

YANKEETOWN CODE OF ORDINANCES

Published in 2019 by Order of the Mayor and Town Council



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Town Clerk/Treasurer/Administrator

Ralf Brookes

Town Attorney

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Yankeetown, Florida.

Source materials used in the preparation of the Code were the 2015 Code, as supplemented through September 24, 2018, and ordinances subsequently adopted by the Mayor and Town Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 2015 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1

CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Mary Margaret Bielby, Code Attorney, and Amanda Heath, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the Honorable Jack H. Schofield, II, Mayor; Jean Holbrook, Vice Mayor; Ralf Brookes, Town Attorney; Sherri A. MacDonald, Town Clerk/Treasurer/Administrator; and

Linda Harrington, Administrative Assistant I, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the Town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the Town's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Town of Yankeetown, Florida. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the Town of Yankeetown, Florida.

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ORDINANCE NO. 2019-01

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF YANKEETOWN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR SEVERABILITY AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL:

Section 1. The Code entitled "The Code of Yankeetown, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 34, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before September 24, 2018, and not included in the Code or recognized and continued in force by reference therein, are repealed, except as set forth in Chapter 1 Section 1.4 of the Town Code attached hereto.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to the maximum required or permitted by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after September 24, 2018 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. If any section, paragraph, provision or term of this Ordinance, the Code or Codification of Ordinances, or any portion thereof, shall be determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance and the Code that were not declared to be invalid.

Section 8. This ordinance shall become effective immediately upon adoption and as provided by law. Passed and adopted by the Council this 20th day of May, 2019.

/s/ Jack A. Schofield, II >Mayor

ATTEST:

/s/ Sherri A. MacDonald Town Clerk

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/Omitted	Supp. No.
2018-07	12- 3-2018	Omit	1
2020-01	6- 8-2020	Include	1
2020-02	6- 8-2020	Include	1
2020-03	9-14-2020	Include	1

PART I - CHARTER^[1]

Footnotes:

--- (1) ---

Editor's note— Printed herein is the Charter of the town, as adopted by 1925 Laws of Florida (Chapter 11807), page 2275. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Any provisions regarding the title, enactment date, severability, repealer, transitional language, ratification date, publication date or effective date of the ordinance have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The same system of capitalization and expression of numbers in text has been used as it appears in the Code of Ordinances.

Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets.

State Law reference— Municipal home rule powers, F.S. ch. 166.

Section 1.

A municipal corporation is hereby created and established in the County of Levy, State of Florida, under the corporate name of Town of Yankeetown, the corporate boundaries of which shall be as follows:

Beginning at a point on the North Bank of the Withlacoochee River in the East line of the W½ of the NW¼ of the NE¼ of section 4, township 17 South, range 16 East; run thence North along the East line of said W½ of NW¼ of NE¼ of section 4, township 17 South, range 16 East, to the Northeast corner of said W½ of NW¼ of NE¼ run thence West to a point that is 480 feet East of Southwest corner of SW¼ of SE¼ of section 33, township 16 South, range 16 East; run thence North to a point in the North line of said SW¼ of SE¼ of said section 33; run thence West a distance of 480 feet to the Northwest corner of said SW¼ of SE¼ of said section 33; run thence North to the Northeast corner of NW¼ of said section 33, township 16 South, range 16 East; run thence West along the North line of sections 33, 32 and 31 in township 16 South, range 16 East, and West along said North line extended to the outer islands and submerged islands of the Gulf of Mexico; thence Southerly on the outer edge of said islands and submerged islands to the Southwest corner of section 14, township 17 South, range 15 East, run easterly to the most southern outlet of the Big Withlacoochee River, running in an eastwardly direction, including all the islands in the mouth of said river, up the northern bank of said river to the point of beginning.

(Sp. Acts 1931, ch. 15600; Sp. Acts 1959, ch. 59-1994)

Historical note—The territorial limits of the Town of Yankeetown were originally set forth in Laws of Fla. Ch. 11807(1925) in which the town was originally incorporated. The town limits were then amended by legislative action effective May 21, 1931, by Laws of Fla. Ch. 15600(1931); again, effective June 7, 1957; and, effective June 20, 1959, by Laws of Fla. Ch. 59-1994.

Section 2.

Said municipal corporation shall have perpetual existence and succession, and shall have and possess all the rights, privileges, powers and duties conferred on cities and towns by the general laws now existing or that may hereafter exist relative to cities and towns in addition to the rights, privileges, powers and duties conferred by this Act, and its officers shall have all rights, privileges, powers and duties conferred by the general laws of the state relative to municipal officers in addition to the rights, privileges, powers and duties conferred by this Act. And said general laws shall in all things govern except as herein otherwise provided.

Historical note—The powers of the municipal corporation, and its officers, remain as originally conferred by the Legislature in Laws of Fla. Ch. 11807(1925), under which the town was incorporated.)

Section 3.

The corporate authority of said municipality shall be vested in a mayor (elected in even-numbered years) and four (4) councilmembers; a clerk-treasurer; and such other officers as may be provided. The said above named officers, except for clerk-treasurer, shall be elected for a term of two years, and until their successors shall be elected and qualified, excepting only those officers elected in 1976, whereupon the mayor and the two councilmembers receiving the highest number of votes in the 1976 election shall serve for three years, with the remaining councilmembers elected in the 1976 election serving for two

year terms. Town general elections for mayor, town council and issues affecting only the Town of Yankeetown shall be held the last Tuesday in February effective in the year 2009 and thereafter. Beginning in 2009, the mayor and one seat on the council originally represented by the councilmember elected in 1979 will be contested in even-numbered years and those three seats on the council represented by those councilmembers elected in 1978 will be contested on all odd-numbered years. The mayor shall be president and presiding officer of the town council, and shall vote as a member of the town council. And the council shall have the right and power to appoint one of their own members to act as mayor in the absence of the mayor or in case of death or disability. This amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Sp. Acts 1965, ch. 61-3014; Ord. No. 129, 9-24-1975; Ord. No. 130, 9-24-1975; Ord. No. 2007-11; Referendum of 10-30-2007; Ord. No. 2010-02; Referendum of 2-23-2010; Ord. No. 2014-02; Referendum of 2-24-2015)

Historical note—The original town officers, as provided by Section 3 of Laws of Fla. Ch. 11807(1925), were Armanis F. Knotts, Mayor; Edith McGrath, Eugene Knotts and William Gillette, Councilmen; Fred Rubo, Clerk; and, Charles Pruitt, Treasurer. Amendments to Section 3 have come from the Legislature through Laws of Fla. Ch. 61-3014(1965), as well as through the Home Rule power of the town pursuant to a special election held September 24, 1974, as authorized by Ordinances 129 and 130. This section of the Charter was amended as approved by a majority of the electors voting on this referendum question on 2-23-2010 & 2-24-2015.

Section 4.

Whenever or wherever any state or county official of either Levy or Citrus County is authorized, empowered or directed to perform any duty relative to towns in his county, such officer shall perform such duties relative to that portion of this municipality situated and being in his county, and shall in all things be governed in like manner as if the whole of said municipality was situated in his said county, and as though the town officials and the place of meeting of the coming council and the officers of said town was wholly situate and located in his said county.

Historical note— Section 4 has been unchanged from the original text of the section in Laws of Fla. Ch. 11807(1925), and reflects the fact that, prior to 1965, Yankeetown encompassed area both north and south of the Withlacoochee River, lying in Citrus as well as Levy County.

Section 5.

The mayor and town council shall have the following powers:

1. To levy and collect on all property taxable by the laws of the state for municipal purposes.
2. To make their own valuation for the purpose of municipal taxation and fix the rate or millage of taxation independent of the state and county.
3. To levy and collect a tax for publicity and advertising the town.
4. To create, construct, improve and maintain parks, playgrounds, bathing pools and beaches; also municipal docks and landings and may levy a tax therefor, and shall have the right of eminent domain in and condemnation to acquire property therefor.
5. To enact all ordinances necessary to protect and promote the public health and to preserve the peace and order and to protect persons and property, and to provide punishment for the violation of such ordinances by fine or fine and imprisonment.

6. To take and appropriate private ground in manner and form provided by law by condemnation for widening streets and alleys or parts thereof or for extending streets and alleys or for laying out or extending new streets and alleys, avenues, squares, parks, sewers or drains and may pay for same out of the general fund or by special funds provided therefor or may assess the cost or any part or portion thereof upon the property especially benefited thereby, and shall have the right to issue special assessment bonds therefor, payable in not to exceed ten annual payments, and to make the said assessments and bonds a lien upon the property so benefited.
7. To prohibit dumping of filth, dirt, rubbish, garbage, trash, refuse, chemicals, sewage, offal, oil, grease, tar or other thing, or things of like nature, in any body or stream of water within said municipality, and to prohibit and prevent the pollution of any surface or underground water in said municipality and to prohibit and prevent the owner or occupant of any lands in said municipality from keeping any vaults, barrels, boxes, cans, bottles or other vessels or places on such premises that may in any way cause or assist in breeding mosquitoes, or the keeping of premises in a foul, dirty, noxious, obnoxious or unsightly condition or manner;

To regulate or prevent by ordinance the running at large any cows, cattle, horses, hogs, sheep or goats or other animals in said municipality;

Provided that, if such animals are not prevented from running at large in the county in which said ordinance is to effect, then the said municipality or town shall provide fences and guards to keep such animals from entering the territory affected by such ordinance.

The said municipality may provide legal penalties for the violation of its legal ordinances and enforce them.

- a. Authority is hereby granted to the municipality of Yankeetown in Levy County, Florida, to enact ordinances and to adopt codes in the exercise of police powers to establish reasonable minimum housing standards for human habitations, for fire safety, sanitary facilities, floor area requirements ventilation, light and other conditions pertaining to health, safety and morals, and which regulations shall be applicable to existing buildings as well as new construction.
 - b. Upon it being found and determined by the council of the municipality that there exists in said municipality, dwellings or buildings which are unfit for human habitation due to dilapidation or defects creating or increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to overcrowding within dwellings, or due to other conditions rendering such dwellings or other buildings unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the inhabitants of said municipality, power is hereby conferred upon said municipality to enact ordinances or adopt codes in the exercise of its police powers to require vacating, repair, alterations, renovations, or demolition of said dwellings or buildings.
 - c. This act shall not impair or diminish any powers which said municipality may now have under existing laws or ordinances, but the powers granted by foregoing 7-(b)-1 and (b)-2 shall be in addition to and supplemental to all other powers which said municipality now has under existing laws.
8. To regulate or prevent the shooting of firearms in said town or in designated portions thereof.
 9. To regulate or prevent the killing or injury of birds or squirrels within said town or in any designated portion thereof.
 10. To provide by ordinance that, before any plat or subdivision of land located in said town be filed in the clerk's office of the county, they shall be submitted to and approved by the mayor and common council and to prevent the laying out and subdividing of lands in said town into lots and blocks unless the streets and alleys of said subdivision shall conform to the general plan of the town, so that the streets and alleys in said subdivision may connect or be in conformity with the

streets and alleys already existing in said town, and to require the owners of said subdivision to open up and improve the streets and alleys of said subdivision so that the same may be passable.

11. To provide that town council may appoint such boards, commissions and advisory committees ("committees") as may be necessary. Any committees shall be established by appropriate resolution setting forth the purpose of the committees, the number of regular members, qualifications of members, term thereof and other relevant matters. No member of said committees shall serve more than two (2) consecutive terms unless agreed by a vote of the town council.
12. That the annual budget of the Town of Yankeetown may be adopted and amended by a majority vote of the town council adopting a written resolution identifying the specific budgetary items by category; said resolution shall be an agenda item at an advertised public meeting of the town council.

(Sp. Acts 1927, ch. 13562; Sp. Acts 1931, ch. 15600; Sp. Acts 1965, ch. 65-2405; Ord. No. 00-09)

Historical note—With the exception of subsection 7, Section 5 remains unchanged from the original draft provided in Laws of Fla. Ch. 11807(1925). Subsection 7, however, has been amended by Laws of Fla. Ch. 13562(1927), and Laws of Fla. Ch. 15600(1931), with part (b) of subsection 7 having been added by Laws of Fla. Ch. 65-2405. Added December 2007: Subsections 11 and 12 incorporated from Ordinance No. 00-09.

Section 6.

Should any section or part thereof of this Act be held void in judicial proceedings, and then only such section or part thereof shall be held to be void, it being the purpose of the Legislature to give full force and effect to the purpose of this Act.

Historical note— Section 6 remains unchanged from the original draft provided in Laws of Fla. Ch. 11807(1925).

Section 7.

This Act shall be in full force and effect on and after the 15th day of December, 1925.

Historical note— Section 7 remains unchanged from the original draft provided in Laws of Fla. Ch. 11807(1925).

Section 8.

Whenever there is a vacancy on the council caused by any reason, they shall present to the council the names of all applicants who are qualified electors. From the list of applicants, the mayor may propose by nomination one or more names of willing and qualified electors for the vacancy. The council will then vote among the nominees to fill the vacancy for the remainder of the term. If a majority of the councilmembers are unable to fill a vacancy or vacancies after two (2) full meetings of town council, then any councilmember may propose, by nomination, one or more names of willing and qualified electors for the vacancy. The council will then vote among the nominees to fill the vacancy for the remainder of the term. If a majority of the councilmember's are still unable to fill a vacancy or vacancies, then the successor shall be chosen as follows:

1. If more than 180 days remain in the vacant position at the time of the vacancy, then the vacancy shall be filled by a special municipal election to be scheduled by resolution of the council; or
2. If less than 181 days remain in the vacant position, then the vacancy shall be filled by choosing from among all the nominations submitted by both the mayor and councilmembers utilizing a random drawing.

The amendment from Ordinance [No.] 07-11 that added this section shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 9.

The Town of Yankeetown adopts all recall provisions contained in Florida Statutes for a municipal recall election of mayor where sufficient grounds under the statute exist. The amendment from Ordinance 07-11 that added this section shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 10. - Building height limitations.

No amendment or variance to the Town of Yankeetown Comprehensive Plan or chapter 18, Land Development Code, Yankeetown Code of Ordinances providing for an increase in the allowable "building height" (as defined by chapter 18, Land Development Code, Yankeetown Code of Ordinances) of any "building" (as defined by chapter 18, Land Development Code, Yankeetown Code of Ordinances) shall be adopted by the town council or height variance approved by the board of adjustment, except for reconstruction of a structure that was substantially damaged by fire, wind, flood or other natural disaster, until such amendment or variance is submitted to a vote of the electors by referendum as provided by Florida Statute section 166.031 or by the town Charter of Yankeetown. The amendment from Ordinance 07-11 that added this section shall become effective October 1, 2008 if approved by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 11.

Voter approval is required for approval of comprehensive land use plan or comprehensive land use plan amendments affecting more than five parcels except for amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule. Amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule shall not require voter approval. A comprehensive plan or

comprehensive plan amendment, (both as defined in Florida Statutes Chapter 163), shall not be adopted by the town council until such proposed plan or plan amendment is approved by the electors in a referendum as provided by Florida Statute Section 166.031 or by the town Charter or as otherwise provided by general or special law. Elector approval shall not be required for any plan or plan amendment that affects five or fewer parcels of land or as otherwise prohibited by Florida Statutes including but not limited to Florida Statute Section 163.3167 as may be amended from time to time.

(Ord. No. 2010-02; Referendum of 2-23-2010)

Historical note—This Charter section was amended as approved by a majority of the electors voting on this referendum question on 2-23-2010.

Section 12.

The mayor shall have the power to nominate town residents or property owners to boards, commissions, committees and other appointments. Should the mayor fail to recommend, or the council fail to approve individuals recommended to boards, committees or appointments, the council shall have the right and power to nominate and appoint members to all boards, committees and appointments. The amendment from Ordinance 07-11 that added this section shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 13.

The mayor or any town councilmember may call a special council meeting. The amendment from Ordinance 07-11 that added this section shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 14.

A minimum of three (3) affirmative votes of town council shall be required to adopt ordinances. The amendment from Ordinance 07-11 that added this section shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 15.

Four (4) affirmative votes of town council shall be required to adopt ordinances involving land development regulations, re-zoning of land or development applications that require site plan review. The amendment from Ordinance 07-11 that added this section shall become effective immediately upon approval by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 16.

Four council votes are required for approval of comprehensive land use plan or comprehensive land use plan amendments affecting five or fewer parcels. A comprehensive land use plan ("plan") or comprehensive land use plan amendment ("plan amendment") (both as defined in Florida Statutes Chapter 163), which plan or plan amendment affects five or fewer parcels as defined in Florida Statutes Section 163.3167 shall only be adopted by the town council (the "council") by affirmative vote of at least four (4) members of the town council. The amendment from Ordinance 07-11 that added this section shall become effective October 1, 2008, if approved by a majority of the electors voting on this referendum question.

(Ord. No. 2007-11; Referendum of 10-30-2007)

Historical note—This Charter amendment was approved by a majority of the electors voting on this referendum question on 10-30-2007.

Section 17.

In order to qualify as a candidate for town councilmember or town mayor in the Town of Yankeetown, a candidate shall be a resident of the Town of Yankeetown actually residing within the incorporated limits of the Town of Yankeetown for 180 days immediately preceding the qualification date for election.

(Ord. No. 2010-02; Referendum of 2-23-2010)

Historical note—This section of the Charter was amended as approved by a majority of the electors voting on this referendum question on 2-23-2010.

CHARTER COMPARATIVE TABLE - LEGISLATION

This table shows the location of the sections of the basic Charter and any amendments thereto.

Legislation	Date	Section	Section this Charter
Ord. No. 129	9-24-1975	—	3
Ord. No. 130	9-24-1975	—	3
Ord. No. 00-09		—	5

Ord. No. 2007-11		—	3
		—	8—10
		—	12—16
Ref. of 10-30-2007	10-30-2007	—	3
		—	8—10
		—	12—16
Ord. No. 2010-02		—	3
		—	11
		—	17
Ref. of 2-23-2010	2-23-2010	—	3
		—	11
		—	17
Ord. No. 2014-02		—	3
Ref. of 2-24-2015	2-24-2015	—	3

CHARTER COMPARATIVE TABLE - SPECIAL ACTS

This table shows the location of amendments to the Charter. The Charter is derived from 1925 Laws of Florida (Chapter 11807), page 2275.

