typically serve large sections of the city rather than nearby residential areas. In order to minimize conflict and protect the health, safety and well-being of the city residents, residential and institutional uses are not permitted in these B-5 districts.

(b) *Permitted uses.*

(1) Adult use establishments.

(2) Agricultural and garden supplies (indoor and outside sales).

(3) Agricultural implements/farm equipment sales and service.

(4) Airport, public and private.

(5) Ambulance services.

(6) Amusement arcades.

(7) Animal hospitals, inside and outside.

(8) Armory.

(9) Art galleries.

(10) Auditoriums.

(11) Automobile oil change services.

(12) Automobile parts and accessory retail sales.

(13) Automobile paint and body shops.

(14) Battery, repair, rebuilding.

(15) Bicycle sales and rental (indoor and outdoor) and repair.

(16) Banks, financial institutions.

(17) Bars/craft alcohol.

(18) Boat/marine motors sales and repair.

(19) Building, plumbing, electrical material and supply sales.

(20) Building contractors.

(21) Bus terminals.

(22) Business services (except heavy equipment sales and services).

(23) Cabinet shops.

(24) Car washes.

(25) Cold storage locker plants.

(26) Construction equipment sales and repair.

(27) Crating, packing/shipping.

(28) Dry cleaning (drop off and pick up only).

(29) Dry cleaning plants.

(30) Flea markets.

(31) Food catering.

(32) Fruit-packing/shipping.

(33) Fruit/vegetable, outside sales.

(34) Fuel sales (retail).

(35) Furniture repair.

(36) Gardens.

(37) Gas, bottled (as a primary use).

(38) Gravel, rock, minerals.

(39) Heavy equipment repair.

(40) Hospitals.

(41) Hotels/motels/lodging.

(42) Indoor recreation and amusements.

(43) Laundry plants.

(44) Landscaping equipment repair services.

(45) Libraries.

(46) Locksmiths.

(47) Lodges/fraternities/sororities.

(48) Machine shop.

(49) Machinery, heavy.

(50) Medical, dental, veterinarian offices.

(51) Medical marijuana treatment centers.

(52) Mini-warehouse/self-storage facilities (indoor and with outside storage).

(53) Mobile home sales.

(54) Motor freight terminals.

(55) Motor vehicle and boat storage.

(56) Motor vehicle sales and rental.

(57) Motor vehicle repair.

(58) Museums.

(59) Nurseries and landscaping supply sales.

(60) Outdoor recreation and amusements.

(61) Outdoor sales.

(62) Outside storage.

(63) Package stores.

(64) Parking, free or charge.

(65) Pawnshops.

(66) Personal services.

(67) Photography and art studios.

(68) Plumbing, heating, and air conditioning.

(69) Post offices.

(70) Professional offices.

(71) Pumps.

(72) Racetracks.

(73) Radio and television studios.

(74) Repair services, jewelry, electronics, and small appliances.

(75) Restaurants, bakeries, delicatessens, cafes (enclosed).

(76) Restaurant supply sales.

(77) Retail sales and services (indoor).

(78) Road materials.

(79) Road-building machinery.

(80) Septic tank service.

(81) Sharpening/grinding.

(82) Sheet metal shop.

(83) Schools.

(84) Tailors.

(85) Taxidermists.

(86) Trucks and trailer rentals.

(87) Upholstery/seat cover shops.

(88) Warehouse distribution center.

(89) Warehousing.

(90) Welding.

(c) *Special exception uses.*

(1) Places of worship.

(d) *Prohibited uses.*

(1) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 10 feet. Lots of record as of May 16, 1989, shall have a 0-foot front yard setback.

(2) Side yard – 3 feet.

(3) Rear yard – 0 feet.

(4) Lot area – 7,500 square feet.

(5) Lot width – 75 feet.

(6) Living area – None.

(7) Lot cover – 70 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-256. Light industrial (M-1).

(a) *Intent and purpose.* The M-1 light industrial district is intended primarily for the manufacture of small articles and non-objectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent residential or business district, and the activities permitted in an M-1 district are intended to be such as may be compatible with such neighboring district under the yard and separation regulations; provided, however, that specific standards are established to ensure that all operations will meet these objectives. The M-1 districts are located along arterial or collector roadways or on properties with immediate access to rail or other adequate transportation facilities providing for the movement of goods. In order to minimize conflict and preserve the M-1 districts for their primary purposes, residential and institutional uses are not permitted therein.

(b) *Permitted uses.*

(1) Agricultural and garden supplies (indoor and outside sales).

(2) Agricultural implements/farm equipment sales and service.

(3) Airport, public and private.

(4) Ambulance services.

(5) Animal hospitals, inside and outside.

(6) Armory.

(7) Automobile oil change services.

(8) Automobile paint and body shops.

(9) Automobile parts and accessory retail sales.

(10) Battery, repair, rebuilding.

(11) Bicycle sales and rental (indoor and outdoor) and repair.

(12) Banks, financial institutions.

(13) Boat/marine motors sales and repair.

(14) Building, plumbing, electrical material and supply sales.

(15) Building contractors.

(16) Bus terminals.

(17) Business services (except heavy equipment sales and services).

(18) Cabinet shops.

(19) Car washes.

(20) Cold storage locker plants.

(21) Concrete plants.

(22) Construction/contractor yards.

(23) Construction equipment sales and repair.

(24) Crating, packing/shipping.

(25) Dry cleaning (drop off and pick up only).

(26) Dry cleaning plants.

(27) Feed grinding.

(28) Food catering.

(29) Fuel oil/bulk storage.

(30) Fuel sales (retail).

(31) Gardens.

(32) Gas, bottled (as a primary use).

(33) Gravel, rock, minerals.

(34) Heavy equipment repair.

(35) Hotels/motels/lodging.

(36) Indoor recreation and amusements.

(37) Laundry plants.

(38) Landscaping equipment repair services.

(39) Lodges/fraternities/sororities.

(40) Machine shop.

(41) Machinery, heavy.

(42) Manufacturing.

(43) Metal buffing, polishing, plating.

(44) Millwork.

(45) Mini-warehouse/self-storage facilities (indoor and with outside storage).

(46) Mobile home sales.

(47) Motor freight terminals.

(48) Motor vehicle and boat storage.

(49) Motor vehicle sales and rental.

(50) Motor vehicle repair.

(51) Nurseries and landscaping supply sales.

(52) Outdoor recreation and amusements.

(53) Outdoor sales.

(54) Outside storage.

(55) Plumbing, heating, and air conditioning.

(56) Post offices.

(57) Pumps.

(58) Racetracks.

(59) Restaurants, bakeries, delicatessens, cafes (enclosed).

(60) Restaurant supply sales.

(61) Road materials.

(62) Road-building machinery.

(63) Septic tank service.

(64) Sharpening/grinding.

(65) Sheet metal shop.

(66) Stonecutting.

(67) Trucks and trailer rentals.

(68) Warehousing.

(69) Warehouse distribution center.

(70) Welding.

(c) *Special exception uses.*

(1) Breweries.

(2) Places of worship.

(3) Sawmills.

(4) Small scale metal melting operations.

(d) *Prohibited uses.*

(1) Adult use establishments.

(2) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 40 feet.

(2) Side yard – 10 feet.

(3) Rear yard – 10 feet.

(4) Lot area – 20,000 square feet.

(5) Lot width – 200 feet.

(6) Living area – None.

(7) Lot cover – 70 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-257. Heavy industrial (M-2).

(a) *Intent and purpose.* The M-2 district is intended primarily for those manufacturing activities which may unavoidably create some undesirable effects which are not properly associated with residential or business areas. The M-2 districts are located along arterial roadways or on properties with immediate access to rail or other adequate transportation facilities providing for the movement of goods. In order to minimize conflicts and to preserve and protect the character of the M-2 districts, certain residential and institutional uses are not permitted therein.

(b) *Permitted uses.*

(1) Agricultural and garden supplies (indoor and outside sales).

(2) Agricultural implements/farm equipment sales and service.

(3) Airport, public and private.

(4) Ambulance services.

(5) Animal hospitals, inside and outside.

(6) Armory.

(7) Automobile oil change services.

(8) Automobile paint and body shops.

(9) Automobile parts and accessory retail sales.

(10) Battery, repair, rebuilding.

(11) Bicycle sales and rental (indoor and outdoor) and repair.

(12) Banks, financial institutions.

(13) Boat/marine motors sales and repair.

(14) Breweries.

(15) Building, plumbing, electrical material and supply sales.

(16) Building contractors.

(17) Bus terminals.

(18) Business services (except heavy equipment sales and services).

(19) Cabinet shops.

(20) Canning factory.

(21) Car washes.

(22) Cold storage locker plants.

(23) Concrete plants.

(24) Construction/contractor yards.

(25) Construction equipment sales and repair.

(26) Crating, packing/shipping.

(27) Dry cleaning (drop off and pick up only).

(28) Dry cleaning plants.

(29) Feed grinding.

(30) Food catering.

(31) Foundries.

(32) Fuel oil/bulk storage.

(33) Fuel sales (retail).

(34) Gardens.

(35) Gas, bottled (as a primary use).

(36) Grain elevators.

(37) Gravel, rock, minerals.

(38) Heavy equipment repair.

(39) Hotels/motels/lodging.

(40) Indoor recreation and amusements (except amusement arcades).

(41) Laundry plants.

(42) Landscaping equipment repair services.

(43) Lodges/fraternities/sororities.

(44) Machine shop.

(45) Machinery, heavy.

(46) Manufacturing.

(47) Metal buffing, polishing, plating.

(48) Millwork.

(49) Mini-warehouse/self-storage facilities (indoor and with outside storage).

(50) Mobile home sales.

(51) Motor freight terminals.

(52) Motor vehicle and boat storage.

(53) Motor vehicle sales and rental.

(54) Motor vehicle repair.

(55) Nurseries and landscaping supply sales.

(56) Outdoor recreation and amusements.

(57) Outdoor sales.

(58) Outside storage.

(59) Plumbing, heating, and air conditioning.

(60) Post offices.

(61) Pumps.

(62) Racetracks.

(63) Restaurants, bakeries, delicatessens, cafes (enclosed).

(64) Restaurant supply sales.

(65) Road materials.

(66) Road-building machinery.

(67) Sawmills.

(68) Septic tank service.

(69) Sharpening/grinding.

(70) Sheet metal shop.

(71) Stonecutting.

(72) Trucks and trailer rentals.

(73) Warehousing.

(74) Warehouse distribution center.

(75) Welding.

(c) *Special exception uses.*

(1) Asphalt plant.

(2) Automobile, junk.

(3) Junkyards.

(4) Meat processing.

(5) Paper/pulp mills.

(6) Places of worship.

(7) Slaughtering/rendering.

(8) Small scale metal melting operations.

(9) Smelting/refining.

(10) Stockyards.

(d) *Prohibited uses.*

(1) Adult use establishments.

(2) Any use not listed as an accessory or permitted under this section, or any use not approved as a special exception under this chapter.

(e) *Lot, yard, and height regulations.*

(1) Front yard – 40 feet.

(2) Side yard – 10 feet.

(3) Rear yard – 10 feet.

(4) Lot area – 43,560 square feet.

(5) Lot width – 400 feet.

(6) Living area – None.

(7) Lot cover – 70 percent.

(8) Maximum floor area ratio – 0.50.

(9) Floor height – None.

Sec. 134-258. Government use (GU).

The GU governmental use district is intended to apply in those areas where the only activities conducted are those of the governmental agencies. Areas classified GU are shown on the official zoning map, but no restrictions are shown on the schedule of district regulations since any lawful government activity can be carried on in a GU district. Consistent with the city's comprehensive plan, the GU district is also the appropriate designation for all public schools and is a permissible zoning district under all residential and commercial future land use designations.

Sec. 134-259. Historic (H).

The H historic district is established as an overall or overlay district which is designed to allow a relaxation, modification or augmentation of the applicable provisions of the underlying zoning district by the city commissioners where historic structures or areas or landmarks are involved. As an overlay district, the historic district has the dimensional requirements of the underlying zoning district, which requirements may be modified or waived by the city commission upon a recommendation by the board.

Sec. 134-260. Planned development (CPD, RPD, MPD).

It is the purpose of this CPD, RPD, or MPD district to provide a method for landowners or developers to submit proposals for unique zoning district provisions for individual planned developments which are not provided for or allowed in the zoning districts established by this zoning code. The planned development provisions are

intended to promote flexibility of design and permit-planned diversification and integration of uses and structures while, at the same time, retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging maximum flexibility in the proposals which may be considered while, at the same time, retaining maximum control in the city commission over the approval or disapproval of such proposals, the planned development provisions are designed to:

(1) Permit more efficient and economic uses of land;

(2) Encourage a more compatible and harmonious development of contiguous lands;

(3) Promote homeownership opportunities for all residents of the community;

(4) Provide flexibility to meet changing needs, technologies, economics and consumer preferences;

(5) Permit a more efficient use of bypassed lands;

(6) Be totally controllable in terms of the impact on the proposed site and surrounding neighborhoods;

(7) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources;

(8) Preserve to the greatest extent possible and utilize in a harmonious fashion existing landscape features and amenities;

(9) Provide for more usable and suitably located recreational facilities than would otherwise be provided under conventional land development procedures;

(10) Provide for more open spaces and scenic areas, either commonly owned or public owned, than would otherwise be provided under conventional land development procedures;

(11) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;

(12) Accomplish more desirable living and working environments than would be possible through the strict application of minimum requirements of the city's other zoning regulations;

(13) Permit the combining and coordinating of architectural styles, building forms and building relationships within a planned development;

(14) Provide an environment of stable character compatible with surrounding developments;

(15) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, welfare or safety or for the protection or preservation of lands either internal or external to the planned development; and

(16) Ensure the preservation and maintenance of common areas and open spaces.

Sec. 134-261. Agriculture (AG).

(a) *Intent and purpose.* The intent of the AG agriculture district is to provide designated areas for new or continued agricultural enterprises. These are activities which, by their nature, may require substantial buffering to either protect the agribusiness from surrounding land uses or to protect the adjoining land uses from adverse impacts associated with the agricultural use.

(b) *Permitted uses.*

(1) Single-family dwellings including mobile and manufactured homes and customary accessory uses incidental thereto.

(2) Guesthouses (one per lot); provided, however, that a maximum of two mobile homes may be permitted per lot.

(3) General farming, horticulture and agriculture, including nurseries, greenhouses, truck farming, apiaries, groves, orchards, fish farms, dairies, field crops, fruit and berry crops and similar uses.

(4) Raising and breeding of certain large farm animals including, but not limited to horses, bison, donkeys, sheep, cattle, goats, swine, llama, alpacas, and ostriches shall be subject to the density limitations established as follows:

The minimum square footage of contiguous open lot area, not including the dwelling and the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of animals that may be kept shall not exceed four per acre except offspring which may be kept until weaned.

(5) Raising of poultry for personal use shall be allowed subject to the following density limitations:

10 poultry	1—4 acres
25 poultry	4.1—10 acres
Up to 35 poultry	Over 10 acres
Over 35 poultry	Poultry farm

(6) Poultry farm: Raising and breeding of over 35 poultry is considered a poultry farm and shall be permitted only on those parcels of over ten acres. Poultry farms, including all pens, or structures used or occupied in conjunction with these activities, shall be set back at least 100 feet from the front and rear lot lines, and 50 feet from the side lot lines.

(7) Roadside vending of fruits and vegetable products which are raised on the premises.

(8) Requirements for the storage of manure.

a. Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare or safety of humans or animals.

b. The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.

(c) *Special exception uses.*

(1) Agricultural equipment sales.

(2) Cemeteries.

(3) Dog kennels.

(4) Veterinary hospitals and clinics.

(d) *Prohibited uses.*

(1) Meat processing or rendering.

(2) Specialty animals, native or imported, including large reptiles are strictly prohibited.

(e) *Lot, yard, and height regulations.*

(1) Lot width: 300 feet.

(2) Lot depth: 300 feet.

(3) Setback, front yard: 50 feet.

(4) Setback, side yard: 25 feet.

(5) Setback, rear yard: 50 feet.

(6) Setbacks for accessory buildings housing livestock shall be at least 75 feet from the front property line.

(7) Height limitation: Maximum of 50 feet, with the exception of a silo which shall not exceed 100 feet.

APPENDIX A
SCHEDULES OF DISTRICT REGULATIONS

SCHEDULE 1. LOT, YARD AND HEIGHT REGULATIONS

District	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Lot Area (square feet)	Lot Width (feet)	Living Area[1] (feet)	Lot Cover[2] (percent)	Maximum Floor Area[1] ~~(feet)~~ Ratio	Floor Height (stories)
R-1	25	8	25	7,500	75	600	30	0.40	Accessory buildings and structures not to exceed 2 stories or 40 feet in height
R-2	25	8	25	4,000	75	600	40	0.40	Accessory buildings and structures not to exceed 2 stories or 40 feet in height
R-3	35	8	25	4,000	100	600	50	0.50	Accessory buildings and structures not to exceed 3 stories or 50 feet in height.
R-4	25	8	25	4,000	50	600	40	0.40	Accessory buildings and structures not to exceed 2 stories or 40 feet in height
RMH	25	8	25	4,000	50	600	40	0.40	Accessory buildings and

District	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Lot Area (square feet)	Lot Width (feet)	Living Area[1] (feet)	Lot Cover[2] (percent)	Maximum Floor Area[1] ~~(feet)~~ Ratio	Floor Height (stories)
									structures not to exceed 20 feet in height
R-O	25	8	25	10,000	100	600	50	0.50	—
B-1	10	0	0	6,000	50	—	50	~~50~~ 1.0[3]	—
B-2	10	0	0	6,000	60	—	60	~~50~~ 1.0[3]	—
B-3	10	0	0	0	0	—	70	~~50~~ 1.0[3]	—
B-4	10*	3	0	7,500	75	—	70	~~50~~ 1.0[3]	—
B-5	10*	3	0	7,500	75	—	70	~~50~~ 1.0[3]	—
M-1	40	10	10	20,000	200	—	70	0.50	—
M-2	40	10	10	43,560	400	—	70	0.50	-
GU	0	0	0	0	0	—	0	Appropriate for use but in no case less than for R-1	—
PD	See planned developments, Article IV of this chapter							Appropriate for use but in no case less than the maximum permitted by the underlying future land use category	—

[1] In residential districts, square feet per dwelling.

[2] Impervious area; i.e., roof, paving, etc. Impervious area may be increased by up to 70 percent of the total lot area so long as the stormwater management performance criteria of Sec. 128-5 and 128-6 are met regardless of the type of development proposed and as long as minimum open space and minimum park requirements are met. Such increases must be reviewed and approved by the site plan technical review staff.

[3] 1.25 inside the CBD or with a planned development that meets the connectivity standards of Policy 1.2.11 of the Comprehensive Plan.

* Lots of record as of May 16, 1989, shall have a ~~zero frontage~~ 0-foot front yard setback.

SCHEDULE 2. USES PERMITTED IN RESIDENTIAL DISTRICTS

Key:

Y	=	Yes, permitted
A	=	Accessory to permitted use
N	=	Not permitted
SE	=	Special exception

USE	DISTRICT					
	R-1	R-2	R-3	R-4	RMH	R-O
Single-family dwellings	Y	Y	Y	Y	Y	Y
~~Church~~ Places of worship	Y	Y	Y	Y	Y	Y
Schools in conjunction with places of worship	N	N	SE	N	N	N
Vegetable and tree gardens	A	A	A	A	A	A
Private recreation buildings~~, playgrounds and parks~~	A~~, SE~~	A~~, SE~~	A~~, SE~~	A~~, SE~~	A~~, SE~~	A~~, SE~~
Home occupations	A	A	A	A	A	Y
Private storage sheds	A	A	A	A	A	A
Private garages	A	A	A	A	A	A
Duplex (two-family) dwellings	N	Y	Y	N	N	Y
Mobile home	N	N	N	Y	Y	Y
Group homes and foster care facilities	See subdivision VII, division 4, article V of this chapter					
~~Pets, household~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~
Retail sales, wholesale sales	N	N	N	N	N	N
Manufacturing	N	N	N	N	N	N
Multifamily dwellings	N	N	Y	N	N	Y
Compound use	N	N	N	N	N	Y
Gardens	Y	Y	Y	Y	Y	Y

SCHEDULE 3. SCHEDULE OF REGULATIONS; NONRESIDENTIAL

Key:

Y	=	Yes
N	=	No
SE	=	Special exception

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
A								
Adult use establishment	N	N	N	N	N	Y	N	N

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
~~Advertising specialties~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
~~Agriculture implements~~ Agricultural implements/farm equipment sales and service.	N	N	N	N	N	Y	Y	Y
~~Air conditioners, heat, vent~~ Plumbing, heating, and air conditioning	N	N	N	N	Y	Y	Y	Y
~~Airport, private~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~
Airport, public and private	N	N	N	N	N	Y	Y	Y
Ambulance services	N	N	N	N	Y	Y	Y	Y
~~Amusement park~~ Outdoor recreation and amusements (except racetracks).	N	N	N	N	Y	Y	N	N
Animal hospitals, inside	N	N	Y	Y	Y	Y	Y	Y
Animal hospitals, inside and outside	N	N	N	N	Y	Y	Y	Y
~~Antiques~~ Retail sales and services (indoor)	N	~~N~~ Y	Y	Y	Y	Y	N	N
~~Appliances/sales and service~~ Repair services, jewelry, electronics, and small appliances Retail sales and services (indoor)	N N	N N	Y Y	Y Y	Y Y	Y Y	N N	N N
~~Archery range, inside~~ Indoor recreation and amusements (except amusement arcades)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
~~Archery range, outside~~ Outdoor recreation and amusements (except racetracks).	N	N	N	N	~~N~~ Y	Y	Y	Y
Armory	N	N	N	N	Y	Y	Y	Y
Art ~~gallery~~ galleries	N	Y	Y	Y	Y	Y	N	N
~~Art supply~~ Retail sales and services (indoor)	N	Y	Y	Y	Y	Y	N	N
Asphalt plants	N	N	N	N	N	N	N	SE
~~Astrology/fortuneteller~~ Indoor recreation and amusements (except amusement arcades)	N	N	~~N~~ Y	N	Y	Y	~~N~~ Y	~~N~~ Y
~~Attorney office~~ Professional offices	N	Y	Y	Y	Y	Y	N	N
Auditoriums	N	N	Y	Y	Y	Y	N	N
Automobile oil change services	N	N	N	N	Y	Y	Y	Y
Automobile paint and body shops	N	N	N	N	N	Y	Y	Y
Automobile, junk	N	N	N	N	N	N	N	SE
~~Automobile, laundry~~ Car washes	N	N	N	N	Y	Y	Y	Y
~~Automobile, new~~ Motor vehicle sales and rental (except trucks and trailers) Motor vehicle sales and rental	N N	N N	N N	N N	Y N	Y Y	Y Y	Y Y
Automobile, ~~new parts,~~ parts and accessory retail sales	N	N	~~Y~~ N	~~Y~~ N	Y	Y	Y	Y
Automobile, paint and body shops	N	N	N	N	N	Y	Y	Y
~~Automobile, rental~~ Motor vehicle sales and rental	N	N	N	N	~~Y~~ N	Y	Y	Y
~~Automobile, repairs~~ Motor vehicle repair, except body	N	N	N	N	Y	Y	Y	Y

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
~~Automobile, used~~ Motor vehicle sales and rental	N	N	N	N	Y	Y	Y	Y
~~Awnings~~ Building contractors	N	N	N	N	Y	Y	Y	Y
~~Awnings, canvas repair~~ Building contractors	N	N	N	N	Y	Y	Y	Y
B								
~~Bait, tackle~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
~~Bakery~~ Restaurants, bakeries, delicatessens, cafes (enclosed).	N	N	Y	Y	Y	Y	Y	Y
~~Bakery/delicatessen~~ Restaurants, bakeries, delicatessens, cafes (enclosed).	N	N	Y	Y	Y	Y	Y	Y
Banks, financial institutions	N	N	Y	Y	Y	Y	Y	Y
~~Bar, alcoholic~~ Bars/craft alcohol	N	N	N	N	Y	Y	N	N
~~Bar, nonalcoholic~~	N	N	Y	Y	Y	Y	N	N
~~Barbershop/beauty shop~~ Personal services	N	N	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
Battery, repair, rebuilding	N	N	N	N	N	Y	Y	Y
Bicycle sales and rental (indoor and outdoor) and repair.	N	N	Y	Y	Y	Y	Y	Y
~~Bicycles, outside repair~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~
~~Bookbinding~~ Business services (except heavy equipment sales and services).	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
~~Books/stationery~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Boats/marine motors sales and repair	N	N	N	N	Y	Y	Y	Y
~~Business machines~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
~~Bowling alley~~ Indoor recreation and amusements (except amusement arcades)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
Brewery	N	N	N	N	N	N	SE	Y
Building, plumbing, ~~electric supplies~~ electrical material and supply sales.	N	N	N	N	Y	Y	Y	Y
Bus terminal	N	N	N	N	SE	Y	Y	Y
~~Business services/office~~ Business services (except heavy equipment sales and services).	N	N	Y	Y	Y	Y	Y	Y
C								
Cabinet shops	N	N	N	N	Y	Y	Y	Y
~~Camera/photographic shop~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
~~Camping equipment~~ Retail sales and services (indoor)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	~~Y~~ N	~~Y~~ N
Canning factory	N	N	N	N	N	N	N	Y
~~Carpet/rug cleaning~~ Business services (except heavy equipment sales and services).	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
~~Churches~~ Places of worship	N	Y	Y	Y	Y	~~Y~~ SE	~~Y~~ SE	~~Y~~ SE
~~Club, private~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~
Cold-storage locker plant	N	N	N	N	Y	Y	Y	Y
Concrete plants	N	N	N	N	N	N	Y	Y

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
~~Confectionery~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Convalescent homes	~~Y~~ N	Y	Y	Y	Y	N	N	N
Construction/contractor yards	N	N	N	N	N	N	Y	Y
Construction equipment sales and repair	N	N	N	N	Y	Y	Y	Y
~~Convenience store, with gas~~ Fuel sales, retail	N	N	N	N	Y	Y	Y	Y
~~Convenience store, without gas~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
Crating/packing/shipping	N	N	N	N	Y	Y	Y	Y
~~Credit agency~~ Professional offices	N	Y	Y	Y	Y	Y	N	N
D								
~~Dancehall~~ Indoor recreation and amusements (except amusement arcades)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	~~N~~ Y	~~N~~ Y
~~Dental laboratory~~ Medical, dental, veterinarian offices (not including medical marijuana treatment centers)	N	~~N~~ Y	Y	Y	Y	Y	N	N
~~Department store~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
~~Detective agency~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	N	N
~~Doctor's office~~ Medical, dental, veterinarian offices (not including medical marijuana treatment centers)	N	Y	Y	Y	Y	Y	N	N
~~Diaper service~~ Personal services	N	N	~~N~~ Y	~~N~~ Y	Y	Y	N	N
~~Dressmaking~~ Personal services	N	N	Y	Y	Y	Y	N	N
~~Dry goods~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Dry-cleaning plant	N	N	N	N	N	Y	Y	Y
Dry-cleaning~~, pickup~~ (drop off and pick up only).	N	N	Y	Y	Y	Y	Y	Y
Duplex (two-family)	Y	Y	Y	N	N	N	N	N
~~Drugstore~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
E								
~~Electric substation~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~
~~Electric supply and fixtures~~ Building, plumbing, electrical material and supply sales.	N	N	N	N	Y	Y	Y	Y
~~Employment office~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	N	N
~~Express office~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	N	N
~~Eyeglasses~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
F								
~~Farm equipment~~ Agricultural implements/farm equipment sales and service	N	N	N	N	N	Y	Y	Y
~~Feed/fertilizer~~ Agricultural and garden supplies (indoor and outside sales)	N	N	N	N	Y	Y	Y	Y
Feed grinding	N	N	N	N	N	N	Y	Y
~~Fence materials~~ Building, plumbing, electrical material and supply sales.	N	N	N	N	Y	Y	Y	Y
~~Fish market~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Flea markets	N	N	N	N	N	Y	N	N

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
~~Florist shop~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Food catering	N	N	Y	Y	Y	Y	Y	Y
Foundry	N	N	N	N	N	N	N	Y
Fruit-packing/shipping~~, inside~~ (inside)	N	N	Y	Y	Y	Y	N	N
Fruit-packing/shipping~~, outside~~	N	N	N	N	Y	Y	Y	Y
~~Fruit/vegetable, inside sales~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Fruit/vegetable, outside sales	N	N	N	N	Y	Y	N	N
Fuel oil/bulk storage	N	N	N	N	N	N	Y	Y
Furniture repair	N	N	N	N	Y	Y	N	N
~~Furniture sales~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
G								
Gardens	Y	Y	Y	~~Y~~ N	Y	Y	Y	Y
~~Garden supply, inside only~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
~~Garden supply, outside~~ Agricultural and garden supplies (indoor and outside sales)	N	N	N	N	Y	Y	Y	Y
Gas, bottled (as a primary use)	N	N	N	N	N	Y	Y	Y
~~Gift shop~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
~~Golf course/driving range~~ Outdoor recreation and amusements (except racetracks)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	~~N~~ Y	~~N~~ Y
~~Golf course/miniature~~ Outdoor recreation and amusements (except racetracks)	N	N	~~N~~ Y	~~N~~ Y	Y	N	~~N~~ Y	~~N~~ Y
~~Golf course (100 acres+)~~ Outdoor recreation and amusements (except racetracks)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	~~N~~ Y	~~N~~ Y
~~Glass/mirror shop~~ Retail sales and services (indoor)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	~~Y~~ N	~~Y~~ N
Grain elevators	N	N	N	N	N	N	N	Y
Gravel/rock/minerals	N	N	N	N	N	Y	Y	Y
~~Grocery~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Group home/foster care	Y	Y	Y	~~Y~~ N	N	N	N	N
~~Guns~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
~~Gymnasium~~ Indoor recreation and amusements (except amusement arcades)	N	N	Y	Y	Y	Y	~~N~~ Y	~~N~~ Y
H								
~~Hardware~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
~~Hobby shop~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
Hospitals	N	N	Y	Y	Y	Y	N	N
~~Household furnishings~~ Retail sales and services (indoor)	N	N	Y	Y	Y	Y	N	N
I								
~~Ice cream~~ Restaurants, bakeries, delicatessens, cafes (enclosed).	N	N	Y	Y	Y	Y	~~N~~ Y	~~N~~ Y
~~Insurance office~~ Professional offices	~~Y~~N	Y	Y	Y	Y	Y	N	N
~~Interior decorator~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	N	N

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
J								
~~Janitorial supplies~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	~~N~~ Y	~~N~~ Y	Y	Y	~~Y~~ N	~~Y~~ N
~~Jewelry~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y	N	N
~~Job printing~~ Business services (except heavy equipment sales and services).	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
Junkyards	N	N	N	N	N	N	N	SE
K								
Kennels	N	N	N	N	N	N	N	N
L								
~~Landscaping and nursery~~ Nurseries and landscaping supply sales	N	N	N	N	Y	Y	Y	Y
Laundry plants	N	N	N	N	N	Y	Y	Y
~~Lawnmowers, repair~~ Landscaping equipment repair services	N	N	N	N	Y	Y	Y	Y
Library	N	Y	Y	Y	Y	Y	N	N
~~Linen supply/uniforms~~ Personal services	N	N	~~N~~ Y	~~N~~ Y	Y	Y	~~Y~~ N	~~Y~~ N
~~Loan company office~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	N	N
Locksmith	N	N	Y	Y	Y	Y	N	N
~~Lodge/fraternity/sorority~~ Lodges/fraternities/sororities	~~Y~~ N	~~Y~~ N	Y	Y	~~N~~ Y	~~N~~ Y	~~N~~ Y	~~N~~ Y
M								
Machine shop	N	N	N	N	N	Y	Y	Y
Machinery, heavy	N	N	N	N	N	Y	Y	Y
Manufacturing	N	N	N	N	N	N	Y	Y
Meat processing	N	N	N	N	N	N	N	SE
Medical marijuana treatment centers	N	N	Y	Y	Y	Y	N	N
Metal buffing, polishing, plating	N	N	N	N	N	N	Y	Y
Millwork	N	N	N	N	N	N	Y	Y
~~Mini-warehouse (self-service storage facility (without outside storage)~~ Mini-warehouse/self-storage facilities (indoor)	N	N	N	N	Y	Y	Y	Y
~~Mini-warehouse (self-storage facility) (with outside storage)~~ Mini-warehouse/self-storage facilities (indoor and with outside storage)	N	N	N	N	N	Y	Y	Y
Mobile home sales	N	N	N	N	Y	Y	Y	Y
~~Monuments/memorials~~ Outdoor sales	N	N	N	N	~~N~~ Y	Y	Y	Y
~~Mortuary~~ Personal services	N	N	~~N~~ Y	~~N~~ Y	Y	Y	N	N
~~Motel/hotel~~ Hotels/motels/lodging	N	N	Y	Y	Y	Y	Y	Y
Motor freight terminals	N	N	N	N	N	Y	Y	Y
~~Motorcycles~~ Motor vehicle sales and rental (except trucks and trailers)	N	N	N	N	Y	Y	Y	Y
Multifamily dwellings	Y	Y	Y	N	N	N	N	N
Museums	N	Y	Y	Y	Y	Y	N	N

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
N								
~~Newspaper office~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	~~Y~~ N	~~Y~~ N
O								
One-family dwellings	Y	Y	Y	N	N	N	N	N
Orphanages	Y	Y	Y	N	N	N	N	N
Outdoor sales	N	N	N	N	Y	Y	Y	Y
O								
Outside storage	N	N	N	N	~~Y~~ N	Y	Y	Y
P								
~~Packaged liquor~~ Package stores	N	N	Y	Y	Y	Y	N	N
~~Paint/body shop~~ Automobile, paint and body shops	N	N	N	N	N	Y	Y	Y
~~Paint/wallpaper~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y	N	N
Paper/pulp mills	N	N	N	N	N	N	N	SE
Parking, free or charge	N	Y	Y	Y	Y	Y	N	N
Pawnshops	N	N	N	N	Y	Y	N	N
~~Penny~~ Amusement arcades	N	N	N	N	SE	Y	N	N
~~Pest control agency/supply~~ Business services	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
~~Pets, sale and supplies~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y	N	N
~~Photographic studio~~ Photography and art studios	N	N	Y	Y	Y	Y	N	N
~~Churches~~ Places of worship	N	Y	Y	Y	Y	~~Y~~ SE	~~Y~~ SE	~~Y~~ SE
~~Playgrounds/parks~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~Pool room~~ Indoor recreation and amusements (except amusement arcades)	N	N	Y	Y	Y	Y	~~N~~ Y	~~N~~ Y
Post offices	N	N	Y	Y	Y	Y	Y	Y
~~Pressing/mending~~ Personal services	N	N	Y	Y	Y	Y	N	N
Pumps	N	N	N	N	N	Y	Y	Y
R								
Racetrack	N	N	N	N	N	Y	Y	Y
~~Radio/TV repair~~ Repair services, jewelry, electronics, and small appliances	N	N	Y	Y	Y	Y	N	N
~~Radio/TV studio~~ Radio and television studios.	N	N	Y	Y	Y	Y	N	N
Railroad terminal	N	N	N	N	N	Y	Y	Y
~~Real estate office~~ Professional offices	N	Y	Y	Y	Y	Y	N	N
~~Recreational building~~ Indoor recreation and amusements (except amusement arcades)	N	N	Y	Y	Y	Y	~~N~~ Y	~~N~~ Y
~~Rental storage space~~ Warehousing	N	N	N	N	N	Y	Y	Y
~~Repair, auto body~~ Automobile, paint and body shops	N	N	N	N	N	Y	Y	Y
~~Repair, heavy equipment~~ Heavy equipment repair	N	N	N	N	N	Y	Y	Y
~~Repair, trailer~~ Heavy equipment repair	N	N	N	N	N	Y	Y	Y

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
~~Repair, watch and jewelry~~ Repair services, jewelry, electronics, and small appliances.	N	N	Y	Y	Y	Y	N	N
~~Restaurant, enclosed~~ Restaurants, bakeries, delicatessens, cafes (enclosed).	N	N	Y	Y	Y	Y	Y	Y
Restaurant supply sales	N	N	N	N	Y	Y	Y	Y
~~Rifle range, indoor~~ Indoor recreation and amusements (except amusement arcades)	N	N	~~N~~ Y	~~N~~ Y	~~N~~ Y	Y	Y	Y
Road materials	N	N	N	N	N	Y	Y	Y
Road-building machinery	N	N	N	N	N	Y	Y	Y
S								
Sawmills	N	N	N	N	N	N	SE	Y
Schools~~, art~~	N	N	Y	Y	Y	Y	N	N
~~School, business~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~School, dancing~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~School, music~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~School, parochial~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~School, private~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~School, public~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~School, vocational~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~Seafood market~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y	N	N
Septic tank service	N	N	N	N	N	Y	Y	Y
Sharpening/grinding	N	N	N	N	N	Y	Y	Y
Sheet metal shop	N	N	N	N	N	Y	Y	Y
~~Shoe repair~~ Personal services	N	N	Y	Y	Y	Y	N	N
~~Skating rink~~ Indoor recreation and amusements (except amusement arcades) Outdoor recreation and amusements (except racetracks)	N N	N N	~~N~~ Y Y	~~N~~ Y Y	Y Y	Y Y	Y Y	Y Y
Slaughtering/rendering	N	N	N	N	N	N	N	SE
Small scale metal melting operations	N	N	N	N	N	N	SE	SE
Smelting/refining	N	N	N	N	N	N	N	SE
~~Souvenir/notions/sundry/variety~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y	N	N
~~Sporting goods~~ Retail sales and services (indoor)	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y	N	N
~~Sports arena~~ Indoor recreation and amusements (except amusement arcades)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
Stockyards	N	N	N	N	N	N	N	SE
Stonecutting	N	N	N	N	N	N	Y	Y
~~Storage, anchored building~~ Outside storage	N	N	N	N	Y	Y	Y	Y
~~Storage, insecticide~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~
~~Storage facility for boats, vehicles and recreational vehicles with outside storage~~ Motor vehicle and boat storage	N	N	N	N	N	Y	Y	Y
~~Storage/warehouse~~ Warehousing	N	N	N	N	N	Y	Y	Y

BUSINESS/SERVICE	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
T								
Tailors	N	N	Y	Y	Y	Y	N	N
Taxidermists	N	N	Y	Y	Y	Y	N	N
~~Telephone exchange office~~ Professional offices	N	~~N~~ Y	Y	Y	Y	Y	N	N
~~Theatre/drive-in~~ Outdoor recreation and amusements (except racetracks)	N	N	~~N~~ Y	~~N~~ Y	Y	Y	Y	Y
~~Theatre, indoor~~ Indoor recreation and amusements (except amusement arcades)	N	N	Y	Y	Y	Y	Y	Y
~~Travel agency~~ Professional offices	N	Y	Y	Y	Y	Y	N	N
Travel trailer parks	N	N	N	N	Y	N	N	N
Truck/trailer rentals	N	N	N	N	N	Y	Y	Y
Two-family dwellings	Y	Y	Y	N	N	N	N	N
U								
Upholstery/seat cover shops	N	N	~~Y~~ N	~~Y~~ N	Y	Y	N	N
V								
~~Veterinarian~~ Medical, dental, veterinarian offices (not including medical marijuana treatment centers)	N	~~N~~ Y	Y	Y	Y	Y	N	N
W								
Warehouse distribution centers	N	N	N	N	Y	Y	Y	Y
Warehousing	N	N	N	N	N	Y	Y	Y
Welding	N	N	N	N	N	Y	Y	Y

(Ord. No. 92-02, § 1(15-15), 4-30-1992; Ord. No. 95-07, § 4, 9-19-1995; Ord. No. 99-06, § 1, 7-6-1999; Ord. No. 2002-03, § 1, 7-16-2002; Ord. No. 2005-22, 9-6-2005; Ord. No. 2005-23, 9-6-2005; Ord. No. 2005-27, 10-18-2005; Ord. No. 2007-13, § 2, 6-19-2007; Ord. No. 2008-11, 6-3-2008; Ord. No. 2009-09, 6-2-2009; Ord. No. 2012-03, 3-20-2012; Ord. No. 2013-06, 5-21-2013; Ord. No. 2013-07, 5-21-2013; Ord. No. 2017-05, § 3, 5-16-2017; Ord. No. 2021-01 , 1-19-2021)

Secs. 134-~~246~~ 262 —134-280. Reserved.

ARTICLE IV. PLANNED DEVELOPMENTS[23]

DIVISION 1. GENERALLY

[23]Cross reference(s)—Planning, ch. 122.

Sec. 134-281. Rezoning.

Rezoning for planned developments will be an entirely voluntary procedure, and the final approval of planned development rezoning rests entirely with the city commission following a recommendation from the planning and zoning board which may include in the rezoning any conditions that the commission deems necessary. Planned developments may include any uses and any mixture of uses, but they must conform to all aspects of the comprehensive plan. However, the comprehensive plan may also be changed so as to permit a particular development.

(Ord. No. 92-02, § 1(art. 5), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

~~Sec. 134-282. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Applicant* means a landowner, developer, builder or other person who files a petition for a zoning change to a planned development district.~~

~~*Approved development plan* means a development plan submitted for a proposed planned development which has been approved and adopted by ordinance by the city commission.~~

~~*Buffering* means the use of any manmade or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.~~

~~*Common area* means any part of a planned development designed and intended to be used in common by the owners, residents or tenants of the planned development.~~

~~*Development plan* means the plan submitted in accordance with the requirements of this article as the basis for a rezoning to planned development, consisting of both a development plan map and a development plan report, both of which shall be adopted by reference in the prescribed manner by ordinance to amend the zoning map, noting rezoning to planned development and approving the development plan.~~

~~*Impervious ground coverage* means an area of ground covered by any part of a building, street, parking lot or any other structure, improvement, facility or material which is incapable of being penetrated, as by water.~~

~~*Intensity of use* means the gross floor area of all nonresidential uses.~~

~~*Land use regulation* means any ordinance or resolution controlling the use, development, maintenance or transfer of real property.~~

~~*Plaza* means any open space which contains more than 50 percent impervious ground coverage.~~

~~*Recreational area* means any common area or dedicated public area, including open space or buildings, but not including streets or off-street parking or loading areas, which is usable for either passive or active recreational activities. Passive recreational activities are those which involve mere observation or only a small amount of activity to derive relaxation or pleasure, and they include such pursuits as sightseeing, birdwatching, picnicking, fishing and the like. Active recreational activities are those which require a certain degree of physical exertion in order to obtain exercise or a release of energy, and they include both team sports and individual sports, playground activities, exercise facilities and the like and usually require special, constructed facilities.~~

~~*Sediment* means solid material, mineral or organic, that is in suspension, is being transported or has moved from its site of origin by water.~~

~~*Sedimentation* means the deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin or on public rights-of-way.~~

~~(Ord. No. 92-02, § 1(15-16), 4-30-1992)~~

~~Cross reference(s)—Definitions generally, § 1-2.~~

Sec. 134-~~283~~ 282. Prohibitions.

In general, these planned development provisions are designed to allow a landowner or developer to submit any proposal or consideration for any use of any mixture or uses and to allow the city commission to approve any proposal which it determines to be in the best interest of the public health, welfare and safety along with any conditions or requirements or limitations thereon which the city commission deems advisable. Regardless, however, of this designed flexibility, no planned development may be approved under these provisions which is inconsistent with the planned uses, planned residential density or open space objectives of the comprehensive plan unless a corresponding change to the comprehensive plan is also approved.

(Ord. No. 92-02, § 1(15-17), 4-30-1992; Ord. No. 2006-38, § 1, 10-17-2006)

Sec. 134-~~284~~ 283. Other ordinances.

All building code, housing code and other land use regulations of the city are applicable to a planned development except those permitting special exceptions and zoning variances and except to the extent that they conflict with a specific provision of the approved development plan. Unless otherwise provided in the approved development plan, all land use regulations which apply in relation to a zoning district category shall apply in areas of a planned development in the manner determined by the city commission as part of the approved development plan or, if not determined therein, by the city commission during the site plan approval process, giving due regard to the purpose of each such regulation and the similarity of each area of the planned development to other zoning districts in terms of permitted uses.

(Ord. No. 92-02, § 1(15-21), 4-30-1992)

Sec. 134-~~285~~ 284. Exterior setbacks.

(a) The uses or buildings on the perimeter of a planned development must be compatible with existing and planned uses of properties surrounding the planned development; that is, the exterior uses and building should not have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall the uses along the perimeter of the planned development be subject to undue adverse impact from existing or planned surrounding uses.

(b) An evaluation of the external compatibility of a planned development should be based on the following factors:

(1) The use of existing and proposed landscaping;

(2) The use of the topography, physical environment and other natural features;

(3) The use and variety of building setback lines, separations and buffering;

(4) The particular land uses proposed and the conditions and limitations thereon;

(5) The particular use proposed near the planned development perimeter and the conditions and limitations thereon;

(6) The type, number and location of surrounding external uses;

(7) The zoning on surrounding lands;

(8) Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the planned development and of uses adjacent to the planned development; and

(9) Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the planned development and any existing or planned use of such lands.

(Ord. No. 2006-39, § 1, 10-17-2006)

Secs. 134-~~286~~ 285—134-310. Reserved.

DIVISION 2. DEVELOPMENT PLANS

Subdivision I. In General

Sec. 134-311. Approval process.

The approval process is also designed to be flexible so that, depending on the size, complexity and novelty of a proposed development and the desires of the applicant, approval of a planned development may be sought through either a one-step, two-step or multiple step procedure. The first possible step, concept review, is optional. The first required step is the preliminary development plan approval, after which there may be one or more required steps for the final site plan approval. If an applicant wishes, he may attempt to obtain any required site plan approval at the same time as the development plan approval.

(Ord. No. 92-02, § 1(15-18), 4-30-1992)

Sec. 134-312. ~~Concept~~ Optional concept review.

Prior to making expenditures or developing any detailed plans or data, an applicant may, at his sole option, submit to the planning and zoning board for its review of the proposed planned development. This may be done with or without any supporting plan or sketch, but the applicant shall be required to pay a filing fee. The city commission's concept review is intended solely to alert an applicant to problems with or objections to a particular proposed development so that a proposal may be abandoned without significant expenditure by the applicant if he determines that approval of the proposal will be questionable or unlikely. During the concept review, no comment concerning a proposed development concept by the city commission of any of its members, or any officer or employee of the city, shall be relied upon by the applicant or any other person as representation or implication that the particular concept proposed will be ultimately approved in any form as a planned development.

(Ord. No. 92-02, § 1(15-18(A)), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Sec. 134-313. Preliminary development plan approval.

(a) The first required step in the approval process of a planned development is the submission of a preliminary development plan for approval, accompanied by the prescribed filing fee and a petition to rezone the land involved in the planned development district in accordance with the development plan submitted pursuant to the requirements specified in this section. The rezoning petition will be first reviewed by the ~~zoning~~ development services director who shall determine whether the application is sufficiently complete.

(b) If the application is sufficiently complete, both the ~~zoning~~ development services director and the city attorney shall review the application and forward their comments and recommendations to the planning and zoning board in time for a hearing by the city commission on the rezoning petition within 45 days of the ~~zoning~~ development services director's receipt of a sufficiently complete petition. The city commission public hearing on the rezoning petition may be continued from time to time as necessary to facilitate the inclusion in the development plan of such change, conditions and additions as may be agreed upon by the city commission and the applicant.

(c) Following the planning and zoning board public hearing and recommendations on the proposed rezoning as agreed to by the applicant, the city commission shall conduct a public hearing and may either deny the rezoning, approve the rezoning or approve the rezoning with whatever other amendments or additions to the development plan it deems necessary or appropriate. Should the applicant not be agreeable to a development plan in the form in which it is approved by the city commission, the rezoning petition may be withdrawn at any time prior to the final reading of an ordinance enacting the rezoning. The applicant must file any petition for amendment to the comprehensive plan which is necessary to the approval by the city commission of the proposed rezoning. An applicant may file concurrently with the rezoning petition any applications for site plan approval as required in this division.

(Ord. No. 92-02, § 1(15-18(B)), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Sec. 134-314. Final site plan approval.

Once a rezoning to a planned development district has been accomplished, based on an approved development plan, an applicant may not commence development except in accordance with an approved final site plan unless the rezoning ordinance specifically exempts all or part of the development from the site plan requirements. Final site plans may be submitted for approval at one time for all of a planned development or at different times for any parts of a planned development; provided, however, that if a preliminary development plan includes provisions for phased development, no final site plan may be approved for any phase of the development of a prior phase if not sufficiently complete to ensure that the phasing limitations of the approved development plan are met; that the public health, welfare and safety are not adversely affected; and that any phasing requirements are not subverted. Site plans must comply in all aspects with the requirements of the approved development plan with enforcement by the director pursuant to article II of this chapter.

(Ord. No. 92-02, § 1(15-18(C)), 4-30-1992)

Secs. 134-315—134-340. Reserved.

Subdivision II. Application

Sec. 134-341. Contents.

Along with a rezoning request, an applicant for planned development rezoning shall submit three copies each of the legal description of site and owners, existing conditions map, development plan map, development plan report, and any additional items required by the ~~zoning~~ development services director or the city commission.

(Ord. No. 92-02, § 1(15-19), 4-30-1992)

Sec. 134-342. Legal description of site and owners.

A legal description of the proposed planned development shall be submitted along with the names of every person owning an interest in any part of the site and the nature of each person's interest.

(Ord. No. 92-02, § 1(15-19(A)), 4-30-1992)

Sec. 134-343. Existing conditions map.

This map or series of maps shall be drawn to a scale acceptable to the ~~zoning~~ development services director but in no instance to a scale smaller than one inch equals 100 feet, and shall include:

(1) Title of the proposed planned development and names of the applicants;

(2) Scale, date, north arrow and general location map showing the boundaries of the planned development and the nearest ones without, and the existing property lines for both public and private property within the planned development and for 300 feet surrounding it;

(3) Within the site and the 300-foot area surrounding it, the location and names of all existing streets; the locations and use of all existing principal buildings and existing recreation or open space areas; the location and size of all existing drainage, water, sewer, electrical and other utilities facilities, including fire hydrants; and all existing easements, watercourses, bridges, lakes, marshes, wooded areas, sinkholes and other physical conditions affecting the area;

(4) Existing topography at one inch equals 100 feet with one-foot contour lines;

(5) Generalized soil types in the project area and surrounding area;

(6) Information about the type and location of existing vegetation, including the approximate size and location of major tree groupings and those trees with a diameter of at least 12 inches measured four feet from the ground. Aerial and on-site photographs may be used to show vegetation; and

(7) The location and function of all other existing public facilities which would serve the site, such as schools, parks and fire stations. Notation of this information on a scaled map or by written description is acceptable.

(Ord. No. 92-02, § 1(15-19(B)), 4-30-1992)

Sec. 134-344. Development plan map.

Such map or maps shall be drawn and submitted, along with ~~computer discs~~ an electronic copy of any maps prepared by CAD, at a scale acceptable to the ~~zoning~~ development services director but not smaller than one inch equals 100 feet, and shall include:

(1) The proposed land use relationships, including the boundaries of each use area, the uses to be permitted therein and the form of ownership for each use;

(2) The proposed vehicle, bicycle and pedestrian circulation system, including the general locations and widths of rights-of-way;

(3) The use and, generally, the size, location, distance from one another and height of all proposed buildings and other structures;

(4) The location and size of usable open space areas, plazas and recreation areas with an indication for each of whether it will be a common area or dedicated to public use; and

(5) The location and size of all areas designated for public or semipublic institutional uses, such as schools, ~~churches~~ places of worship, libraries and public safety facilities.

(Ord. No. 92-02, § 1(15-19(C)), 4-30-1992)

Sec. 134-345. Development plan report.

This report shall be a part of the development plan and shall include:

(1) A statement indicating the purpose and intent of the project and the applicant's opinion of how the proposed planned development complies with the goals and policies of the city's comprehensive plan.

(2) A statement of internal and external land use relationships and the applicant's opinion of their compatibility.

(3) A plan for pedestrian, bikeway and vehicular circulation describing the general design capacity of the system as well as access points to the major thoroughfare system. A trip-generation report for each phase of development shall be included as a supplement to this plan.

(4) Statistical information including:

a. Total acreage of site;

b. Maximum building coverage expressed as a percentage of the total site area;

c. Maximum impervious ground coverage expressed as a percentage of the total site area;

d. The calculated residential density for the project;

e. The exact number of dwelling units and residential density in each residential use area;

f. The exact number of commercial land uses by type and size (gross floor area) to be allowed;

g. The specific acreage of each use area; and

h. The areas of land devoted to publicly owned usable open space, publicly owned recreational area, publicly owned plazas, common area usable open space, common area recreational areas and common area plazas, all expressed as a percentage of the total site area.

(5) Drainage concept plan, indicating the manner of controlling water drainage from the property.

(6) A generalized landscaping plan.

(7) A statement indicating the design standards proposed to be utilized for all streets and off-street parking and loading facilities, public and private.

(8) A development schedule for the planned development (or for each phase if phasing is proposed) containing the following information, which schedule shall not be binding except as may be specifically required in the rezoning ordinance:

a. The order of construction of the proposed land uses by use area delineated in the development plan;

b. The proposed date for the beginning of construction of such land uses by use area;

c. The proposed date for the completion of construction on such land uses by use area;

d. The proposed schedule for the construction of required or permitted improvements of usable open space, plazas and recreational areas within each use area, including any complementary building or other facilities; and

e. The proposed schedule for the installation of required public or utilities improvements and the dedication of public rights-of-way, easements and properties.

(Ord. No. 92-02, § 1(15-19(D)), 4-30-1992)

Sec. 134-346. Attorney review.

All required documents are to be examined and approved by the city attorney as contemplated and required by this section and such supporting information as may be reasonably required to permit the certification required by the city attorney under this article.

(Ord. No. 92-02, § 1(15-19(E)), 4-30-1992)

Sec. 134-347. Exceptions.

(a) If any of the items required to be included in the development plan map or report is unapplicable or irrelevant to a proposed planned development, such item may be omitted, provided that the development plan report identifies the items missing and includes a brief explanation of why they are irrelevant or inapplicable.

(b) With the concurrence of the ~~zoning~~ development services director, some items to be included in the development plan report may be combined with others or shown on the development plan map, provided that no confusion or ambiguity thereby results.

(Ord. No. 92-02, § 1(15-19(F)), 4-30-1992)

Sec. 134-348. Additional items.

Additional items may be required by the ~~zoning~~ development services director or the city commission either for informational purposes or to be included in the development plan map or report. Such items may include, but are not limited to:

(1) An off-street parking and loading plan;

(2) Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of the proposed circulation pattern;

(3) Drawings indicating the general architectural theme or appearance and representative building types; and

(4) Environmental impact statements or environmental assessments.

(Ord. No. 92-02, § 1(15-19(G)), 4-30-1992)

Secs. 134-349—134-370. Reserved.

Subdivision III. Evaluation

Sec. 134-371. Criteria.

In considering a proposed development plan for approval, the ~~zoning~~ development services director, the board and the city commission shall evaluate the proposal in consideration of the criteria of this subdivision.

(Ord. No. 92-02, § 1(15-20), 4-30-1992)

Sec. 134-372. Conformance with comprehensive plan.

No development plan may be approved unless it is in accordance with the city's comprehensive plan.

(Ord. No. 92-02, § 1(15-20(A)), 4-30-1992)

Sec. 134-373. Internal compatibility.

All land uses proposed with a planned development must be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility of a planned development should be based on the following factors:

(1) The streetscape;

(2) The existence or absence of and the location of open space, plazas, recreational areas and common areas;

(3) The use of existing and proposed landscaping;

(4) The treatment of pedestrian ways;

(5) Focal points and vistas;

(6) The use of the topography, physical environment and other natural features;

(7) Traffic and pedestrian circulation pattern;

(8) The use and variety of building setback lines, separations and buffering;

(9) The use and variety of building groupings;

(10) The use and variety of building sizes and architectural styles;

(11) The use and variety of materials;

(12) The separation and buffering of parking areas and sections of parking areas;

(13) The variety and design of dwelling types;

(14) The particular land uses proposed and the conditions and limitations thereon;

(15) The form of ownership proposed for various uses; and

(16) Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the planned development.

(Ord. No. 92-02, § 1(15-20(B)), 4-30-1992)

Sec. 134-374. External compatibility.

All land uses proposed within a planned development must be compatible with existing and planned uses of properties surrounding the planned development; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a planned development should be based on the following factors:

(1) All of those factors listed in section 134-373 with particular attention to those areas of the planned development located on or near its perimeter;

(2) The particular use proposed near the planned development perimeter and the conditions and limitations thereon;

(3) The type, number and location of surrounding external uses;

(4) The zoning on surrounding lands; and

(5) Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the planned development and any existing or planned use of such lands.

(Ord. No. 92-02, § 1(15-20(C)), 4-30-1992)

Sec. 134-375. Intensity of development.