Sp. Acts Year	Chapter	Section	Section this Charter
1927	13562	—	5
1931	15600	—	1
		—	5

1959	59-1994	—	1
1965	61-3014	—	3
1965	65-2405	—	5

Chapter 1 - GENERAL PROVISIONS^[1]

Footnotes:

--- (1) ---

State Law reference— General powers of municipalities, F.S. ch. 166.

Sec. 1-1. - Designation and citation of Code.

The general ordinances embraced in the following chapters and sections shall constitute and be designated "Yankeetown Code of Ordinances" or "The Code of Yankeetown, Florida," and it shall be cited as such; or, as used herein, as the "Code." This Code may also be cited as "Yankeetown Code."

(Code 2015, ch. 1, art. I, § 1-1)

State Law reference— Ordinance codification, F.S. § 125.68.

Sec. 1-2. - Definitions and interpretations.

In the construction of this Code, and all ordinances and resolutions, the following definitions and rules of construction shall be observed, unless context requires otherwise:

Bond. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond, but are subscribed thereto, they shall be bound thereby.

Charter. The term "Charter" means the Charter of the Town of Yankeetown, Florida.

Code. The term "Code" means the Code of Yankeetown, Florida, as designated in section 1-1.

Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceedings shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Council. Whenever the term "council" or "the council" is used, it shall be construed to mean the town council of the Town of Yankeetown.

County. The term "county" or "this county" means the County of Levy.

Fla. Const. The term "Fla. Const." means the Florida Constitution, as amended.

Fla. Stat. or F.S. The term "Fla. Stat." or "F.S." means the Florida Statutes, as amended.

Gender. The masculine gender shall include the feminine and neuter. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health officer, sanitation officer. Wherever reference is made in this Code to sanitation officer or health officer, the same shall be deemed to refer not only to such person as may be then serving the town in either of such capacities, but also it shall be deemed to refer to the county medical officer and representatives of the county health department insofar as the performance of their duties may cover any of the duties herein prescribed for the sanitary inspector and the town health officer.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Keeper and proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officer, agent, etc. Whenever the term "health officer" or the title or designation of any other officer of the town is used, it shall include the authorized representative of the department charged by the town with the regulation and enforcement of the provisions of this Code and all other ordinances relative to the jurisdiction of such department.

Or, and. The term "or" may be read "and" and the term "and" may be read "or," if the sense requires it.

Person. The term "person" extends and is applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property, as herein defined.

Preceding/following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Schedule of fees and charges. The term "schedule of fees and charges" means the official consolidated list compiled and published by the town which contains rates for utility and other public enterprises, fees, deposit amounts and various charges as determined from time to time by the council, an official copy of which is maintained in the office of the town clerk where it is available for reference and review during normal business hours.

Sidewalk. The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

State. The term "the state" or "this state" means the State of Florida.

Street. The term "street" embraces streets, avenues, boulevards, roads, alleys, lands, viaducts and all other public highways in the town.

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

Town. The term "town" means the Town of Yankeetown, Florida.

Week. The term "week" means seven days.

Year. The term "year" means a calendar year, unless a fiscal year is indicated.

(Code 2015, ch. 1, art. V, § 1-5)

Sec. 1-3. - Fee schedule.

The town shall have the authority to establish a fee schedule by resolution. Such fee schedule may thereafter be amended from time to time by the council by resolution.

Sec. 1-4. - Certain ordinances not affected by Code.

This Code does not include all ordinances passed by the town council. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;
- (3) Any contract or obligation assumed by the town;
- (4) Any ordinance fixing the salary of any town officer or employee, unless superseded;
- (5) Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or personnel policies and procedures for any town officer or town employee;
- (6) Any right or franchise granted by the town;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the town;
- (8) Any appropriation ordinance;
- (9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
- (10) Any ordinance or resolution providing for local improvements and assessing taxes therefor;
- (11) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations;
- (12) Any ordinance or resolution describing or altering the boundaries of the town;
- (13) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of this Code;
- (14) Any ordinance levying or imposing taxes not included herein;
- (15) Any ordinance or resolution of agreement with another political subdivision; and
- (16) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 1-5. - Altering Code and amendments.

- (a) This Code may be altered only through formal action by a majority of the full town council, following due process as provided by state statutes except, however, that a change to chapter 18, Land Development Code, shall require a four-fifths vote. Ordinances amending this Code shall refer to the appropriate chapter, article and section for ease of reference.
- (b) It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the council.

(Code 2015, ch. 1, art. II, § 1-2)

State Law reference— Unlawful alteration of public records, F.S. § 831.01.

Sec. 1-6. - Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances or resolutions passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. Repealed chapters, sections and subsections or any part thereof by subsequent ordinances, may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of these subsequent ordinances or resolutions until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code.
- (b) Amendments to any of the provisions of this Code may be made by amending those provisions by specific reference to the section number of this Code in the following language:
"Section _____ of The Code of Yankeetown, Florida, is hereby amended to read as follows:" The new provisions may then be set out in full as desired.
- (c) If a new section (or article or chapter) not heretofore existing in this Code is to be added, the following language may be used:
"The Code of Yankeetown, Florida, is hereby amended by adding a section (or article or chapter) to be numbered _____, which section (or article or chapter) reads as follows:" The new section (or article or chapter) may then be set out in full as desired.
- (d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be, or by setting them out at length in the repealing ordinance or resolution.

Sec. 1-7. - Passage of ordinances or resolutions.

- (a) Each ordinance or resolution shall be introduced in writing and shall embrace subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinances shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.
- (b) A proposed ordinance may be read by title, or in full, on at least two separate days. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place within the municipality where such proposed ordinances may be inspected by the public and meet any applicable requirements of chapter 18 and any applicable state statutes. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (c) The town council may, by a two-thirds vote, enact any emergency ordinance without complying with the requirements of subsection (a) of this section. However, no emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private real property.

- (d) Enactment of ordinances involving land development regulations, re-zoning of land or development applications that require site plan review, approve a comprehensive land use plan or comprehensive land use plan amendment shall be enacted pursuant to the procedures, notice and voting requirements set forth in: state statutes, and chapter 18 and the Charter.
- (e) An affirmative vote of the town councilmembers present shall be necessary to enact any ordinance or adopt any resolution, and the affirmative vote must meet any applicable provisions of the town Charter. On final passage, the vote of each member of the council voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the council shall become effective ten days after passage or as otherwise provided therein.
- (f) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the clerk of the town.
- (g) All contracts with the town, including employment and independent contractor contracts, shall be reduced to writing and executed by the town and the person contracting with the town by the meeting following the verbal agreement of the town to enter into a contractual relationship.

(Code 2015, ch. 2, art. VI)

Sec. 1-8. - Effect of repeal of ordinances.

- (a) The repeal of a Code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
- (b) When any ordinance repealing a former Code section, ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former Code section, ordinance, clause, or provision, unless it shall be expressly so provided.
- (c) An ordinance which is in conflict in its entirety with a subsequent ordinance shall be deemed to be repealed in its entirety, even if no specific repealer is stated. If an ordinance is only partially in conflict with a subsequent ordinance, only the portion of the previous ordinance in conflict with the subsequent ordinance shall be deemed to have been repealed, even if a specific repealer is not stated.

(Code 2015, ch. 1, art. IV, § 1-4)

Sec. 1-9. - General penalty; continuing violations.

- (a) In this section, the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by state rule or state regulation adopted by reference in this Code, or by order, rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance, by statute adopted by reference in this Code, by state rule or state regulation adopted by reference in this Code or by order, rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by state rule or state regulation adopted by reference in this Code or by order, rule or regulation authorized by ordinance.
- (b) In this section, the term "violation of this Code" includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of a violation of this Code.

- (c) In this section, the term "violation of this Code" does not include the failure of a town officer or town employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (d) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 60 days, or any combination thereof.
- (e) Except as otherwise provided:
 - (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) With respect to other violations, each act of violation constitutes a separate offense.
- (f) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (g) Violations of this Code that are continuous with respect to time, are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

(Code 2015, ch. 1, art. VII, § 1-7)

Sec. 1-10. - Severability.

The sections, subsections, paragraphs, sentences, clauses, and phrases of this Code are severable and if any phrase, clause, sentence, paragraph, subsection, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Code.

(Code 2015, ch. 1, art. VIII, § 1-8)

Sec. 1-11. - Catchlines of sections; effect of history notes; references in Code.

- (a) The catchlines of the several sections of this Code in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid because of deficiency in any such catchline or in any heading to any chapter, article or division.
- (b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Editor's notes, cross references, Charter references, related law references and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.
- (c) All references to chapters, articles, divisions, subdivisions or sections are to chapters, articles, divisions, subdivisions or sections of this Code, unless otherwise specified.

Sec. 1-12. - Supplementation of Code.

- (a) Supplements to this Code shall be prepared whenever authorized or directed by the town commission. A supplement to this Code shall include all substantive parts of permanent and general ordinances passed by the town commission during the period covered by the supplement and all changes made thereby in this Code. The pages of a supplement shall be so numbered that they will fit properly into this Code and will replace pages which have become obsolete or partially obsolete, and the new pages

shall be so prepared that, when they have been inserted, this Code will be current through the date of the adoption of the latest ordinance included in the supplement.

- (b) In preparing a supplement to this Code, all portions of this Code which have been repealed shall be excluded from this Code by the omission thereof.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of this Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in this Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____" (inserting section numbers to indicate the sections of this Code which embody the substantive sections of the ordinance incorporated into this Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into this Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in this Code.

Sec. 1-13. - Code does not affect prior offenses, penalties, rights.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- (b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance in effect on the date of adoption of this Code.

Sec. 1-14. - Rates, charges, and fees established.

- (a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the town council, from time to time. Any rates, charges, or fees established by the town pursuant to the regulations or requirements established herein may be changed from time to time by the town council, and such changes shall both be considered an amendment to this Code.
- (b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the town council, from time to time, and the amount of such rate, charge, or fee is not expressed in this Code in any dollar amount, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the town council by ordinance, resolution or motion.

Chapter 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL^[1]

Footnotes:

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Note— Introduction (adapted from F.S. § 166.021).

Sec. 2-1. - Construction.

The provisions of this section shall be so construed as to secure for the town the broad exercise of home rule powers granted by the constitution. It is the intent of the legislature to extend to municipalities the exercise of powers for municipal governmental, corporate or proprietary purposes not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited. However, nothing in this act shall be construed to permit any changes in special law or municipal charter, affect the creation or existence of a municipality, the terms of elected officers and the manner of their election, the distribution of power among elected officers, matters prescribed by the Charter relating to appointive boards, any change in the form of government, or any rights of municipal employees, without approval by referendum of the electors as provided in F.S. § 166.031. Any other limitation of power upon the municipality as contained in the municipal charter is hereby nullified and repealed.

(Code 2015, ch. 2, art. I(1); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-2. - Municipal powers.

- (a) As provided in section 2(b), article VIII of the state constitution, municipalities shall have the governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law: the term "municipal purpose" means any activity or power which may be exercised by the state or its political subdivision.
- (b) The legislature recognizes that pursuant to the grant of power set forth in section 2 (b), article VIII of the state constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act, except:
 - (1) The subjects of annexation, merger and exercise of extraterritorial power, which require general or special law pursuant to section 2(c), article VIII of the state constitution;
 - (2) Any subject expressly prohibited by the constitution;
 - (3) Any subject expressly preempted to a state or county government by the constitution or by general law; and
 - (4) Any subject preempted to a county pursuant to a county charter adopted under the authority of sections 1(g), 3 and 6(e), article VIII of the state constitution.

(Code 2015, ch. 2, art. I(2); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-3. - Special acts.

All existing special acts pertaining exclusively to the power or jurisdiction of the town, except as otherwise provided in section 2-1, shall become an ordinance of the town on the effective date of this act, subject to modification or repeal as other ordinances.

(Code 2015, ch. 2, art. I(3); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-4. - Meetings

There shall be one regular meeting per month, to be held on the first Monday of each month at the town hall, unless the necessity for the meeting, the meeting time or place is changed by motion of the town council. Such additional special meetings and workshops, as may be required, shall be called by the mayor or any town councilmember and shall be noticed at the town hall at least 24 hours in advance of the meeting. Under exceptional circumstances, the mayor may call an emergency meeting to deal with an emergency situation without the required notice, and the town clerk may call an emergency meeting upon the request of any councilmember in the absence or unavailability of the mayor. Minutes of all meetings shall be kept by the town clerk and shall be posted on the town bulletin board for the information and benefit of town residents.

(Code 2015, ch. 2, art. V; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-5. - Supplemental powers.

The town, through its governing officials, shall have all of those powers enumerated in section 5 of the Charter, insofar as those provisions are not consistent with the constitution or laws of the state or federal government, and all of those powers provided for in F.S. § 166.021, as provided in this chapter.

(Code 2015, ch. 2, art. VIII; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-6. - Social security.

The town shall participate in the Social Security System as provided by the Federal Insurance Contributions Act (FICA).

(Code 2015, ch. 2, art. X; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Secs. 2-7—2-27. - Reserved.

ARTICLE II. - CHARTER AMENDMENTS

Sec. 2-28. - General applicability.

The town may amend its Charter pursuant to this section, notwithstanding any Charter provision to the contrary.

(Code 2015, ch. 2, art. II(1)(intro. ¶); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-29. - Departments, other provisions.

The town may, by unanimous vote of the council, abolish municipal departments provided for in the Charter and amend provisions or language out of the Charter which has been judicially construed to the contrary to either the state or federal constitution.

(Code 2015, ch. 2, art. II(1)(a); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-30. - General procedure.

The council may, by ordinance, or the electors of the town may, by petition signed by ten percent of the registered electors, submit to the electors of the town a proposed amendment to its Charter, which amendment may be to any part or to all of said Charter except that part describing the boundaries of said

municipality. The council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.

(Code 2015, ch. 2, art. II(1)(b); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-31. - Incorporation of amendments.

Upon adoption of an amendment to the Charter by a majority of the electors voting in a referendum upon such amendment, the council shall have the amendment incorporated into the Charter and shall file the revised Charter with the Florida Department of State, at which time, the revised Charter shall take effect.

(Code 2015, ch. 2, art. II(1)(c); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Secs. 2-32—2-50. - Reserved.

ARTICLE III. - CODE ENFORCEMENT²

Footnotes:

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State Law reference— Code enforcement, F.S. ch. 162.

Sec. 2-51. - 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:

Aggrieved party means the violator or the town acting through its town council.

Chief code enforcement officer means the town zoning official.

Code enforcement officer (officer) means any designated employee or agent of the town whose duty it is to enforce codes and ordinances enacted by the town; provided, however, nothing herein shall be construed to authorize any person designated as a code enforcement officer to perform any function or duties of a law enforcement officer other than as specified. A code enforcement officer shall not make physical arrests or take any person into custody and shall be exempt from requirements relating to the special risk class of the state retirement system, bonding, and the criminal justice standards and training commission, as defined and required by general law.

Code enforcement special master means an attorney, judge or person with specialized legal training appointed by the town council to hear and decide code enforcement violations with the authority and powers hereinafter set forth, including the authority to hold hearings, make findings of fact, render conclusions of law, issue orders and assess fines against violators of the town codes and ordinances.

Code inspector means any authorized or designated agent or employee of the town whose duty it is to ensure the enforcement of the town's codes and ordinances and compliance therewith. The terms "code inspector" and "code enforcement officer" are synonymous and interchangeable. The code inspectors or code enforcement officers shall be designated, in writing, by the mayor.

Quasi-judicial is a term applied to the action of the code enforcement special master which is required to ascertain the existence of facts and draw conclusions from them as a basis for its official decision and exercising proper discretion of a judicial nature based on those facts and conclusions.

Repeat violation means a violation of a provision of a town code or ordinance by a person whom the code enforcement special master has previously found to have violated the same provision of said code or ordinance within five years prior to the subsequent charge of violation.

Town attorney means the legal counselor or advisor to the town.

Town council means the governing and legislative body of the town, which includes the mayor as a voting member.

Violation means a violation of any provision of this Code or any ordinance.

(Code 2015, ch. 1, art. XI, § 1-11; Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-22), 6-11-2018)

Sec. 2-52. - Infraction.

A violation of this article is a civil infraction.

(Code 2015, ch. 1, art. XI, § 1-12; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-53. - Authority to issue citations.

Any officer is hereby empowered to issue citations to a person when, based upon personal investigation, the officer has probable cause to believe that the person has committed a violation of a duly enacted town code or ordinance.

(Code 2015, ch. 1, art. XI, § 1-13; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-54. - Violation procedure.

- (a) An officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has probable cause to believe that the person committed a civil infraction in violation of a duly enacted ordinance of the town. However, prior to issuing a citation, an officer shall provide notice, in writing, to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, an officer finds that the person has not corrected the violation within the time period, the officer may issue a citation to the person who has committed the violation. An officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.
- (b) An officer shall issue a citation in a form prescribed by the town and it shall contain:
 - (1) The date and time of issuance.
 - (2) The name and address of the person to whom the citation is issued.
 - (3) The date and time the civil infraction was committed.
 - (4) The facts constituting probable cause.
 - (5) The number or section of this Code or ordinance violated.

- (6) The name and authority of the officer.
 - (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 - (8) The applicable civil penalty if the person elects to contest the citation.
 - (9) The applicable civil penalty if the person elects not to contest the citation.
 - (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citations, he shall be deemed to have waived his right to contest the citations, and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (c) After issuing a citation to an alleged violator, the officer shall deposit the original citation and one copy of the citation with the county court.
 - (d) Any person who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.
 - (e) Any person who fails to pay the civil penalty stated on the citation within the prescribed period of time, or who fails to request a hearing within the prescribed period of time, shall be issued a summons to appear in court by the clerk of the court in and for the county. Said summons shall be served upon the violator by the clerk of the county court with a copy sent to the town. If said summons is issued, both the town and the violator shall be present at the time and date specified within the summons for the purpose of answering the violation set forth within the citation.
 - (f) If the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation. In such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - (g) The judgment of the court, or a default judgment pursuant to subsection (d) of this section, shall have the same effect as any civil judgment of the county court, and bear interest at the legal rate. In addition, such judgment shall be a lien on the property, real or personal, on which the violation exists, and may be enforced as provided by F.S. § 162.09(3).