The residential density and intensity of use of a planned development 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. Within the limitations of the comprehensive plan, the permitted residential density and the intensity of use in a planned development may be adjusted upward or downward in consideration of the following factors:

(1) The locations of various proposed uses within the planned development and the degree of compatibility of such uses with each other and with surrounding uses;

(2) The amount and type of protection provided for the safety, habitability and privacy of land uses, both internal and external to the planned development;

(3) The existing residential density and intensity of the use of the surrounding land;

(4) The availability and location of utilities services and public facilities and services;

(5) The amount of the size of open spaces, plazas, common areas and recreational areas;

(6) The use of energy-saving techniques and devices, including sun and wind orientation;

(7) The existence and treatment of any environmental hazards to the planned development property or surrounding lands;

(8) The access to and suitability of transportation arteries proposed within the planned development and existing external transportation systems and arteries;

(9) Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare and safety; and

(10) No planned development may exceed a gross density in excess of 14 dwelling units per acre. A lower density cap may be imposed by the elected officials if nonresidential land uses are proposed within the planned development.

(Ord. No. 92-02, § 1(15-20(D)), 4-30-1992)

Sec. 134-376. Usable open spaces, plazas, recreational areas.

Usable open spaces, plazas and recreation areas provided within a planned development shall be evaluated based on conformance with the policies of the comprehensive plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive environmental areas, conserve areas of unique beauty or historical significance, provide structure to neighborhood design and encourage compatible and cooperative relationships between adjoining land uses.

(Ord. No. 92-02, § 1(15-20(E)), 4-30-1992)

Sec. 134-377. Environmental constraints.

The site of the planned development shall be suitable for use in the manner proposed without hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. Conditions of soil, groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended.

(Ord. No. 92-02, § 1(15-20(F)), 4-30-1992)

Sec. 134-378. External transportation access.

A planned development shall be located on and provide access to a major street unless, due to the size of the planned development and the type of uses proposed, it will not adversely affect the type or amount of traffic on adjoining minor streets.

(Ord. No. 92-02, § 1(15-20(G)), 4-30-1992)

Sec. 134-379. Internal transportation access.

(a) Every dwelling unit or other use permitted in a planned development shall have access to a public street either directly or by way of a private road, pedestrian way, court or other area which is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road.

(b) Private roads and other accessways shall be required to be constructed so as to ensure that they are safe and maintainable and that they allow for sufficient privacy for permitted uses.

(Ord. No. 92-02, § 1(15-20(H)), 4-30-1992)

Sec. 134-380. Off-street parking.

Sufficient off-street parking for bicycles and other vehicles as well as cars shall be provided. The requirements of chapter 118 of this Code shall be used as a guide only. Parking areas shall be constructed in accordance with such standards as are approved by the city commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses.

(Ord. No. 92-02, § 1(15-20(I)), 4-30-1992)

Sec. 134-381. Sidewalks, trails and bikeways.

The design of a planned development should, whenever feasible, incorporate appropriate pedestrian and bicycle accessways so as to provide for a variety of movement opportunities.

(Ord. No. 92-02, § 1(15-20(J)), 4-30-1992)

Sec. 134-382. Public facilities.

No development plan shall be approved unless adequate public facilities including, but not limited to, storm drainage, sanitary sewers, water distribution system and recreational facilities which shall serve the proposed project, are either in place or imminent or proposed to be constructed by the applicant whether or not such facilities are physically located within the site boundaries of the planned development. All recreational facilities shall be constructed prior to development plan approval for over 70 percent of the total residential units within the planned development.

(Ord. No. 92-02, § 1(15-20(K)), 4-30-1992)

Sec. 134-383. Unified control.

All land included in any planned development shall be under the complete, unified, legal, otherwise unencumbered control of the applicant whether the applicant is an individual, partnership, corporation, other entity, group or agency. The applicant shall furnish the city sufficient evidence to the satisfaction of the city attorney that the applicant is in complete, legal and unified control of the entire area of the proposed planned development. The applicant shall provide the city, for approval by the city attorney, all agreements, contracts, deed restrictions, guarantees and other necessary documents and information that may be required by the city attorney to ensure the city that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered by the city commission unless the city attorney has certified in writing that the legal requirements of this section have been complied with.

(Ord. No. 92-02, § 1(15-20(L)), 4-30-1992)

Sec. 134-384. Phasing.

The city commission may permit or require the phasing or staging through a master plan of a planned development. When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties and the available public facilities and services that failure to proceed with subsequent phases of development will have no adverse impact on the planned development or surrounding properties.

(Ord. No. 92-02, § 1(15-20(M)), 4-30-1992)

Sec. 134-385. Development time limits.

The city commission may establish reasonable periods of time for the completion of any dedicated public facilities within a planned development, facilities planned for a common area and the total planned development. If phasing is provided for, time limits for the completion of each phase of the development may also be established. Any such time limit may be extended by the city commission for reasonable periods upon the petition of an applicant for an amendment to the development plan and based upon good cause as determined by the city commission; provided, however, that such extension of time shall not automatically extend the normal expiration

date of a building permit, site plan approval or other development order. If time limits contained in the approved development plan are not complied with and not extended for good cause, the city commission may rezone the property or any part of it or amend the approved development plan so as to best protect adjoining properties and the public health, welfare or safety.

(Ord. No. 92-02, § 1(15-20(N)), 4-30-1992)

Sec. 134-386. Bonds.

The city commission may include in the development plan requirements for bonds (or alternative therefor) conditioned upon the satisfactory and timely completion of public facilities or facilities planned for common areas for the benefit of purchasers from the applicant when the development time limits and phasing schedule do not preclude the sale of individual lots or units prior to the completion of such facilities.

(Ord. No. 92-02, § 1(15-20(O)), 4-30-1992)

Secs. 134-387—134-410. Reserved.

Subdivision IV. Amendments

Sec. 134-411. Petition.

Except as noted in section 134-412, an amendment to an approved development plan (except for an extension of a time limit) may be accomplished only by a petition to amend the approved site plan accompanied by a new proposed development plan. All appropriate maps, plans and reports submitted with the approved development plan may be resubmitted with the amendment petition, along with sufficient new maps, plans and reports to clearly and thoroughly indicate the proposed changes, as the new proposed development plan.

(Ord. No. 92-02, § 1(15-22(A)), 4-30-1992)

Sec. 134-412. Types.

Amendments to the development plan of an approved planned development of the following types may be authorized by the city commission during any required site plan review:

(1) Minor adjustments or shifts in the location and sighting of buildings, structures, parking bays and parking spaces;

(2) Changes in the location of utility tie-ins and dumpsters;

(3) Reductions in the overall density or intensity of structural ground coverage of the development;

(4) Changes in the location and types of landscape materials, excluding changes in the location of buffers;

(5) Changes in the walkway and bikeway systems;

(6) The addition of accessory structures or a utility building of less than 288 square feet;

(7) The addition of up to five new parking spaces; and

(8) Any expansion of gross floor area or enlargement of the building envelope which does not require the addition of required parking spaces.

(Ord. No. 92-02, § 1(15-22(B)), 4-30-1992)

Sec. 134-413. Rezoning time limits.

The rezoning of property by amendatory ordinance to a planned development district based on a particular development plan shall operate the same as any other zoning to prohibit the consideration by the city commission of any new petition for rezoning for any part of such property, excluding an application to amend the approved development plan, for a period of 12 months from the date of the amendatory action. Neither the denial of a petition to rezone a planned development nor the withdrawal of a petition to rezone the planned development shall operate to deny the applicant consideration of a new rezoning petition at any time, except that no new petition to rezone a planned development may be considered by the city commission within a period of 12 months from the date of such denial or withdrawal. The denial of a petition to rezone to a category other than planned development shall not act to prohibit the filing of a petition for planned development zoning at any time.

(Ord. No. 92-02, § 1(15-23), 4-30-1992)

Secs. 134-414—134-440. Reserved.

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 134-441—134-460. Reserved.

DIVISION 2. LOT, YARD, HEIGHT AND OTHER SITE AREA REGULATIONS

Sec. 134-461. No reduction of required area.

No tract, yard, setback, clearance, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by the zoning code; and if already less than the minimum required by the zoning code for a new building or use, such area or dimensions shall not be further reduced. No part of a required yard, setback, clearance, parking area or other space provided about or for any building, structure or use for the purpose of complying with the provisions of the zoning code shall be included as part of the yard, setback, clearance, parking area or other space required under the zoning code for another building, structure or use unless specifically authorized by the zoning code.

(Ord. No. 92-02, § 1(15-29), 4-30-1992)

Sec. 134-462. Double frontage.

On corner tracts and through tracts, front yards, when required, shall be provided on both streets; and accessory buildings shall not be located in either front yard.

(Ord. No. 92-02, § 1(15-30), 4-30-1992)

Sec. 134-463. Use of premises without buildings.

Where a tract is to be occupied for a permitted use without buildings, the side yard and front yard required for such tract shall be provided and maintained unless otherwise stipulated in the zoning code; except that side yards shall not be required on tracts used for private garden purposes without buildings or structures not on tracts used for public recreation areas.

(Ord. No. 92-02, § 1(15-31), 4-30-1992)

Sec. 134-464. Group housing.

Where two or more separate buildings for dwelling purposes are erected or placed on the same tract, minimum front, side and rear yards shall be provided as required by the zoning code unless, however, submitted as a planned unit development.

(Ord. No. 92-02, § 1(15-32), 4-30-1992)

Sec. 134-465. Yard encroachments.

Every part of every required yard shall be open and unobstructed from the ground to the sky except as provided in this section, or as otherwise permitted in this zoning code:

(1) Sills or belt courses may not project over 12 inches into the required yard.

(2) Movable awnings may not project over three feet into a required yard; provided, however, that where the yard is less than five feet in width, such projection shall not exceed one-half the width of the yard.

(3) Chimneys, fireplaces or pilasters (columns) may not project over two feet into a required yard.

(4) Fire escapes, stairways and balconies which are unroofed and unenclosed may not project over five feet into a required rear yard and not over three feet eight inches into a required side yard of a multiple dwelling, hotel or motel.

(5) Hoods, canopies or marquees may not project over three feet into a required yard but shall exceed closer than one foot to any tract line.

(6) Accessory uses and structures may not be located in required yards except garages in rear yards.

(7) Nothing in this zoning code shall be construed so as to prevent any type of landscaping or private nonprofit gardening on any tract.

(8) Accessory parking ~~may be located in a required rear or side yard.~~ is permissible in the side or rear yard, and may be permitted in the front yard as a special exception. If located in a front yard, accessory parking shall be parked in a driveway and shall be limited to no more than one boat, vehicle, or trailer meeting the definition of accessory parking.

(9) Flagpoles, clotheslines, birdhouses and other yard accessories are permitted in any yard if they do not constitute substantial impediments to vision or the free flow of light and air across the yard.

(10) Mechanical and pool equipment may encroach no more than four feet into the side and rear yard.

(11) Bay or bow windows may protrude from a structure no more than 24 inches into the required setback. Bay or bow windows within a setback area shall not exceed eight feet in width and shall be a minimum of 18 inches above the finished habitable floor level. There shall be no more than one exempt bay or bow window in any horizontal linear 25 feet of exterior wall.

(Ord. No. 92-02, § 1(15-33), 4-30-1992)

Sec. 134-466. Visibility at intersections.

On a corner tract, no fence, wall, hedge or other planting or structure that will obstruct vision between the height of 2½ feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner tracts and a straight line joining such right-of way lines at points which are:

(1) Fifteen feet distant in industrial and business districts.

(2) Twenty-five feet distant in residential districts.

(Ord. No. 92-02, § 1(15-34), 4-30-1992)

Sec. 134-467. Exclusions from height limits.

Penthouses, scenery lofts, towers, cupolas, steeples, domes, flagpoles, airplane beacons, broadcasting towers, antennae, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes may exceed the permissible height in any districts; provided, however, that there is sufficient setback from the tract boundaries to contain the entire structure in the event of collapse and subject to the granting of a variance pursuant to section 134-178.

(Ord. No. 92-02, § 1(15-36), 4-30-1992)

Sec. 134-468. Lot coverage.

The lot coverage standards of this chapter shall include paved areas, buildings and structures as measured within the perimeter of the exterior walls and posts, any attached or detached structure projecting vertically over three feet above ground level, and open or covered swimming pools. Roof overhangs of 30 inches or less, fences, open staircases, and open decks or balconies, whether cantilevered or not, shall not be considered *lot coverage*.

Secs. 134-~~468~~ 469—134-490. Reserved.

DIVISION 3. FENCES AND WALLS[24]

Sec. 134-491. Requirements and height limitations.

(a) *Intent.* It is the intent of this division to ensure that fence and wall improvements conform to the standards and requirements set forth herein and that fences are constructed and located on the property of the applicant.

~~(b) *Definitions:*~~

~~(1) *Front property line.* For the purpose of this chapter, the term "front property line" shall mean the border of any lot or parcel of property, which line runs parallel with that portion of any structure which contains the front entrance of such structure. If such structure is located so that the front entrance is~~

[24]Editor's note(s)—Ord. No. 2008-14, adopted July 1, 2008, changed the title of Div. 3 from "fences" to "fences and walls."

not parallel to one property line, then the property line adjacent to and parallel to the street which is used for the quadrant street address of the property shall be the front property line.

(2) *Front wall.* The wall containing the front entrance of a structure.

(3) *Front yard.* For the purpose of this chapter, the term front yard shall mean the portion of any lot or parcel of property lying between the front property line and an imaginary line extending along the front wall of a structure to the side property lines, and running parallel to the front property line. If such structure is located so that the front entrance is not parallel to one property line, then the area of the lot which lies in front of an imaginary line extended from each front corner of the house to a point perpendicular to each side lot line shall be considered the front yard.

(4) *Rear property line.* The term "rear property line" shall mean the line opposite to the front property line.

(5) *Rear yard.* The term "rear yard" shall mean the portion of any lot or parcel of property, lying between the rear property line and the rear wall of a structure and that portion of any structure which contains the front entrance of such structure. If such structure is located so that the rear entrance is not parallel to one property line, then the area of the lot which lies in behind an imaginary line extended from each rear corner of the house to a point perpendicular to each side lot line shall be considered the rear yard.

(6) *Side property line.* The term "side property line" shall mean the property lines that are neither the front property line nor the back property line, and which connect the front and back property lines.

(7) *Side yard.* The term side yard shall mean the property lying between the side of a building and any side property line, excluding the front yard and the back yard.

(c)(b) *Application and drawing required.* No permit for a fence or wall shall be issued unless an application for a permit has been filed with the building official including a drawing clearly depicting the location, height and type of wall or fence to be located, erected, constructed, replaced, reconstructed or altered including a typical cross section of the fence or wall, and sufficient information to indicate that the wall or fence shall be in compliance with this article.

(d)(c) *Permit required.* No fence or wall shall be located, erected, constructed, replaced, reconstructed or altered unless a fence permit has been issued by the city for said fence or wall.

(e)(d) *Survey requirements.* A property survey may be required for walls or fences set into permanent pillars, or to be located along public rights-of-way. Such surveys shall be no more than one year old or shall have been recertified within the last year. Delineators for survey markers shall remain on-site during the permitting and construction process.

(f)(e) *Height restrictions*. Except as otherwise indicated in this article or as allowed pursuant to a waiver as set forth in subsection (m) (l) herein below, the following height restrictions shall be met:

(1) Fences and walls in residential districts. Except as otherwise indicated in this article, in all residential zoning districts, fences shall not exceed eight feet in the rear and side yards and four feet in the front yards and side yards fronting improved rights-of-way.

(2) Fences and walls in commercial districts. Except as otherwise indicated in this article, in all commercial zoning districts, fences shall not exceed eight feet in height. Fences in the B-4 and B-5 districts may include security fencing with up to three strands of barbed wire (facing toward the subject property) not to exceed eight feet in total height from grade.

(3) Fences and walls in industrial and governmental districts. Except as otherwise indicated in this article, in all industrial and governmental zoning districts, fences shall not exceed eight feet in height and may include security fencing with up to three strands of barbed wire (facing toward the subject property) not to exceed ten feet in total height from grade.

~~(g)~~(f) *Height measurement.* The height of fence or wall shall be measured from the original grade closest to the property along the fence line, where the fence or wall is constructed.

~~(h)~~(g) *Restrictions.* The following restrictions shall apply to all fences and walls:

(1) *Clear visibility restrictions.* In no case shall a fence or wall exceeding 2.5 feet in height be permitted within the clear visibility area as specified in section 134-466 (Intersection of roadways) and section 118-312 (Driveways) of this Code.

(2) *Restrictions of location near fire hydrants.* No freestanding wall or fence shall be located within 25 feet of a fire hydrant without written approval from the fire service agency providing service to the area.

~~(i)~~(h) *Fences and walls in required landscaped buffers.* Fences and walls may be allowed in required landscaped buffers providing that the fence or wall is located between the required tree and shrub plantings and the property line with sufficient area for maintenance of the landscaping. The intent of this requirement is to provide the benefit of the landscaped buffer to the adjacent properties.

~~(j)~~(i) *Construction and materials*. Except as allowed pursuant to a waiver as set forth in subsection ~~(m)~~ (l) herein-below, all freestanding walls and fences shall be designed with a finished side facing outward toward improved roadways and public facilities such as schools and parks. Fences shall be designed to withstand stresses to which they may reasonably be expected to be subjected or as otherwise required by the building code, and shall be constructed of any of the following materials or combination thereof:

(1) Wood (except slash bark) of rot and termite-resistant species, or chemically treated or painted to resist rot and termite attack.

(2) Chain-link.

(3) Ornamental metal; to include corrugated, galvanized, roofing or other sheet metal, provided that all edges of each sheet are surrounded by wood or other approved materials intended for exterior use.

(4) Concrete or masonry.

(5) Vinyl, prefabricated, ornamental.

(6) Barbed wire is only permitted for security fences in the B-4, B-5, M-1, M-2 and GU districts.

(7) Hog wire, chicken wire, barbed wire or other metal wire fencing is allowed for bona fide agricultural uses in agricultural districts and in residential districts when installed on the inside of a fence to contain domestic animals or approved school projects as specified in chapter 18 (animals) of this code.

(8) Except as allowed in the agricultural districts for bona fide agricultural uses, electrified fencing is prohibited.

~~(k)~~(j) *Exceptions.* Fences that may be erected around high voltage substations, pumping stations, public service utilities, school yards, public playgrounds, public parks, cemeteries and governmental or public utility owned property are exempted from the requirements of this chapter.

~~(l)~~(k) *Maintenance.* All fencing or walls shall be properly maintained and free from debris at all times

~~(m)~~(l) *Alternative designs and waiver.* The site plan ~~committee~~ technical review staff may approve alternative fence designs, which differ from the above requirements, including height, side facing toward adjoining property, and construction material.

(1) To be eligible for such a waiver, the applicant must demonstrate the following:

a. The proposed design is appropriate and compatible with the surrounding area and surrounding uses; and

b. The proposed design allows reasonable use of the property; and

c. The proposed design does not compromise public health, safety and welfare.

(2) Before granting such a waiver, the site plan ~~committee~~ technical review staff shall make written findings of fact that the criteria set forth in subsection ~~(m)~~ (l) (1) above, have been established.

(Ord. No. 92-02, § 1(15-46), 4-30-1992; Ord. No. 2001-03, 8-7-2001; Ord. No. 2004-04, 4-6-2004; Ord. No. 2008-14, 7-1-2008; Ord. No. 2017-02, 2-21-2017; Ord. No. 2021-07 , 4-6-2021)

Secs. 134-492—134-510. Reserved.

DIVISION 4. USES

Subdivision I. In General

Sec. 134-511. Intent of division.

Due to the peculiar nature of certain uses, it is the intent of this division to regulate their use so as to provide for the safety, health, morals and general welfare of the community.

(Ord. No. 92-02, § 1(art. 7), 4-30-1992)

Sec. 134-512. Existing tracts of record.

In any district where residential units are permitted, one single-family dwelling or one mobile home, as applicable, may be erected on any tract in existence at the effective date of this zoning code under the following conditions:

(1) The owner of the tract on the effective date of this zoning code did not own any adjoining property.

(2) The present owner of the tract does not own any adjoining property.

(3) The tract shall abut for at least 40 feet on a street.

(4) All required yards will be provided.

(5) The tract shall be a tract of record at the time of the passage of this zoning code.

(6) The provisions of subsections (1) and (2) of this section shall not, however, apply to an undeveloped tract of record; provided, however, that the tract has a minimum tract area of at least 7,500 square feet and a minimum tract width at the building line of at least 75 feet. In addition, the provisions of subsections (1), (2) and (5) of this section shall not apply to any tracts shown on a survey which has been filed with and accepted by the city or to whom so delegated for the purpose of issuing building permits prior to the effective date of Ordinance No. 92-02, and provided that the survey has been prepared by a registered surveyor.

(Ord. No. 92-02, § 1(15-28), 4-30-1992)

Sec. 134-513. Residential uses in nonresidential districts.

The following regulations, supplementing and modifying other applicable district regulations, shall apply where a tract in a nonresidential district is utilized for a permitted residential use, the size of the required yards being specified in the district regulations for the particular nonresidential district involved:

(1) Where a residential use is located on the first or ground floor, and there is also a principal nonresidential use on the first or ground floor, such tract shall be provided with a rear yard and with side yards extending to the rear yard for the portion of the tract occupied by the residential use.

(2) Where the residential use is the only principal use on the tract, such tract shall be provided with front, side and rear yards as specified in the district regulations, schedule 1, following section.

(3) Where the residential use is located above a principal nonresidential use, such tract shall be 134-~~245~~ 244 provided with a rear yard and with side yards on each side, provided that such side yards may begin at the level of the lowest floor used for residential purposes, and a side yard shall not be required on a street side of the tract.

(4) Tracts used for hotels and motels shall provide yards as specified in the R-O district.

(Ord. No. 92-02, § 1(15-37), 4-30-1992)

Sec. 134-514. Accessory uses and structures.

(a) In residential districts, all accessory buildings and uses shall be located in the rear yard. All accessory buildings and structures shall not exceed the height of the main building or principal structure and shall be subject to the following minimum setbacks:

From the property line along road rights-of-way 25 feet

From the property line along the side 8 feet

From the property line along rear 8 feet

From other on-site buildings 5 feet

A private garage attached to or a part of the main structure is to be considered part of the main use. An unattached private garage is to be considered as an accessory building.

(b) Location exceptions:

(1) Accessory parking is permissible in the side, rear, or ~~and~~ front yard. If located in a front yard, accessory parking shall be parked in a driveway and shall be limited to no more than one boat, vehicle, or trailer meeting the definition of accessory parking.

(2) Carports requiring a building permit (must be certified by an engineer or architect to meet the Florida Building Code), may be allowed in the front, rear, or side yards with the following minimum setbacks:

From the front property line along road rights-of-way 10 feet

From the front property lines along the side 8 feet

From other onsite buildings, except those attached to the principal structure5 feet

(3) Carports such as canvas carports not requiring a building permit may be allowed by issuance of a temporary development services permit (valid for two years, renewable upon re-application) and may be located in the front, rear, or side yard, must be secured/anchored to the ground at all times or

removed during storm events, must be kept in good condition, free from tears and fraying and located to meet the following minimum setbacks:

From property lines along the side 8 feet

From property line along the rear 8 feet

From other onsite buildings, unless attached to the main building or principal structure 5 feet

(4) Notwithstanding the minimum setbacks provided in subsection (3) of the location exceptions above, no carport, accessory building or use may be located so as to create a sight hazard for traffic on streets, alleys and other public roadways.

(5) In residential districts, accessory buildings and uses may be located partially or completely on adjacent properties if such properties are under the same ownership as the property containing the primary structure.

(c) Accessory dwelling units are permitted in the Single-Family Residential (R-1) district for the purpose of providing additional housing that is incidental to a primary use while ensuring that the R-1 district character is protected. Accessory dwelling units are intended to provide guest housing, security residence, and/or affordable housing options. In the R-1 district, accessory apartments, garage apartments, and guest houses may be permitted as accessory uses to any single-family detached home in all residential districts subject to the applicable district regulations and the following requirements:

(1) The accessory dwelling shall be of similar architectural appearance and building material as the primary dwelling.

(2) The accessory dwelling unit shall not exceed 750 square feet. Larger accessory dwelling unit area may be approved subject to review by the site plan technical review staff.

(3) There shall be only one accessory dwelling unit per parcel of ownership.

(4) Either the primary dwelling or the accessory dwelling shall be owner-occupied.

(5) All applicable R-1 district regulations pertaining to setbacks and lot coverage provisions shall be met.

(6) Separate metered utility connections for the accessory dwelling unit may be permitted.

(7) Mobile homes and recreational vehicles shall not be used as accessory dwelling units.

(8) Must meet the minimum requirements for a dwelling unit in accordance with the Florida Building Code.

(Ord. No. 92-02, § 1(15-35), 4-30-1992; Ord. No. 2003-27, 6-3-2003; Ord. No. 2003-29, 7-1-2003; Ord. No. 2013-14, 11-19-2013)

Sec. 134-515. Use of residentially zoned property access.

No land which is residentially zoned shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned 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.

(Ord. No. 92-02, § 1(15-38), 4-30-1992)

Sec. 134-516. Multiple-family residence.

The maximum multiple-family dwelling unit density permitted within any R-3, R-O or business zoning district shall not exceed 12 dwelling units per gross acre included within the development unless approved as a planned development (PD) in accordance with this chapter.

(Ord. No. 92-02, § 1(15-52), 4-30-1992)

Sec. 134-517. Public and semipublic buildings or uses.

The planning and zoning board may, as a special exception use, permit the location of any of the following buildings or uses in any district:

(1) Any public buildings erected and used by or any use of any department of the municipal, county, state or federal government.

(2) Hospitals and institutions of an educational, religious, philanthropic or nonprofit character, provided that such use is confined within a building, and provided that the building shall set back from all tract lines a distance of not less than one foot for each foot of building height.

(Ord. No. 92-02, § 1(15-40), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

~~Sec. 134-518. Bakery.~~

~~A bakery or delicatessen is permitted in the zones designated in the Schedule of District Regulations in section 134-245; provided, however, that all preparation of food is for retail sale on the premises, and the services of not more than sixpersons are utilized in such establishment. This requirement is not to apply in zones which permit bakeries without exception.~~

~~(Ord. No. 92-02, § 1(15-45), 4-30-1992)~~

~~Sec. 134-519. Produce shipping, packing and selling.~~

~~(a) On-site retail selling of farm goods (flowers, fruits, vegetables) produced on the premises is permitted in all zones. Traffic generated by such sales must not be greater in volume than would normally be expected in the neighborhood; and, where applicable, temporary sign and permit requirements must be met (as for garage sales). Wholesale packing, shipping or processing of foodstuffs is limited to specific zones.~~

~~(b) Orange juice stands and the accessory packing and shipping of gift boxes of fruit related to the main use of retail selling shall be permitted as retail uses. Any processing, packing, crating or shipping, other than retail selling of goods produced on the premises, shall be located on in B-4, B-5, M-1 or M-2 zones.~~

~~(Ord. No. 92-02, § 1(15-54), 4-30-1992)~~

~~Sec. 134-520. Storage of flammable liquids.~~

~~(a) No structure or land shall be used for storage, sale or use of gasoline at a place closer than 250 feet, measured in a straight line, to any building or structure regularly used as a church, school, college, university, hospital, housing for the elderly, nursing or personal care facility, residential child caring facility, auditorium or theater except open air theaters.~~

~~(b) No structure shall be used as a church, school, college, university, hospital, housing for the elderly, nursing or personal care facility, auditorium or theater, except as an open air theater, within 250 feet measured in a straight line from any place which is used for the storage, sale or use of gasoline or which has been used for such storage, sale or use within the preceding nine months.~~

~~(Ord. No. 92-02, § 1(15-43), 4-30-1992)~~

~~Sec. 134-521. Garage and yard sales.~~

~~The regulation of garage and yard sales shall be as provided in article II, chapter 62 of this Code.~~

~~(Ord. No. 92-02, § 1(15-47), 4-30-1992)~~

Sec. 134-~~522~~ 518. Moving of buildings.

No building or structure shall be moved from one tract or premises to another unless such building or structure shall thereupon be made to conform with all the provisions of the zoning code relative to buildings or structures hereafter erected upon the tract or premises to which such building or structure shall have been moved; therefore, a certificate of zoning compliance and a building permit are required prior to moving any building or structure into or within the city.

(Ord. No. 92-02, § 1(15-42), 4-30-1992)

Sec. 134-~~523~~ 519. Drainage.

As part of the zoning approval process, drainage plans shall be provided as required by article ~~III~~ II of chapter 110 of this Code.

(Ord. No. 92-02, § 1(15-44), 4-30-1992)

Sec. 134-520. Special events.

Special events such as temporary flea markets, circuses, carnivals, outdoor concerts, festivals, and promotional activities may be permitted under the following criteria:

(1) The events may be permitted in all zoning districts. If located in a residential district as defined in Section 134-240, the event must be on the site of an existing civic organization (e.g., place of worship, school, fraternal organization or similar activity).

(2) Circuses and carnivals shall further be subject to the requirements of Section 14-1 of the city's code of ordinances.

(3) No parcel shall be occupied by a special event for more than four times per calendar year and no more than 12 total days per calendar year.

(4) No amplified music shall be permitted within 500 feet of a residentially zoned property.

(5) The operator of a special event must:

a. Obtain written permission from the property owner and have such permission available on site during the operation of the special event.

b. Provide adequate off-street parking as required by chapter 118, article II, division 3.

c. Provide adequate restroom and sanitary waste disposal facilities which meet or exceed all applicable laws.

c. Ensure safe and adequate ingress and egress to the property, including safe sight distance for vehicles entering or leaving the property.

d. Ensure that all use areas (i.e., sales, activities) other than parking are located at least 25 feet from a public right-of-way and residential properties.

(6) Tents erected as part of operations shall be subject to fire code requirements.

(7) The operator shall obtain permits for any structures to be located on the property or if such event requires electricity or plumbing permits the operator shall obtain such permits prior to operation.

(8) The city administrator or designee shall have authority to require immediate compliance with the provisions of this section.

(9) Nothing herein shall relieve an operator of a special event from complying with other applicable codes, ordinances, and regulations.

Secs. 134-~~524~~ 521—134-540. Reserved.

Subdivision II. ~~Local Home Business~~[25] Home-Based Businesses.

Sec. 134-541. Regulations for conducting.

Home-based businesses may be conducted in all residential districts subject to the following provisions:

(1) ~~There shall be no display of goods or advertising visible from the street.~~ The use shall be conducted entirely within a dwelling and shall not be visible from the street or neighboring dwellings.

(2) The use of the dwelling shall be consistent with the uses of residential areas that surround the property. External modifications made to the dwelling to accommodate the home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

~~(2)~~(3) A non-illuminated nameplate, not exceeding one square foot area, may be displayed, provided the nameplate is affixed flat against the exterior surface at a position not more than two feet distant from the main entrance to the residence.

~~(3)~~(4) The activities of the home-based business may only be secondary to the property's use as a residential dwelling.

~~(4)~~(5) The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property. No home business shall be conducted in an accessory building but must be conducted in the residence of the proprietor.

~~(5)~~(6) All motors and equipment used in conduct of any home business shall be shielded so as not to cause radio or television interference.

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[25]Editor's note(s)—Ord. No. 2006-48, adopted Jan. 2, 2007, renamed Subdivision II "Local Home Business." Subdivision II was formerly entitled "Home Occupations."

Cross reference(s)—Businesses, ch. 26.

~~(6)~~(7) No use may be conducted entailing the use of chemicals or matter of energy that may create or cause to be created objectionable noise, light, heat, smoke, glare, vibration, noxious odors or hazards dangerous to the public health, safety or welfare.

~~(7)~~(8) Parking related to the business activities of the home-based business must comply with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.

~~(8)~~(9) The development services director shall have the authority and responsibility to revoke any home-based business tax receipt and/or to pursue other remedies, as provided in this section, including but not limited to seeking an injunction, if any of these provisions are violated.

(Ord. No. 92-02, § 1(15-49), 4-30-1992; Ord. No. 2006-48, 1-2-2007; Ord. No. 2021-20 , 12-7-2021)

Secs. 134-542—134-560. Reserved.

Subdivision III. Junkyards

Sec. 134-561. Applicable regulations.

The following regulations shall apply to all junkyards:

(1) *Area.* The area of land to be so used shall not be less than 15 acres.

(2) *Location.* No automobile or vehicle not in running condition nor machinery or other junk or scrap shall be located either for storage or dismantling within 300 feet of any residential district or within 100 feet of the front street line or other property line of the tract to be so used.

(3) *Fencing and screening.* The area to be occupied by the salvage yard shall be entirely surrounded by a substantial continuous masonry fence or wall or vegetative screening eight feet in height or grass berm eight feet in height. Such fence, wall or vegetative screening shall obscure the view of such operation. Cars shall not be piled one upon the other so as to be visible by abutting property owners. Such fence or wall shall be of similar composition, construction and color throughout and shall be constructed without openings except for one entrance and one exit, and such entrance and exit shall be closed and securely locked at all times except during business hours. Plans for such fence or wall shall be submitted to the planning and zoning board who shall determine whether or not the proposed fence will meet the requirements of this chapter. No building permits shall be issued for the construction of such fence or wall until the approval of the board has been secured. Such fence shall be maintained in good order and shall not be allowed to deteriorate. If vegetative screening is to be substituted for such fence or wall, plans for such screening shall be submitted to the board. Such vegetative screening shall consist of a greenbelt strip not less than 20 feet wide where it adjoins a street line. The greenbelt shall be composed of at least one row of deciduous or evergreen trees and one or two rows of shrubs. The board shall approve or disapprove such request for vegetative screening.

(Ord. No. 92-02, § 1(15-50), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Secs. 134-562—134-580. Reserved.

Subdivision IV. Nursery Schools, Day Schools and Kindergartens

Sec. 134-581. Requirements.

Nursery schools, day schools and kindergartens are permitted in the business zones after site plan approval and provided that all the following requirements are met:

(1) Total tract area shall not be less than 15,000 square feet; tract width shall not be less than 100 feet.

(2) A fenced play area of not less than 4,000 square feet shall be provided for the first 20 or less children with 200 square feet additional for each additional child over 20.

(3) No portion of the fenced play area shall be closer than 20 feet to any residential tract line nor closer than 50 feet to any public street.

(4) A solid masonry wall or vegetative screening which, in the opinion of the ~~zoning~~ development services director furnishes equal protection against noise shall be provided between fenced play areas and residential tract lines.

(5) All outdoor play activities shall be conducted within the fenced play area, and no outdoor play activity shall be conducted before 8:00 a.m., or after 8:00 p.m.

In residential zones, these land uses shall be submitted as, and they shall be reviewed pursuant to, planned developments as provided in this chapter.

(Ord. No. 92-02, § 1(15-53), 4-30-1992)

Secs. 134-582—134-600. Reserved.

Subdivision V. Service Stations[26]

Sec. 134-601. Regulations.

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

(1) *Area.* A tract to be occupied by a service station shall not be less than 100 feet in width and 100 feet in depth.

(2) *Location.* There shall be a minimum distance of 250 feet shortest airline measurement between the nearest points on any tract to be occupied for service station purposes and any tract occupied by a ~~church~~ place of worship, hospital, public school, public library, stadium or arena. (See section 134-520, storage of flammable liquids.)

(3) *Clearances.* The following clearances are required:

a. Fuel (including liquefied petroleum) pumps shall be located not less than 20 feet from any street property line and not less than 15 feet from any other property line.

b. No service station building or fuel (including liquefied petroleum) pumps shall be located within 25 feet of any property which is residentially zoned.

[26]Cross reference(s)—Businesses, ch. 26.

(4) *Walls.* Where tracts to be used for service stations abut on any property which is zoned B-1, there shall be a wall of good quality and design on all property lines other than street lines. The wall shall be six feet in height (minimum); except that, where the wall extends to within 15 feet of and at an angle to a street line, no wall or other obstruction shall be permitted. Such wall shall be continuous and unpierced, except that a wall along an alley line may have a three-foot opening which is closed by a substantial gate when the opening is not in use.

(5) *Driveways.* There shall be not more than two driveways for entrance and exit to a service station for every 100 feet or major fraction thereof of tract frontage on any street. Driveways shall be not over 60 feet in width at the street, and there shall be at least ten feet between any two driveways. Measured along the street line, driveways shall be at least 15 feet from a private property line or alley line. On a corner tract, all driveways shall be at least ten feet from the intersection of the street lines or from the intersection of the street lines produced.

(6) *Lighting.* All lights and lighting on a service station shall be so designed and arranged as not to cause a direct glare into residentially zoned property.

(7) *Use of fuel pumps.* Fuel (including liquefied petroleum) pumps may be used as an accessory to a main use of a grocery store or general store in B-4 or B-5 business zones, provided that there are no repair or service activities.

(Ord. No. 92-02, § 1(15-56), 4-30-1992)

Secs. 134-602—134-620. Reserved.

Subdivision VI. Mobile Homes and Recreational Vehicles[27]

Sec. 134-621. Mobile home park.

(a) *Size of space generally.* Mobile home parks shall provide a minimum of 4,000 square feet per space, except that 25 percent of the spaces to be provided in such a park may provide a minimum area of 3,500 square feet; provided, however, that for each such space, one space shall be provided with a minimum area of 4,500 square feet.

(b) *Width of space.* The minimum space width shall be 50 feet.

(c) *Depth of space.* The minimum space depth shall be 80 feet.

(d) *Recreation areas.* Five percent of the gross site area of the proposed park shall be set aside for common recreation areas.

(e) *Setbacks.* Each mobile home shall have minimum front yard setbacks of ten feet as measured from the edge of the street and side and rear yard separations of 15 feet between buildings.

(f) *Garbage collection.* Approved cans with tight-fitting covers shall be provided in quantities adequate to permit disposal. The cans shall be kept in good repair at all times. Garbage and rubbish shall be collected and disposed of as frequently as shall be necessary to ensure that the garbage shall not overflow. The use of a central garbage collection system may be permitted as an alternative.

[27]Cross reference(s)—Traffic and vehicles, ch. 82.

(g) *Minimum right-of-way width; drainage.* All streets shall have a minimum right-of-way width of 30 feet with paved streets and shall meet the adopted drainage requirements of chapter 110 of this Code.

(h) *Street lighting.* All streets within the park shall be lighted at night with electric lights providing a minimum average illumination of one-half footcandle at the darkest point.

(i) *Water retention.* Water retention areas shall be provided as set forth in the subdivision chapter, chapter 130 of this Code. Retention areas shall be bonded and escrowed in reference to the requirements of chapter 130 to guarantee installations.

(j) *Use of setback areas.* A setback is hereby established in which no mobile home or other structure shall be permitted. Such setbacks may be used for recreational uses or for temporary parking of motor vehicles:

(1) Where the park boundary line abuts a public street: 25-foot setback.

(2) Where the park boundary line abuts property which is residentially zoned and which prohibits mobile homes: 50-foot setback.

(k) *Permit required; plans.* It shall be unlawful for any person to construct, maintain, operate or alter any mobile home park without a permit from the ~~zoning~~ development services director of the city. For the purpose of obtaining permits, completed plans shall be presented showing:

(1) The area and dimensions of the tract of land.

(2) The location of the service buildings, if required, and other proposed structures.

(3) The location and width of paved streets and rights-of-way.

(4) The location of existing and proposed water and sewage distribution lines.

(5) Compliance with appropriate state regulations.

(6) The site plans shall comply with the subdivisions chapter of this Code (chapter 130).

(Ord. No. 92-02, § 1(15-51), 4-30-1992)

Sec. 134-622. Temporary use permit.

(a) Temporary use permits may be granted by the ~~zoning~~ development services director to allow mobile homes to be used for living purposes in residential zoning districts on a temporary basis where adequate water and sewer facilities are available. Such permits shall be issued for a period of one year only where a building permit has been issued and construction is underway. Permits may be extended for additional six-month intervals where the building permit remains in effect and is unrevoked.

(b) The following conditions shall apply to all temporary use permits:

(1) The location of the temporary structure shall conform to the setbacks required for that zoning district.

(2) No occupancy or use may occur until a certificate of occupancy or a final inspection has been provided by the building official.

(3) Unless permitted as an accessory building or use, the temporary building shall be removed from the premises within 60 days of the completion of the new dwelling unit.

(Ord. No. 92-02, § 1(15-57), 4-30-1992)

Sec. 134-623. Recreational vehicle park.

(a) *Space size generally.* Recreational vehicle parks shall provide a minimum of 1,500 square feet per space, except that 25 percent of the spaces to be provided in such a park may provide a minimum area of 1,200 square feet; provided, however, that for each such space, one space shall be provided with a minimum area of 1,800 square feet.

(b) *Width of space.* The minimum space width shall be 30 feet.

(c) *Depth of space.* The minimum space depth shall be 50 feet.

(d) *Setbacks from lot lines.* The following minimum setbacks from lot lines shall be observed:

(1) Front: Five feet.

(2) Side: Five feet.

(3) Rear: Five feet.

(e) *Distance from abutting property.* No mobile home or recreational vehicle in an approved park shall be closer than 15 feet from any property abutting such park.

(f) *Grocery store as accessory use; distance from park.* A grocery store limited to a maximum of 1,500 square feet may be used as an accessory use to a travel trailer park. This definition shall not include the sale of alcoholic beverages.

(g) *Underskirting.* In a travel trailer, camper or tent park, complete underskirting shall not be required.

(h) *Washing, bathing, and toilet facilities.* Each recreational vehicle park ~~in the P-RV zone~~ shall provide one or more service buildings adequately equipped with toilet, lavatory, laundry and slopwater facilities in accordance with all applicable plumbing and sanitary codes. Provided however, if potable water and sanitary sewer hookups are available at each site and the park owner files a letter with the county Health Department in accordance with Rule 64E-15.005(6), FAC (with a copy of such letter submitted to the City of Belleview), stating the recreational vehicle park has a potable water and sewer hook-up at each site and the park owner only rents to recreational vehicles that are self-contained units, the park shall be exempt from the requirements of this subsection.

(Ord. No. 92-02, § 1(15-55), 4-30-1992; Ord. No. 2008-07, § 1, 5-6-2008)

Sec. 134-624. Travel trailers as accessory uses.

(a) Recreational vehicles, as used herein shall include motor homes, travel trailers, fifth wheels, and folding campers. Recreational Vehicles may from time to time be referred to as an “RV.”

(b) Recreational Vehicles parked or operated within the City Limits of Belleview shall have a valid and current Registration and License Plate.

(c) Recreational Vehicles greater than thirty-five (35) feet in length may be stored or parked on property with a zoning designation of R-1.

(d) Recreational Vehicles parked on residential property must be parked in observance with set back and side lot provisions of the City Code for the relevant parcel of land.

(e) Recreational Vehicles may be parked in a front yard, and may be connected to electric.

(f) Hookups of water and sewer to recreational vehicles are expressly prohibited.

~~(f)~~ (g) Occupancy of a Recreational Vehicle may be permitted as an accessory use on residential property only upon issuance of a temporary occupancy permit (herein-after referred to as a "Development Services Permit") by the Development Services Department or by Special Exception.

~~(g)~~ (h) A Development Services Permit shall only be issued upon the following conditions:

(1) The applicant consents, in writing, to City staff members or persons acting on behalf of the City to enter the property that is the site of the temporary use to inspect and verify that the use is in compliance with the provisions of the City Code, including but not limited to this Section 134~~.~~ 624.

(2) A determination of necessity by the Development Services Director for such permit.

a. Necessity may include but is not limited to temporary use during repairs of remodeling, illness, family hardship.

b. Appeals of the determination of necessity shall be made to the City Commission. All requests for review by the City Commission must be in writing and received by the ~~City Clerk~~ development services director within ten (10) days of notice of denial of the Development Services Permit.

~~(h)~~ (i) Occupancy pursuant to a Development Services Permit shall also be subject to the following conditions:

(1) Development Services Permits granted by the Development Services Director shall only be valid for the time period requested, not to exceed ninety (90) days.

(2) Requests for temporary occupancy for more than ninety (90) days may only be granted by the granting of a Special Exception under Section 134-202 of the City Code and payment of the fees and costs attendant thereto.

(3) The expiration date of Development Services Permits shall be clearly displayed on the Permit.

(4) Development Services Permits or Special Exceptions granted for temporary occupancy of an RV pursuant to this Section may be revoked if the use of the RV occupancy thereof is a nuisance pursuant to the provisions of Sec. 38-31, City Code of Belleview.

(5) All waste must be self-contained during use pursuant to a Temporary Occupancy Permit.

(6) Applicants must request a Development Services Permit and inspection pursuant to the Development Services Permit.

(7) Extensions, if granted shall be in ten (10) day increments. The original term and extensions may not exceed a maximum of ninety (90) calendar days total for each year, except if a Special Exception is granted.

(8) There shall be no charge for the Permit.

Secs. 134-625—134-650. Reserved.

Subdivision VII. Group Homes, Community Residential Homes and Planned Residential Communities[28]

[28]Editor's note(s)—Ord. No. 2014-07, adopted June 3, 2014, amended subdivision VII in its entirety to read as herein set out. Former subdiv. VII, §§ 134-651—134-655 was entitled "Group Homes and Foster Care Facilities", and derived from Ord. No. 92-02, §§ 1(15-48(A)—(E)), adopted Apr. 30, 1992.

Sec. 134-651. Intent of subdivision.

It is the intent of this subdivision to establish reasonable and uniform regulations regarding group homes, community residential homes, communal living facilities and planned residential communities that will protect the health, safety and general welfare of the people of the city. It is further the intent of this subdivision to conform to Florida law regarding the siting of community-based residential facilities, and deinstitutionalized home-like care for clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration, while protecting the character and integrity of established neighborhoods to the extent allowed by state law.

(Ord. No. 2014-07, 6-3-2014)

Sec. 134-652. General requirements.

Each licensed communal facility shall, regardless of whether it is licensed, observe the following general requirements:

(1) Conform to all applicable building statutes, codes, ordinances and regulations, whether federal, state or local.

(2) Conform to all applicable fire statutes, codes, ordinances and regulations, whether federal, state or local.

(3) Conform to all applicable health statutes, codes, ordinances and regulations, whether federal, state or local.

(4) Conform to all applicable zoning regulations and land use laws, whether state or local.

(Ord. No. 2014-07, 6-3-2014)

~~Sec. 134-653. Definitions.~~

~~The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Agency* means the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, the department of children and family services, or the agency for health care administration.~~

~~*Communal living facility* means a licensed living facility which provides a living environment for two or more unrelated residents, who are clients of private or public entities (excluding community-based residential facilities, and deinstitutionalized home-like care for clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration). Examples of such facilities might include half-way houses and community re-entry programs. The determination of how many residents are living in such facilities shall include staff residing in such facilities to provide such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents.~~

~~*Community residential home* means a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.~~

~~*Group home* is a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or licensed by the agency for health care administration which provides a living environment for six or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.~~

~~*Licensing entity* or *"licensing entities"* means the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, the department of children and family services, or the agency for health care administration, all of which are authorized to license a community residential home to serve residents.~~

~~*Planned residential community* means a City of Belleview approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of eight acres, and has amenities that are designed to serve residents with a developmental disability as defined in F.S. § 393.063, but that shall also provide housing options for other individuals.~~

~~*Resident* means any of the following: a frail elder as defined in F.S. § 429.65; a person who has a handicap as defined in F.S. § 760.22(7)(a); a person who has a developmental disability as defined in F.S. § 393.063; a non-dangerous person who has a mental illness as defined in F.S. § 394.455; or a child who is found to be dependent as defined in F.S. § 39.01 or F.S. § 984.03, or a child in need of services as defined in F.S. § 984.03 or F.S. § 985.03.~~

~~*Sponsoring agency* means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.~~

~~(Ord. No. 2014-07, 6-3-2014)~~

~~Cross reference(s)—Definitions generally, § 1-2.~~

Sec. 134-~~654~~ 653. Licensed communal living facilities (except those provided for in F.S. ch. 419).

(a) Licensed communal living facilities, which meet the definition set forth hereinabove, shall be deemed a nonresidential use for the purpose of City of Belleview ordinances.

(b) Licensed communal living facilities shall be located as provided in section 134-~~245~~ 244, Appendix A - Schedules of District Regulations, Schedule 3 - Schedule of Regulations; Nonresidential.

(c) When a site for a communal living facility has been selected by a sponsoring agency in an area zoned for commercial use, the agency shall notify the mayor and the development services director of the city in writing. Such notice shall include the following:

(1) The specific address of the site;

(2) The residential licensing category;

(3) The number of residents;

(4) The community support requirements of the program;

(5) A statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home.

(d) Known locations of any church/place of worship, private or public school, or day care facility within 1,000 feet of the proposed licensed communal facility.

(e) The sponsoring agency shall also provide to the city the most recently published data compiled from the licensing entities that identifies all similar facilities within the jurisdictional limits of the City of Belleview.

(f) The city's development services director will review the notification of the sponsoring agency in accordance with the city's zoning ordinance. Pursuant to such review, the city may:

(1) Determine that the siting of the communal living facility is in accordance with city zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.

(2) Deny the siting of the home. In determining whether to approve the site selected, the city shall consider the following:

a. Does the site conform to existing zoning regulations applicable to the proposed use.

b. Does the facility meet applicable licensing criteria established and determined by the licensing entity, including requirements that the facility be located to assure the safe care and supervision of all clients in the communal living facility.

c. Would approving the site result in in a combination of such homes or facilities, such that the nature and character of the area would be substantially altered. The determination of whether the nature and character of the area would be substantially altered shall conform with the following, to wit:

1. A communal living facility that is located within a radius of 1,000 feet of church/place of worship, private or public school, day care facility shall be deemed an overconcentration of such homes that substantially alters the nature and character of the area.

2. A communal living facility that is located within a radius of 1,000 feet of an area zoned for residential use substantially alters the nature and character of the area.

3. A communal living facility that is located within a radius of 500 feet of another existing communal living facility shall be deemed an overconcentration of such homes that substantially alters the nature and character of the area.

(g) If agreed to by both the city and the sponsoring agency, a conflict may be resolved through informal mediation. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

(h) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(i) The determination of how many residents are living in such facilities shall include staff residing in such facilities to provide such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents.

(Ord. No. 2014-07, 6-3-2014)

Sec. 134-~~655~~ 654. Group homes (having six or fewer residents).

(a) Group homes, which otherwise meet the definition of a community residential home, shall be deemed a single-family unit and a noncommercial, residential use for the purpose of City of Belleview ordinances.

(b) Group homes shall be allowed in single-family or multifamily zoning without approval from the city for their location, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents.

(c) Group homes shall not be required to comply with the notification provisions of F.S. § 419.001, provided that, prior to licensure, the sponsoring agency provides the city with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional

limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents.

(d) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(e) At the time of home occupancy, the sponsoring agency must notify the city that the home is licensed by the licensing entity.

(Ord. No. 2014-07, 6-3-2014)

Sec. 134-~~656~~ 655. Community residential home (having seven to 14 residents).

(a) Community residential homes, which meet the definition set forth herein-above, shall be deemed a multifamily unit and a noncommercial, residential use for the purpose of City of Belleview ordinances.

(b) When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily use, the agency shall notify the mayor and the development services director of the city in writing. Such notice shall include the following:

(1) The specific address of the site;

(2) The residential licensing category;

(3) The number of residents;

(4) The community support requirements of the program;

(5) A statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home.

(c) The sponsoring agency shall also provide to the city the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the City of Belleview.

(d) The city's development services director will review the notification of the sponsoring agency in accordance with the city's zoning ordinance. Pursuant to such review, the city may:

(1) Determine that the siting of the community residential home is in accordance with city zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.

(2) Deny the siting of the home. The city shall not deny the siting of a community residential home unless the siting of the home at the site selected:

a. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.

b. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.

c. 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. The

determination of whether the nature and character of the area would be substantially altered shall conform with the following, to wit:

1. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area.
2. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

(e) If agreed to by both the city and the sponsoring agency, a conflict may be resolved through informal mediation. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

(f) The city shall not issue a license to a sponsoring agency for operation of a community residential home if the sponsoring agency does not notify the city of its intention to establish a program, as required by F.S. § 419.001(3). A license issued without compliance with the provisions of this section shall be considered null and void, and the city may seek to have continued operation of the home enjoined.

(g) Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate.

(h) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

(i) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(Ord. No. 2014-07, 6-3-2014)

Sec. 134-~~657~~ 656. Planned residential community.

(a) A planned residential community may contain two or more community residential homes that are contiguous to one another.

(b) A planned residential community may not be located within a ten-mile radius of any other planned residential community.

(c) Community residential homes, including group homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other.

(d) The residents' freedom of movement within and outside the community may not be restricted.

(Ord. No. 2014-07, 6-3-2014)

Subdivision VII. Adult Use Establishments

Sec. 134-657. Adult use establishments.

(a) *Location criteria.* Adult use establishments shall be permitted in the B-5 wholesale business district, subject to the following locational criteria:

(1) No adult use establishment including an adult bookstore operating only as an adult bookstore may be located within 500 feet of any A-1, R-1, R-2, R-3, R-4, RMH, R-O, RPD, H, and GU district or any residential use, nor within 1,000 feet of any church/place of worship, private or public school, day care facility; nor within 500 feet of any group homes and foster care facilities, park/open space area, indoor recreation facility, or commercial recreation facilities (indoor or outdoor), which is validly located or has previously received legal authority to locate.

(2) The distance requirements shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from any entrance regularly used by patrons of the adult use establishment to the nearest property line of the zoning districts or uses identified in subsection (a)(1) of this section.

(3) No adult use establishment may be located within 1,000 feet of any other adult use establishment or alcoholic beverage establishment which is operating under an alcohol beverage permit.

(4) The distance requirements between two adult use establishments or between an adult use establishment and an alcoholic beverage establishment shall be measured by following, the shortest route of ordinary pedestrian travel along the principal streets in the area between the main entrances of such establishments.

(b) *Prohibited operation of business or activity.* Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section in chapter 14 of this city Code. Additionally, nothing in this section or chapter 14 of this city Code shall be construed to authorize, allow or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

(c) Existing nonconforming adult use establishment. An existing adult use establishment shall adhere to the requirements in subsection (a) of this section, nonconforming adult use establishments.

(d) Hours of operation. An adult use establishment shall adhere to the requirements in section 14-332, hours of operation.

(e) *Nonconforming adult uses.*

(1) Adult uses which have been established at their existing locations prior to the effective date of Ordinance No. 95-07, and which are not in conformity with the locational requirements of this section, may continue to operate for one year after the effective date of Ordinance No. 95-07, unless terminated sooner for any reason including failure to have a valid adult use license or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. After the one-year period, a nonconforming adult use shall be regarded as operating in violation of this section.

(2) If two or more adult use establishments are within 1,000 feet of one another, but otherwise in a permissible location, the adult use establishment which first began continual operation at the particular location is the conforming use and the later established adult use establishment is nonconforming.

(3) An adult use establishment lawfully operating or permitted to operate as a conforming use is not rendered a nonconforming use through the subsequent location of a church/place of worship, private or public school, day care facility, group homes or foster care facilities, park/open space area, indoor recreation facilities, commercial recreation facilities (indoor or outdoor), or residential zoned property within the locational provision of subsection (a) of this section.

(4) If a court of competent jurisdiction determines that, as applied to a particular nonconforming adult use, the one-year period for attaining conforming status is unenforceable, then a two-year period shall apply.

(f) *Variances.*

(1) If an applicant receives a certification of noncompliance because the location of the proposed adult use is in violation of the locational requirements of this section, then the applicant may, not later than 60 calendar days after receiving notice of the certification of noncompliance, file with the development services director and the planning and zoning board a written request for a variance from the locational restrictions of subsection (a) of this section. Filing of such a request shall preserve the pending status of the application for purposes of the review of conflicting applications.

(2) If a timely written request is filed with the development services director and with the planning and zoning board, then the board shall consider the request for a variance. The development services director shall set a date for the hearing within 60 days from the date the written request is received.

(3) The planning and zoning board shall hear and consider evidence offered by any interested person in a public hearing scheduled with public notice. Public notice shall be pursuant to the requirements of this chapter. The advertisement shall contain a location map. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. In addition, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of each owner of property within 300 feet of the subject property, 30 days prior to the public hearings. Such notices shall also be posted in a conspicuous place on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Proof of the required publication, mailing and posting shall be maintained by the development services director. The planning and zoning board may, in its discretion, grant a variance, with reasonable conditions, from the locational restrictions of subsection (a) of this section if it makes the following findings.

(4) The planning and zoning board may only grant a variance to the provisions of this section by an affirmative vote of four members of the board. Failure to obtain four affirmative votes shall result in a denial of the variance. The decision of the planning and zoning board is "final agency action" regarding the requests for variance.

(5) If the planning and zoning board denies the variance, the applicant may not reapply for a variance until at least one year has elapsed since the date of the board's action. This requirement may be waived by the city commission.