(Code 2015, ch. 1, art. XI, § 1-15; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-55. - Uncontested violations/fines.

Any person not wishing to contest the citation may pay the amount set forth in the citation as the uncontested penalty, by the date set forth in the citation. This uncontested penalty shall be less than the maximum penalty provided for in this article.

(Code 2015, ch. 1, art. XI, § 1-16; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-56. - Citation contest.

- (a) The county court in and for the Fifth Judicial Circuit shall hear and consider charges of code and ordinance violations pursuant to the issuance of citations.
- (b) Within 15 days of the issuance of a citation, the person so charged may file a contest to such citation notice with the clerk of the county court. A copy of the contest must be furnished by the person to the town.
- (c) The contest notice shall include the name and address of the person.
- (d) The clerk of the county court shall cause the matter to be set before the county judge on the next reasonably available date, in no less than 15 days and not more than 30 days, with notices being sent by the clerk to the town and the person contesting the citation.

- (e) The county judge shall, on the appointed date and time, hold a hearing to determine if the citation was properly issued and to hear any other matters pertaining to such citation, and shall make adjudication upon the evidence so presented, and may assess a civil penalty up to the maximum set by this article.
- (f) The minimum standards of procedure, excluding pretrial, set forth in the Florida Rules of Small Claims shall apply.

(Code 2015, ch. 1, art. XI, § 1-17; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-57. - Supplemental enforcement authority.

The provisions of this article are an additional and supplemental means of enforcing the town codes and ordinances by any other means.

(Code 2015, ch. 1, art. XI, § 1-18; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-58. - Building code enforcement.

The provisions of this article shall not apply to enforcement pursuant to F.S. §§ 553.79 and 553.80, of building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued by the county or the town. For the purposes of this section, the term "building codes" means only those codes adopted pursuant to F.S. § 553.73.

(Code 2015, ch. 1, art. XI, § 1-19; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-59. - No power to arrest.

A town code enforcement officer shall have no power to arrest, nor is the officer subject to the provisions of F.S. §§ 943.085—943.255.

(Code 2015, ch. 1, art. XI, § 1-20; Ord. No. 00-06, § 1, 10-16-2000; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-60. - Code enforcement special master.

The town hereby adopts an alternate and supplemental code enforcement system utilizing a special master. One or more town code enforcement special masters shall be appointed and approved by the town council, with the authority and powers to hold hearings, make findings of fact, render conclusions of law, issue orders and assess fines against violators of the town codes and ordinances.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-21), 6-11-2018)

Sec. 2-61. - Code enforcement special master.

The town council may appoint one or more code enforcement special masters, who may conduct code enforcement hearings as set forth in this Code.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-23), 6-11-2018)

Sec. 2-62. - Code enforcement officer and code enforcement procedures.

- (a) The town hereby appoints, authorizes and empowers the town zoning official to act as the town's code enforcement officer and code enforcement inspector.
- (b) It shall be the duty of the code enforcement officer and code enforcement inspector to initiate enforcement proceedings of the various codes and ordinances of the town as established herein and in keeping with the provisions of this article.
- (c) Except as provided in subsections (d) and (e) of this section, if a violation of the town's codes or ordinances is found, the code enforcement officer or inspector shall notify the violator and give the violator a reasonable time to correct the violation. The determination of a "reasonable time" shall be in the sole discretion of the code enforcement officer or inspector based on the type of violation, the facts and circumstances surrounding the violation, the length of time the violation has existed and the action reasonably necessary to correct the violation.
- (d) Should the violation continue beyond the time specified for correction, the code enforcement officer or inspector shall notify the code enforcement special master and request a hearing.
- (e) If the violation is referred to the code enforcement special master, the assigned clerical staff shall schedule a hearing on the violation and written notice of such hearing shall be delivered to the violator at least ten calendar days prior to the scheduled hearing as provided for by this article.
- (f) If the violation is corrected and then reoccurs, or if the violation is not corrected by the time specified for correction by the code enforcement officer or inspector, the violation may be presented to the code enforcement special master even if the violation has been corrected prior to the hearing, and the notice shall so state.
- (g) If a repeat violation is found, the code enforcement officer or inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer or inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement special master and request a hearing as provided for above. The violation may be presented to the code enforcement special master even if the repeat violation has been corrected prior to the hearing, and the notice shall so state.
- (h) If the code enforcement officer or inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code enforcement officer or inspector shall make a reasonable effort to notify the violator, but regardless of the success of such effort to notify the violator, the code enforcement officer or inspector may immediately notify the code enforcement special master and request a hearing be held as soon as reasonably possible.
- (i) The town may also utilize supplemental methods of code enforcement by citation or notice to appear in county court as set forth in F.S. § 161.21 et seq., as may be amended from time to time and as set forth in this Code.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-24), 6-11-2018)

Sec. 2-63. - Powers of code enforcement special master.

The code enforcement special master, appointed pursuant to this article, shall have the power to:

- (1) Conduct the initial and penalty phase code enforcement hearings;
- (2) Adopt rules for the conduct of the hearings;
- (3) Subpoena alleged violators, witnesses and evidence to the hearings and such subpoenas may be served by the police department of the town or by the sheriff, as may be necessary;
- (4) Take all testimony under oath; and

- (5) Issue orders having the force of law to command whatever steps are necessary, including penalties and cost recovery orders, to bring a violation of the town's codes and ordinances into compliance.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-25), 6-11-2018)

Sec. 2-64. - Conduct of hearing.

- (a) Upon the request of the code enforcement officer or inspector, or at such other times as may be necessary to address administrative matters, the code enforcement officer or code enforcement special master may set and call a hearing after written due notice but not less than at least 24 hours in advance of the hearing.
- (b) Minutes shall be kept of all hearings, meetings and proceedings of the code enforcement special master. All hearings, meetings and proceedings of the code enforcement special master shall be open to the public, but any and all testimony must be sworn, relevant and material to the case. The town council shall provide for such clerical and administrative personnel as may be reasonably required and necessary by the code enforcement special master in the proper performance of his duties.
- (c) Each case concerning a violation submitted to the code enforcement special master shall be presented on behalf of the town by either the code inspector or town clerk or designated agent. If the town prevails in prosecuting a case before the code enforcement special master, it shall be entitled to recover all costs incurred in the prosecution and such costs may be included in the lien authorized hereunder.
- (d) The code enforcement special master shall proceed to hear the cases scheduled for hearing on the agenda for that day. All testimony shall be under oath and shall be recorded. Testimony shall be taken from the code inspector, the alleged violator and other witnesses who have relevant and material testimony or evidence to submit concerning the violation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The hearing or proceedings of the code enforcement special master are quasi-judicial in nature and the proper decorum, conduct and respect due such proceedings shall be rendered by all persons involved.
- (e) At the conclusion of the hearing, the code enforcement special master shall render his initial findings and conclusions based on the evidence of record and, thereafter, within a reasonable time frame, shall issue his written final administrative order (FAO) containing findings of fact, conclusions of law and affording the proper relief consistent with the powers granted herein as it relates to the violation charged.
- (f) The FAO of the code enforcement special master may include a notice that it must be complied with by a specified date and that a specific daily fine amount may be imposed and, under the conditions specified in F.S. § 162.09(1), the cost of repairs may be included along with the fine if the FAO is not complied with by said date. As authorized by F.S. § 162.07(2) and subsection (c) of this section, the FAO may include all costs incurred by the town in the prosecution of the violation.
- (g) A certified copy of the FAO may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.
- (h) If an FAO is recorded in the public records pursuant to this provision and it is complied with by the date specified in said FAO, the code enforcement special master shall issue an order acknowledging compliance (OAC) with the FAO and that OAC shall be recorded in the public records. A hearing of the code enforcement special master is not required to issue an OAC, but may be executed by the code enforcement inspector as an administrative and ministerial duty. Any daily fines will continue to accrue until the date on which an OAC is issued. An OAC issued by the inspector may be appealed to the special master within 30 days by any person who owns or resides on property located within the town.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-26), 6-11-2018)

Sec. 2-65. - Penalty phase hearings for fines, costs of repairs, and liens.

(a) *Penalty phase/compliance hearings.*

- (1) The code enforcement special master, upon notification by the code enforcement officer or inspector that an order previously entered by the code enforcement special master has allegedly not been complied with by the time set forth in said order, may set a due process hearing giving the alleged violator an opportunity to be heard and enter any evidence, and upon finding that a violation has not been corrected, not brought into compliance, or a repeat violation has been committed, may then enter an order to the violator to pay a fine in an amount pursuant to this article for each day the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues beginning with the date the repeat violation is found to have occurred.
- (2) In addition, if the violation is a violation described in F.S. § 162.06(4), the code enforcement special master shall notify the mayor and town council, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs, along with the fine imposed hereunder.
- (3) If a finding of a violation, or a repeat violation, and a fine amount has been previously made as provided for by this article, a penalty phase hearing shall be held for issuance of an "order imposing fine" (OIF). If, after due notice and penalty phase hearing, the code enforcement special master finds a violation to exist or to be irreparable or irreversible in nature, it may order the violator to pay a fine or penalty as specified below.

(b) *Fines and penalties.*

- (1) A fine imposed by the code enforcement special master shall not exceed that allowed by state statutes and, in addition, may include all costs of repairs pursuant to this article. If the code enforcement special master finds the violation to result in irreparable or irreversible harm to natural resources within the town, such as the un-permitted filling or removal of native vegetation or a mature tree, it may impose a fine and may also require replacement, mitigation or restoration of the natural resources damaged.
- (2) In determining the amount of the fine, up to the maximum allowed by law, the code enforcement special master shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation; and
 - c. Any previous violations committed by the violator.
- (3) The code enforcement special master may, upon application of the violator, reduce a fine it has previously imposed if circumstances warrant reduction in the penalty or fine amount.

(c) *Order imposing fine and lien.* A certified copy of an order imposing fine (OIF) shall be recorded in the public records of the county, and thereafter, shall constitute a lien against the real property on which the violation exists and upon any other real or personal property owned by the violator.

(d) *Fine; lien.* Upon petition to the circuit court by the town, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this article shall continue to accrue until an order acknowledging compliance (OAC) is issued or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this article, whichever occurs first. A lien arising from a fine imposed pursuant to this article runs in favor of the town through the town council, and the town council may authorize the mayor to execute a satisfaction or release of lien entered pursuant to this article on behalf of the town and town council. After three months from the filing of any such lien which remains unpaid, the code enforcement special master,

with the approval of the town council, may authorize the town through the town attorney to foreclose on the lien. No lien created pursuant to the provisions of this article may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-27), 6-11-2018)

Sec. 2-66. - Duration of lien.

No lien provided under this article shall continue for a period longer than allowed by state statutes after the certified copy of an order imposing fine (OIF) has been recorded, unless within that time, an action to foreclose on the lien is commenced in a court of competent jurisdiction. The town shall be entitled to collect all costs and attorney's fees incurred in recording, foreclosing and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall be good against creditors or subsequent purchasers for valuable consideration without notice, if a notice of lis pendens (notice of pending suit) is recorded.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-28), 6-11-2018)

Sec. 2-67. - Appeals.

An aggrieved party may appeal or seek judicial review of an FAO, OAC, or OIF of the code enforcement special master to the circuit court in and for the county. Such an appeal shall be limited to appellate judicial review of the record created before the code enforcement special master. Any appeals shall be filed within 30 days of the execution of the FAO, OAC or OIF to be appealed.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-29), 6-11-2018)

Sec. 2-68. - Notices.

- (a) All notices required by this article shall be provided to the alleged violator either by certified mail, return receipt request; or by hand delivery to the violator or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing that person of the contents of the notice, by an appropriate law enforcement officer, code inspector or other person designated by the town council.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement special master, notice may also be served by publication or posting, as follows:
 - (1) Notice shall be published once during each week for four consecutive weeks, (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50, for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
 - (2) In lieu of publication as described above, such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at town hall. Proof of postings shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (c) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice under subsection (a) of this section. Evidence that an attempt to provide notice under subsection (a) of this section, together with proof of publication or posting as provided above, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-30), 6-11-2018)

Sec. 2-69. - Supplemental, alternative means of enforcement.

Nothing contained in this section, chapter or Code shall prohibit the town from enforcing its codes and ordinances by any other means, including code enforcement by citation or notice to appear in county court as set forth in this Code or as allowed by state law.

(Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2018-05, § 2(1-31), 6-11-2018)

Secs. 2-70—2-98. - Reserved.

ARTICLE IV. - DUTIES AND RESPONSIBILITIES OF THE TOWN GOVERNMENT

Sec. 2-99. - General scope and function.

The duties and responsibilities of the town government shall be to obey all laws, policies and procedures of the governments of the United States of America, the state and, to the degree applicable, of the county and to obey and enforce all ordinances and policies of the town in such a manner as to advance the interests and desires of the citizens of the town, and the public health, safety and welfare, including, but not limited to the following:

- (1) *Communication.* Provide for proper communication between the town government and its citizens and with other individuals and agencies that have business with the town.
- (2) *Financial management.* Provide good financial management of town funds.
- (3) *Fire protection.* Provide for fire protection.
- (4) *Garbage.* Provide for the disposition of garbage.
- (5) *Laws and policies.* Provide suitable laws and policies for the government of the town and to provide for their enforcement.
- (6) *Law enforcement.* Provide for suitable law enforcement for the town.
- (7) *Records.* Provide for complete and accurate records of official town activities.
- (8) *Review of operations.* Maintain a continual review of town operation and make such changes and improvements as may be desirable.
- (9) *Roads.* Maintain and improve roads and other necessary public works in the town after they have been accepted for public use.
- (10) *Water system.* Operate, maintain and improve the town water system.
- (11) *Parks and recreation.* Provide for parks and recreation.

(Code 2015, ch. 2, art. III; Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Secs. 2-100—2-126. - Reserved.

ARTICLE V. - GOVERNING OFFICIALS

Sec. 2-127. - Designated as authorities of the town.

The town shall be governed by a mayor, four councilmembers, a clerk-treasurer and such other officers as may be provided. These officials shall govern in the manner hereinafter provided.

(Code 2015, ch. 2, art. IV(1)(intro. ¶)); Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2017-01, § 1, 6-8-2017)

Sec. 2-128. - Clerk-treasurer-administrator.

A clerk-treasurer-administrator shall be recommended by the mayor and approved by a majority vote of the council to serve as clerk and treasurer and administrator of the town. The clerk-treasurer-administrator shall act at the will of the council and shall perform those duties which may be assigned, from time to time, by the council. The clerk-treasurer-administrator shall report to, and be under the direct authority of, the mayor and town council. The town council may, in its discretion, assign any administrative duties of the mayor to the town clerk-treasurer-administrator. However, even if mayoral administrative duties are assigned to a town clerk-treasurer-administrator, the mayor shall preside as president of the council and shall vote on council action. The town clerk-treasurer-administrator shall be approved by a majority vote of the town council and shall report to the mayor and town council.

(Code 2015, ch. 2, art. IV(1)(a); Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2017-01, § 1, 6-8-2017)

Sec. 2-129. - Liaison councilmembers.

- (a) The mayor may annually appoint one town councilmember to serve as liaison to each department or function of town government as provided in article IV of this chapter. The liaison duties may include, but not be limited to the following:
- (1) Reviewing all incoming and outgoing correspondence and initiating such correspondence as may be necessary.
 - (2) Coordinating the various department functions with other agencies, consultants, contractors or person doing business with the town.
 - (3) Coordinating the annual budget preparation.
 - (4) Advising the town council at each regular town council meeting as to department or function affairs, problems, opportunities and financial status.
- (b) For the finance liaison only, duties shall include the establishment of account numbers and signing town checks.

(Code 2015, ch. 2, art. IV(1)(b); Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2017-01, § 1, 6-8-2017)

Sec. 2-130. - Other appointed officials.

The town council may, from time to time, designate and appoint any other official to carry out the business of the town, upon the recommendation of the mayor on such appointments. Such officials shall serve at the pleasure and will of the council, and pursuant to the direction of the council. They shall be under the direct authority of, and report to, the mayor. Such appointed officials shall be appointed by the council, upon recommendation of the mayor.

(Code 2015, ch. 2, art. IV(1)(c); Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2017-01, § 1, 6-8-2017)

Sec. 2-131. - Vice-mayor.

The town council shall, on an annual basis, designate by majority vote one councilmember to serve as vice-mayor. This member shall preside at meetings and call necessary meetings and carry out other duties of the mayor when the mayor is unable to attend a council meeting or unavailable to perform the duties of mayor as herein described. (See section 2-2.)

(Code 2015, ch. 2, art. IV(1)(d); Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2017-01, § 1, 6-8-2017)

Sec. 2-132. - Elected officials.

(a) *Mayor.*

- (1) The mayor shall be the chief executive officer of the town and shall be elected at the time of the election for councilmembers in even numbered years set forth in the Charter, the term of office for the mayor being two years. The mayor shall preside as president of the council and shall vote on council action. The mayor shall also act as spokesman for the town within the confines and restrictions of town ordinances, policies and procedures. The specific duties of the mayor shall include the following:
 - a. Calling of special meetings of the town council in accordance with the provisions of article I of this chapter and subject to the exception contained therein.
 - b. The mayor may assign liaison duties to councilmembers as specified herein above, but shall retain the responsibility for the same.
- (2) The following duties may be assigned to the mayor, or delegated to the town clerk-treasurer-administrator, by the town council:
 - a. Preparing the agenda for all special and regular council meetings.
 - b. Carrying out instructions for the town council.
 - c. Supervising all employees of the town.
 - d. Providing training for town employees when necessary.
 - e. Seeing that complete and accurate records are maintained of official town activities.
 - f. Establishing, maintaining, and improving financial management of town funds in accordance with accepted practice.
 - g. Establishing, maintaining and improving procedures for handling official town correspondence, to provide for the proper routing of such correspondence and to expedite prompt communication between the town and other agencies and individuals.
 - h. Acting as an information source; maintain resources in town matters, answering questions regarding town matters and maintaining such files of information as will expedite this service.
 - i. Being responsible for all purchases for the town in accordance with an approved budget, provided that the mayor, or town clerk-treasurer-administrator, may expend up to \$500.00 without council approval, or over \$500.00 in situations which are essential to continue public service.
 - j. To cause a tentative budget to be prepared for the town and to justify all elements therein and present this budget to the council.
 - k. Seeing that a current inventory of town property is maintained and the value thereof.
 - l. Overseeing enforcement of ordinances and adherence to town policies.
 - m. Supervision of the operations, maintenance and improvement of the following:
 1. The town water system.