(6) The grant of a variance, under this subsection does not exempt the applicant from any other provisions of this section other than the locational restrictions of section 14-261 of this Code, as conditioned by the planning and zoning board.

Subdivision VIII. Condominiums

Sec. 134-658. *Condominiums.*

(a) *Zoning.* Condominiums shall be allowed only in R-3 zoning pursuant to the following restrictions and conditions:

(1) Each dwelling shall have a minimum of two parking places.

(2) Each building shall have a minimum side lot of eight feet, with a minimum 16 feet between the buildings, where no water or sewer mains pass between the buildings.

(3) Water and/or sewer mains must be located a minimum of ten feet from the footer of any building.

(4) Lot coverage ratio for the entire condominium development shall be a maximum 60 percent.

(5) Front yard setbacks shall be a minimum of 25 feet for each building.

(6) Rear yard setbacks shall be a minimum of 25 feet for each building.

(7) The maximum height of any building in a condominium development shall be a maximum of 50 feet (measured from the ground to the tallest point on such building, including the roof).

(8) Setbacks and side lot minimum distances shall be measured from the exterior surface of the exterior walls.

(9) All condominium projects consisting of four or more dwelling units erected on a single parcel must comply with the city site plan and drainage provisions, chapter 22 of this Code.

(b) Easements. No structure may be erected, placed upon or extended over any existing easement. A minimum of 20 feet is required for utility easements.

(c) Review. There may be simultaneous review of the proposed development by other agencies authorized by local or state law to conduct such reviews. All condominium developers must comply with the rules, regulations and other requirements of such agencies. The developer will be responsible for all costs incurred by way of such reviews.

(d) Compliance with Code provisions. All developers must comply with all other pertinent sections of this code including, but not limited to, drainage requirements, traffic impact and system development charges.

Subdivision IX. Bakeries.

Sec. 134-659. Bakeries.

A bakery is permitted in the zones designated in the Schedule of District Regulations in section 134-244; provided, however, that all preparation of food is for retail sale on the premises. This requirement is not to apply in zones which permit bakeries without exception. Wholesale bakeries are classified as Manufacturing under this chapter.

Subdivision X. Produce Shipping, Packing, and Selling.

Sec. 134-660. Produce shipping, packing, and selling.

(a) On-site retail selling of farm goods (flowers, fruits, vegetables) produced on the premises is permitted in all zones. Traffic generated by such sales must not be greater in volume than would normally be expected in the neighborhood; and, where applicable, temporary sign and permit requirements must be met (as for garage sales). Wholesale packing, shipping or processing of foodstuffs is limited to specific zones.

(b) Orange juice stands and the accessory packing and shipping of gift boxes of fruit related to the main use of retail selling shall be permitted as retail uses. Any processing, packing, crating or shipping, other than retail selling of goods produced on the premises, shall be located on in B-4, B-5, M-1 or M-2 zones.

Subdivision XI. Storage of Flammable Liquids.

Sec. 134-661. Storage of flammable liquids.

(a) No structure or land shall be used for storage, sale or use of gasoline at a place closer than 250 feet, measured in a straight line, to any building or structure regularly used as a place of worship, school, college, university, hospital, housing for the elderly, nursing or personal care facility, residential child caring facility, auditorium or theater except open air theaters.

(b) No structure shall be used as a place of worship, school, college, university, hospital, housing for the elderly, nursing or personal care facility, auditorium or theater, except as an open air theater, within 250 feet measured in a straight line from any place which is used for the storage, sale or use of gasoline or which has been used for such storage, sale or use within the preceding nine months.

Subdivision XII. Garage and Yard Sales.

Sec. 134-662. Garage and yard sales.

The regulation of garage and yard sales shall be as provided in article II, chapter 62 of this Code.

(Ord. No. 92-02, § 1(15-47), 4-30-1992)

Subdivision XIII. Telecommunication Towers and Antennas.

Sec. 134-663. Telecommunication towers and antennas.

(a) Administrative review and approvals. The following uses shall be reviewed and approved administratively by the development services director:

(1) Installing antennas on existing telecommunication towers.

(2) Installing antennas on existing structures other than a telecommunication tower (such as a building, light pole, water tower, or other freestanding non-residential structure) that is 50 feet in height or higher, so long as said additional antenna adds no more than 20 feet to the height of the originally approved structure.

(3) Replacement towers, antenna support structures or tower modifications meeting the requirements of this subsection. A telecommunication tower may be modified or reconstructed to accommodate the collocation of an additional communication antenna by administrative review and shall be subject to the following provisions:

a. The modified or replacement structure shall be either of the same tower type as the existing communication tower or a monopole tower that is replacing an existing lattice or guyed tower, not to exceed 40 feet above the original structure height.

b. An existing communication tower may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's original height, to accommodate the collocation of additional communication antennas.

(b) Special exception review and approvals. All towers and antenna support structures identified as special exceptions in this chapter, other than those identified above in subsection (a), shall require review and approval as special exceptions subject to the requirements of this section and subdivision III, division 5, article II of this chapter.

(c) Special exception submittal requirements. The planning and zoning board is under no obligation to approve a special exception for a telecommunication tower and/or antenna unless and until the applicant meets their burden of demonstrating that the proposed use will not adversely affect the public interest, the proposed use is consistent with the comprehensive plan and the proposed use is compatible with land uses in the surrounding area. The planning and zoning board's determination shall be based on substantial and competent evidence, documentation and testimony received at the public hearing including but not limited to the recommendation of the development services director, information from the applicant and any party

in support or opposition, or their respective representatives. In addition, the planning and zoning board shall consider the following factors in determining whether to approve a special exception for a new tower, although the planning and zoning board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this section are better served thereby.

(1) Height of the proposed tower; surrounding topography; surrounding tree coverage and foliage; nature of uses on adjacent and nearby properties; proposed ingress and egress; and availability of suitable existing towers and other structures as set forth in this section.

(2) Proximity of the tower to residential structures and residential subdivision boundaries, including the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed by the applicant;

(3) Proximity of the tower to public and private airports, including but not limited to the effect on the airport traffic pattern and visual and instrument approaches, orientation to the runway heading and type and volume of aircraft traffic operating at the airport.

(4) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including the extent to which the tower is designed and located to be compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate, the tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact of a tower;

(5) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning board that no existing tower or antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or antenna support structure can accommodate the applicant's proposed antenna must be submitted with the application and may consist of any of the following:

a. No existing towers or antenna support structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or antenna support structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or antenna support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or antenna support structure, or the antenna on the existing towers or antenna support structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or antenna support structure or to adapt an existing tower or antenna support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and antenna support structures unsuitable.

(d) Development standards. The following development standards shall govern the application, consideration and issuance of administrative and special exceptions. The applicant shall comply with the following conditions, unless the applicant can demonstrate that the goals of this section are better served by the waiver of these requirements.

(1) Setbacks and Locational Requirements. The following requirements shall apply to all; provided, however, that the planning and zoning board may reduce the requirements if the goals of this section would be better served thereby.

a. Setbacks from Parent Property Lines. Tower setbacks shall be measured from the base of the tower to the property lines of the parent parcel. The tower owner shall provide a lease or deed or recorded fall zone easement covering the certified fall radius, and all towers shall be located on a parcel in such a manner that in the event of collapse, the tower structure and its supporting devices shall be contained within the confines of the property lines of the parent parcel. The fall radius of the tower shall be determined and certified by a Florida Licensed Engineer. Structural Support devices such as peripheral anchors, guy wires or other supporting devices shall be located no closer than 25 feet from any property line of the parent parcel.

b. Towers shall be set back a minimum of 150 percent of the tower height from any adjacent or surrounding residential dwelling and 100 percent of the tower height from any adjacent or surrounding residentially zoned land and all public road rights-of-way.

c. If the owner of the property where the tower is to be located owns residential units thereon or on surrounding properties (or if such properties are owned by his or her parents or children and they have consented in writing), those units shall not be taken into consideration when calculating the setback and locational requirements in this section.

(2) Collocation. All new towers shall be designed and constructed to allow collocation of a minimum of two antennas for monopoles and four antennas for other towers. The tower owner/operator shall submit executed collocation agreements or binding letters of intent for each collocation as support for granting the permit to locate the tower, if any. Collocation agreements or binding letters of intent shall be in a form acceptable to the development services director that shall provide that each of the additional users will be utilizing the tower upon its completion.

(3) Landscaping and buffers. Landscaping of tower electrical control equipment facilities shall apply to those sites which are adjacent to or within 330 feet (straight line distance) of a residence or development. A planting area a minimum of four feet wide, around the outside perimeter of the fence around the tower compound shall be established. The area shall be planted with a hedge of native or ornamental evergreen shrubs at least 30 inches in height at planting and capable of growing to at least 40 inches in height within the first growing season. Plants shall be mulched using two inches of material. A drip or low volume/pressure irrigation system or other alternative means of insuring hearty growth of vegetation shall be utilized. These plant materials shall be designed and placed to effectively screen the view of the tower compound from adjacent property. Ornamental trees may be included in the design to achieve this goal. Landscape buffering on the parent parcel shall be installed along the portion of the parent parcel boundaries between the tower and off-site residentially zoned property as necessary to buffer residential property when vegetative buffers are non-existent or provide insufficient screening. Plant materials shall be designed and placed to screen the view of the tower compound. Ornamental trees may be included in the design to achieve this goal. Existing mature tree growth and natural land forms on the property shall be protected and preserved to the maximum extent possible. New trees shall be a minimum of two inches DBH and shall be container grown. Shrubs shall be a minimum of 18—24 inches in height. Plants shall be mulched using two inches of material. All plant material shall be maintained in perpetuity following final inspection and approval. Replacements shall be made annually and coordinated with the development services director or designee. The planning and zoning board may require a greater buffer where appropriate or waive or modify any or all of these requirements if the goals of this section would be better served thereby.

(4) Lighting. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the city shall review the available lighting

alternatives and approve the design that will cause the least disturbance to the surrounding views, including but not limited to installation of bottom shielding on all lights.

(5) Color. Towers shall either maintain a galvanized steel finish, or concrete, or be painted a color so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA, except for camouflage towers. The wiring conduit and coaxial cable shall be designed or painted to reduce visual obtrusiveness.

(6) Buildings. At the tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. Outdoor storage is not permitted at a tower site.

(7) Antenna. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(8) Signage. No signage shall be allowed on any tower, except as required for public safety purposes, or by the Federal Communication Commission (FCC).

(9) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the planning and zoning board may waive such requirements, as it deems appropriate.

(10) Inventory of existing sites. In order to encourage collocation of facilities, the development services department shall maintain a current map of all existing towers and all antenna support structures on which an antenna has been located. To prepare and maintain such a map, at the time of its first application after the effective date of this ordinance, each applicant for an antenna and or new tower shall provide to the development services department an update of the inventory of the communications company's existing towers and antennas and approved towers that are either within city of Belleview or within one-quarter mile of the border thereof, including specific information about the location (including longitude, latitude, and State Plane Coordinates), height, and design of each tower. The development services department may share such information with other applicants applying for approvals under this subsection or other organizations seeking to locate towers or antennas within the jurisdiction of the planning and zoning board, provided, however, that the development services department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(11) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If, upon inspection, the planning and zoning board concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the planning and zoning board may remove such tower at the expense of the owner and/or landowner.

(12) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower constructed after April 28, 1998 shall ensure that it is constructed and maintained in compliance with EIA/TIA 222-E Standard, as published by the Electronic Industries Association, which may be amended from time to time, and all standards contained in the city building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the planning and zoning board concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the planning and zoning board may remove such tower at the expense of the owner and/or landowner.

(13) Public notice. For purposes of this section, any special exception for a tower shall require public notice to all abutting property owners and all owners of property that are located within 500 feet of the perimeter of the parent parcel upon which the proposed communication tower is located and notice to owners of private and public airports within a two-mile radius of the proposed site.

Subdivision XIV. Screening of Activities

Sec. 134-664. Screening of activities.

Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage or uses shall be screened, buffered, or fenced in such a manner as to screen said areas from view from access streets, freeways, and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in height.

Subdivision XIV. Rollup Shutters

Sec. 134-665. Rollup shutters.

The placement of new or replacement rollup shutters for nonresidential uses shall be located interior to doors and windows.

Secs. 134-~~658~~ 664—134-669. Reserved.

ARTICLE V.1. ALCOHOL SALES

Sec. 134-670. Restricting locations of businesses for alcohol sales.

(a) It shall be unlawful to operate any place of business within the corporate limits of the city, where alcoholic beverages are sold or served, except upon premises meeting the following criteria:

(1) Premises having a business zoning designation B-4 or B-5, abutting State Road 500; and not lying within 500 feet of a ~~church~~ place of worship, grammar school middle school, or high school or

(2) Premises having a business zoning designation B-4 or B-5, lying within 1,000 feet of the right-of-way of State Road 500, whose only direct access is a cul-de-sac roadway connected to State Road 500, provided all parcels within said cul-de-sac have a business zoning designation, and not lying within 500 feet of a ~~church~~ place of worship, grammar school middle school, or high school; or

(3) Premises having a business zoning designation B-4 or B-5, abutting State Road 35, County Road 25, or County Road 484 west of State Road 500, and not lying within 500 feet of a ~~church~~ place of worship, grammar school middle school, or high school; or

(4) Premises having a business zoning designation B-4 or B-5, lying within 1,000 feet of the right-of-way of State Road 35, County Road 25, or County Road 484 west of State Road 500, whose only direct access is a cul-de-sac roadway connected to State Road 35, County Road 25, HWY 301 or County Road 484 west of State Road 500, provided all parcels within said cul-de-sac have a business zoning designation, and not lying within 500 feet of a ~~church~~ place of worship, grammar school middle school, or high school.

(b) No ~~church~~ place of worship, grammar school, middle school or high school shall locate within 500 feet of an established business where alcohol or alcoholic beverages are sold.

(c) The method of determining any of the distance limitations between establishments serving or intending to serve, alcoholic beverages and established ~~churches~~ places of worship, day care, or schools, as set forth in subsection (a) above, shall be the measurement of linear feet from the front entrance doorway of one such structure to the other along the shortest and most practicable pedestrian route.

(Ord. No. 2012-10, 10-2-2012; Ord. No. 2020-21 , 12-15-2020)

Secs. 134-671—134-674. Reserved.

ARTICLE V.2. MEDICAL MARIJUANA TREATMENT CENTERS

Sec. 134-675. Location of medical marijuana treatment centers.

~~(a) For the purposes of this section the following words and phrases are defined as follows:~~

~~*"Child care facility"* means a child care facility licensed by the State of Florida and providing child care services or a child care facility meeting the definition of such facility in any law of the state regulating the distance of medical cannabis dispensing organizations or facilities from child care facilities.~~

~~*"Church"* means a facility devoted primarily to religious or church purposes, except for a parsonage used primarily as a residence.~~

~~*"Dispensing organization"* means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.~~

~~*"Licensed dispensing organization"* means an organization approved by the Florida Department of Health's Office of Compassionate Use, to cultivate, process and dispense low-THC cannabis and medical cannabis pursuant to Florida Statutes.~~

~~*"Medical cannabis"* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in F.S. § 499.0295.~~

~~*"Medical marijuana treatment center"* or *"MMTC"* has the same meaning as provided in § 29, Art. X of the State Constitution.~~

~~(b)~~(a) It shall be unlawful to operate, within the corporate limits of the city, a medical marijuana treatment center except upon premises having a business zoning designation B-2, B-3, B-4 or B-5.

~~(c)~~(b) It shall be unlawful to operate, within the corporate limits of the city, a medical marijuana treatment center, within 1,000 feet of a ~~church~~ place of worship, school or child care facility.

~~(d)~~(c) It shall be unlawful to operate, within the corporate limits of the city, a medical marijuana treatment center, within 500 feet of another medical marijuana treatment center.

~~(e)~~(d) Should the State of Florida establish distance limitations between medical marijuana treatment centers and the location of established ~~churches~~ places of worship, day care, or schools, which distance limitations are for a greater distance than those set forth in subsections ~~(c)~~ (b) or ~~(d)~~ (c) above, then the provisions of Florida law shall prevail.

(Ord. No. 2017-05, § 2, 5-16-2017)

Secs. 134-676—134-690. Reserved.

ARTICLE VI. NONCONFORMITIES[29]

Sec. 134-691. Intent of article.

(a) Within the City of Belleview there exist nonconforming tracts, structures and uses of land which were lawful before the City Code, including zoning regulations, was adopted or amended, and which are prohibited or regulated and restricted after adoption of the City Code, including zoning regulations, or amendments thereto.

(b) It is the intent of this zoning code to permit these nonconformities to continue until they are removed but not to encourage their survival. Nonconforming uses are declared by this zoning code to be incompatible with permitted uses in the district involved. It is further the intent of this zoning code that nonconformities shall not be enlarged upon, expanded, extended, or reconstructed to continue their nonconformity after major damage. Nor may nonconforming uses be expanded.

(Ord. No. 92-02, § 1(15-59), 4-30-1992; Ord. No. 2019-06, § 2, 3-5-2019)

~~Sec. 134-692. Definitions.~~

~~*Abandonment* means the voluntary cessation of use without intention of resuming said use.~~

~~*Assessed value* means the value assessed by the Marion County Property Appraiser for the subject real property and improvements thereon.~~

~~*Disuse* means a failure to use in nonconformance with the provisions of the City Code, including subpart B and zoning regulations.~~

~~*Nonconforming use* means a use of land which was allowed prior to the current ordinance regulating the use of the subject property, but is not allowed after adoption of the new ordinance.~~

~~*Special exception* means an exception to an existing zoning ordinance, pursuant to chapter 134, subdivision III of the City Code, which is granted upon a showing of a specific demonstrable hardship imposed upon the applicant by provisions of the city's zoning ordinances.~~

~~*Utility service* means active service of utilities, such as potable water and sanitary sewer service through the city's central water and wastewater utility service.~~

~~*Variance* means an exception to the requirements of the zoning code granted pursuant to chapter 134, subdivision III, granted after consideration of the special size, shape, physical features of or on the parcel involved, and upon a finding that literal enforcement of the provisions of the city's zoning code would result in unnecessary and undue hardship.~~

(Ord. No. 2019-06, § 2, 3-5-2019)

[29]Editor's note(s)—Ord. No. 2019-06, § 2, adopted March 5, 2019, repealed the former Art. VI, §§ 134-692—134-704, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 92-02, § 1, (15-60—15-71), 4-30-1992; Ord. No. 96-14, § 1, 11-5-1996; Ord. No. 2008-17, 9-2-2008.

Sec. 134-693. Unlawful use not authorized.

Nothing herein shall be interpreted as authorization for or approval of the continuation of the use of a structure or premises for unlawful purposes or in violation of any law.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-694. Special exceptions and variances not nonconforming uses.

Any use which is permitted by variance or special exception under the terms of this City Code, shall not be deemed a nonconforming use so long as the variance or special exception is valid and in effect.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-695. Casual, temporary or illegal use.

The casual, temporary or illegal use of land or a structure shall not be sufficient to establish the existence of a nonconforming use or to create any right for the continuance of such a use.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-696. District or regulation change.

The provisions of this article shall apply to buildings, structures, land, premises and/or uses which are now or hereafter become nonconforming due to a change in the city's land development regulations set forth in this subpart B of the City Code.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-697. Applicability.

The provisions of this article are intended to apply to nonconforming uses, as well as to buildings and structures and their tracts which were valid until they became nonconforming with provisions of subpart B of the City Code regarding height, yards, tract size, tract area, coverage, setback, separation or other similar dimensional requirements or limitations.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-698. No extension or enlargement of use.

Nonconforming uses shall not be extended or enlarged. For example:

(a) Nonconforming uses, which occupy a portion of a building not originally designated or intended for such use, shall not be extended to any other part of the building. Nor shall nonconforming uses be expanded to any additional building(s) on the subject property.

(b) No nonconforming use may be expanded upon the tract of land or to any additional building(s), not used for such nonconforming use, unless the expanded use conforms to the then current provisions of the city's land development regulations.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-699. Enlargement, repair and alteration.

No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered unless the use is changed to one which conforms to the then current provisions of the zoning code. Normal maintenance and repair and incidental alteration of a nonconforming structure is allowed provided it does not increase the degree of nonconformity. Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building occupied by a nonconforming use.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-700. Reconstruction after catastrophe.

In the event any nonconforming structure or building, which is nonconforming or in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that the cost of rebuilding, repairing or rebuilding such structure or building will exceed 50 percent of its assessed valuation at the time of the damage, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-701. Change of tenancy or ownership.

Change of tenancy, ownership or management of a nonconforming use shall not alter the status of a nonconforming use. Further, a change of tenancy, ownership or of management shall not allow enlargement of a nonconforming use.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-702. Discontinuance or abandonment of a nonconforming use.

(a) Upon abandonment or discontinuance of a nonconforming use, the premises shall not thereafter be used or occupied by a nonconforming use.

(b) Disuse of a nonconforming use for a period of six months shall be deemed abandonment of such nonconforming use.

(c) Discontinuance of utility service to premises, where a nonconforming use is located, for a period of six months or more shall be deemed proof of abandonment of the nonconforming use.

(d) Change of use from nonconforming to a use which is in conformance with these land use regulations shall be proof of abandonment of the prior nonconforming use.

(Ord. No. 2019-06, § 2, 3-5-2019)

Sec. 134-703. Setbacks.

(a) In instances where vacant lots are contiguous on both sides to developed lots, the undeveloped lot may have a front yard and side yard setback in harmony with existing development without being considered a nonconforming use."

Note: In instances where applicable setbacks for development of a parcel of land would create a hardship or an aesthetically undesirable situation a variance pursuant to section 134-178 of the City Code may be applicable.

(Ord. No. 2019-06, § 2, 3-5-2019)

Secs. 134-704—134-740. Reserved.

ARTICLE VII. ZONING FOLLOWING ANNEXATION

Sec. 134-741. Advertisement for rezoning.

Immediately following the completion of an annexation, every tract annexed by the city commission will be advertised for rezoning, either by action of the landowner or by the city commission, as described in this article.

(Ord. No. 92-02, § 1(art. 11), 4-30-1992)

Sec. 134-742. Owner's request.

(a) *Generally.* At the time that annexation is final and for a 14-day period thereafter, the owner of any annexed property may request a zoning change. Such request shall be in writing in a format approved by the city commission.

(b) *Compliance with comprehensive plan.* The ~~zoning~~ development services director shall determine, following consultation with the city attorney, whether or not the proposed zoning change is in compliance with the adopted comprehensive plan.

(c) *Rezoning ordinance.* If the proposed zoning change is found to comply with the plan, the ~~zoning~~ development services director shall:

  (1) Certify such finding in writing to become a permanent part of the record of the application; and

  (2) Complete a model rezoning ordinance as prepared by the city attorney and submit such ordinance to the elected officials for consideration at public hearings.

(d) *Comprehensive plan amendment.* If the proposed zoning change is found not to comply with the adopted comprehensive plan, the ~~zoning~~ development services director shall:

  (1) Certify such finding in writing to become a permanent part of the record of the application;

  (2) Advise the applicant as to the next regularly scheduled date, not to exceed eight months, when comprehensive plan amendments will be considered; and

  (3) Advise the applicant as to what rezoning could be considered without the need for a comprehensive plan amendment.

(Ord. No. 92-02, § 1(15-89), 4-30-1992)

Sec. 134-743. City commission initiative.

If, within 14 days following annexation, requests have not been received by the city commission for the rezoning of all annexed lands, the city commission will initiate a rezoning to a city zoning district which is both in compliance with the adopted comprehensive plan and closest to the county zoning in effect at the time of

annexation. Table 1 has been prepared by the ~~zoning~~ development services director who will update the table when necessary to assist the property owners and the elected officials in comparing municipal and county zoning.

TABLE 1
A GENERALIZED COMPARISON BETWEEN CITY OF BELLEVIEW AND MARION COUNTY ZONING DISTRICTS

Belleview District	F	S	R	General Use	Marion County District	F	S	R	General Use
AG	50	25	50	Agriculture	A-1	0	0	0	Agriculture
					A-2				
					A-3				
R-1	25	8	25	Single-family	R-1	25	8	25	Single-family
R-2	25	8	25	Single-family and duplex	R-2	25	8	15	Single-family and duplex
R-3	35	8	25	Multifamily	R-3	20	8	25	Multifamily
R-4	25	8	25	Single-family and mobile home	R-4 and MH	25	8	25	Mobile home and multifamily
RMH	25	8	25	Mobile home	R-4 and MH	25	8	25	Mobile home and multifamily
R-O	25	8	25	Residential/office	R-O	25	8	25	Residential/office
B-1	10	0	0		R-1	25	8	25	
B-2	10	0	0		B-2	25	0	0	
B-3	10	0	0	Central business	N/A				
B-4	10*	[1]	0		B-4	25	0	0	
B-5	10*	[1]	0		B-5	25	0	0	
M-1	40	10	10	Light industry	M-1	25	0	0	Light industry
M-2	40	10	10	Heavy industry	M-2	25	0	0	

[1] Either 0 feet or 15 feet for preexisting lots of record.

*Lots of record as of May 16, 1989, shall have a zero frontage yard setback.

Legend: F = Front Setback; S = Side Setback; R = Rear Setback.

(Ord. No. 92-02, § 1(15-90), 4-30-1992; Ord. No. 2005-21, 8-16-2005)

Sec. 134-744. Costs.

The city commission will rezone annexed lands at no cost to the owners.

(Ord. No. 92-02, § 1(15-91), 4-30-1992; Ord. No. 2005-21, 8-16-2005)

Sec. 134-745. Disclaimer.

The owner of any property annexed into the city may request any zoning district classification contained within this chapter, and they are entitled to that zoning classification which already exists on immediately contiguous lands already within the corporate limits and in compliance with the comprehensive plan. However, the elected officials reserve the right to reject any rezoning application which is found, through due process, not to be in compliance with the comprehensive plan; and/or not to be in compliance with existing zoning in the area; and/or not to be in compliance with existing land uses in the area; and/or contrary to the public health, safety or general welfare. A finding that a request is in compliance with the comprehensive plan shall not preclude denial by the elected officials for reasons not related to the comprehensive plan. Conversely, any rezoning request found not to be in compliance with the comprehensive plan will be denied unless and/or until the comprehensive plan is amended.

(Ord. No. 92-02, § 1(15-92), 4-30-1992)

Secs. 134-746—134-780. Reserved.

ARTICLE VIII. ENFORCEMENT AND PENALTIES

Sec. 134-781. Enforcement.

In case any building or structure is erected, constructed, reconstructed, altered, repaired or maintained, or any building, structure, land or water is used in violation of this zoning code, and such violation has not been corrected within 30 days of notice as a result of actions taken pursuant to section 134-62, the director shall transmit all evidence, along with a letter of findings and facts, to the ~~city clerk~~ development services director, requesting action by the city commission. The city commission will consider such request, and it reserves unto itself the right to pursue any remedy provided under state statutes following consultation with the city attorney.

(Ord. No. 92-02, § 1(15-93), 4-30-1992)

Sec. 134-782. Penalties.

A violation of this zoning code is declared to be a noncriminal violation punishable as provided in F.S. § 162.09.

(Ord. No. 92-02, § 1(15-94), 4-30-1992)

Sec. 134-783. Liability.

Any member of the city commission, planning and zoning board, the city ~~zoning~~ development services director, city employees, the city's attorney and employees of the city attorney's office, charged with the enforcement and interpretation of this zoning chapter in the discharge of their duties, shall not thereby render themselves liable personally. They are relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required in the discharge of their duties. Any suit brought against any officer, member or employee of the above-mentioned agencies because of such act performed by him in the enforcement of any provisions of this zoning chapter shall be defended by the city until the final determination of the proceedings. Any officer, member or employee of the above-mentioned agencies shall, further, be held harmless and indemnified against any and all claims and/or judgments, except when such officer, member or

employee is found guilty of willful and wanton misconduct or fraud. The liability protection under this article also includes that protection as outlined under F.S. ch. 111, and amendments thereto.

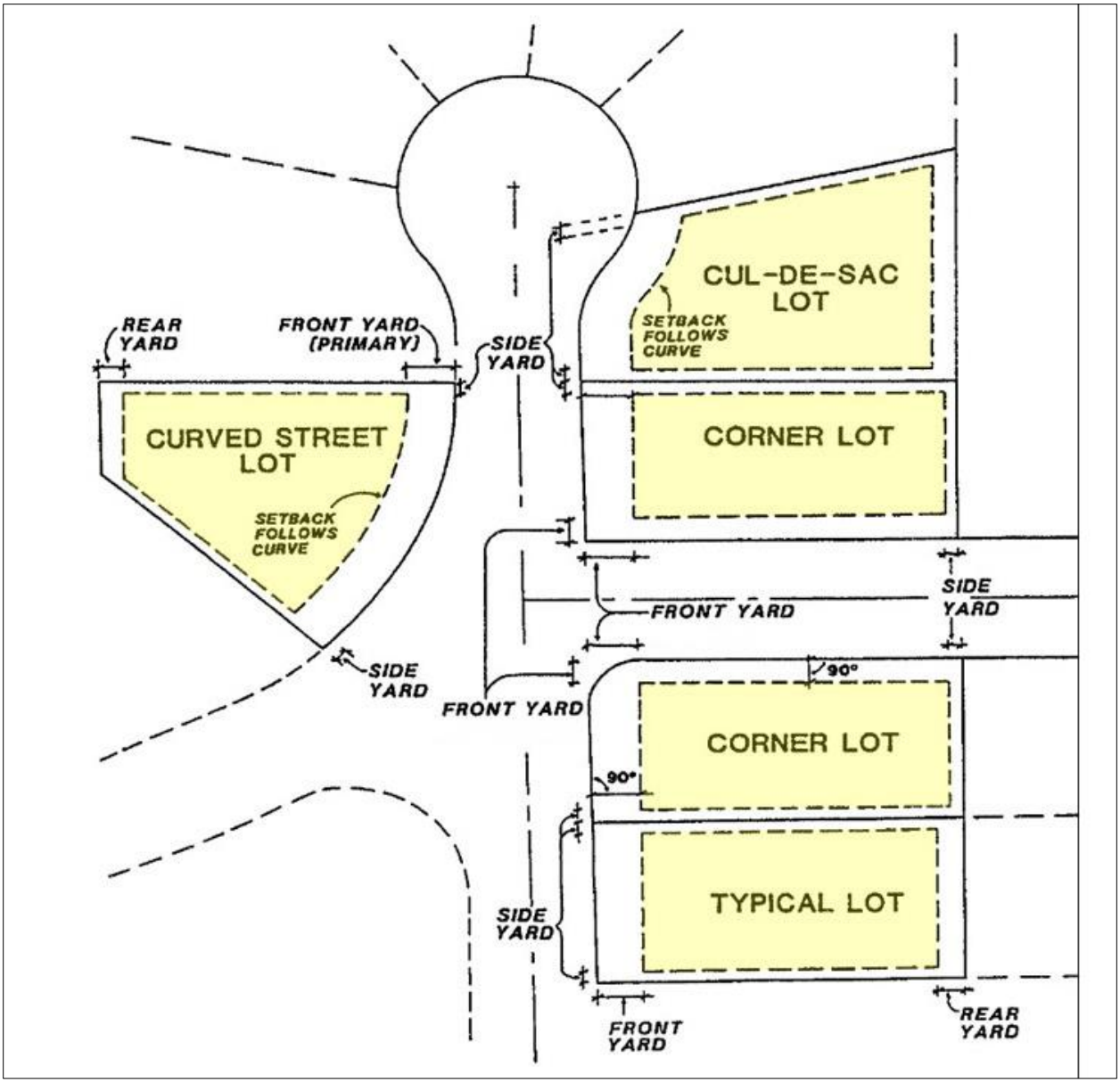
(Ord. No. 92-02, § 1(15-94), 4-30-1992; Ord. No. 2008-17, 9-2-2008)

Sec. 134-784. Injunctive relief.

Nothing contained in this article shall prevent the city commission from taking such lawful action as is necessary to prevent or remedy any violation. The city commission shall be specifically entitled to such injunctive relief.

(Ord. No. 92-02, § 1(15-9), 4-30-1992)

ILLUSTRATION 1 - LOT & YARD TYPES


CUL-DE-SAC LOT
SETBACK FOLLOWS CURVE
REAR YARD
FRONT YARD (PRIMARY)
SIDE YARD
CURVED STREET LOT
SETBACK FOLLOWS CURVE
CORNER LOT
SIDE YARD
FRONT YARD
SIDE YARD
90°
FRONT YARD
CORNER LOT
90°
TYPICAL LOT
SIDE YARD
FRONT YARD
REAR YARD

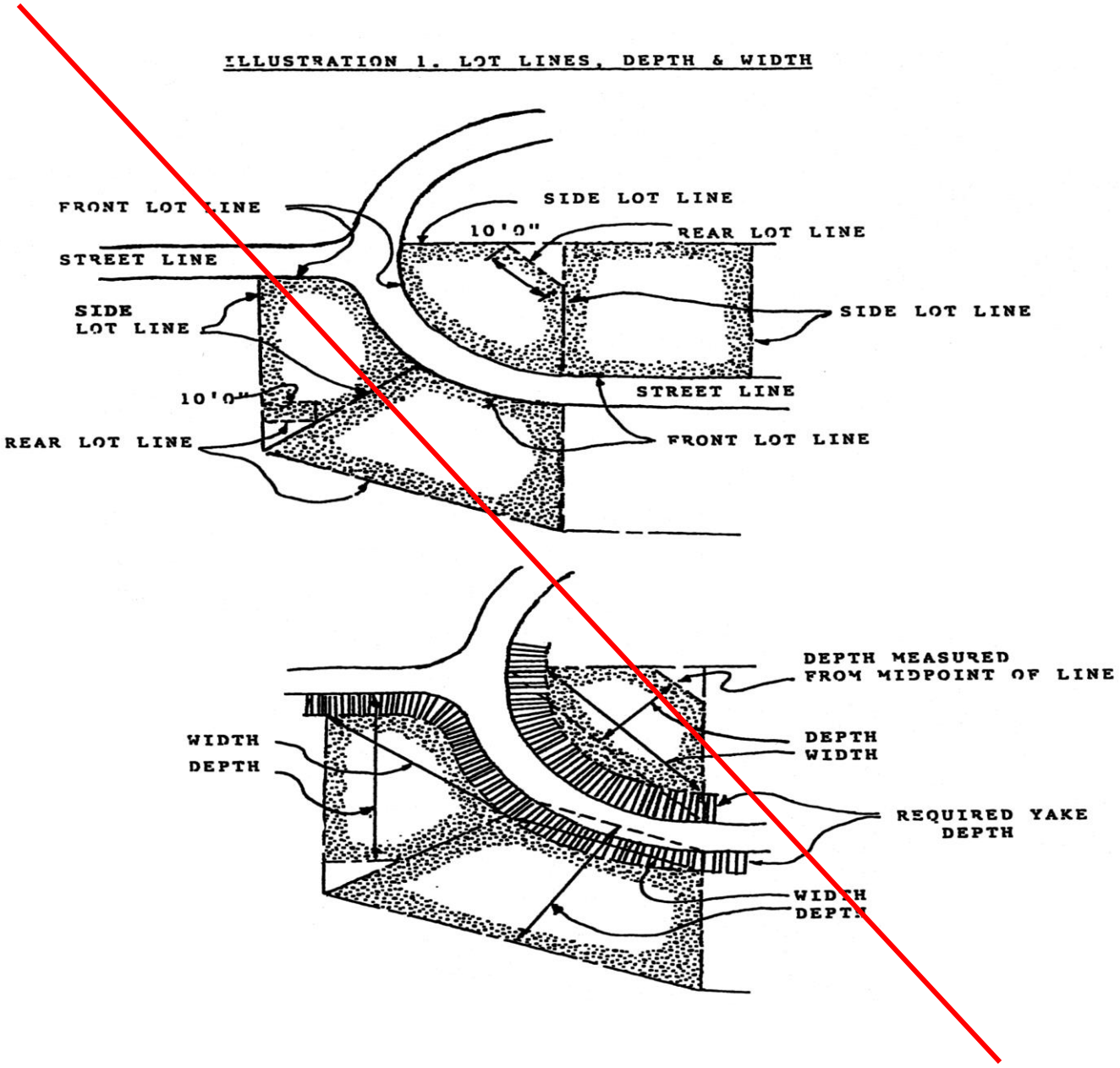
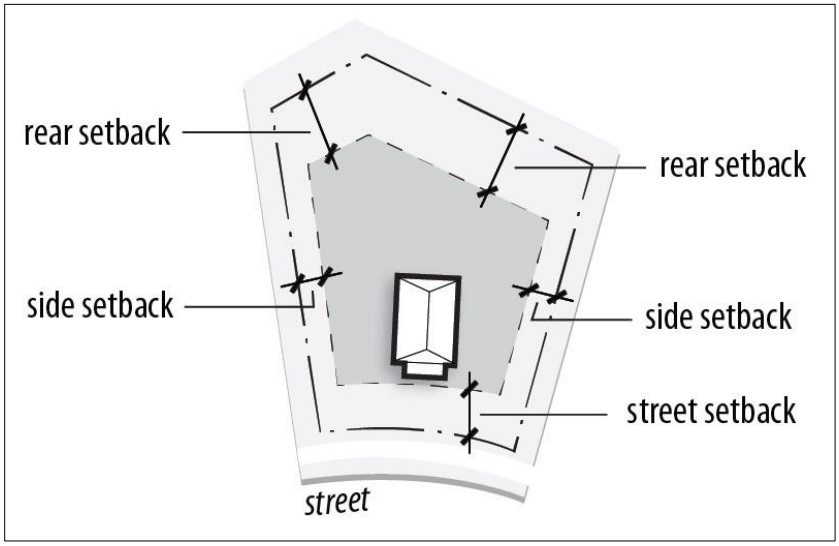
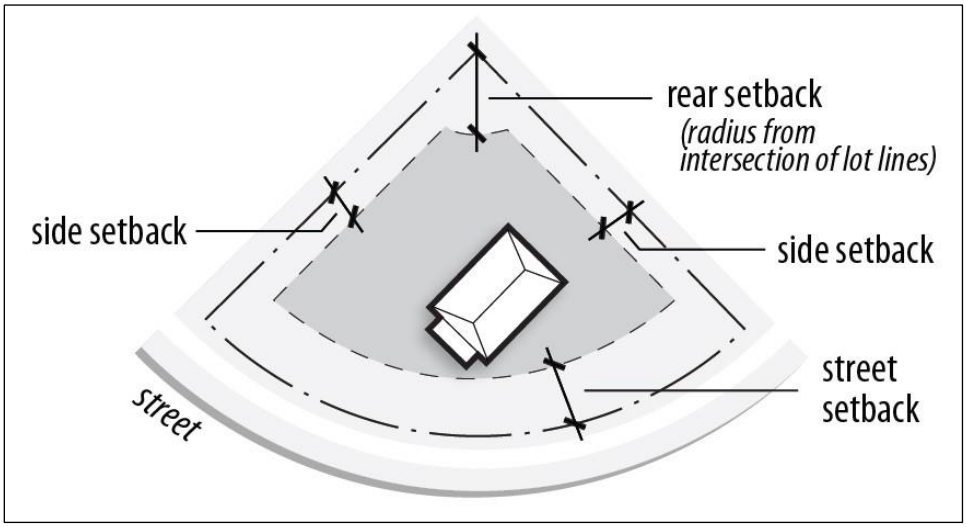

ILLUSTRATION 1. LOT LINES, DEPTH & WIDTH
FRONT LOT LINE
STREET LINE
SIDE LOT LINE
10'0"
REAR LOT LINE
SIDE LOT LINE
10'0"
REAR LOT LINE
SIDE LOT LINE
STREET LINE
FRONT LOT LINE
DEPTH MEASURED FROM MIDPOINT OF LINE
WIDTH
DEPTH
DEPTH
WIDTH
REQUIRED YAKE DEPTH
WIDTH
DEPTH

Illustration 2 – Irregular Lots





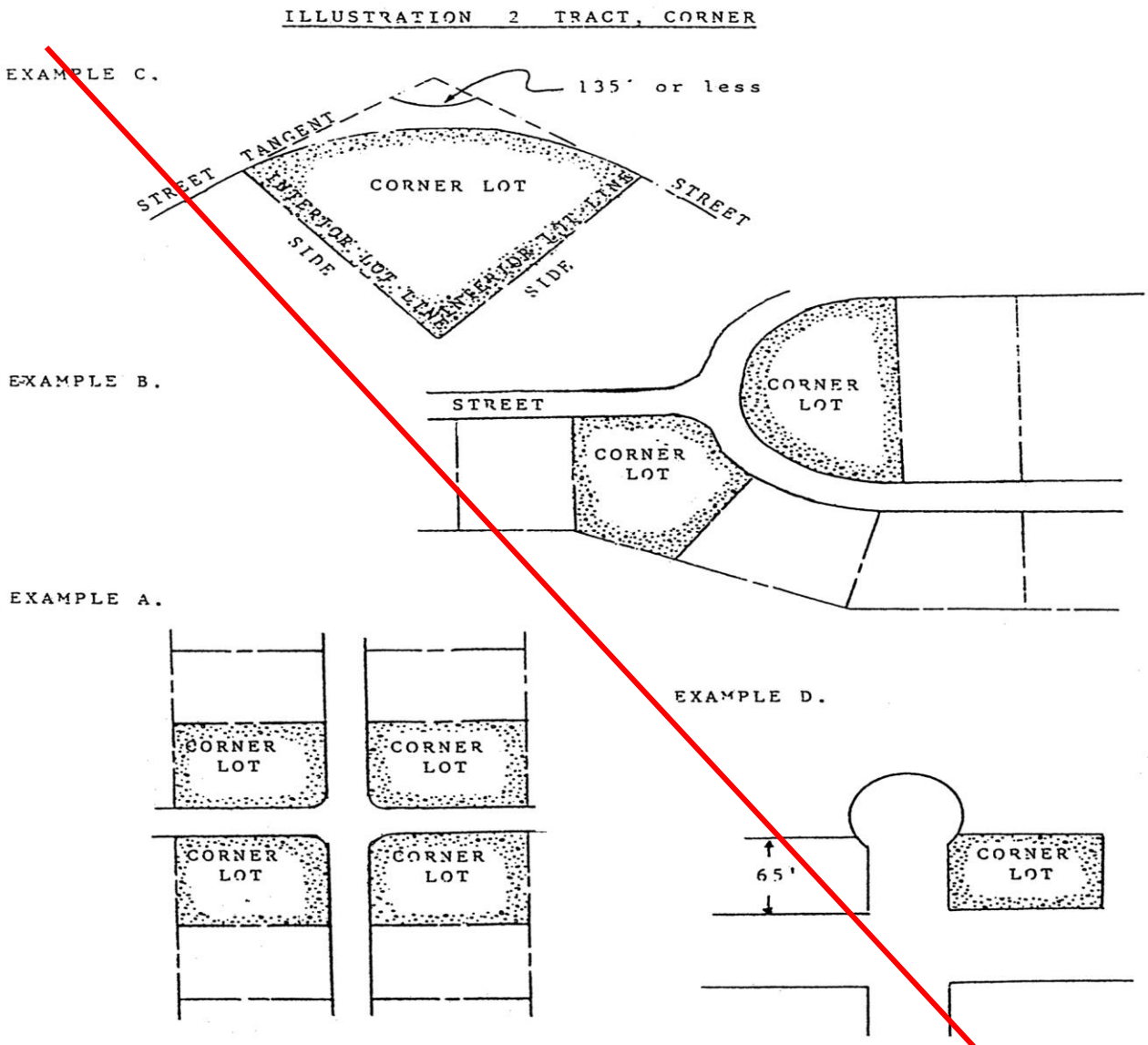


ILLUSTRATION 2. TRACT, CORNER

Minimum Parking Layout Dimensions

	Design Component		Parking Angle				
			0° (Parallel)	30°	45°	60°	90°
A	Stall Width		9'(8')[1]	9'	9'	9'	9'
B	Stall Length		22'	18'	18'	18'	18'
C	Stall Width Parallel to Aisle		N/A	18'-0"	12'-9"	10'-5"	9'-0"
D	Stall Depth to Curb or Wall		N/A	16'-10"	19'-1"	20'-1"	18'-0"
E	Stall Depth to Interlock		N/A	12'-11"	15'-11"	17'-10"	18'-0"
F	Aisle Width[2]	One-Way	13'	14'	16'	19'	N/A
		Two-Way	24'	22'	24'	24'	26'
G	Module Width Wall/Curb to Interlock	One-Way Aisle	N/A	43'-9"	51'-0"	46'-11"	N/A
		Two-Way Aisle	N/A	51'-9"	59'-0"	61'-11"	62'-0"
H	Module Width Interlock to Interlock	One-Way Aisle	N/A	39'-10"	47'-10"	54'-8"	N/A
		Two-Way Aisle	N/A	47'-10"	55'-10"	59'-8"	62'-0"
not shown in Reference Drawing	Module Width Wall/Curb to Wall/Curb	One-Way Aisle	31'-0"	47'-8"	54'-2"	59'-2"	N/A
		Two-Way Aisle	42'-0"	55'-8"	62'-2"	64'-2"	62'-0"
I	Cross Aisle Width[2]	One-Way	15'	15'	15'	15'	15'
		Two-Way	22'	22'	22'	22'	22'

[1] 8' width applies to on-street parking stalls.

[2] The Development Services Director may require greater aisle width due to emergency equipment access needs. Aisles less than 24' shall not be designated as Fire Access.

N/A - Not Applicable

Reference Drawing for Minimum Parking Dimensions

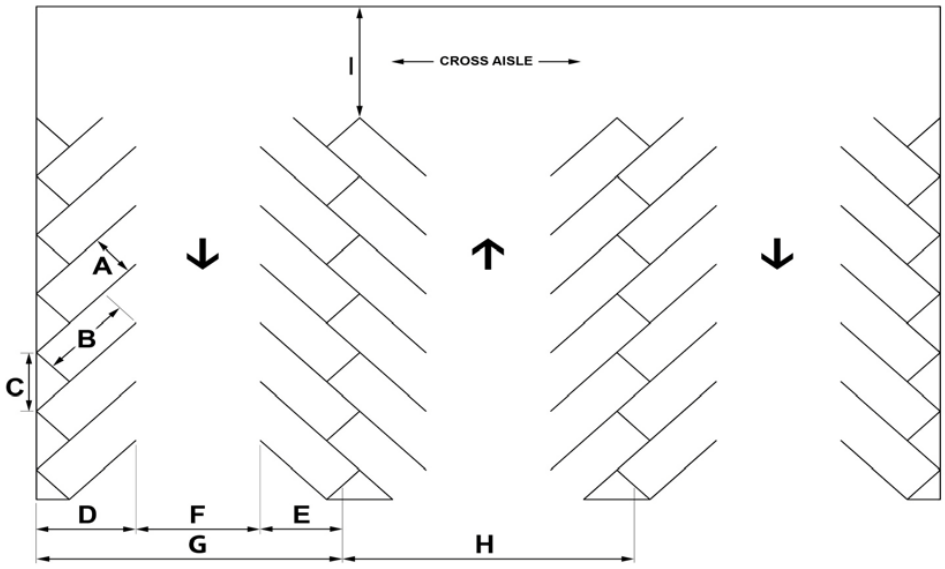
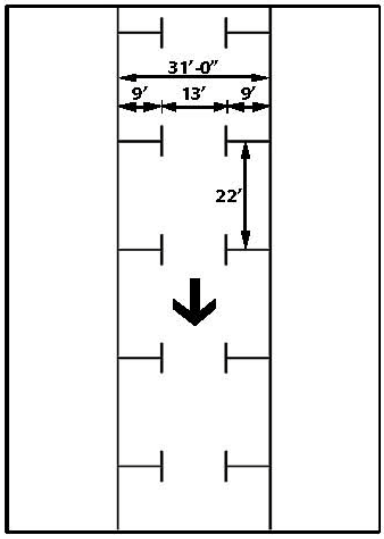
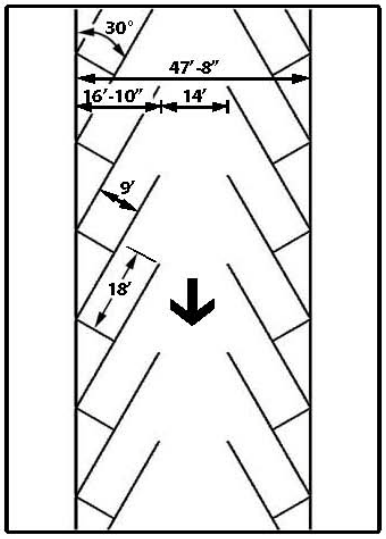


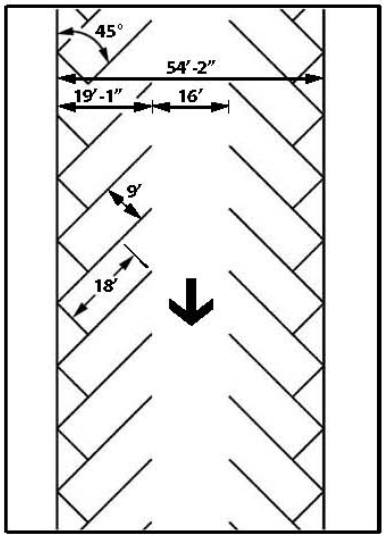
ILLUSTRATION 3 - PARKING SPACE DIMENSIONS



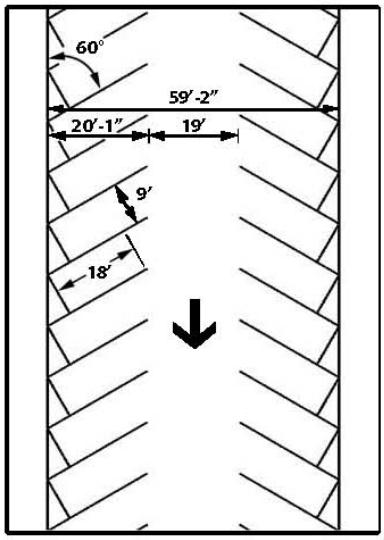
0° Parallel Parking Spaces



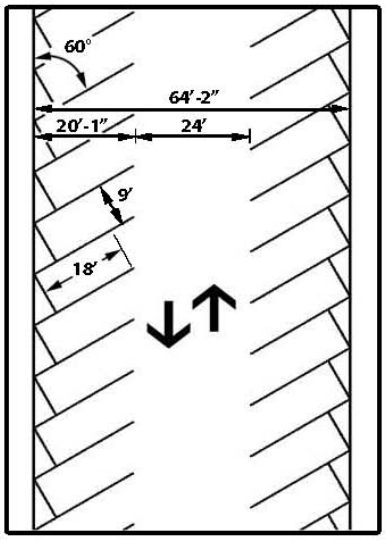
30° Parking Spaces



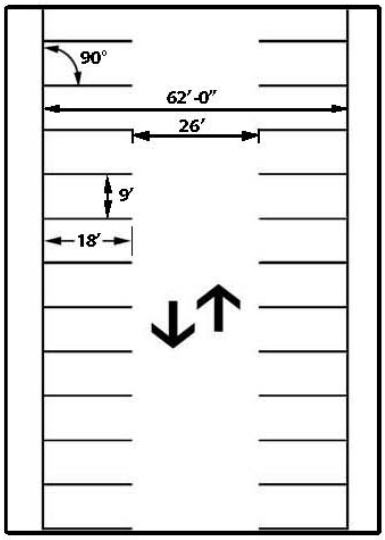
45° Parking Spaces



60° Parking Spaces
One - Way

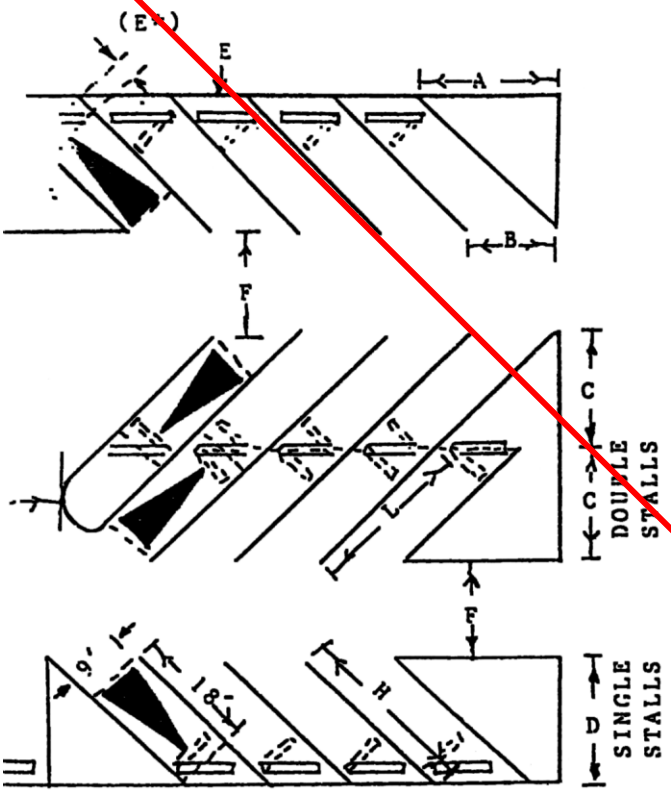


60° Parking Spaces
Two - Way



90° Parking Spaces

ILLUSTRATION 3. PARKING SPACE DIMENSIONS



DIMENSIONS WHEN PARKED AT ANGLES

ANGLE		45°	60°	90°
OFFSET	A	19'-10"	12'	1'-6"
CAR SPACE	B	12'-9"	10'-5"	9'
STALL DEPTH	C	19'	19'	19'
STALL DEPTH	D	19'-1"	20'-2"	18'
OVERHANG	E	2'-11"	3'-1"	2'-9"
DRIVEWAY	F	13'	18'	24'
TURNAROUND	G	15'	15'	15'
STRIPE	H	27'	23'-3"	18'
STRIPE	L	22'-6"	29'-9"	18'

* NOTE: WHEN WHEELSTOP IS PERPENDICULAR TO STALL USE "E" FOR 90°

DIMENSIONS WHEN PARKED PARALLEL

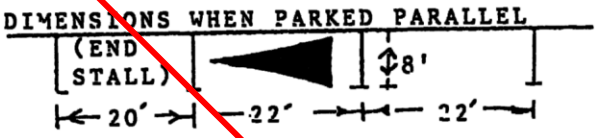
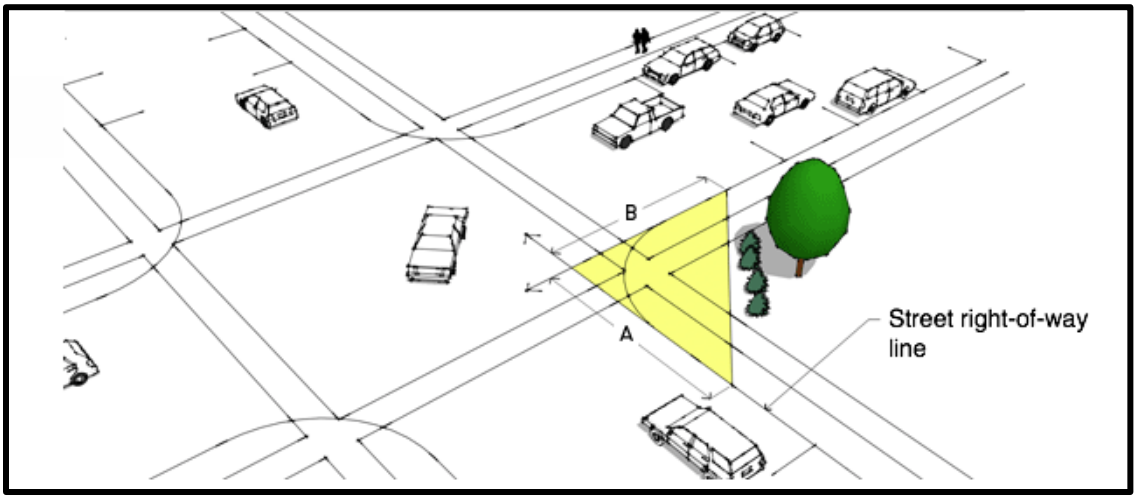


ILLUSTRATION 3. PARKING SPACE DIMENSIONS

ILLUSTRATION 4 - VISIBILITY AT INTERSECTIONS

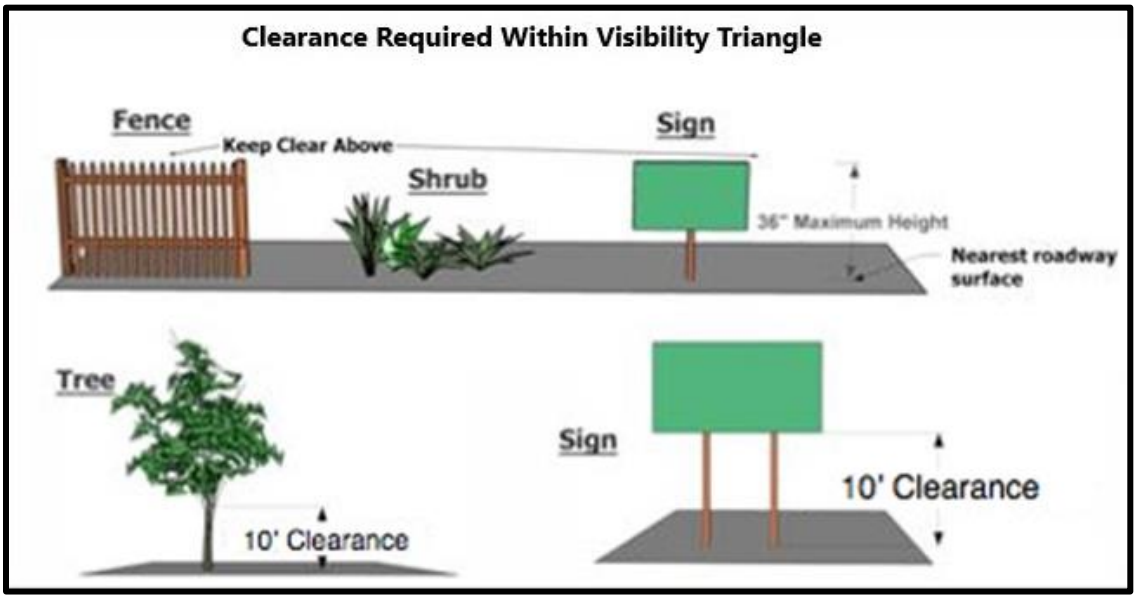
Visibility Triangle



Visibility Triangle Requirements

	Residential	Industrial/Business	Alleys
A	25-feet	15-feet	12.5-feet
B	25-feet	15-feet	12.5-feet

No structural and planting masses shall be permitted between three (3) feet and ten (10) feet above the average grade of each street (see illustration below).