2. The town roads and other public works authorized by the town council.
3. The garbage contract.
4. The law enforcement systems.
5. The fire protection systems.

(b) *Council.* The town council shall be comprised of a mayor and four persons, with elections, as provided in the town Charter. Three members of the council shall constitute a quorum, and shall be necessary to transact the business of the town. Each member of the council shall be assigned responsibility for a particular aspect of town business, but that member shall have no power to act unilaterally on any matter. Each member shall be responsible for reporting to the council on any matter or problem affecting his designated area of responsibility. The council has full and final responsibility for the operation of the town government. It is a legislative body primarily responsible for the enactment of ordinances and the establishment of policy. The specific duties and responsibilities of the council are as follows:

- (1) To enact ordinances for the operation of the town and to provide for their enforcement.
- (2) To enact resolutions governing town policy and procedures.
- (3) To cause to be prepared a town budget, to modify and approve such budget and to release town funds for expenditure in accordance with the budget. No expenditures are to be made except in accord with the budget unless the budget is first modified to accommodate such expenditures.
- (4) To require and consider monthly reports from all operating agencies of the town government and to approve or disapprove the same.
- (5) To be accountable to the citizens of the town and to higher authority for all aspects of the town government.
- (6) To accept liaison assignment by the mayor.
- (7) To annually elect a vice-mayor each year, and appoint the town officials as needed.

(Code 2015, ch. 2, art. IV(1)(e); Ord. No. 2013-01, § entirely replaced, 1-7-2013; Ord. No. 2017-01, § 1, 6-8-2017)

Secs. 2-133—2-162. - Reserved.

ARTICLE VI. - REPLACEMENT OF ELECTED OFFICIALS

Sec. 2-163. - Mayor.

In the event of the absence of both the mayor and vice-mayor, the council shall have the right and power to appoint one of their members to act in the mayor's absence, unless, prior to the meeting, the mayor shall appoint such person.

(Code 2015, ch. 2, art. IX(1); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Sec. 2-164. - Council.

In the event of a council vacancy, the council vacancy shall be filled in the manner set forth in the town Charter. In the event of a vacancy in any appointed office in the town, the mayor shall recommend, and the council shall appoint a successor, who shall serve out the remainder of the unexpired term of the person he is appointed to replace.

(Code 2015, ch. 2, art. IX(2); Ord. No. 2013-01, § entirely replaced, 1-7-2013)

Secs. 2-165—2-182. - Reserved.

ARTICLE VII. - PERSONNEL POLICIES

Sec. 2-183. - Adopted by reference.

The town shall establish by resolution personnel policies for the town. The council may update the personnel policies from time to time.

Chapter 4 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 4-1. - 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:

Animal impoundment officer means the person employed or contracted by the town as its enforcement officer, or the person contracted by the county as its enforcement officer.

Animal shelter means any premises designated by action of the town for the purpose of impounding and caring for all animals found running at large in violation of the provisions of this chapter.

At large means any animal when off the property of its owner and not under the control of its owner; or, in the case of specially-trained animals which immediately respond to commands; direct control shall also include oral control if the controlling person is at all times clearly and fully within the unobstructed sight and hearing of the animal and the animal responds to oral communication of the controlling person.

Exposed to rabies, within the meaning of this chapter, means an animal if it has been bitten by or been in direct contact with any animal known to be infected with rabies.

Kennel means any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals, and the physical property of such business.

Owner means any person, group of persons, or corporation owning, keeping or harboring animals.

Restraint means an animal if it is controlled by a competent person and obedient to that persons command, or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.

(Code 2015, ch. 5, art. I, § 5-1; Ord. No. 05-03, entirely re-written, 5-16-2006)

Secs. 4-2—4-22. - Reserved.

ARTICLE II. - DOGS AND CATS

Sec. 4-23. - Running at large prohibited.

No person owning or having possession, charge, custody or control of any dog or cat shall cause, permit or allow the dog or cat to stray, run, be, go or, in any other manner, be at large in or upon any public street, sidewalk or park or on private property of others without the express or implied consent of the owner of such private property.

(Code 2015, ch. 5, art. II, § 5-2; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-24. - Vicious, dangerous or fierce dogs.

Any owner of vicious, dangerous or fierce dogs shall keep them confined in proper and secure enclosures at all times. For the purpose of this section, a dog shall be deemed fierce, dangerous or vicious if such dog has bitten or hereafter bites or attacks a person off the premises of the owner, or engages in a fight with other household pets off the premises of its owner.

(Code 2015, ch. 5, art. II, § 5-3; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-25. - Cruelty or inhumane treatment.

It shall be unlawful for any person to torture, torment, deprive of necessary sustenance, cruelly or unnecessarily beat or whip any animal or cause or procure the same to be done, or fail to provide it with proper food, drink, shelter or protection from the weather.

(Code 2015, ch. 5, art. II, § 5-4; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-26. - Noisy dogs.

It shall be unlawful for any person to keep any dog, confined or unconfined, in the town, which, by repeated or continual barking or howling, shall disturb the comfort, peace, quiet or repose of any person residing in the vicinity of such dog.

(Code 2015, ch. 5, art. II, § 5-5; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-27. - Nuisance animals.

It shall be unlawful for the owner of a mischievous animal, knowing its propensities, to willfully allow it to enter property of another without consent or permission and causing property damage, or to molest or disturb garbage containers, or to chase vehicles, bicycles, humans, or other's pets.

(Code 2015, ch. 5, art. II, § 5-6; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-28. - Dogs running at large in parks, playgrounds, etc., prohibited.

It shall be unlawful for any dog, whether licensed or otherwise, to run at large in any public park, playground, recreation area or school ground.

(Code 2015, ch. 5, art. II, § 5-7; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-29. - Keeping animals under restraint.

The owner shall keep his dog under restraint at all times.

(Code 2015, ch. 5, art. II, § 5-8; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-30. - Vaccination, license required.

It shall be unlawful for any person to keep or maintain a dog or cat six months of age or older within the corporate limits of the town without first having such dog or cat vaccinated for rabies, and also having secured a license for such dog; provided, however, the vaccination requirement shall not be applicable to a dog or cat as to which a veterinarian certifies their health would be endangered because of age.

(Code 2015, ch. 5, art. III, § 5-9)

Sec. 4-31. - Certificates.

- (a) *Application.* Written application for such license shall be made to the town clerk or such agents as shall be designated by the town council, and shall state the name and address of the owner and the name, breed, color, age and sex of such animal. The license fee shall be paid at the time of making the application, a numbered receipt given to the applicant, and a numbered tag given to the owner. No license shall be issued without the certificate of a licensed veterinarian practicing in the state, or the written certification of the owner showing an immunization for rabies for the period of the license.
- (b) *Fee.* The license fee shall be set by town council for each dog for a one year term.
- (c) *Kennel fee.* Every kennel which owns, harbors or keeps four or more dogs shall not be required to obtain individual dog licenses as provided in subsection (b) of this section for such animals owned by them and confined to the kennel.
- (d) *Term; renewal.* All licenses shall be issued for one year beginning with October 1. Any dog attaining the age of six months after October 1 shall be licensed within 30 days. The penalty for failure to secure a license prior to November 1, or within 30 days after the same shall be required, shall be the sum of \$2.00 in addition to the regular yearly license fee.
- (e) *Transferability.* If there is a change in ownership of a dog during the license year, the new owner may have the current license transferred to his name upon application to the town clerk, or the agent designated by the town council.
- (f) *Use of receipt or tag issued for another animal.* No person shall use for any other dog a license receipt or license tag issued for another such animal.
- (g) *Replacement of lost tags.* Lost tags may be replaced for a fee as set by town council.

(Code 2015, ch. 5, art. III, § 5-10)

Sec. 4-32. - Tag specifications.

- (a) Upon complying the provisions of section 4-31 there shall be issued, to the owner, a tag, stamped with the number and the year for which issued. The shape, color or design of such tag may be changed from year to year.
- (b) Every owner is required to see that the tag is securely fastened to the animal's chain, collar or harness which must be worn at all times unless such animal is engaged in hunting or other sport where a collar might endanger its safety.

(Code 2015, ch. 5, art. III, § 5-11)

Secs. 4-33—4-48. - Reserved.

ARTICLE III. - NUISANCE WILD ANIMALS

Sec. 4-49. - Authority to place animal traps.

The town may place animal traps on any public or private property within the town, provided that the consent of the private property owner be secured, and the town clerk's consent to placing of such traps on public rights-of-way or property owned by the town is secured.

(Code 2015, ch. 5, art. IV, § 5-19; Ord. No. 05-03, entirely re-written, 5-16-2006)

Sec. 4-50. - Damage or destruction.

It shall be unlawful for any person to interfere with, move, damage or destroy any animal trap placed by the town on private or public property.

(Code 2015, ch. 5, art. IV, § 5-21; Ord. No. 05-03, entirely re-written, 5-16-2006)

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Building codes adopted by reference.

The Florida Building Code, as now and hereafter amended or revised, is hereby adopted and shall regulate construction of every type of building or structure wherever situated in the unincorporated areas of the county until such time as they are superseded by the effective date of the Florida Building Code, including all chapters and appendices.

- (1) Florida Building Code, as promulgated by the Southern Building Code Congress International, Inc. (SBCCI), including appendices A, C, D, F, G, H, and I, but excluding chapter 11 in its entirety and excluding appendix E, and appendix B, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by referenced.
- (2) Florida Plumbing Code, as promulgated by the SBCCI, including appendices A, B, C, D, E, F, G, I, and J, but excluding appendix H, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by reference.
- (3) Florida Mechanical Code, as promulgated by the SBCCI, including appendices A and C, but excluding appendix B, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by reference.
- (4) Florida Gas Code, as promulgated by the SBCCI, including appendices A, C, D, and E, but excluding appendix B, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by reference.
- (5) National Electrical Code 2014, as promulgated by the National Fire Protection Association, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by reference.
- (6) Florida Building Code and Florida Residential Code, chapter 3, as promulgated by the SBCCI, but excluding section 105.6—Schedule of Fees, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by reference.
- (7) Florida Energy Conservation, as required by F.S. § 553.951 et seq., is incorporated in this section by reference.
- (8) Florida Building Code chapter 16 and Florida Residential Code chapter 3, a copy of which is attached to the ordinance from which this chapter is derived and incorporated in this section by reference.
- (9) Florida Accessibility Code, as prepared by the state department of community affairs, based on F.S. § 553.501 et seq., is incorporated in this section by reference.

- (10) Florida Residential Code, the installation standards with respect to M/H foundations and anchorage is incorporated in this section by reference.

(Code 2015, ch. 6, art. I, § 6-1; Ord. No. 02-02, § 1, 2-28-2002)

State Law reference— Florida Building Code, F.S. § 553.73.

Sec. 6-2. - Amendment by town council.

The town council shall have the power to amend the edition of the codes applicable to the town by resolution, notice of which shall be attached to the ordinance from which this chapter is derived.

(Code 2015, ch. 6, art. IV, § 6-12)

Secs. 6-3—6-20. - Reserved.

ARTICLE II. - WIND-BORNE DEBRIS REGION

Sec. 6-21. - Debris region and basic wind speed map of the town.

- (a) *Map.* A map, the Town of Yankeetown Wind-borne Debris Region and Basic Wind Speed Map, is hereby attached to this ordinance from which this article is derived and hereby adopted by reference thereto.
- (b) *Contours/wind speed lines.* One wind speed contour lines of the State of Florida Wind-borne Debris Region and Basic Wind Speed Map dissect Town of Yankeetown; the 120-mile-per-hour wind speed contour line. The legislature's direction to local governments is to establish the exact location of wind speed/wind-borne debris lines by ordinance, utilizing physical landmarks such as major roads, canals, rivers and shorelines. The Town of Yankeetown Wind-borne Debris Region and Basic Wind Speed Map utilizes a section line for the 140—mile-per-hour wind speed and wind-borne debris line.
- (c) *Map interpretation.* The section line reflects the boundary of different wind speed requirements. Seaward of a given line, the wind speed is greater than that designated on the map. Landward of a given line, the wind speed is less than that designated on the map.
- (d) *Wind-borne debris region.* All properties lying seaward of the 140—miles-per-hour contour line are located in the wind-borne debris region and must provide wind-borne debris protection consistent with section 1606 of the state building code.

(Code 2015, ch. 6, art. II, § 6-2; Ord. No. 02-03, § 2-5, 1-1-2002)

Secs. 6-22—6-45. - Reserved.

ARTICLE III. - DILAPIDATED OR INADEQUATELY MAINTAINED STRUCTURES

Sec. 6-46. - Objective.

The objective of this article is to improve and maintain the appearance of certain buildings which, while structurally sound, safe and complying with the minimum requirements as set forth in the town building code, are either dilapidated or so inadequately maintained as to be aesthetically displeasing and in such disrepair as to constitute a public nuisance (i.e., boards over windows and doors, unpainted cement patches, etc.). This article is designed to protect and preserve the appearance, character and value of the surrounding neighborhoods thereby promoting the general welfare by providing a mechanism

whereby the town may correct or eliminate any threat to the surrounding values or aesthetic quality of the town caused by dilapidated or inadequately maintained buildings. The town council finds that the particular and peculiar characteristics of the town justify the regulation of unkempt structures and the enforcement mechanisms provided herein to help perpetuate the town's aesthetic appeal on a town-wide basis.

(Code 2015, ch. 6, art. III, § 6-4)

Sec. 6-47. - Determination of inadequately maintained buildings.

A dilapidated or inadequately maintained structure is one which complies with the minimum safety requirements set forth in the town building code, but which is badly maintained or not maintained at all and in such disrepair as would constitute a public nuisance. In determining which buildings are a public nuisance, the following factors, among others, will be considered:

- (1) Boards over window frames or window areas;
- (2) Unpainted exterior walls or exterior wall patches, or paint peeling from the same;
- (3) Unmatched roof repair work (patches of uncovered roofing cement, unmatched shingles, etc.);
- (4) Painting over repair work which does not color coordinate with the rest of the building (i.e., black painting over a wall-crack patch on a white building);
- (5) Broken windows.

This list is intended to both set forth the guidelines for enforcement of this article and to demonstrate as clearly as possible the council's legislative intent at this article's enactment. This list is by no means to be interpreted as an exclusive list; factors not mentioned in the list shall be examined within the confines of the objectives stated in the preceding section. Unless one factor is present to a very substantial degree, at least two factors will have to be present before a structure is determined to be dilapidated.

(Code 2015, ch. 6, art. III, § 6-5)

Sec. 6-48. - Notice to owners to reconstruct or repair.

Upon determination of the zoning official that a building is dilapidated or inadequately maintained, the zoning official shall give, or cause to be given, written notice to the owner of the building, directing the owner thereof to construct, reconstruct, maintain or repair, as the cause may be, the building or structure, which shall advise the owner of the appeal privilege afforded by section 6-49.

(Code 2015, ch. 6, art. III, § 6-6)

Sec. 6-49. - Appeal procedure.

Any person aggrieved by an adverse decision of the zoning official is entitled to meet with the zoning official and discuss his grievance. Upon reaching an impasse, the person aggrieved may appeal to the town council for consideration of the matter at the next regularly-scheduled town council meeting.

(Code 2015, ch. 6, art. III, § 6-7)

Sec. 6-50. - Reconstruction to be according to original development site plan.

When a dilapidated or inadequately maintained structure was originally built according to a development site plan approved by the town council, requirements of the development site plan must be met in the reconstruction or repair, unless an exception is granted by the town council.

(Code 2015, ch. 6, art. III, § 6-8)

Sec. 6-51. - Contents of notice; service; publication.

- (a) The notice required by section 6-48 shall direct the property owner to commence, and within 100 days, or a shorter time determined by the zoning official, after the date of such notice, complete the construction, reconstruction or repair work. Such notice shall be mailed to the address of the property owner as shown by the tax rolls of the town by certified mail, return receipt requested. If such notice is returned unclaimed, then a copy of such notice directed to the owner shall be published in a newspaper of general circulation in the town once each week for two consecutive weeks directing the owner to forthwith commence, and within the 100 days after the last publication of such notice, complete the construction, reconstruction or repair work. Whenever a notice is mailed, a copy of such notice will be posted on the front door of the structure or on a prominent place on the structure. It will be a violation of this article for anyone other than an owner to remove a posted notice, and the posted notice will so state.
- (b) When the owner's address is not the same as the property, an occupant, if any, but not more than one, will be notified by certified mail, return receipt requested. If the occupant's name cannot be ascertained, the notice will be addressed "Legal Notice—Occupant."

(Code 2015, ch. 6, art. III, § 6-9)

Sec. 6-52. - Work performed by town upon failure of owner to comply; recovery of costs.

- (a) If a property owner fails or refuses to perform the construction, reconstruction or repair work on owner's building within the designated time prescribed in the notice, the zoning official shall cause the required repairs to be made or the building razed upon the prior approval of the town council of such expenditures. The zoning official will determine that the dilapidated or inadequately maintained structure will be razed if the cost of the required repairs is equal to or greater than the value of the structure, such value to be determined by the zoning official in zoning official's reasonable discretion calling upon the zoning official's expertise in the field. If the cost of the required repairs will be less than the value of the building, the zoning official will cause the required repairs to be made.
- (b) Upon the determination of the zoning official that it is appropriate under the terms of this section to raze a structure, the zoning official will notify the town attorney. The town attorney will cause a title check on the property to be run and the town will notify all interest holders of record, including mortgagees, by certified mail, return receipt requested, that such interest holders have 30 days from the date of the notification to notify the zoning official that they intend to repair, that they have 45 days to commence repair, and the designated time to complete the required repairs. If the time schedule is not met, the building will be razed.
- (c) The cost of razing the building will be charged as a lien against the property just as the costs of repair will be charged as a lien, and, further, every provision herein applying to repair, including, but not limited to, appeal provisions, the liens' priority, costs to be included in the lien, and attorney's fees apply likewise when a building is razed.