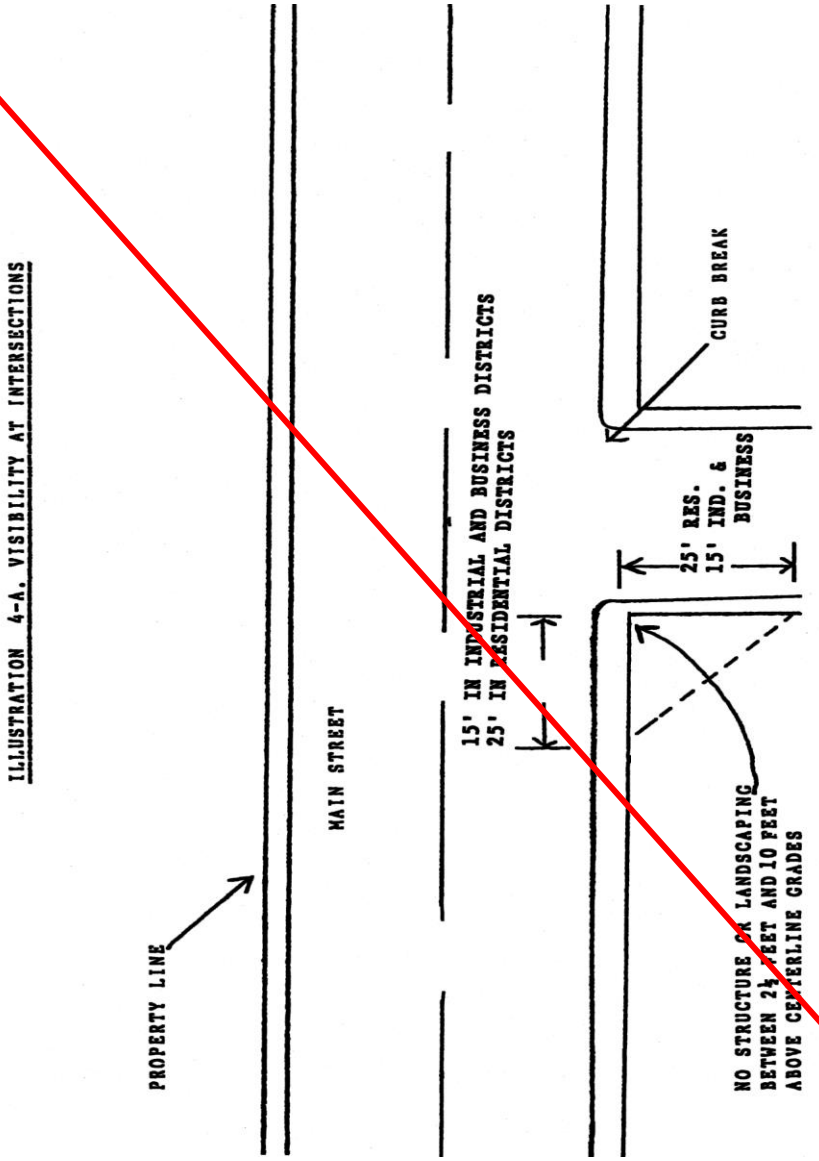


ILLUSTRATION 4-A. VISIBILITY AT INTERSECTIONS

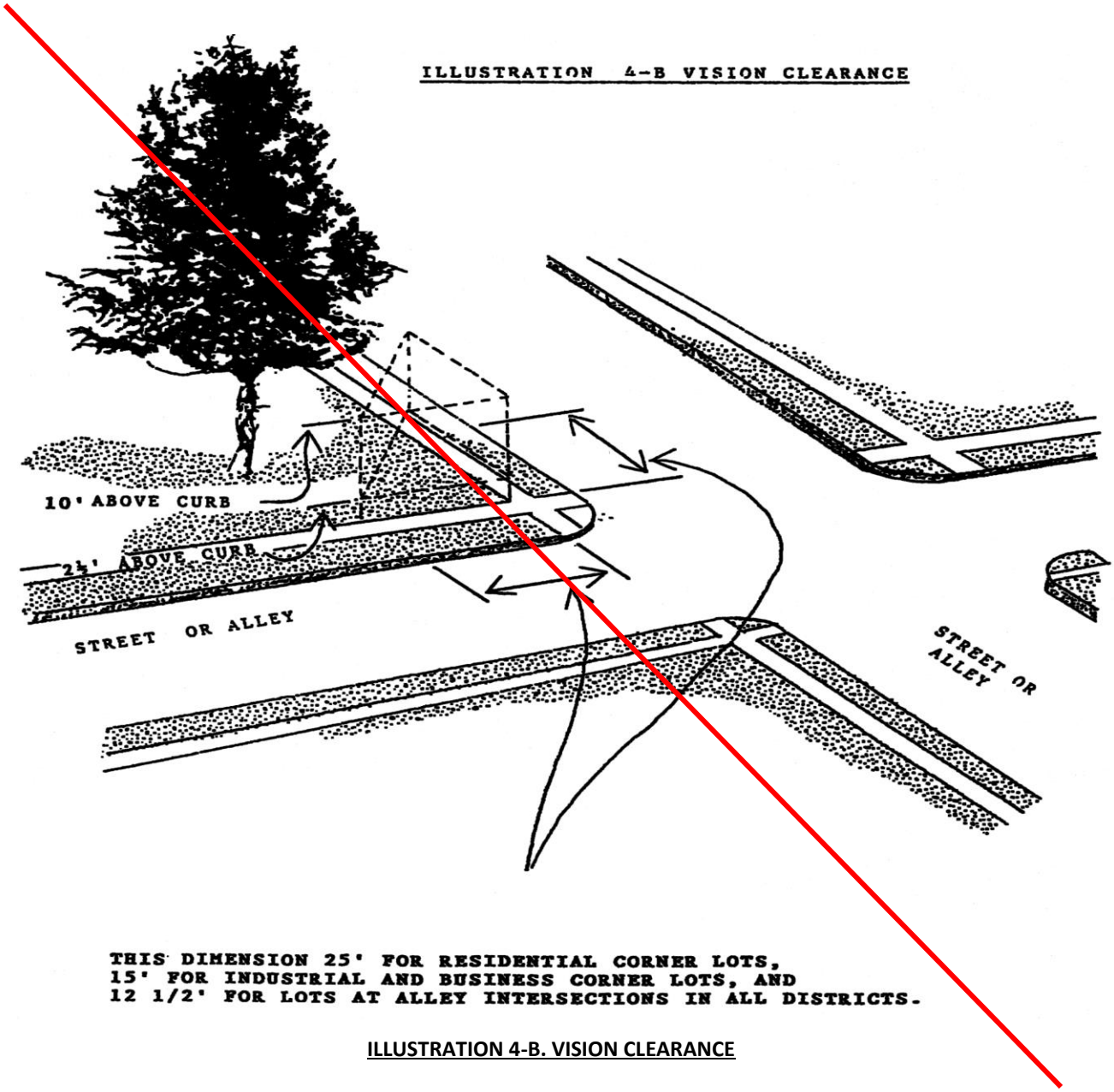


ILLUSTRATION 4-B. VISION CLEARANCE

ILLUSTRATION 5 – BUILDING HEIGHT MEASURED FROM ESTABLISHED GRADE

Height of building means the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deckline for a mansard roof and the mean height level between eaves and ridge for gable, hip and gambrel roofs.

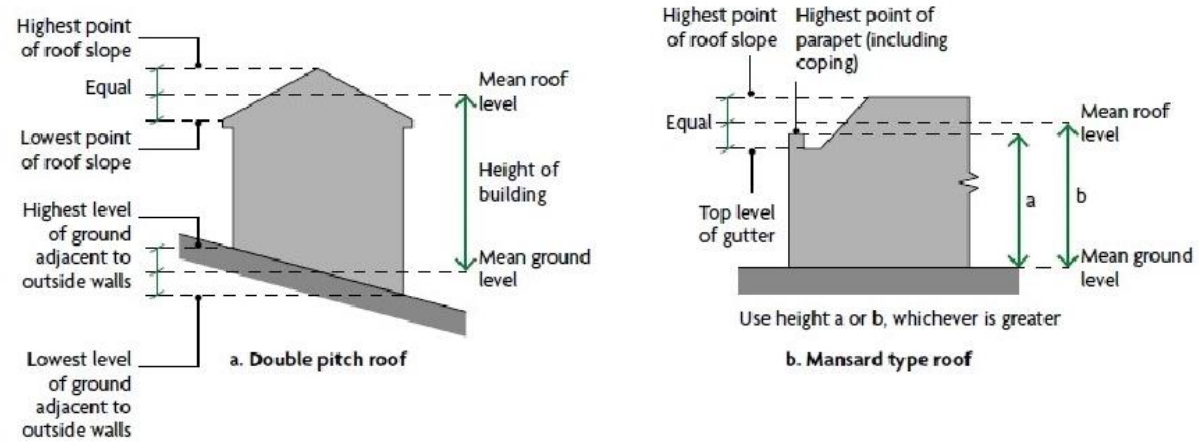
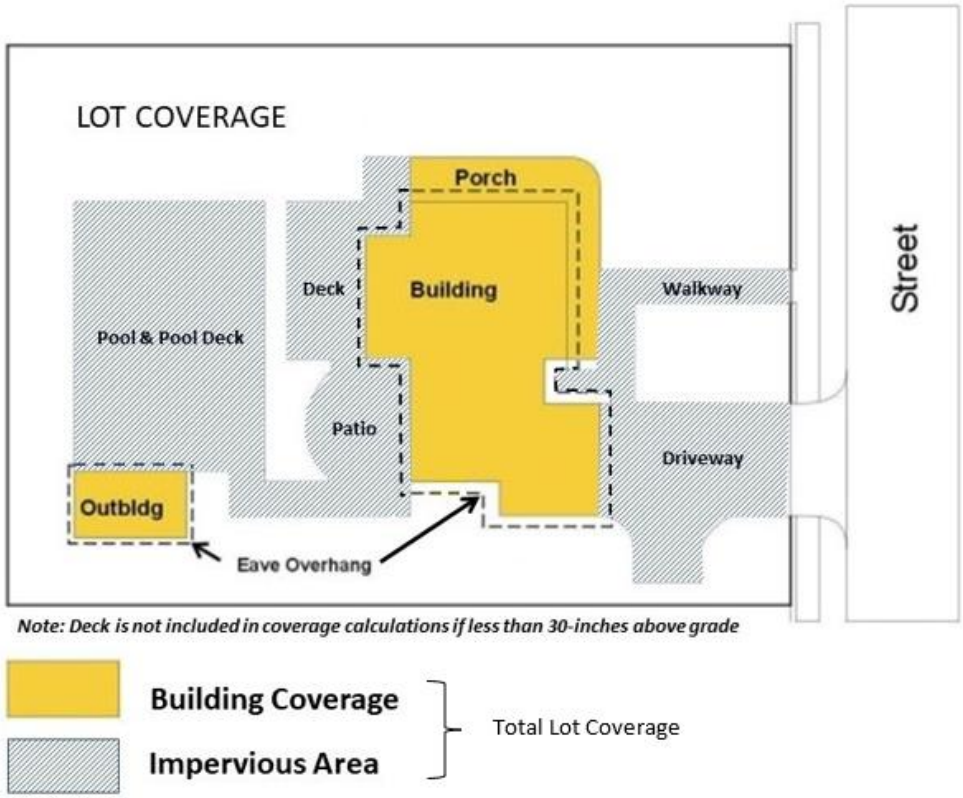


ILLUSTRATION 6 – LOT & BUILDING COVERAGE



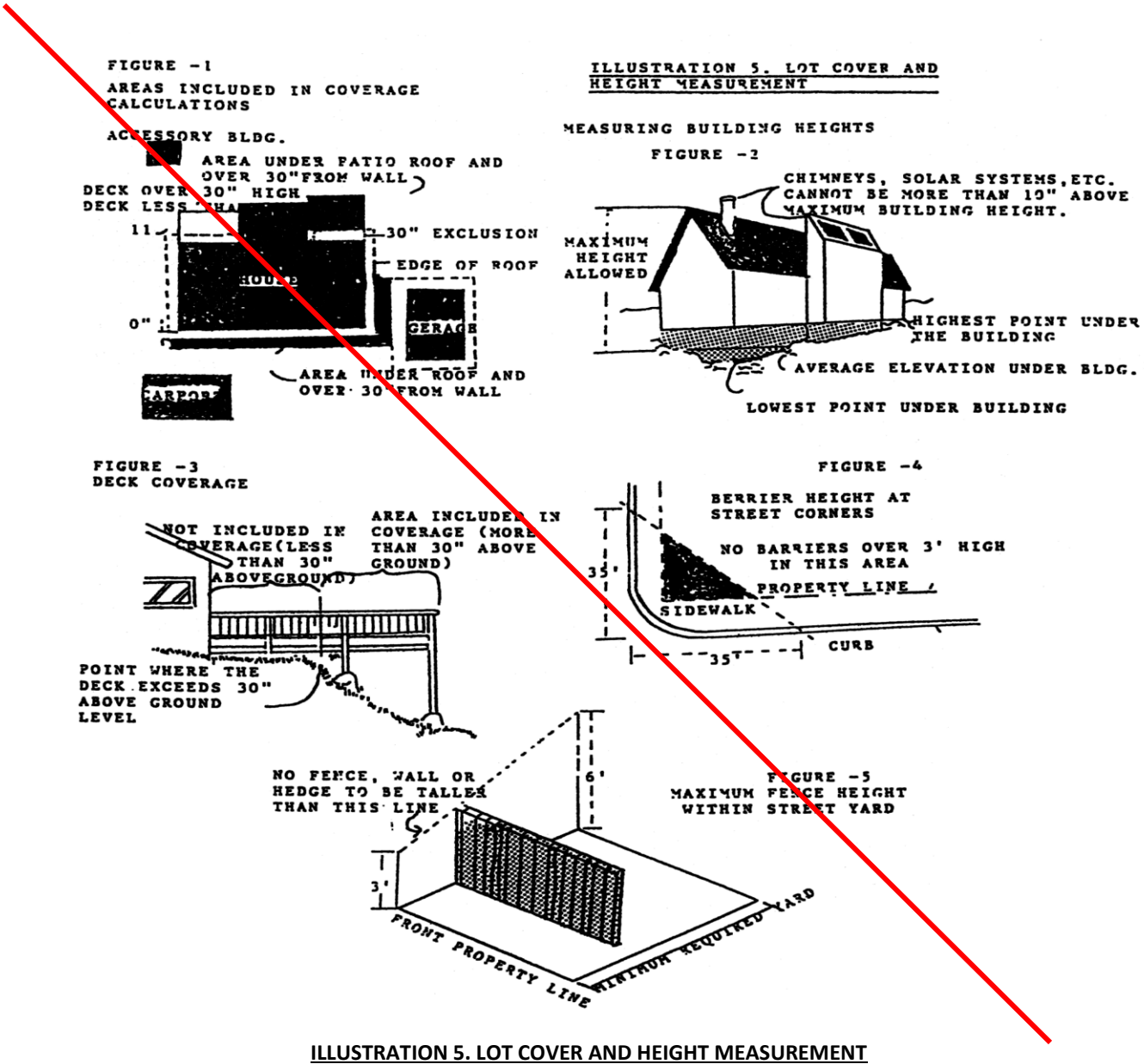


ILLUSTRATION 5. LOT COVER AND HEIGHT MEASUREMENT

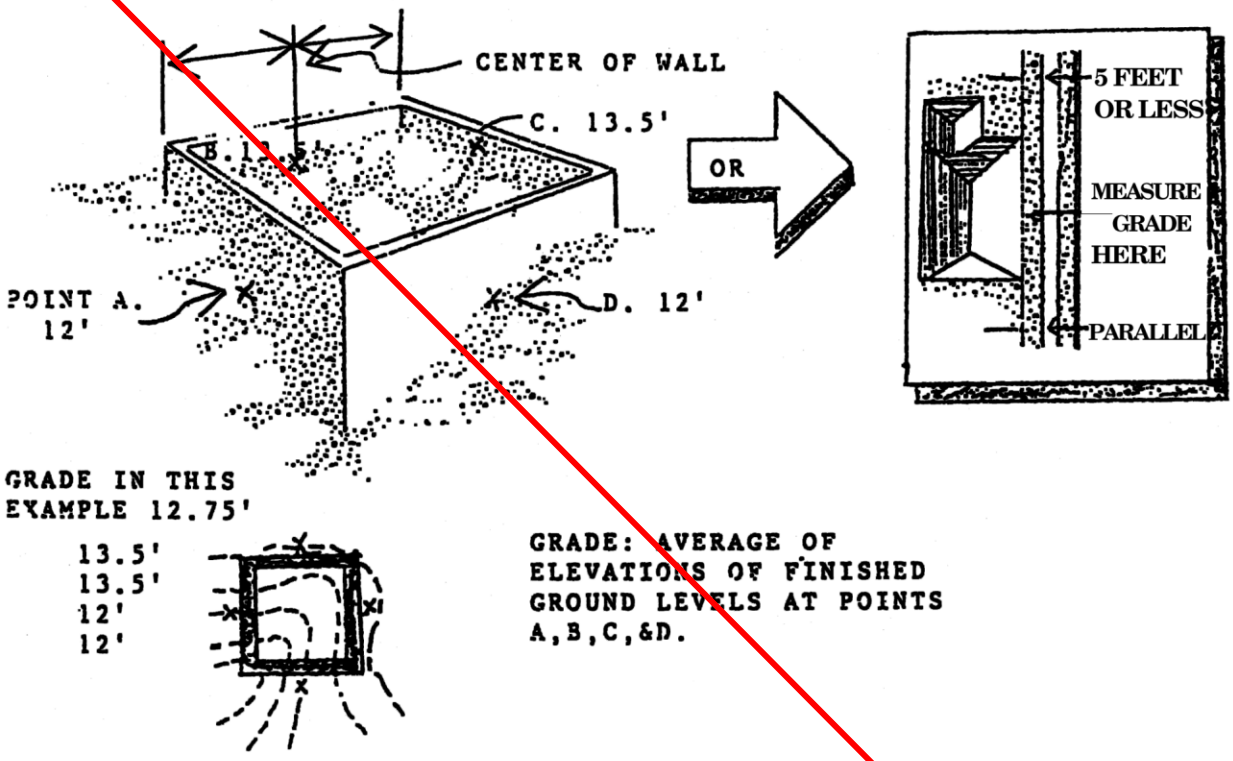


ILLUSTRATION 6. GRADE

ILLUSTRATION 7 – TYPICAL BERM SIDE VIEW

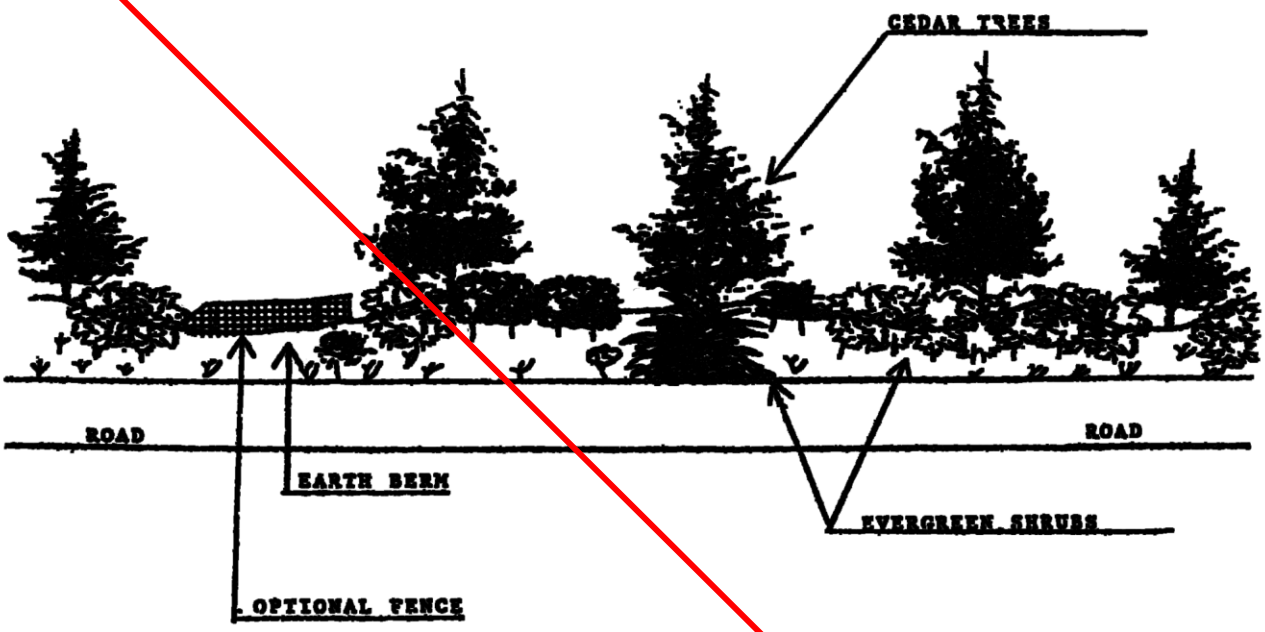


Standards

1. **Berm height 4-feet above grade elevation (minimum); variable above 4-feet.**
2. **Fence height 2-feet above top of berm (minimum). Fences are optional.**
3. **Trees every 6-feet (minimum) along the top of the berm, except where there is a fence.**
4. **Evergreen shrubs every 6-feet (minimum) between trees and on side slopes.**
5. **All side slopes are to be seeded, mulched, or planted with stabilizing groundcover.**

ILLUSTRATION 7-B BERM SIDE VIEW

TYPICAL BERM SIDE VIEW



Standards

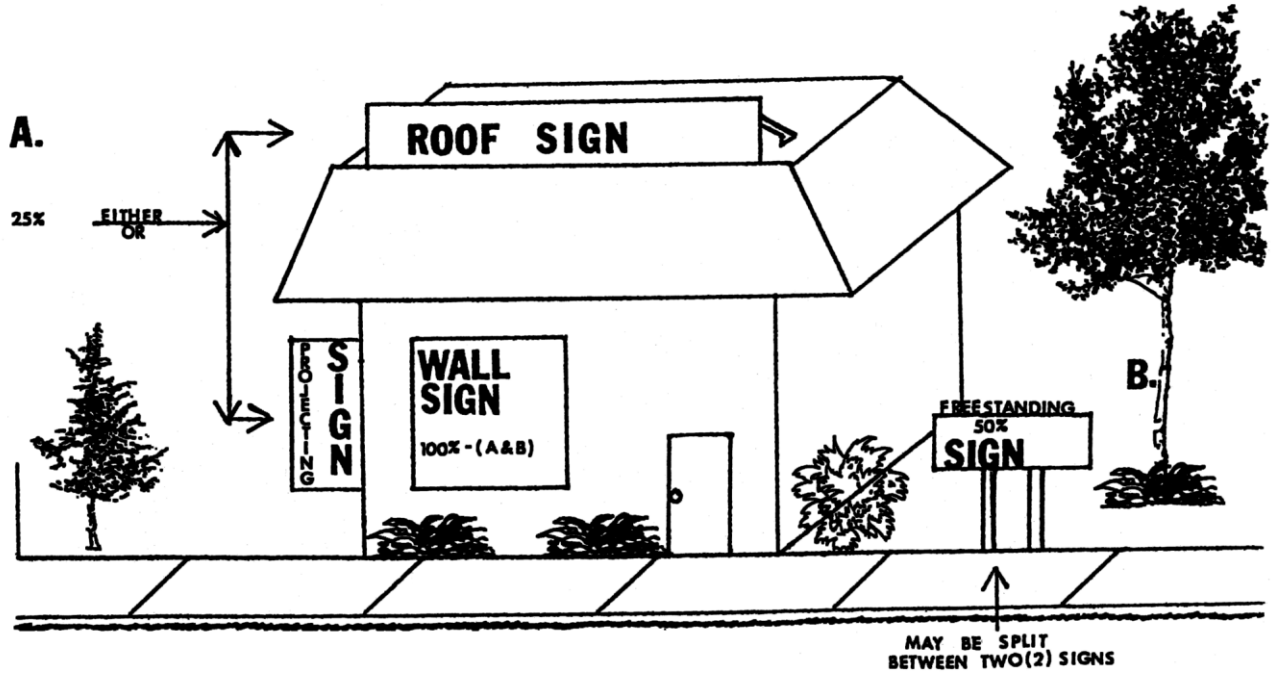
1. Berm height 4' above elevation (minimum), variable above that.
2. Fence height 2' above berm top (minimum), may be higher.
3. Cedar trees every 6' (minimum), along top of berm, except where there is an optional fence.
4. Evergreen shrubs every 6' (minimum), between cedar trees and on side slopes.
5. All side slopes to be seeded with mulch, or, sodded.