(Code 2015, ch. 6, art. III, § 6-10)

Sec. 6-53. - Lien foreclosure.

When the zoning official causes repairs to be made or causes a structure to be razed upon the failure of the owner to do the same, all costs of the repair or razing and all related administrative, advertising, attorney's fees and notice costs will be charged against the owner of the property and be established as a lien against the property by resolution of the town council. When costs are ascertained and work is complete, this lien will be foreclosed as special assessments are foreclosed pursuant to state statutes. The town clerk will keep a docket of these liens, as special assessments are kept, and will notify the town attorney of assessments which are not paid in the same manner as special assessments. Such liens will be equal with the liens of all state, county and municipal taxes, superior in dignity to all other liens, titles and claims. Should the town foreclose a lien, the owner will pay all costs and attorney's fees, including those on appeal. Interest will be charged running from the date of the passage of the resolution assessing the lien at the interest rate set forth in F.S. § 170.09, for special assessment liens or successor amendatory provision.

(Code 2015, ch. 6, art. III, § 6-11; Ord. No. 99-07, § 1, 6-28-1999)

Secs. 6-54—6-79. - Reserved.

ARTICLE IV. - MINIMUM HOUSING STANDARDS

Sec. 6-80. - 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:

Building means any structure or part thereof, not a dwelling as defined in this section.

Dwelling means any structure, or part thereof, used and occupied for human habitation, or intended to be so, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

Inspector means the designated building inspector of the town, or, if appropriate, the county, on call for any town official.

Owner means any person who, alone, jointly or severally with others, hold legal or equitable title to any dwelling or building.

Parties in interest means all individuals, associations and corporations who have interest of record in dwellings or buildings, and any who are in possession thereof.

Public authority means any officer who is in charge of any department or branch of the government of the town, county or state, relating to health, building regulations or other activities concerning dwellings or buildings in the town.

(Code 2015, ch. 11, art. VII, § 11-11; Ordinance Reference 113)

Sec. 6-81. - Conditions and standards.

No person shall occupy or shall lease to another for occupancy any dwelling found by the building inspector, upon public hearing with due notice to all parties in interest, to have any of the following conditions existing in such dwelling: interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base; supporting members which show 33 percent or more of damage or deterioration or non-supporting enclosing or outside walls or covering which show 50 percent or more of damage or deterioration; floors or roofs which have improperly distributed loads which are overloaded or which have insufficient strength to be reasonable safe for the purposes used; such damage by fire, wind or other causes as to endanger the lives, safety or welfare of the occupants or other people in the town; dilapidation, decay, insanitation or disrepair which is likely to cause sickness or disease, or to work injury

to the health, safety or welfare of the occupants or other people of the town; inadequate facilities for egress in case of fire or panic; defects therein increasing the hazards of fire, accident or other calamities; such lack of ventilation, light, heat or sanitary facilities as endanger the health, morals, safety or general welfare of the occupants or other residents of the town; violation of any provision of the building regulations, fire prevention laws or health regulations, and laws or ordinances of the state, county or town; any room, except bathroom, with window area less than one-tenth of the floor area, or with window area of one-tenth or more of the floor area, but which window cannot be opened so that the openings will equal as much as 1/20 of the floor area; a bathroom which does not have at least one window, an outside window which can be opened, or does not have other means of adequate ventilation, such relationship to adjoining buildings or dwellings that light or air is inadequate or that a fire hazard exists.

(Code 2015, ch. 11, art. VII, § 11-12; Ordinance Reference 113)

Sec. 6-82. - Minimum facilities.

No person shall occupy or shall let to another for occupancy any dwelling or building which does not have minimum facilities consisting of:

- (1) Inside running water and an installed kitchen sink.
- (2) Inside bathing facilities which consist of an installed tub or shower.
- (3) Inside water closet.
- (4) Installed electric lighting facilities.
- (5) Screening. Screens shall be provided to effectively cover all outside openings, such as windows, doors, etc., with mesh or such fineness as is ordinarily used in dwelling houses to prevent the entry of flies and other similar pests.
- (6) All of the aforesaid minimum requirements shall be constructed and/or installed in accordance with the applicable statute, regulations and ordinances of the state, county and town regulating the same.

(Code 2015, ch. 11, art. VII, § 11-13; Ordinance Reference 113)

Sec. 6-83. - Public hearings.

Whenever a petition is filed with the inspector by a public authority, or whenever it appears to the inspector (on his own motion) that any dwelling is unfit for human habitation, or any building is dangerous or shall violate the provisions of this article, the inspector shall, if his preliminary investigation discloses a base for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or building a complaint stating the charges in that respect, and containing a notice that a hearing will be held before the town council (or designated agent) at a place therein fixed within the town, not less than ten days, nor more than 30 days after the serving of said complaint; the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; any person desiring to do so may attend such hearing and give evidence relative to the matter being heard; and the rule of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(Code 2015, ch. 11, art. VII, § 11-14; Ordinance Reference 113)

Secs. 6-84—6-109. - Reserved.

ARTICLE V. - WATER CONSERVATION ACT

Sec. 6-110. - Requirements.

(a) New construction.

- (1) The requirements of chapter 13 of the state building code set forth in subsection (a)(2) of this section shall control new construction within the corporate limits of the town.
- (2) No new building shall be constructed which:
 - a. Employs a tank-type water closet having a tank capacity in excess of 1.6 gallons of water; or
 - b. Employs a shower head or faucet that allows a flow of more than an average of 2½ gallons of water per minute at 80 pounds of pressure per square inch.

(b) The requirements of subsection (a) of this section apply to any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during the life of a structure (a 30-year period), in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be the appraised value of the structure 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. For the purposes of this section, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or the structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include whether any project for improvement of a structure is to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(c) Standard toilets will be allowed only if the building inspector determines that a quantity of water greater than 1.6 gallons is required to adequately flush the building drainage system.

(Code 2015, ch. 6, art. V, § 6-13)

Sec. 6-111. - Appeals.

Appeals to decisions of the zoning official or building inspector in relation to this article may be made in accordance with chapter 18.

(Code 2015, ch. 6, art. V, § 6-14)

Secs. 6-112—6-136. - Reserved.

ARTICLE VI. - COASTAL CONSTRUCTION CODE

Sec. 6-137. - General purpose and intent.

The purpose of the Florida Building Code, section 3109, is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other severe storms occurring along the coastal area of the town, which fronts the Gulf of Mexico. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes and topography of adjacent properties. The coastal code is site-specific to the coastal building zone, as defined herein, and is not applicable to other locations. In the event of a conflict between this chapter and other chapters of this Code, the requirements resulting in the more restrictive design shall apply. No provisions in this chapter shall be construed to permit any construction in any area prohibited by town, county, state or federal regulations.

(Code 2015, ch. 6, art. VI, § 6-16)

Sec. 6-138. - Applicability.

The requirements of this coastal code shall apply to the following types of construction in the coastal building zone and on coastal barrier islands of the town:

- (1) The new construction of, or substantial improvement to major structures, nonhabitable major structures, and minor structures as defined herein.
- (2) Construction which would change or otherwise have the potential for substantial impact on coastal zones (i.e., excavation, grading, paving).
- (3) Construction located partially within the coastal building zone.
- (4) Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of substantial improvements as defined herein.
- (5) Exception. The requirements of the coastal code shall not apply to the following:
 - a. Minor work in the nature of normal beach cleaning and debris removal.
 - b. Structures in existence prior to the effective date of the code, except for substantial improvements as defined herein.
 - c. Construction for which a valid and unexpired building permit was issued prior to the effective date of the ordinance from which this code is derived.
 - d. Construction extending seaward of the seasonal high water line which is regulated by the provisions of F.S. § 161.041 (i.e., groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, etc.).
 - e. Construction of nonhabitable major structures, as defined herein, except for the requirements of section 6-140(a).
 - f. Construction of minor structures, as defined herein, except for the requirements of section 6-140(b).
 - g. Structures listed in the National Register of Historic Places or the state inventory of historic places.
- (6) Construction for improvement of a major structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.
- (7) Application for permits. Applications for building permits for construction in the coastal building zone and on coastal barrier islands, if not of normal or usual design, shall be required by the building official to be certified by an architect or professional engineer registered in the state. Such certification shall state that the design plans and specifications for the construction are in compliance with the criteria established by this coastal code.

(Code 2015, ch. 6, art. VI, § 6-17; Ord. No. 97-03, § 1, 4-7-1997)

Sec. 6-139. - Definitions.

The following terms are defined for general use in the Florida Building Code and Florida Residential Code.

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:

Beach means the zone of unconsolidated materials that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of

permanent vegetation, usually the effective limit of storm waves. The term "beach" is alternatively termed "shore."

Breakaway wall or frangible wall means a partition independent of supporting structural members that will withstand design wind forces, but which will fail under hydrodynamic, wave and run-up forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components which minimize the potential for damage to life or adjacent property. It shall be characteristic of a breakaway wall or frangible wall that it shall have a horizontal design loading resistance of no less than ten, nor more than 20 pounds per square foot.

Building support structure means any structure which supports floor, wall or column loads and transmits them to the foundation. The term "building support structure" shall include beams, grade beams or joists, and includes the lowest horizontal structural member exclusive of piles, columns or footings.

Coastal barrier islands means geological surface features above mean high water which are completely surrounded by marine waters, composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment or other material, including spoil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

Coastal building zone means:

- (1) For mainland areas where a coastal construction control line has not been established, the coastal building zone shall be the land area seaward of the most landward velocity zone (V-zone) boundary line established by the Federal Emergency Management Agency and shown on the flood insurance rate maps.
- (2) For coastal barrier islands on which no coastal construction control line has been established, the land area seaward of the most landward velocity zone (V-zone) boundary line established by the Federal Emergency Management Agency and shown on the flood insurance rate maps.

Coastal construction control line means the landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves or other predictable weather conditions as established by the department of natural resources in accordance with F.S. § 161.053.

Construction means the building of or substantial improvement to, any structure or the clearing, filling or excavation of any land. The term "construction" shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, the term "construction" refers to the act of construction or the result of construction.

Dune means a mound or ridge of loose sediments, usually sand-sized, deposited by natural or artificial means, which lies landward of the beach.

Manufactured homes means manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1 pursuant to F.S. § 320.823.

Major structure includes, but is not limited to, residential buildings including manufactured homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal zones.

Mean high water line means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period.

Minor structure includes, but is not limited to, pile-supported, elevated dune and beach walkover structures, beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos and boardwalks; lifeguard support stands, public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts and racquetball courts and other uncovered paved areas; earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.

Nonhabitable major structure includes, but is not limited to, swimming pools, parking garages, pipelines, piers, canals, lakes, ditches, drainage structures and other water retention structures; water and sewage treatment plants, electrical power plants, transmission and distribution lines, transformer pads, vaults and substations, roads, bridges, streets, highways and underground storage tanks.

NGVD means National Geodetic Vertical Datum, a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum.

One-hundred year storm or *100-year storm* means a shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one percent chance of being equalized or exceeded in any given year, during any 100-year interval.

Seasonal high water line means the line formed by the intersection of the rising shore and the elevation of 1,550 percent of the local mean tidal range above mean high water.

State minimum building code means the building code adopted by a municipality or county pursuant to the requirements of F.S. § 553.73.

Substantial improvement.

- (1) The term "substantial improvement" means any repair, reconstruction, rehabilitation or improvement of a structure, where the actual cost of the improvement or repair of the structure to its pre-damage condition which equals or exceeds, over a five-year period, a cumulative total of 50 percent of the market value of the structure, either:
 - a. Before the improvement or repair is started; or
 - b. If the structure has been damaged or is being restored, before the damage occurred.

The cumulative total cost does not include nonstructural interior finishing's or roof coverings except when determining whether the structure has been substantially improved as a result of a single improvement or repair.

- (2) For the purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

(Code 2015, ch. 6, art. VI, § 6-18; Ord. No. 98-01, § 1, 3-23-1998)

Sec. 6-140. - Structural requirements.

- (a) *Structural requirements for major structures.* Habitable major structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the state building code in effect. All sewage treatment and public water supply systems shall be flood proof to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.
- (b) *Structural requirements for minor structures.* Minor structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Florida Building Code in effect.
- (c) *Location of construction.* Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.

- (d) *Public access.* Where the public has established an access way through private lands to lands seaward of mean high tide or water line by prescription, prescriptive easement, or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative access way is provided. The developer shall have the right to improve, consolidate, or relocate such public access ways so long as they are:
- (1) Of substantially similar quality and convenience to the public;
 - (2) Approved by the local government and approved by the department of natural resources whenever improvements are involved seaward of the coastal construction control line; and
 - (3) Consistent with the coastal management element of the local comprehensive plan and adopted pursuant to F.S. § 163.3178.

(Code 2015, ch. 6, art. VI, § 6-20; Ord. No. 97-03, § 3, 4-7-1997)

Sec. 6-141. - Designation of building inspector or zoning official.

The building inspector or zoning official, as designated by town council, is hereby appointed to administer and implement the provisions of this article.

(Code 2015, ch. 6, art. VI, § 6-22)

Secs. 6-142—6-167. - Reserved.

ARTICLE VII. - SEAWALLS

Sec. 6-168. - General construction and improvement.

- (a) All natural riverbanks and shorelines shall be preserved by use of riprap embankments and natural vegetation, prohibiting construction of new seawalls.
- (b) If necessary to replace existing seawalls due to natural hazard or completed deterioration, improvements shall be limited to riprap embankment with a sloped vegetated shoreline, unless it is demonstrated that this system would be totally unsuccessful.

(Code 2015, ch. 6, art. VIII, § 6-37)

Chapter 8 - ELECTIONS¹¹

Footnotes:

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State Law reference— Florida Election Code, F.S. chs. 97—106.

ARTICLE I. - IN GENERAL

Sec. 8-1. - Definition.

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:

Absent elector means an elector of the town who has satisfied the requirements of article II of this chapter so as to warrant the use of an absentee ballot.

Ballot means the official printed ballot prepared by the town for use in any regular or special town election.

Candidate means any citizen of the town who has qualified to campaign for any elective office in the town in keeping with the requirements of article III of this chapter.

Election board means those persons recommended by the mayor and appointed by the town council for each election to oversee and maintain the proper functioning of the polls during any town election. The town clerk shall serve in this capacity until such time as the election board is appointed. The town may appoint the supervisor of election to act as an election board or to conduct elections.

Elector means any citizen of the town who has met the requirement of article VI of this chapter and who is accordingly registered to vote in town elections.

Qualified elector means any person who is registered to vote with the supervisor of elections of the county, and who resides within the corporate limits of the town shall be a qualified elector of the town.

Regular municipal election means that election provided for in the town Charter at which the mayor and town councilmembers are elected.

Special municipal election means any election called by the mayor and town council for any purpose, other than the regular municipal election.

(Code 2015, ch. 7, art. I, § 7-1, ch. 7, art. VI, § 7-18; Ord. No. 4; Ordinance reference 4)

Sec. 8-2. - Verification of election; results challenge.

The town council shall meet the day following the election at 12:00 noon to verify the elections. Any person seeking to challenge the results of an election must file a challenge in the town hall prior to said meeting.

(Code 2015, ch. 7, art. VIII, § 7-21; Ordinance reference 4)

Secs. 8-3—8-22. - Reserved.

ARTICLE II. - VOTE-BY-MAIL BALLOTS

Sec. 8-23. - Vote by mail.

- (a) The application blank shall be in substantially the form prescribed by F.S. §§, 101.64, 101.65 and 101.67.
- (b) Any person who is eligible to vote by vote-by-mail ballot may make application to the election board for a vote-by-mail ballot at the town hall. Such application may be made either in person or by mail upon an application blank to be furnished by the election board at any time during the 45 days preceding an election, but not later than 5:00 p.m. of the day preceding such election.
- (c) The application blank shall be sent immediately by mail or delivered by hand in the town hall. If there will not be time for the elector to return the application, receive and vote his ballot and return the ballot to the election board by 7:00 p.m. on the day of the election, the election board may deliver by hand the application and the ballot at the same time.

(Code 2015, ch. 7, art. II, § 7-2; Ordinance reference 4)

Sec. 8-24. - Publication.

Upon completion of the list of qualified candidates and/or the questions to be presented to the electors, the town shall publish in a newspaper of general circulation, at least seven days before any election, a sample ballot form.

(Code 2015, ch. 7, art. II, § 7-4; Ordinance reference 4)

Sec. 8-25. - Number.

There shall be as many official ballots as shall be required by state law of the registered qualified voters in the town.

(Code 2015, ch. 7, art. II, § 7-5; Ordinance reference 4)

Secs. 8-26—8-53. - Reserved.

ARTICLE III. - CANDIDATES

Sec. 8-54. - Deadline.

Candidates for any elective office of the town shall qualify by 12:00 noon at least 30 days prior to the election in which they plan to seek office.

(Code 2015, ch. 7, art. III, § 7-6; Ordinance reference 4)

Sec. 8-55. - Qualification procedure.

Candidates for any elective office of the town shall qualify by filing with the town clerk a written affidavit of intention to run for the office sought, which affidavit shall be substantially in the following form:

TO THE TOWN CLERK

YANKEETOWN, FLORIDA

I DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I AM AT LEAST 18 YEARS OF AGE, THAT I AM A RESIDENT OF THE TOWN OF YANKEETOWN, THAT I AM REGISTERED TO VOTE IN LEVY COUNTY, AND THAT I AM QUALIFIED TO VOTE AND HOLD OFFICE UNDER THE LAWS OF THE STATE OF FLORIDA AND OF THE TOWN OF YANKEETOWN.

I DO HEREBY DECLARE AND FILE MY INTENTION TO RUN FOR THE OFFICE OF

SIGNED: _____

DATE: _____

(Code 2015, ch. 7, art. III, § 7-7; Ordinance reference 4)

Sec. 8-56. - Who may qualify.

Any qualified elector of the town may qualify for any elective office of the town, and shall not be required to pay any fee for qualification for any office.

(Code 2015, ch. 7, art. III, § 7-9; Ordinance reference 4)

Secs. 8-57—8-85. - Reserved.