ILLUSTRATION 7-B. BERM SIDE VIEW TYPICAL BERM SIDE VIEW

ILLUSTRATION 8 - MAXIMUM SIGN AREA PERMITTED

~~ILLUSTRATION 8~~

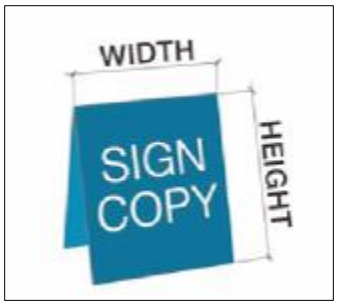
MAXIMUM SIGN AREA PERMITTED BY TYPE OF SIGN,
EXPRESSED AS A PERCENT OF TOTAL SIGN AREA



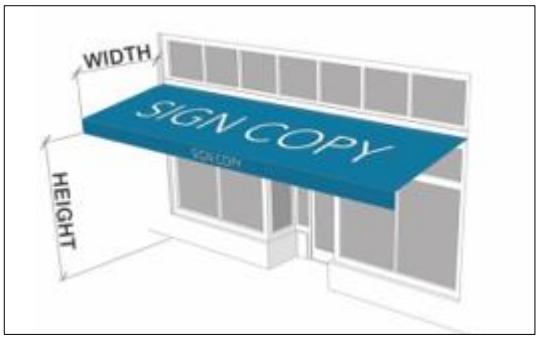
~~ILLUSTRATION 8. MAXIMUM SIGN AREA PERMITTED~~

SIGN TYPES

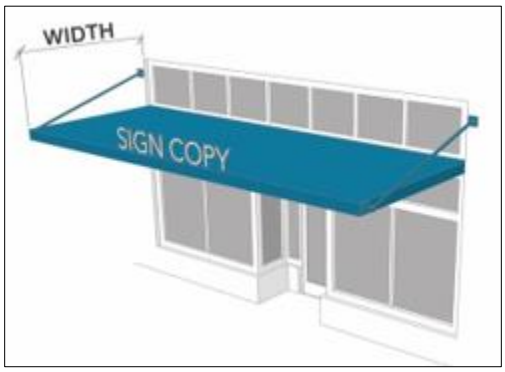
A FRAME SIGN



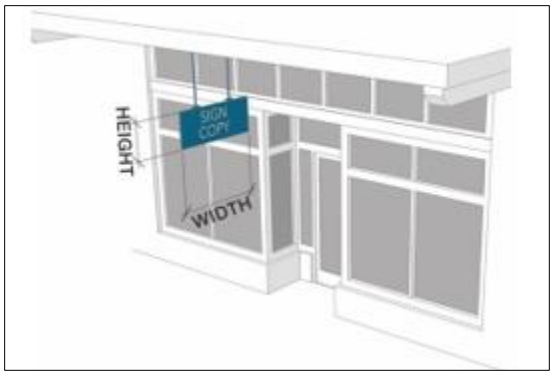
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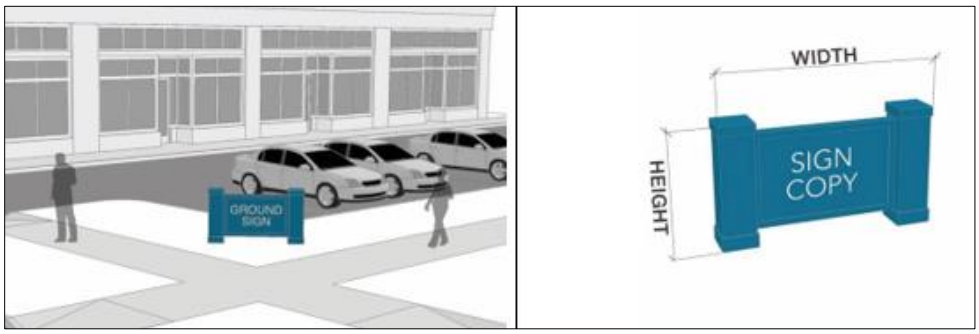
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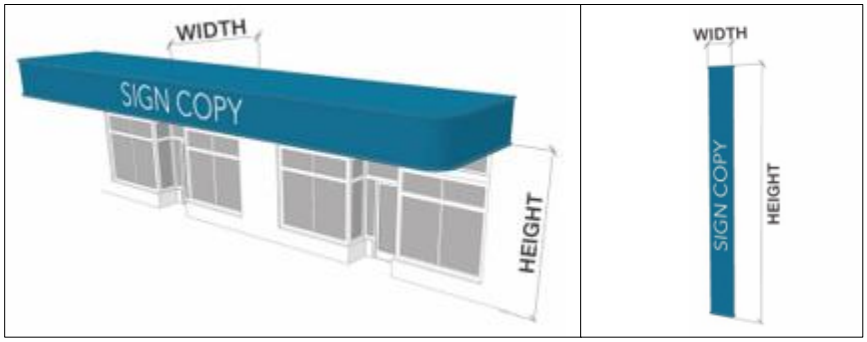
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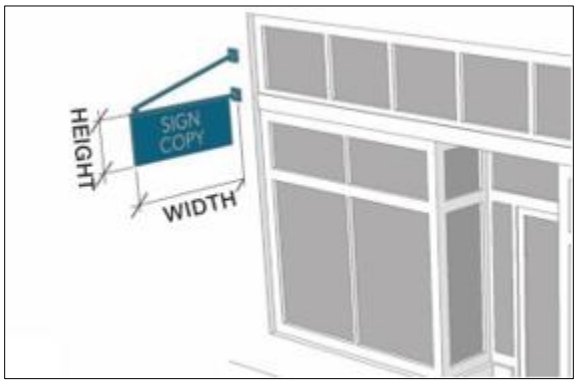
GROUND SIGN



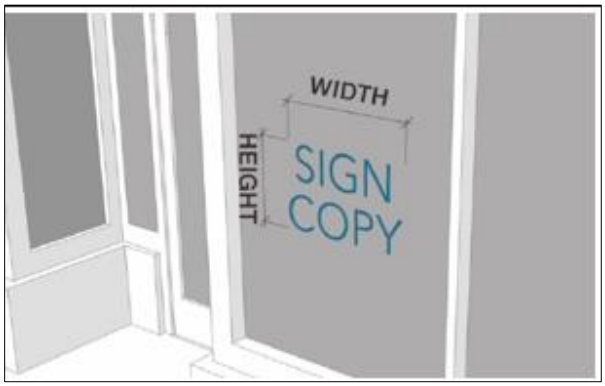
MARQUEE SIGN



PROJECTING SIGN



WINDOW SIGN



WALL SIGN OR MURAL



WAYFINDING SIGN



Chapter 139 DEVELOPMENT AGREEMENTS

Sec. 139-1. Procedures.

(a) *Terms and conditions.* Development agreements shall be considered under the following procedures: The city commission, in its sole and exclusive discretion, may enter into development agreements with the legal and equitable owners of real property within the city limits of the City of Belleview as provided in Chapter 163, Florida Statutes, and as is further set forth under the terms of this chapter. The entry into a development agreement by said city shall in no way whatsoever limit or modify any legislative power by said city to adopt ordinances, resolutions or regulations or to make executive administrative or legislative decisions of any kind which it had the power to make prior to the entity of such development agreement, except to the degree that the development agreement, by its express terms and not by implication, gives vested rights to said property owner as to certain development permissions, required improvements and similar matters. No development agreement shall, by its express terms or by implication, limit the right of the city commission to adopt ordinances or regulations or to adopt policies that are of general application or specific as to the property subject to the development agreement in the city, except as is expressly provided in Chapter 163, Florida Statutes.

(b) *Rights of the city reserved.* The submission of a request for consideration of a development agreement, the city commission's willingness to pursue discussions, the resultant negotiations regarding a development agreement, the payment of any application fees for the submission of any applications, engineering plans, surveys and any other expenditures or efforts in prosecution of the development agreement provided for herein by a property owner shall not vest any rights whatsoever in any land use district or future land use designation in such property owner nor shall it in any manner whatsoever limit the city commission from undertaking any land use district or future land use plan amendments that it would be otherwise legally entitled to undertake.

(c) *Initiation of request and fee.* A property owner desiring to enter into a development agreement with the city shall make a written request for such development agreement to the development services director and pay the fee as is established by motion of the city commission. Such written request shall identify the lands which are desired to be subject to the development agreement and shall identify all legal and equitable owners having any interest in such property, and such ownership interests shall be certified by a title company or an attorney-at-law licensed to practice in the State of Florida. Any partnerships, corporations, joint ventures or other persons with interest in such partnerships, corporations or joint ventures shall be revealed.

(d) *Preliminary city commission review.* Upon receipt of such a request, the development services director or designee shall place the matter on the agenda of the city commission, and the city commission shall, in its discretion, determine whether or not it desires the development services director or designee to pursue negotiations with the property owner relative to the entry into a development agreement. In the event that the city commission determines not to proceed with further negotiations or discussions regarding the development agreement, the fee paid by the property owner shall be refunded. In the event that the city commission instructs the development services director or designee to proceed with further negotiations, the fee shall thereafter be nonrefundable, regardless of whether or not a development agreement is ultimately executed between the city and the property owner.

(e) *Submission requirements.* Upon the city commission's determining that it desires to proceed with further negotiations relative to a development agreement, the property owner shall promptly submit a development proposal for the subject property to include the following information:

(1) Legal description of the lands to include identification of lands or out-parcels to be exempt from the agreement.

(2) The persons, firms or corporations having a legal or equitable interest in the land.

(3) The desired duration of the development agreement, but not exceeding three years.

(4) The development uses desired to be permitted on the land, including population densities and building intensities and heights.

(5) A description of all existing and proposed public facilities that will serve the land.

(6) Identification of Land Use Plan district or Future Land Use Map amendments that will be required if the proposed development proposal were to be approved.

(7) The Future Land Use Map and zoning district designations of all abutting property; the complete names and addresses of all property owners abutting or lying within 200 feet of the subject property as currently listed in the Marion County records one week prior to the agreement application.

(8) A certified property boundary survey prepared by a registered Florida surveyor no more than 12 months prior to the property owner's written request for the development agreement.

(9) All environmentally sensitive lands, DEP jurisdictional wetlands and lands subject to the jurisdiction and regulations of the Southwest Florida Water Management District shall be shown on a survey of the property.

(10) All existing and proposed utilities and the manner in which existing utilities will be extended to the site and/or expanded for the use of the development, including water, sewer, gas, electricity, CATV and other utilities.

(11) A master drainage plan for the development indicating thereon the existing drainage features and land topography, along with, and superimposed thereon, the proposed drainage features indicating clearly the means by which the final developed land will collect, regulate and conduct the drainage runoff from the lands developed and tributary thereto.

(12) The location, type, size and height of fencing, earth berms, retaining wall or screen planting to buffer abutting properties or as is otherwise required by city regulations.

(13) A grading plan and, included therewith, the elevation requirements of the National Flood Insurance Program as applicable to the city.

(14) A landscape plan and existing tree survey.

(15) Any deed restrictions existing or being imposed upon the lands for development.

(16) A list of all federal, state and local permit requirements.

(17) Private or public parklands required or proposed for parkland impact fee purposes.

(18) Any further information that the development services director or designee may require because of the particular nature or location of the development.

Sec. 139-2. City review, negotiation, and determination.

(a) *Review and report by development services director or designee.* The development services director or designee and his/her staff shall review the development proposal of the property owner and shall meet and negotiate with the property owner regarding the appropriate development of the property and the terms and conditions on which said property should be developed as said development services director or designee shall deem to be appropriate and necessary for the protection of the public interest. At such time as the property owner and the development services director or designee have reached tentative agreement as to the terms and conditions of the development agreement or the development services director or designee deem that no further negotiations would be useful because of the unlikely possibility of reaching a concurrence on the terms and conditions of a development agreement, the development services director or designee shall report the status of such negotiations to the city commission. Such tentative agreement shall not give rise to any development rights or equitably or legally vest any development rights in the property owner.

(b) *Review and direction by city commission*. In the event that the development services director or designee and the property owner have negotiated the terms of a mutually acceptable development agreement, the essential terms of that development agreement shall be presented in an outline form to the city commission. Said city commission shall review the same and shall, if it determines to proceed further with completion of the development agreement by vote of not less than four members of the city commission, direct the city attorney to reduce said development terms to contractual form for further consideration by the city commission. This direction shall in no manner whatsoever obligate the city commission to ultimately approve a development agreement or to approve any of the matters outlined to it by the development services director or designee as to any specific term or condition.

(c) *Determination to terminate or proceed by city commission.* In the event that the development services director or designee and the property owner have not negotiated a mutually satisfactory development agreement, the development services director or designee shall notify the city commission and the development agreement process as to the particular land shall be concluded unless by a concurring lot of four members of the city commission, the city commission shall direct that negotiations shall continue. A further development agreement application on the same property may be submitted no sooner than 180 calendar days from the date of the development services director's notification of the city commission that the previous development agreement application was terminated for failure to reach a mutually satisfactory agreement or the city commission has concluded consideration of the development agreement, whichever is later.

Sec. 139-3. Public hearings; city commission action.

(a) *Public hearings*. At such time as the city attorney has reduced the terms of the proposed development agreement to written contractual form, the development services director or designee shall transmit such development agreement to the city commission with his/her written recommendation regarding adoption of the development agreement. The city shall then conduct not fewer than two public hearings on the question of entering into said development agreement. Said public hearing shall be advertised in a newspaper of general circulation in Marion County, and such notice shall be advertised approximately seven days before each public hearing. Notice of intent to consider said development agreement shall also be mailed to all property owners abutting the subject land or lying within 200 feet of the subject land not less than seven days prior to the first hearing. The applicant for the development agreement shall furnish an updated listing of the complete names and addresses of the affected owners. Said notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities and building heights and shall specify where a copy of the proposed agreement can be obtained. At public hearings, the city commission shall accept any public comment on the terms of the development agreement.

(b) *Local Planning Agency review.* Prior to the public hearing before the city commission, the proposed development agreement shall have been reviewed by the local planning agency, and its recommendation shall have been provided to the city commission. In the event that the local planning agency has failed to provide a recommendation to the city commission within 45 days from the date that such development agreement has been submitted to it for action, this requirement may be waived by the city commission.

(c) *City commission action.* At the meeting at which the second public hearing is held, or at any subsequent meeting thereafter, the city commission may, by a majority vote of the members of the city commission who are present, approve the form and execution of a development agreement.

Sec. 139-4. Requirements for approved development agreements.

(a) *Content.* Any development agreement approved under the provisions of this code shall contain not less than the following requirements:

(1) A legal description of the land subject to the agreement and the identification of all persons having legal or equitable ownership therein.

(2) The duration of the development agreement, which duration shall not exceed three years, but which may be extended by mutual consent of the city and the property owner, said extension being subject to the public hearing process necessary for the initial approval of said development agreement.

(3) The development uses permitted on the land, including population densities, building intensities and building heights.

(4) A site plan containing such information as is otherwise required by this code. All the requirements of the site plan process and submittal shall be integrated with and approved concurrently with the development agreement.

(5) A description of the public facilities that will service the development, including designation of the entity or agency that shall be providing such facilities. Additionally, if new facilities are needed to serve the project, the date by which such facilities will be constructed and a schedule to assure that public facilities shall be available concurrent with the impacts of the development will be provided. The development agreement may provide for a letter of credit to be deposited with the city to secure the construction of any new facilities that are required to be constructed. Alternatively, such construction may be a condition precedent to the issuance of any building permits or other development permissions. In the event that the new public facilities are in place and operating at the time development permits are requested, no such letter of credit shall be necessary unless such facilities are not adequate for the project.

(6) A description of any reservation or dedication of land for public purposes. The development agreement shall provide specifically how the land dedication code obligation for the project, if any, is to be met. In the event that land is to be conveyed to the city in discharge of the land dedication code obligation, the development agreement will provide that such conveyance will be by warranty deed and will be accompanied by a title insurance policy (at the expense of the property owner) in an amount not less than the fair market value of the land.

(7) Development permits.

a. A description of all local development permits approved or needed to be approved for the development of the land, specifically to include at least the following: any required future land use plan map amendments, any required submissions to the Marion County Metropolitan Planning Organization or to the Department of Economic Opportunity, any required permissions of the State of Florida Department of Environmental Regulation, the United States Corps of Army Engineers, the St. Johns River Water Management District, the United States Environmental Protection Agency and any other governmental permissions that are required for the project.

b. The development agreement shall specifically provide that said development permissions will be obtained at the sole cost of the property owner and that, in the event that any development permissions are not received, no further development of the property shall be allowed until such time as the city commission has reviewed the matter and determined whether or not to terminate the development agreement or to modify it in a manner consistent with the public interest. Under these conditions, action in reliance on the development agreement or expenditures in pursuance of its terms or any rights accruing to the property owner thereunder, shall not vest any development rights in the property owner, nor shall it constitute partial performance entitling the property owner to a continuation of the development agreement.

c. A specific finding in the development agreement that the development permitted or proposed is consistent with the city's Comprehensive Plan and these land development regulations or that, if amendments are necessary to the land use plan designations on the subject property, such development agreement is contingent upon those amendments being made and approved by the appropriate governmental agencies.

d. The city commission may provide for any conditions, terms, restrictions or other requirements determined to be necessary for the public health, safety or welfare of its citizens, and such conditions, terms or restrictions may be more onerous or demanding than those otherwise specifically required by the land development standards then existing in the city and may provide for off-site improvements, screening, buffering, setbacks, building height restrictions, land coverage restrictions and similar types of matters that would not otherwise be required of the development under the existing city ordinances and regulations.

e. A statement indicating that failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the property owner of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions and that any matter or thing required to be done under existing ordinances of the city shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in said development agreement with specific reference to the code provision so waived, modified or amended.

f. At the city commission's discretion, the development agreement may provide that the entire development or any phase thereof be commenced or be completed within any specific period of time and may provide for penalties in the nature of monetary penalties, the denial of future building permits, the termination of the development agreement or the withholding of certificates of occupancy for the failure of the property owner to comply with any such requirement.

(b) *Execution.* All development agreements shall be executed by all persons having legal or equitable title in the subject property, including the fee simple owner and any mortgagees, unless the city attorney approves the execution of the development agreement without the necessity of such joinder or subordination on a determination that the substantial interests of the city will not be adversely affected thereby. A development agreement is determined to be a legislative act of the city in the furtherance of

its powers to zone and regulate development within its boundaries and, as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the subject property, and the development agreement and the obligations and responsibilities arising thereunder on the property owner shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the development agreement.

Sec. 139-5. Applicability of existing ordinances and regulations.

(a) *City ordinances prevail subject to development agreement.* The ordinances and regulations of the city governing the development of the land at the time of the execution of any development agreement provided for hereunder shall continue to govern the development of the land subject to the development agreement for the duration of the development agreement. At the termination of the duration of the development agreement, all then existing codes shall become applicable to the project regardless of the terms of the development agreement, and said development agreement shall be modified accordingly. The application of such laws shall not include any fee structure, including any impact fees, then in existence or thereafter imposed.

(b) *Ordinances and policies subsequently adopted.* The city may apply ordinances and policies adopted subsequently to the execution of the development agreement to the subject property only if the city has held a public hearing and determined that such new ordinances and policies are:

(1) Not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities or densities as allowed under the terms of the development agreement;

(2) Essential to the public health, safety and welfare and expressly state that they shall apply to a development that is subject to a development agreement;

(3) Specifically anticipated and provided for in the agreement; and the city demonstrates that substantial changes have occurred in pertinent conditions existing at the time for the approval of the development agreement or the development agreement is based on substantially inaccurate information supplied by the developer.

(c) *Specific provision for ordinances and policies of general application.* All development agreements shall specifically provide that subsequently adopted ordinances and policies of general application in the city, specifically including impact fees, shall be applicable to the lands subject to the development agreement and that such modifications are specifically anticipated in the development agreement.

(d) *Compliance with subsequently adopted state and federal laws.* In the event that state and federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of the development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws, such modification or revocation to take place only after the notice provisions provided for the adoption of a development agreement have been complied with. Such persons as are defined by state law shall have standing to enforce the development agreement.

Sec 139-6. Review and filing.

(a) *Annual review for compliance.* The city shall review all lands within the city subject to a development agreement not less than once every 12 calendar months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. The development services director or designee shall report his/her findings to the city commissions. In the event that the city finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the

development agreement, the agreement may be revoked or modified by the city upon 30 days' notice to the property owner as shown on the records of the Property Appraiser of Marion County. Such termination or amendment shall be accomplished only after public hearing and notice as is herein required for the adoption of a development agreement. Amendment or cancellation of the development agreement by mutual consent of the city and the property owner may be accomplished following notice requirements required for initial adoption of the development agreement as is above set forth.

(b) *Development agreement to be recorded with Clerk of the Circuit Court.* Not later than 14 days after the execution of a development agreement, the city shall record said agreement with the Clerk of the Circuit Court in Marion County, and a copy of the recorded development agreement shall be submitted to the State Land Planning Agency within 14 days after the agreement is recorded. The property owner shall reimburse the city for the cost of recording said agreement. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

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MEMORANDUM

TO: Shawna Chancey, MPA
Development Services Director

FROM: Luis N. Serna, AICP
Calvin, Giordano & Associates, Inc.

SUBJECT: **Land Development Regulation (LDR) Revisions**

DATE: January 22, 2024

The latest version of the Land Development Regulation revisions has been revised to reflect the comments of the City Commission at the August 22, 2023 workshop and the comments of the City attorney received on September 11, 2023. Because of the length of the document and the number of comments received, I am providing below a brief description of the revisions included in this draft:

1. References to the "Zoning Director" and "City Clerk" were changed throughout the document to the "Development Services Director."
2. Section 139-3. The notification deadline for Development Agreements was changed from 14 days prior to the first hearing to seven days prior to the first hearing.
3. Clarification provided that outside storage is only permitted in the B-5, M-1, and M-2 zoning districts.
4. Clarification provided that automobile parts and accessory retail sales are only permitted in B-4, B-5, M-1, and M-2 zoning districts.
5. Added Section 134-664 requiring screening of areas for parking of commercial vehicles and outdoor storage.
6. Clarified that "repair services, jewelry, electronics, and appliances" only includes *small* appliances.
7. Clarified that lodges/fraternities/sororities are only permitted in the B-2, B-3, B-4, B-5, M-1, and M-2 zoning districts.
8. Added Section 134-665 addressing the placement of rollup shutters.
9. Section 114-63. Added a minimum buffer requirement for the PD district.
10. Deleted playgrounds and parks as a separate use which required special exception approval.
11. Section 139-3(c). Clarified that development agreements may be approved by a majority of the city commission.

12. Section 98-3. Revised definition of “abandoned sign” as directed by the City Attorney.
13. Section 98-3. Revised definition of “accessory structure" and created new definition of “accessory use” as directed by the City Attorney.
14. Section 98-3. Revised definition of “agricultural sign” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 126-7.
15. Section 98-3. Revised definition of “antenna” as directed by the City Attorney.
16. Section 98-3. Revised definition of “change of occupancy” as directed by the City Attorney.
17. Section 98-3. Revised definition of “communal living facility” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 134-653.
18. Section 98-3. Revised definition of “conditional letter of map amendment” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 110-123.
19. Section 98-3. Revised definition of “craft alcohol industry” as directed by the City Attorney.
20. Section 98-3. Revised definition of “design flood elevation” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 110-151(2)a.3.
21. Section 98-3. Revised definition of “drainage plan” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 127-16.
22. Section 98-3. Revised definition of “due public notice” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 134-42, 134-176, 134-657(f), and 134-663(d).13.
23. Section 98-3. Revised definition of “flea market” as directed by the City Attorney.
24. Section 98-3. Revised definition of “floodway encroachment” as directed by the City Attorney.
25. Section 98-3. Revised definition of “garage, private” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 134-514(a).
26. Section 98-3. Revised definition of “impervious area” as directed by the City Attorney.
27. Section 98-3. Revised definition of “letter of map revision” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 134-123(4).

28. Section 98-3. Revised definition of “lot coverage” as directed by the City Attorney. Moved the regulatory portion of the definition to Section 134-468.
29. Section 98-3. Added a definition of “re-subdivision.”
30. Section 118-203(e) regarding construction of sidewalks along the perimeter of a development or subdivision in lieu of or in addition to construction of sidewalks within the development. Amended as directed by the City Attorney.

Sec. 114-63. Buffer requirements.

Landscape buffers mitigate conflict between potentially incompatible land uses, strategically separate vehicular and non-vehicular use areas, define vehicular access and circulation and screen vehicular movement, noise and glare from public view and adjacent properties.

(1) A buffer shall be provided along property lines or along an abutting street right-of-way line and shall not be located on any portion of an existing, dedicated or proposed right-of-way, easement (unless an allowable use within the easement) or private street.

(2) A "Type A" buffer shall be provided when parking is proposed adjacent to a road right-of-way when parking stalls are positioned so that lights (including vehicle headlights and driving lights) may project or shine into the adjacent roadway.

(3) No structures or buildings may be located within a required landscaped buffer.

(4) The following buffer types are established for this article:

Buffer Type A - Minimum five-foot-wide buffer with two trees and ten shrubs per 100 linear feet.

Buffer Type B - Minimum ten-foot-wide buffer with four trees and 15 shrubs per 100 linear feet.

Buffer Type C - Minimum 15-foot-wide buffer with six trees and 20 shrubs per 100 linear feet.

Buffer Type D - Minimum 20-foot-wide buffer with eight trees and 25 shrubs per 100 linear feet.

(5) All required trees in a landscaped buffer shall be shade trees (Table 2(b)) and ornamental trees (Table 2(a)).

a. Ornamental trees shall not exceed 50 percent of the required number of trees in a landscaped buffer as specified by the buffer type listed above.

b. Trees and shrubs shall be located such to provide a continuous landscaped buffer (Refer to Illustration 7-B).

(6) Shrubs and ground covers, excluding turf grass, shall comprise at least 50 percent of the required buffer area and shall form a layered landscape screen with a minimum height of three feet achieved within one year of planting.

(7) Buffering requirements shall be established during the site plan process or building permit process, should no site plan be required.

(8) Buffering shall be required based upon the permitted or existing use of the adjacent property, in accordance with Table 4 below. The site plan committee technical review staff may require additional buffering where the proposed development or use will significantly affect the use and enjoyment of neighboring property or public safety.

(9) For Type C and D Buffers, a buffer fence meeting the following standards shall be required:

(a) The buffer fence shall be a minimum of eight feet in height, unless the applicant can demonstrate that the intent of this chapter will be met by a fence of lesser height under the particular circumstances.

(b) The buffer fence installation shall be incorporated as early as possible in the sequence of construction.

(c) The buffer fence shall be solid opaque, constructed of durable materials consistent with the materials of surrounding neighborhoods and shall include provisions for access to all landscape material.

(d) The side of a fence facing the less intensive use shall have a finished appearance.(5)When residential uses buffer against other uses, the planting materials shall be located on the outside of the fence. When non-residential uses buffer against residential uses, the planting materials shall be located on the inside of the fence.

(e) Fencing shall be maintained in perpetuity.

(10) Trees required under this section shall have a minimum height of eight feet and a minimum height of caliper of two inches at the time of planting. In order to promote planting of larger size trees, the number of two-inch diameter trees that must be planted may be reduced when trees are of a larger size than two-inch caliper.

Sec. 114-63(4) Landscape Buffer

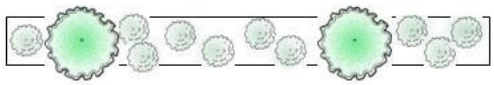
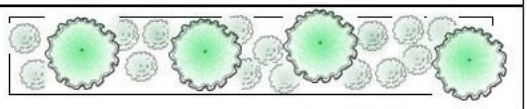
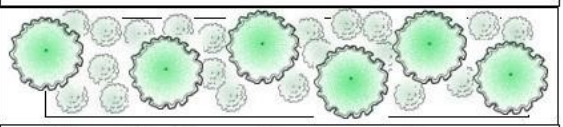
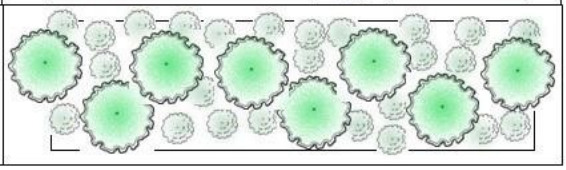
	Plant Material Requirements Per 100-feet of Landscape Buffer	Minimum Buffer Width	Illustration
Type "A"	2 – Trees 10 – shrubs	5 – feet	
Type "B"	4 – Trees 15 – shrubs	10 – feet	
Type "C"	6 – Trees 20 – shrubs	15 – feet	
Type "D"	8 – Trees 25 – shrubs	20 – feet	

Table 4: Buffer Matrix

		Permitted or Existing Use									
		AG	**SFR & Duplex**	**SFR & Duplex Subd.**	**MF**	**RMH**	**RO & B-1**	**BUS**	**IND**	**GU**	**PD**
Proposed Use	**AG**	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	SFR & Duplex	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	SFR & Duplex Subd.	NA	B	B	NA	NA	B	C	D	B	*
	MF	B	C	C	NA	A	B	C	D	B	*
	RMH	C	C	C	A	NA	A	C	D	B	*
	RO & B-1	C	B	B	B	B	NA	B	D	B	*
	BUS	D	C	C	C	C	B	NA	B	B	*
	IND	D	D	D	D	D	D	C	NA	B	*
	GU	B	B	B	B	B	B	B	B	NA	*
	PD	C*	C *	C *	C *	C *	C *	C *	C *	C *	C *

* Buffer requirement to be determined based on use within planned development may be revised as a part of the planned development review process based on specific uses within the planned development or on alternate buffering methods or other mitigation measures.

AG	Agriculture
SFR & Duplex	Single-family homes and duplex residential development on individual lots
SFR & Duplex Subd.	Single-family and duplex residential subdivisions of three lots or more.
MF	Attached single-family units in blocks of three and greater and multifamily developments
RMH	Mobile home and manufactured home parks
RO & B-1	Residential office and B-1 zoned small scale residential/commercial uses
BUS	Commercial uses
IND	Industrial uses
GU	Public use including parks, conservation, offices, and utilities
PD	Planned developments with an approved master plan of development

(9) Buffer requirement reductions and alternative designs.

a. Where decorative walls or berms are proposed that will provide additional mitigation for impact to adjacent properties, the number of required plantings within a buffer may be reduced by 50 percent.

b. When a combination of a wall and plantings is proposed, the wall shall be located so as to provide room between the wall and the property line to permit the remainder of the required plantings.

c. The site plan committee technical review staff may approve alternative buffer designs as waiver pursuant to chapter 127. Alternative buffer designs shall incorporate increased setbacks and/or use of existing native vegetation.