ARTICLE IV. - ELECTION BOARD

Sec. 8-86. - Appointment.

The town council, upon recommendation by the mayor, shall appoint a chairperson and member of an election board sufficient to satisfy the needs of the town, and the requirements of the state statutes which are applicable to municipal elections.

(Code 2015, ch. 7, art. IV, § 7-10; Ordinance reference 4)

Sec. 8-87. - Compensation.

The election board shall be compensated at not less than minimum wage.

(Code 2015, ch. 7, art. IV, § 7-11; Ordinance reference 4)

Sec. 8-88. - Duties.

The duties of the election board, the carrying out of which shall be the responsibility of the chairperson, shall be as follows:

- (1) Ensuring that the necessary registration books are obtained from the county supervisor of elections and returned to said supervisor.
- (2) Opening and maintaining the polling place in accordance with the requirements of this chapter and of the applicable provisions of state statutes.
- (3) Closing the polls in accordance with the terms of this chapter and of the applicable provision of state statutes.
- (4) Counting the ballots cast in the election, and verifying and counting the vote-by-mail ballots cast in the election on the night of the election.
- (5) Posting the results of the election on the night of the election, and providing the results to the town council for verification as hereinafter provided in this chapter.
- (6) Determining the number of observers which shall be admitted to the polling place during the voting and compilation of results, provided that each candidate may have one poll watcher throughout the proceedings.

(Code 2015, ch. 7, art. IV, § 7-12; Ord. No. 00-03, § 1, 5-1-2000; Ordinance reference 4)

Secs. 8-89—8-119. - Reserved.

ARTICLE V. - DURATION AND POLLING OF ELECTIONS

Sec. 8-120. - Frequency.

There shall be a regular municipal election every year for the purpose of selecting the elected town officials. The mayor and two councilmembers shall be elected in accordance with the Charter.

(Code 2015, ch. 7, art. V, § 7-14; Ordinance reference 4)

Sec. 8-121. - Times.

The polls shall be open at the voting places at 7:00 a.m. on the date of the election, and shall be kept open until 7:00 p.m. of the same day, and the time shall be regulated by the customary time in standard use in the locality.

(Code 2015, ch. 7, art. V, § 7-16; Ordinance reference 4)

Secs. 8-122—8-140. - Reserved.

ARTICLE VI. - REGISTRATION OF ELECTORS

Sec. 8-141. - Proof.

The election board of the town may, at any election, require proof from any elector of his current, valid registration, and of his residency within the corporate limits of the town as required by F.S. § 101.043.

(Code 2015, ch. 7, art. VII, § 7-19; Ordinance reference 4)

Sec. 8-142. - Supervisor of elections.

Registration for electors for the town shall be accomplished solely through the office of the supervisor of elections of the county.

(Code 2015, ch. 7, art. VII, § 7-20; Ordinance reference 4)

Secs. 8-143—8-167. - Reserved.

ARTICLE VII. - VOTING

Sec. 8-168. - Applicability of state election laws.

All municipal primary elections, runoff elections and special elections of the town shall be held and conducted according to the election laws of the state except as amended by this chapter or unless such statutes are made inapplicable by reason of such changes.

(Code 2015, ch. 7, art. IX, § 7-22; Ordinance reference 4)

State Law reference— The Florida Election Code, F.S. chs. 98—106; municipal elections, generally, F.S. § 100.3605.

Sec. 8-169. - General procedures.

- (a) Each elector shall be given a ballot by a member of the election board. Before delivering the ballot to the elector, one member of the election board shall write his initials or name on the stub attached to the ballot; then the elector shall, without leaving the polling place, retire alone to a booth or compartment provided, and place an "X" mark after the name of the candidates of his choice for each

office to be filled, and likewise make an "X" after the answer he desires in case of any other questions submitted to a vote.

- (b) After preparing his ballot, the elector shall fold the ballot so as to conceal the face and show the stub attached with the name or initials of the inspector, and hand it to the receiving inspector who shall detach the stub and return the ballot to the elector to deposit in the ballot box in the presence of the inspectors. The detached stubs are numbered consecutively and filed by the inspectors.

(Code 2015, ch. 7, art. IX, § 7-23; Ordinance reference 4)

Sec. 8-170. - Portions invalid.

- (a) If an elector marks more names than there are persons to be elected to an office, or if it is impossible to determine the elector's choice, his ballot shall not be counted for the office, but this shall not invalidate the ballot as to those names which are properly marked.
- (b) No ballot shall be voided or declared invalid in any election by reason of the fact that the same is marked other than with an "X," so long as there is a clear indication thereon to the election officials that the person marking such ballot has made a definite choice, and provided further, that the mark placed on said ballot with respect to any candidate by any such voter shall be located in the square on the ballot opposite such candidate's name.

(Code 2015, ch. 7, art. IX, § 7-24; Ordinance reference 4)

State Law reference— Similar provisions, F.S. §§ 101.5614(6), 101.011(2).

Sec. 8-171. - Spoiled ballots.

Any elector who shall, by mistake, spoil a ballot so he cannot safely vote the same, may return it to a member of the election board who shall immediately detach the stub and place the ballot into a spoiled ballot envelope the ballot without examination and give the elector another ballot. In no case shall an elector be furnished with more than three ballots, or carry a ballot outside the polling room.

(Code 2015, ch. 7, art. IX, § 7-25; Ordinance reference 4)

State Law reference— Similar provisions, F.S. § 101.5608.

Sec. 8-172. - Voting lists.

The election board shall keep a list of those persons voting and shall prevent any person from voting a second time.

(Code 2015, ch. 7, art. IX, § 7-26; Ordinance reference 4)

Chapter 10 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Sec. 10-1. - Fire liaison designations to serve council and fire and rescue.

One member of the town council shall be designated each year to serve as fire liaison, whose duties shall be to act as liaison between council and fire and rescue and to receive requests and reports from

fire and rescue and present those to the town council. These reports may include, but are not limited to, fire and rescue's annual budget.

(Code 2015, ch. 8, art. I, § 8-1; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

Sec. 10-2. - Special police power.

All regularly-appointed members of fire and rescue are hereby given the necessary special police powers to enforce the provisions of this chapter.

(Code 2015, ch. 8, art. III, § 8-11; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

Secs. 10-3—10-22. - Reserved.

ARTICLE II. - BUDGET

Sec. 10-23. - Annual.

The town council, as part of its annual budget preparation, shall include a budget item for fire and rescue.

(Code 2015, ch. 8, art. II, § 8-9; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

Sec. 10-24. - Expenditures, accrual and approval.

Any funds not expended by fire and rescue during any fiscal year shall be placed in an account to accrue, to the use and benefit of fire and rescue, at the conclusion of the fiscal year. Expenditures from said account shall not be made until approved by town council.

(Code 2015, ch. 8, art. II, § 8-10; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

Secs. 10-25—10-51. - Reserved.

ARTICLE III. - PROHIBITED ACTS

Sec. 10-52. - False alarms.

No person shall maliciously turn in, or cause to be turned in, a false alarm.

(Code 2015, ch. 8, art. VII, § 8-22; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

State Law reference— False alarms, F.S. § 806.101.

Sec. 10-53. - Fire hose.

No person shall drive any vehicle over a fire hose except upon specific orders from the chief or other officer in charge where the hose is being used.

(Code 2015, ch. 8, art. VII, § 8-23; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

State Law reference— Crossing fire hose, F.S. § 316.2034.

Sec. 10-54. - Parking.

No person shall park any vehicle or otherwise cause any obstruction to be placed within ten feet of the entrance to any fire station or other place where fire apparatus is stored, or within ten feet of any fire hydrant.

(Code 2015, ch. 8, art. VII, § 8-24; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

State Law reference— Stopping, standing, or parking prohibited in specified places, F.S. § 316.1945.

Secs. 10-55—10-81. - Reserved.

ARTICLE IV. - PENALTIES

Sec. 10-82. - Violation; penalty.

Any person found in violation of any provision of this chapter shall be punished as provided in section 1-9.

(Code 2015, ch. 8, art. VIII, § 8-25; Ord. No. 99-12, § 1, 10-11-1999; Ordinance Reference 140)

Secs. 10-83—10-107. - Reserved.

ARTICLE V. - FIRE PROTECTION ASSESSMENTS

Sec. 10-108. - 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:

Annual rate resolution means the resolution described in section 10-119, establishing the rate at which a fire protection assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a fire protection assessment is imposed or re-imposed.

Assessed property means all parcels of land included on the assessment roll that receive a special benefit from the delivery of the fire protection services, programs or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution and on which a fire protection assessment is imposed.

Assessment roll means the special assessment roll relating to a fire protection assessment approved by a final assessment resolution pursuant to section 10-117 or an annual rate resolution pursuant to section 10-119.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. The term "building" shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, recreational vehicles, or the like for residential purposes.

Building permit, for purposes of any interim assessments imposed pursuant to this article, means an official document or certificate issued by the town or by its authorized designee, under the authority of

ordinance or law, authorizing the construction or siting of any building within the town. For purposes of this article, the term "building permit" shall also include set up or tie down permits for those structures or buildings, such as a mobile home, that do not require a building permit in order to be constructed.

Final assessment resolution means the resolution described in section 10-117 which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of fire protection assessments.

Fire protection assessed cost or assessed cost means the amount determined by the town council to be assessed in any fiscal year to fund all or any portion of the cost of the provision of fire protection services, facilities, or programs, referred to collectively in this article as fire protection services, which provide a special benefit to assessed property, and may include, but is not limited to, the following components:

- (1) The cost of physical construction, reconstruction or completion of any required facility or improvement;
- (2) The costs incurred in any required acquisition or purchase;
- (3) The cost of all labor, materials, machinery, and equipment;
- (4) The cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (5) The cost of computer services, data processing, and communications;
- (6) The cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;
- (7) The cost of any indemnity or surety bonds and premiums for insurance;
- (8) The cost of salaries, volunteer pay, workers' compensation insurance, pension or other employment benefits;
- (9) The cost of uniforms, training, travel, and per diem;
- (10) The cost of construction plans and specifications, surveys and estimates of costs;
- (11) The cost of engineering, financial, legal, and other professional services;
- (12) The costs of compliance with any contracts or agreements entered into by the town to provide fire protection services;
- (13) All costs associated with the structure, implementation, collection, and enforcement of the fire protection assessments, including any service charges of the tax collector and/or property appraiser and amounts necessary to offset discounts received for early payment of fire protection assessments pursuant to the Uniform Assessment Collection Act or for early payment of fire protection assessments collected pursuant to section 10-126;
- (14) All other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire protection services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the town council by subsequent resolution;
- (15) A reasonable amount for anticipated delinquencies and uncollectible fire protection assessments;
- (16) Reimbursement to the town or any other person for any monies advanced for any costs incurred by the town or such person in connection with any of the foregoing components of fire protection assessed cost; and
- (17) A reasonable amount for reserves and/or contingencies. Fire protection assessed costs may, as determined by council, include costs incurred directly or indirectly by the town and costs incurred by another entity for the provision of fire protection services within the town. In the event the town also imposes an impact fee upon new growth or development for fire protection related capital improvements, the fire protection assessed cost shall not include costs attributable to

capital improvements necessitated by new growth or development that will be paid by such impact fees.

Fire protection assessment means a special assessment lawfully imposed by the town council against assessed property to fund all or any portion of the cost of the provision of fire protection services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Fire protection services include, but are not limited to, fire suppression, prevention, education and inspection services and first response medical services (also referred to as basic life support or BLS) as well as equipment, materials, vehicles and capital facilities used in providing such fire protection services. References to fire-rescue services in the context of this article, other documents related to the services and assessments described in this article, and the fire protection assessments imposed by the town shall refer to fire protection services, as defined herein. Fire protection services provided by the town may, at the discretion of the council, be provided by the town, the county, any other local government and/or a private contractor using volunteers, employees or some combination of the above. Fire protection services, as defined in this article, shall not include advanced life support (ALS) services of the type disallowed by the Florida Supreme Court in *City of North Lauderdale v. SMM Properties, Inc.*, 825 So.2d 343 (Fla. 2002).

Fiscal year means that period commencing October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the town.

Government property means property owned by the United States of America or any agency thereof, a sovereign state or nation, the state or any agency thereof, a county, a special district or a municipal corporation.

Initial assessment resolution means the resolution described in section 10-113 which shall be the initial proceeding for the identification of the fire protection assessed cost for which an assessment is to be made and for the imposition of a fire protection assessment.

Maximum assessment rate means the highest rate of a fire protection assessment established by the town council in an initial assessment resolution or preliminary rate resolution and confirmed by the town council in the final assessment resolution or annual rate resolution.

Ordinance means this fire protection assessment article and may also be referred to as chapter 10 or this chapter.

Owner means the person reflected as the owner of assessed property on the tax roll.

Preliminary rate resolution means the resolution described in section 10-119 initiating the annual process for updating the assessment roll and directing the re-imposition of fire protection assessments pursuant to an annual rate resolution.

Property appraiser means the county property appraiser.

Tax collector means the county tax collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Town clerk means the clerk of the town council.

Town mayor means the elected chief administrative officer of the town, or may refer to the person designated by the town council to be responsible for coordinating fire protection assessments.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-26), 7-7-2016; Ordinance Reference 140)

Sec. 10-109. - Interpretation.

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms hereof, hereby, herein, hereto, hereunder and similar terms refer to this article or this chapter, and the term "hereafter" means after, and the term "heretofore" means before the effective date of the ordinance from which this article is derived or this article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-27), 7-7-2016; Ordinance Reference 140)

Sec. 10-110. - General findings.

It is hereby ascertained, determined, and declared that:

- (1) Pursuant to Florida Constitution article VIII, section 2(b) and F.S. §§ 166.021 and 166.041, the town council has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of town ordinances.
- (2) The town council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the town council may legislate on any subject matter on which the state legislature may act, except those subjects described in F.S. § 166.021(3)(a), (b), (c), and (d). The subject matter of F.S. § 166.021(3)(a), (b), (c), and (d) are not relevant to the imposition of assessments related to fire protection services, facilities or programs of the town. The purpose of the ordinance establishing this article is to provide procedures and standards for the imposition of town-wide fire protection assessments under the general home rule powers of a municipality to impose special assessments; to authorize a procedure for the funding of fire protection services, facilities, or programs providing special benefits to property within the town; and to legislatively determine the special benefit provided to assessed property from the provision of combined fire control and first response medical services by the town under its consolidated fire protection program.
- (3) The town council intends to adopt a resolution, after appropriate advertising and a public hearing, declaring its intent to use the uniform method of collection for non-ad valorem assessments under F.S. § 197.3632. The town will subsequently provide the county property appraiser and the county tax collector with the required notices under F.S. § 197.3632. Fire protection assessments imposed for the fiscal year 2016-2017 will not initially be collected under the Uniform Assessment Collection Act and may be imposed and collected using any alternate procedures authorized by law.
- (4) The annual fire protection assessments to be imposed using the procedures provided in this article shall constitute non-ad valorem assessments within the meaning and intent of this article and the Uniform Assessment Collection Act.
- (5) The fire protection assessments to be imposed using the procedures provided in this article are imposed by the town council, not the county board of county commissioners, property appraiser or tax collector. The duties of the property appraiser and tax collector, under the provisions of this article, and the Uniform Assessment Collection Act are ministerial.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-28), 7-7-2016; Ordinance Reference 140)

Sec. 10-111. - Legislative determination of special benefit to property.

It is hereby ascertained and declared that the fire protection services, as defined in this article, provide a special benefit to property within the town based upon the following legislative determinations:

- (1) Special assessments for fire protection/fire-rescue services have been found valid by state courts with certain limitations. See for example, *Scott Morris v. City of Cape Coral*, No. SC14-350 (Fla. May 7, 2015); *Lake County v. Water Oak Management Corp.*, 695 So.2d 667 (Fla. 1997); *South Trail Fire Control Dist. v. State*, 273 So.2d 380 (Fla. 1973); *Fire Dist. No. 1 of Levy County v. Jenkins*, 221 So.2d 740 (Fla. 1969); *City of North Lauderdale v. SMM Properties, Inc.*, 825 So.2d 343 (Fla. 2002).
- (2) It is hereby ascertained and declared that fire protection services, as defined in this article, constitute special benefit to real property based upon the following legislative determinations that fire protection services are logically related to the ownership, use and enjoyment of real property by:
 - a. Protecting and enhancing the value of improvements and structures by providing and otherwise making available fire protection services;
 - b. Protecting property from brush and forest fires;
 - c. Protecting the life and safety of persons in the use and enjoyment of property by providing and otherwise making available fire protection services;
 - d. Lowering the cost of fire insurance by the presence of professional and comprehensive fire protection services within the town; and
 - e. Reducing the threat that fire will spread and endanger structures and occupants on other property.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-29), 7-7-2016; Ordinance Reference 140)

Sec. 10-112. - General authority.

- (a) The town council is hereby authorized to impose an annual fire protection assessment to fund all or any portion of the fire protection assessed cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the provision of fire protection services, facilities, or programs. All fire protection assessments shall be imposed in conformity with the procedures set forth in this article.
- (b) The amount of the fire protection assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology designed to provide a fair and reasonable apportionment of the fire protection assessed cost among properties on a basis reasonably related to the special benefit provided by fire protection services, facilities, or programs funded with assessment proceeds.
- (c) Nothing contained in this article shall be construed to require the imposition of fire protection assessments against government property.
- (d) The town council may, at its discretion, exempt religious institutions as such religious institutions are defined in F.S. § 170.201(2), from payment of the fire protection assessment. Such exemptions may be established in the initial, final resolution or in a subsequent preliminary or annual resolution, or by separate resolution. The fire protection assessments that would otherwise be paid by such exempt properties shall be paid by the town from legally available funds other than those generated by the fire protection assessment.
- (e) In recognition of difficult economic conditions, the town council may, at its discretion, develop grant or loan programs to assist indigent property owners or other appropriate property owners. Any such

programs may be established in the initial or final resolution, in a subsequent preliminary or annual resolution, or by separate resolution. Any funds provided for such programs shall be paid by the town from legally available funds other than those generated by the fire protection assessments.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-30), 7-7-2016; Ordinance Reference 140)

Sec. 10-113. - Initial proceedings.

The initial proceeding for the imposition of a fire protection assessment shall be the adoption of an initial assessment resolution by the town council, which resolution:

- (1) Contains a brief and general description of the fire protection services, facilities, or programs to be provided;
- (2) Determines the fire protection assessed cost to be assessed;
- (3) Describes the method of apportioning the fire protection assessed cost and the computation of the fire protection assessment for specific properties;
- (4) Establishes an estimated assessment rate for the upcoming fiscal year;
- (5) Establishes a maximum assessment rate, if desired by the town council; and
- (6) Directs the town mayor to prepare the initial assessment roll, as required by section 10-114, publish the notice required by section 10-115, and mail the notice required by section 10-116 using information then available from the tax roll.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-31), 7-7-2016; Ordinance Reference 140)

Sec. 10-114. - Initial assessment roll.

- (a) The town mayor shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:
 - (1) A summary description of all assessed property conforming to the description contained on the tax roll;
 - (2) The name of the owner of record of the assessed property as shown on the tax roll; and
 - (3) The amount of the fire protection assessment to be imposed against each such parcel of assessed property.
- (b) The initial assessment roll shall be retained by the town mayor or town clerk and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the fire protection assessment for each parcel of property can be determined by use of a computer terminal available to the public or available to town staff that will provide such information to the public.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-32), 7-7-2016; Ordinance Reference 140)

Sec. 10-115. - Notice by publication.

Upon completion of the initial assessment roll, the town mayor shall publish, or direct the publication of, once in a newspaper of general circulation within the town, a notice stating that at a meeting of the

town council on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the town council will hear objections of all interested persons to the final assessment resolution which shall establish the rate of assessment and approve or amend the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the uniform assessment collection act. Such notice shall include:

- (1) A geographic depiction of the property subject to the fire protection assessment;
- (2) A brief and general description of the fire protection services, facilities, or programs to be provided;
- (3) The rate of assessment including a maximum assessment rate in the event one was adopted;
- (4) The procedure for objecting provided in section 10-117;
- (5) The method by which the fire protection assessment will be collected; and
- (6) A statement that the initial assessment roll is available for inspection at the office of the town clerk, and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the town clerk.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-33), 7-7-2016; Ordinance Reference 140)

Sec. 10-116. - Notice by mail.

In addition to the published notice required by section 10-115, the town mayor shall provide notice, or direct the provision of notice, of the proposed fire protection assessment by first class mail to the owner of each parcel of property subject to the fire protection assessment. Such notice shall include:

- (1) The purpose of the fire protection assessment;
- (2) The rate of assessment to be levied against each parcel of property, including a maximum assessment rate in the event one was adopted;
- (3) The unit of measurement applied to determine the fire protection assessment;
- (4) The number of such units contained in each parcel of property;
- (5) The total revenue to be collected by the town from the fire protection assessment;
- (6) A statement that failure to pay the fire protection assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;
- (7) A statement that all affected owners have a right to appear at the hearing and to file written objections with the town council within 20 calendar days of the notice; and
- (8) The date, time, and place of the hearing. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The town mayor may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a fire protection assessment imposed by the town council pursuant to this article. The town may utilize the annual Notice of Proposed Property Taxes or TRIM notice prepared and mailed annually by the property appraiser to provide mailed notice of proposed fire protection assessments.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-34), 7-7-2016; Ordinance Reference 140)

Sec. 10-117. - Adoption of final assessment resolution.

At the day and time named in such notice, or to which an adjournment or continuance may be taken by the town council, the town council shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the town council, adopt the final assessment resolution which shall:

- (1) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the town council;
- (2) Establish the rate of assessment to be imposed in the upcoming fiscal year;
- (3) Establish a maximum assessment rate that may be imposed in the event such rate was adopted;
- (4) Approve the initial assessment roll, with such amendments as it deems just and right; and
- (5) Determine the method of collection.

The adoption of the final assessment resolution by the town council shall constitute a legislative determination that all parcels assessed derive a special benefit from the fire protection services, facilities, or programs to be provided or constructed and a legislative determination that the fire protection assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All written objections to the final assessment resolution shall be filed with the town clerk at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which fire protection assessments are imposed or re-imposed hereunder.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-35), 7-7-2016; Ordinance Reference 140)

Sec. 10-118. - Effect of final assessment resolution.

The fire protection assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property; the method of apportionment and assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien of the fire protection assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 calendar days from the date of the town council action on the final assessment resolution. The assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in section 10-126 is used to collect the fire protection assessments, such other official as the town council by resolution shall designate.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-36), 7-7-2016; Ordinance Reference 140)

Sec. 10-119. - Adoption of preliminary and annual assessment resolutions.

- (a) The town council shall adopt an annual rate resolution during its budget adoption process for each fiscal year for which a fire protection assessment is to be imposed hereunder following the initial fiscal year of imposition of fire protection assessments. The adoption of an annual resolution shall have the same force and effect as adoption of a final assessment resolution under section 10-118.
- (b) The initial proceedings for the adoption of an annual rate resolution shall be the adoption of a preliminary rate resolution by the town council:

- (1) Containing a brief and general description of the fire protection services, facilities, or programs to be provided;
 - (2) Determining the fire protection assessed cost to be assessed for the upcoming fiscal year;
 - (3) Establishing the estimated assessment rate for the upcoming fiscal year;
 - (4) Establishing or increasing a maximum assessment rate, if desired by the town council;
 - (5) Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and
 - (6) Directing the town mayor to:
 - a. Update the assessment roll;
 - b. Provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (f) of this section so require; and
 - c. Direct and authorize any supplemental or additional notice deemed proper, necessary or convenient by the town.
- (c) The annual rate resolution shall:
- (1) Establish the rate of assessment to be imposed in the upcoming fiscal year; and
 - (2) Approve the assessment roll for the upcoming fiscal year with such adjustments as the town council deems just and right.

The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.

- (d) Nothing herein shall preclude the town council from providing annual notification to all owners of assessed property in the manner provided in sections 10-115 and 10-116 or any other method as provided by law.
- (e) The town council may establish or increase a maximum assessment rate in an initial assessment resolution or preliminary rate resolution and confirm such maximum assessment rate in the event notice of such maximum rate assessment has been included in the notices required by sections 10-115 and 10-116.
- (f) In the event that:
 - (1) The proposed fire protection assessment for any fiscal year exceeds the rates of assessment adopted by the town council, including a maximum assessment rate, if any, that were listed in the notices previously provided to the owners of assessed property pursuant to sections 10-115 and 10-116;
 - (2) The purpose for which the fire protection assessment is imposed or the use of the revenue from the fire protection assessment is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 10-115 and 10-116;
 - (3) Assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased fire protection assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 10-115 and 10-116; or
 - (4) An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year;

notice shall be provided by publication and first class mail to the owners of such assessed property as provided by law. Such notice shall substantially conform with the notice requirements set forth in sections 10-115 and 10-116 and inform the owner of the date, time, and place for the adoption of the annual rate

resolution. The failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a fire protection assessment imposed by the town council pursuant to this article.

- (g) As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a maximum assessment rate, the assessment roll, and the levy and lien of the fire protection assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 calendar days from the date of the town council action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any fire protection assessment not challenged within the required 20-day period for those fire protection assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.
- (h) The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or if the alternative method described in section 10-126 is used to collect the fire protection assessments, such other official as the town council by resolution shall designate. If the fire protection assessment against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the assessment roll.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-37), 7-7-2016; Ordinance Reference 140)

Sec. 10-120. - Lien of fire protection assessments.

Upon the adoption of the assessment roll, all fire protection assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims until paid. The lien for a fire protection assessment shall be deemed perfected upon adoption by the town council of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for a fire protection assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a fire protection assessment collected under the alternative method of collection provided in section 10-126 shall be deemed perfected upon adoption by the town council of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-38), 7-7-2016; Ordinance Reference 140)

Sec. 10-121. - Revisions to fire protection assessments.

If any fire protection assessment made under the provisions of this article is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the town council is satisfied that any such fire protection assessment is so irregular or defective that the same cannot be enforced or collected, or if the town council has failed to include or omitted any property on the assessment roll which property should have been so included, the town council may take all necessary steps to impose a new fire protection assessment against any property benefited by the fire protection assessed costs, following as nearly as may be practicable, the provisions of this article and in case such second fire protection

assessment is annulled, vacated, or set aside, the town council may obtain and impose other fire protection assessments until a valid fire protection assessment is imposed.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-39), 7-7-2016; Ordinance Reference 140)

Sec. 10-122. - Immateriality of procedural irregularities.

Any informality or irregularity in the proceedings in connection with the levy of any fire protection assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any fire protection assessment as finally approved shall be competent and sufficient evidence that such fire protection assessment was duly levied, that the fire protection assessment was duly made and adopted, and that all other proceedings adequate to such fire protection assessment were duly had, taken, and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-40), 7-7-2016; Ordinance Reference 140)

Sec. 10-123. - Correction of errors and omissions.

- (a) No act of error or omission on the part of the property appraiser, tax collector, town mayor, town council, or their deputies or employees, shall operate to release or discharge any obligation for payment of a fire protection assessment imposed by the town council under the provision of this article.
- (b) When it shall appear that any fire protection assessment should have been imposed under this article against a parcel of property specially benefited by the provision of fire protection services, facilities, or programs, but that such property was omitted from the assessment roll; or such property was erroneously assessed; or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the town council may, upon provision of a notice by mail provided to the owner of the omitted or erroneously assessed parcel in the manner and form provided in section 10-116, impose the applicable fire protection assessment for the fiscal year in which such error or omission is discovered, in addition to the applicable fire protection assessment due for the prior two fiscal years. Such fire protection assessment shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in this Ordinance hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.
- (c) Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the town mayor shall have the authority at any time, upon his own initiative or in response to a timely filed petition from the owner of any property subject to a fire protection assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the fire protection assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the fire protection assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the town mayor and not the property appraiser or tax collector.
- (d) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the town mayor.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-41), 7-7-2016; Ordinance Reference 140)

Sec. 10-124. - Interim assessments.

- (a) An interim fire protection assessment may be imposed against all property for which a building permit is issued after the adoption of the annual rate resolution. The amount of the interim fire protection assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year for which the interim fire protection assessment is being imposed. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim fire protection assessment may also include an estimate of the subsequent fiscal year's fire protection assessment. Issuance of the building permit without the payment in full of the interim fire protection assessment shall not relieve the owner of such property of the obligation of full payment. Any interim fire protection assessment not collected prior to the issuance of the building permit may be collected pursuant to the Uniform Assessment Collection Act as provided in section 10-125, under the alternative collection method provided in section 10-126, or by any other method authorized by law. Any interim fire protection assessment shall be deemed due and payable on the date the building permit was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the building permit.
- (b) In the event a building permit expires prior to completion of the building for which it was issued, and the applicant paid the interim fire protection assessment at the time the building permit was issued, the applicant may, within 90 days of the expiration of the building permit, apply for a refund of the interim fire protection assessment. Failure to timely apply for a refund of the fire protection assessment shall waive any right to a refund.
- (c) The application for refund shall be filed with the town mayor and contain the following:
 - (1) The name and address of the applicant;
 - (2) The location of the property and the tax parcel identification number for the property which was the subject of the building permit;
 - (3) The date the fire protection assessment was paid; and
 - (4) The date the building permit was issued and the date of expiration.
- (d) After verifying that the building permit has expired and that the building has not been completed, the town shall refund the interim fire protection assessment paid for such building.
- (e) A building permit which is subsequently issued for a building on the same property which was subject of a refund shall pay the interim fire protection assessment as required by this section.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-42), 7-7-2016; Ordinance Reference 140)

Sec. 10-125. - General method of collection.

- (a) Unless otherwise directed by motion of the town council, the fire protection assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the town shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law. The town council hereby directs that the alternative method of collection shall be used for fire assessments imposed for fiscal year 2016-2017.

- (b) The amount of a fire protection assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program, provided that the collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, notice is provided to the owner as required under the Uniform Assessment Collection Act, and any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such fire protection assessment upon certification of a non-ad valorem roll to the tax collector by the town.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-43), 7-7-2016; Ordinance Reference 140)

Sec. 10-126. - Alternative method of collection.

In lieu of utilizing the Uniform Assessment Collection Act, the town council may elect to collect the fire protection assessments by any other method which is authorized by law or under the alternative collection method provided by this section:

- (1) The town council shall provide fire protection assessment bills by first class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include:
 - a. A brief explanation of the fire protection assessment;
 - b. A description of the unit of measurement used to determine the amount of the fire protection assessment;
 - c. The number of units contained within the parcel;
 - d. The total amount of the fire protection assessment imposed against the parcel for the appropriate period;
 - e. The location at which payment will be accepted;
 - f. The date on which the fire protection assessment is due; and
 - g. A statement that the fire protection assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
- (2) The town council shall have the right to foreclose and collect all delinquent fire protection assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A fire protection assessment shall become delinquent if it is not paid within 30 days from the date payment was due, as identified in accordance with subsection (1) of this section. The town council or its agent shall notify any property owner who is delinquent in payment of his fire protection assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the town council or its agent will either initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent fire protection assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or cause an amount equivalent to the delinquent fire protection assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.
- (3) All costs, fees and expenses, including reasonable attorney's fees and title search expenses related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the town may be the purchaser to the same extent as any person. The town council or its agent may join in one foreclosure action the collection of fire protection assessments against any or all property

assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the town council and its agents, including reasonable attorney's fees, in collection of such delinquent fire protection assessments and any other costs incurred by the town council as a result of such delinquent fire protection assessments and the same shall be collectible as a part of, or in addition to, the costs of the action.

- (4) In lieu of foreclosure, any delinquent fire protection assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided, however, that notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this chapter, and any existing lien of record on the affected parcel for the delinquent fire protection assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.
- (5) Notwithstanding the town council's use of an alternative method of collection, the town mayor shall have the same power and authority to correct errors and omissions as provided to him or other town officials in section 10-123.
- (6) Any town council action required in the collection of fire protection assessments may be by resolution.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-44), 7-7-2016; Ordinance Reference 140)

Sec. 10-127. - Government property.

- (a) In the event fire protection assessments are imposed against government property, the town council shall provide fire protection assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include the following:
 - (1) A brief explanation of the fire protection assessment;
 - (2) A description of the unit of measurement used to determine the amount of the fire protection assessment;
 - (3) The number of units contained within the parcel;
 - (4) The total amount of the parcel's fire protection assessment for the appropriate period;
 - (5) The location at which payment will be accepted; and
 - (6) The date on which the fire protection assessment is due.
- (b) Fire protection assessments imposed against government property shall be due on the same date as all other fire protection assessments and, if applicable, shall be subject to the same discounts for early payment.
- (c) A fire protection assessment shall become delinquent if it is not paid within 30 days from the date payment was due. The town council shall notify the owner of any government property that is delinquent in payment of its fire protection assessment within 60 days from the date such assessment was due. Such notice may state that the town council will initiate a mandamus or other appropriate judicial action to compel payment.
- (d) All costs, fees and expenses, including reasonable attorney's fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the town, including reasonable attorney's fees, in collection of such delinquent fire protection assessments and any other costs incurred by the town council as a result of such delinquent fire protection assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

- (e) As an alternative to the foregoing, a fire protection assessment imposed against government property may be collected as a surcharge on a utility bill provided to such government property in periodic installments with a remedy of a mandamus action in the event of nonpayment. The town council may contract for such billing services with any utility, whether or not such utility is owned by the town.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-45), 7-7-2016; Ordinance Reference 140)

Sec. 10-128. - Applicability.

The provisions of this article and the town council's authority to impose assessments pursuant hereto shall be applicable throughout the town.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-46), 7-7-2016; Ordinance Reference 140)

Sec. 10-129. - Alternative and additional method.

- (a) This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the town, shall be liberally construed to effect the purposes hereof.
- (b) Nothing herein shall preclude the town council from directing and authorizing, by resolution, the combination with each other of any supplemental or additional notice deemed proper, necessary, or convenient by the town, any notice required by this article, or any notice required by law, including the Uniform Assessment Collection Act.

(Ord. No. 99-12, § 1, 10-11-1999; Ord. No. 2016-03, § 1(8-47), 7-7-2016; Ordinance Reference 140)

Chapter 12 - FLOODPLAIN MANAGEMENT

ARTICLE I. - IN GENERAL

Sec. 12-1. - 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 state 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.

(Code 2015, ch. 9, § 101.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-2. - Intent.

The purposes of this chapter and the flood load and flood-resistant construction requirements of the state building code are to establish minimum requirements to safeguard the public health, safety, and

general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the title 44 CFR 59.22.

(Code 2015, ch. 9, § 101.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-3. - Coordination with the state building code.

This chapter is intended to be administered and enforced in conjunction with the state building code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the state building code.

(Code 2015, ch. 9, § 101.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-4. - Warning.

The degree of flood protection required by this chapter and the state 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 CFR 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.

(Code 2015, ch. 9, § 101.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-5. - Disclaimer of liability.

This chapter shall not create liability on the part of the town 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.

(Code 2015, ch. 9, § 101.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-6. - Scope.

Unless otherwise expressly stated, the following floodplain management words and terms shall, for the purposes of this chapter, have the meanings shown in this article.

(Code 2015, ch. 9, § 201.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-7. - Terms defined in the state building code.

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

(Code 2015, ch. 9, § 201.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-8. - Terms not defined.

Where terms are not defined in this chapter or the state building code, such terms shall have ordinarily accepted meanings such as the context implies.

(Code 2015, ch. 9, § 201.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-9. - 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:

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.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24 means a standard titled Flood-resistant Design and Construction that is referenced by the state building code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

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 term "base flood" is commonly referred to as the "100-year flood" or the "1-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 1612.2.)

Coastal construction control line means the line established by the state pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V.

Design flood means the flood associated with the greater of the following two areas:

- (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.

(Also defined in FBC, B, section 1612.2.)

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. 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 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.

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.

Existing building and existing structure means any buildings and structures for which the start of construction commenced before August 20, 1971. [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 20, 1971.

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).

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

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(Also defined in FBC, B, section 1612.2.)

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 1612.2.)

Flood hazard area means the greater of the following two areas:

- (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.

(Also defined in FBC, B, section 1612.2.)

Flood insurance rate map (FIRM) means 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) 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 1612.2.)

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 1612.2.)

Floodway encroachment analysis means 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 state-licensed engineer using standard engineering methods and models.

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 and all other codes adopted as part of the Florida Building Code.

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 "functionally-dependent use" does not include long-term storage or related manufacturing facilities.

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 12 Historic Buildings.

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 the following:

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. 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.

Letter of map amendment (LOMA) means 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. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Light-duty truck, as defined in 40 CFR 86.082-2, means 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;
- (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 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 state building code or ASCE 24. (Also defined in FBC, B, section 1612.2.)

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 F.A.C. 15C-1.0101)

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 "market value" 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 determined by the property appraiser divided by 0.80 to approximate market value.

New construction, for the purposes of administration of this chapter and the flood-resistant construction requirements of the state building code, structures for which the start of construction commenced on or after August 20, 1971, and includes any subsequent improvements to such structures.

New 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 on or after August 20, 1971.

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).

Recreational vehicle means a vehicle, including a park trailer, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;

- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(Defined in F.S. § 320.01.)

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means 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 means the date of issuance of permits for new construction and substantial improvements, 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, and/or 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 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 1612.2.)

Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The five-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this chapter is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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

(Also defined in FBC, B, section 1612.2.)

Variance means a grant of relief from the requirements of this chapter, or the flood-resistant construction requirements of the state building code, which permits construction in a manner that would not otherwise be permitted by this chapter or the state building code.

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

(Code 2015, ch. 9, § 202; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-10—12-36. - Reserved.

ARTICLE II. - APPLICABILITY

Sec. 12-37. - Conflict between general and specific requirements.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Code 2015, ch. 9, § 102.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-38. - Areas to which this article applies.

This article shall apply to all flood hazard areas within the town, as established in section 12-39.

(Code 2015, ch. 9, § 102.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-39. - Basis for establishing flood hazard areas.

The flood insurance study for the county and incorporated areas dated January 18, 2019, 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 article 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 town hall.

(Code 2015, ch. 9, § 102.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-40. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to article V of this chapter, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state-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 article and, as applicable, the requirements of the state 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.

(Code 2015, ch. 9, § 102.3.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-41. - Other laws.

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(Code 2015, ch. 9, § 102.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-42. - Abrogation and greater restrictions.

This article 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 state building code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(Code 2015, ch. 9, § 102.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-43. - Interpretation.

In the interpretation and application of this article, 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.

(Code 2015, ch. 9, § 102.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-44—12-74. - Reserved.

ARTICLE III. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 12-75. - Designation.

The zoning official/building inspector is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Code 2015, ch. 9, § 103.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-76. - General administration and enforcement.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to article VII of this chapter.

(Code 2015, ch. 9, § 103.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-77. - 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 article;

- (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 state building code, including buildings, structures and facilities exempt from the state building code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the building official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(Code 2015, ch. 9, § 103.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-78. - 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. The determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of the term "substantial improvement"; 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 state building code and this article is required.

(Code 2015, ch. 9, § 103.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-79. - Modifications of the strict application of the requirements of the state 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 state building code to determine whether such requests require the granting of a variance pursuant to article VII of this chapter.

(Code 2015, ch. 9, § 103.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-80. - Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(Code 2015, ch. 9, § 103.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-81. - Inspections.

The floodplain administrator shall make the required inspections as specified in article VI of this chapter for development that is not subject to the state building code, including buildings, structures and facilities exempt from the state building code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Code 2015, ch. 9, § 103.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-82. - Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including, but not limited to, the following:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 12-78;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the state 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 article and the state building code to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the town are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, which are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Code 2015, ch. 9, § 103.8; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-83. - 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 article and the flood-resistant construction requirements of the state building code, including flood insurance rate maps; letters of map 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 state building code and this article; 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 article and the flood-resistant construction requirements of the state building code. These records shall be available for public inspection at town hall.

(Code 2015, ch. 9, § 103.9; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-84—12-109. - Reserved.

ARTICLE IV. - PERMITS

Sec. 12-110. - Required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the state 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 and approval. No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(Code 2015, ch. 9, § 104.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-111. - Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the state building code, including buildings, structures and facilities exempt from the state 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.

(Code 2015, ch. 9, § 104.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-112. - Buildings, structures and facilities exempt from the state building code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the state building code and any further exemptions provided by law, which are subject to the requirements of this article:

- (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 subsection, 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 onsite or preassembled and delivered onsite 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 state building code if such structures are located in flood hazard areas established on flood insurance rate maps.

(Code 2015, ch. 9, § 104.2.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-113. - 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, 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 V 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.

(Code 2015, ch. 9, § 104.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-114. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the state 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.

(Code 2015, ch. 9, § 104.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-115. - Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Code 2015, ch. 9, § 104.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-116. - 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 article or any other ordinance, regulation or requirement of this community.

(Code 2015, ch. 9, § 104.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-117. - 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 Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and F.A.C. ch. 64E-6.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
- (5) 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, 44 CFR 1344.
- (6) Federal permits and approvals.

(Code 2015, ch. 9, § 104.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-118—12-147. - Reserved.

ARTICLE V. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 12-148. - Information for development in flood hazard areas.

- (a) The site plan or construction documents for any development subject to the requirements of this article 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, base flood elevation, 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 section 12-149(2) or (3).
 - (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 section 12-149(1).

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - (7) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
 - (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.
 - (9) Existing and proposed alignment of any proposed alteration of a watercourse.
 - (10) Evidence that the interior portion of any enclosed area below the lowest floor of an elevated building is not partitioned into separated rooms and that the access to the enclosed area is the minimum necessary to allow for the limited uses.
 - (11) Any other information as may be required by the floodplain administrator.
- (b) The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article 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 article.

(Code 2015, ch. 9, § 105.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-149. - Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices;
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source;
- (3) Where base flood elevation and floodway data are not available from another source, where available, the data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is 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 state-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.

(Code 2015, ch. 9, § 105.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-150. - 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 state-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 12-151 and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates 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 12-151.
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- (5) Any other information as may be required by the floodplain administrator.

(Code 2015, ch. 9, § 105.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-151. - 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 state-licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Code 2015, ch. 9, § 105.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-152—12-170. - Reserved.

ARTICLE VI. - INSPECTIONS

Sec. 12-171. - General requirement.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(Code 2015, ch. 9, § 106.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-172. - Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Code 2015, ch. 9, § 106.1.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-173. - Buildings, structures and facilities exempt from the state building code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the state building code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Code 2015, ch. 9, § 106.1.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-174. - Buildings, structures and facilities exempt from the state building code, lowest floor inspection.

Within 21 calendar days of placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the state 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 state-licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 12-149(3)b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(Code 2015, ch. 9, § 106.1.2.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-175. - Buildings, structures and facilities exempt from the state building code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 12-174.

(Code 2015, ch. 9, § 106.1.2.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-176. - Manufactured homes.

The floodplain administrator or building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator or building official.

(Code 2015, ch. 9, § 106.1.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-177—12-205. - Reserved.

ARTICLE VII. - VARIANCES AND APPEALS

Sec. 12-206. - Authority to hear appeals, request variances.

The board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the state building code. This section does not apply to section 3109 of the Florida Building Code, Building.

(Code 2015, ch. 9, § 107.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-207. - Appeals procedure.

The board of adjustment 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 article. Any person aggrieved by the decision of board of adjustment may appeal such decision to the circuit court, as provided by state statutes.

(Code 2015, ch. 9, § 107.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-208. - Limitations on authority to grant variances.

The board of adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 12-212, the conditions of issuance set forth in section 12-213, and the comments and recommendations of the floodplain administrator and the building official. The board of adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(Code 2015, ch. 9, § 107.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-209. - 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 12-150.

(Code 2015, ch. 9, § 107.3.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-210. - Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of an historic building that is determined eligible for the exception to the flood-resistant construction requirements of the state 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 an 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 an 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 state building code.

(Code 2015, ch. 9, § 107.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-211. - 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 article, provided the variance meets the requirements of section 12-209, 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.

(Code 2015, ch. 9, § 107.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-212. - Considerations for issuance of variances.

In reviewing requests for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the state building code, this article, 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.

(Code 2015, ch. 9, § 107.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-213. - 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 article or the required elevation standards;
- (2) Determination by the board of adjustment 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.

(Code 2015, ch. 9, § 107.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-214—12-234. - Reserved.

ARTICLE VIII. - VIOLATIONS

Sec. 12-235. - Enforcement; penalties.

Any development that is not within the scope of the state building code, but that is regulated by this article, that is performed without an issued permit, that is in conflict with an issued permit including any conditions of approval, or that does not fully comply with this article, shall be deemed a violation of this article. 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 article or the state building code is presumed to be a violation until such time as that documentation is provided. In addition to any other allowable penalties or procedures allowed by state or local law for enforcement of violations of this article, violations of this article may be punishable as a non-criminal violation, subject to a fine of up to \$500.00 for each violation, for each day the violation continues, and subject to payment of all costs and expenses incurred by the county in prosecution and administration of the case. Each day any violation continues shall be considered a separate offense. Nothing herein shall prevent the floodplain administrator or other county official from issuing a stop-work order until any violation is remedied or taking such other lawful actions as are necessary to prevent, prosecute, or remedy any violation.

(Code 2015, ch. 9, § 108.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-236. - Authority.

For development that is not within the scope of the state building code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve

notices of violation or stop-work orders to owners of the property involved, to the owner's agent, or to the person performing the work.

(Code 2015, ch. 9, § 108.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-237. - Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop-work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Code 2015, ch. 9, § 108.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-238—12-267. - Reserved.

ARTICLE IX. - FLOOD-RESISTANT DEVELOPMENT

Sec. 12-268. - Design and construction of buildings, structures and facilities exempt from the state building code.

Pursuant to section 12-112, buildings, structures, and facilities that are exempt from the state 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 state building code that are not walled and roofed buildings shall comply with the requirements of article XV of this chapter.

(Code 2015, ch. 9, § 301.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-269. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the state building code, building section 3109 and section 1612, or state building code, residential section R322.
- (2) Minor structures and nonhabitable major structures, as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

(Code 2015, ch. 9, § 301.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-270—12-286. - Reserved.

ARTICLE X. - SUBDIVISIONS

Sec. 12-287. - 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.

(Code 2015, ch. 9, § 302.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-288. - 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 section 12-149(1); and
- (3) Compliance with the site improvement and utilities requirements of article XI of this chapter.

(Code 2015, ch. 9, § 302.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-289—12-309. - Reserved.

ARTICLE XI. - SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS

Sec. 12-310. - 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.

(Code 2015, ch. 9, § 303.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-311. - 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 F.A.C. ch. 64E-6 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.

(Code 2015, ch. 9, § 303.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-312. - Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in F.A.C. 62-532.500 and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Code 2015, ch. 9, § 303.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-313. - Limitations on sites in regulatory floodways.

No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 12-150(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Code 2015, ch. 9, § 303.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-314. - Limitations on placement of fill.

Subject to the limitations of this article, 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 state building code.

(Code 2015, ch. 9, § 303.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-315. - Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by section 12-150(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 12-427(3).

(Code 2015, ch. 9, § 303.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-316—12-333. - Reserved.

ARTICLE XII. - MANUFACTURED HOMES

Sec. 12-334. - General compliance and installation requirements.

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 F.A.C. ch. 15C-1 and this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(Code 2015, ch. 9, § 304.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-335. - Limitation on new installations in flood hazard areas.

New installations of manufactured homes shall not be permitted in floodways and in coastal high hazard areas (Zone V).

(Code 2015, ch. 9, § 304.1.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-336. - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazards areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the state building code, residential section R322.2 and this article.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the state building code, residential section R322.3 and this article. Foundations for manufactured homes subject to section 12-340 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(Code 2015, ch. 9, § 304.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-337. - 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.

(Code 2015, ch. 9, § 304.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-338. - Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with section 12-339 or 12-340, as applicable.

(Code 2015, ch. 9, § 304.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-339. - General elevation requirement.

Unless subject to the requirements of section 12-340, all manufactured homes that are placed, replaced, or substantially improved on sites located outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or 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 state building code, residential section R322.2 (Zone A) or section R322.3 (Zone V).

(Code 2015, ch. 9, § 304.4.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-340. - Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to section 12-339, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the state building code, Residential section R322.2 (Zone A) or section R322.3 (Zone V); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(Code 2015, ch. 9, § 304.4.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-341. - Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the state building code, residential section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(Code 2015, ch. 9, § 304.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-342. - 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 state building code, Residential Section R322, as applicable to the flood hazard area.

(Code 2015, ch. 9, § 304.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-343—12-372. - Reserved.

ARTICLE XIII. - RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 12-373. - 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.

(Code 2015, ch. 9, § 305.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-374. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 12-373 for temporary placement shall meet the requirements of article XII of this chapter for manufactured homes.

(Code 2015, ch. 9, § 305.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-375—12-391. - Reserved.

ARTICLE XIV. - TANKS

Sec. 12-392. - 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.

(Code 2015, ch. 9, § 306.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-393. - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 12-394 shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

(Code 2015, ch. 9, § 306.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-394. - 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.

(Code 2015, ch. 9, § 306.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-395. - 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.

(Code 2015, ch. 9, § 306.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-396—12-418. - Reserved.

ARTICLE XV. - OTHER DEVELOPMENT

Sec. 12-419. - General requirements.

All development, including manmade changes, to improved or unimproved real estate for which specific provisions are not specified in this article or the state building code, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of section 12-313 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 or meet the requirements of ASCE 24, 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.

(Code 2015, ch. 9, § 307.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-420. - 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 12-313.

(Code 2015, ch. 9, § 307.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-421. - 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 12-313.

(Code 2015, ch. 9, § 307.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-422. - 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 12-313. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 12-150(3).

(Code 2015, ch. 9, § 307.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-423. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to:

- (1) Be structurally independent of the foundation system of the building or structure;
- (2) Be frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four inches.

(Code 2015, ch. 9, § 307.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-424. - Decks and patios in coastal high hazard areas (Zone V).

In addition to the requirements of the state building code, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(Code 2015, ch. 9, § 307.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-425. - Accessory structures in coastal high hazard areas (Zone V).

Detached accessory structures that are 150 square feet or less in area are permitted below the base flood elevation provided the structures comply with section 12-419.

(Code 2015, ch. 9, § 307.6.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-426. - Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include, but are not limited to the following:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, FAC, as filled systems or mound systems.

(Code 2015, ch. 9, § 307.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-427. - Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the state department of environmental protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Code 2015, ch. 9, § 307.8; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-428—12-452. - Reserved.

ARTICLE XVI. - ADMINISTRATIVE AMENDMENTS TO FLORIDA BUILDING CODE

Sec. 12-453. - Adoption of amendments.

This Code is hereby amended by the following administrative amendments to the state building code, building chapter 1 that are required for consistency with the NFIP and technical amendments to the state building code to adopt certain higher standards for the purpose of qualifying for participating in the NFIP's community rating system, pursuant to F.S. § 553.73(5).

- (1) Adopt a new local administrative amendment to state building code, building section 104.10.1 as follows:
 - 104.10.1 Modifications of the strict application of the requirements of the state building code. The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood-

resistant construction requirements of the state building code to determine whether such requests require the granting of a variance pursuant to section 117.

- (2) Adopt a new local administrative amendment to state building code, building section 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR sections 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and section 107.6, shall not extend to the flood load and flood resistance construction requirements of the state building code.

- (3) Adopt a new local administrative amendment to state building code, building section 117 as follows:

Article XVII. Variances in Flood Hazard Areas.

117.1 Flood hazard areas. Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the building official for variances to the provisions of section 1612.4 of the state building code, Building or, as applicable, the provisions of R322 of the state building code, Residential. This section shall not apply to section 3109 of the state building code, Building.

- (4) Adopt a new local technical administrative amendment to state building code, residential section 322.2.1 as follows.

(Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-454. - State building code, residential.

Modify section R322.2.1 as follows:

R322.2.1 Elevation requirements. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one foot (305 mm), or to the design flood elevation, whichever is higher.

In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus one foot, or at least three feet if a depth number is not specified.

Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus one foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of section R322.2.2.

Adopt a new local technical amendment to state building code, residential section 322.3.2 as follows.

(Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-455. - State building code, residential (cont.).

Modify section R322.3.2 as follows:

R322.3.2 Elevation requirements. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:

Located at or above the base flood elevation plus one foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach; or

Located at the base flood elevation plus two feet, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.

Basement floors that are below grade on all sides are prohibited.

The use of fill for structural support is prohibited.

Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of sections R322.3.4 and R322.3.5.

- (1) Adopt a new local technical administrative amendment to state building code, building section 1612.2 as follows:

Substantial improvement.

Any combination of repair (excluding general routine maintenance), reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The five-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this section is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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 ensure safe living conditions.

Any alteration of an historic structure, provided the alteration will not preclude the structure's continued designation as an historic structure.

(Also defined in FBC, B, section 1612.2.)

- (2) Adopt a new local technical administrative amendment to state building code, existing building section 202 as follows:

Substantial improvement.

Any combination of repair (excluding general routine maintenance), reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The five-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this section is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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 ensure safe living conditions.

Any alteration of an historic structure, provided the alteration will not preclude the structure's continued designation as an historic structure.

(Also defined in FBC, B, section 1612.2.)

(Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Chapter 14 - HEALTH AND HUMAN SERVICES

ARTICLE I. - IN GENERAL

Sec. 14-1. - State sanitary code adopted.

The rules and regulations now promulgated or hereafter promulgated by the state department of health, pursuant to F.S. ch. 381 (1979), or any amendments thereto, known as "The Sanitary Code of the State of Florida," is hereby adopted as the sanitary code of the town.

(Code 2015, ch. 11, art. XII, § 11-17)

Secs. 14-2—14-20. - Reserved.

ARTICLE II. - EXCAVATION AND FILL

Sec. 14-21. - Depth.

- (a) In all zones, there shall be no excavation, cut or fill of earth or debris which shall change the level of the land greater than three feet above or below street level nor shall any curb be cut or access opened onto a public street without first obtaining a permit from the zoning official.
- (b) Any excavation greater than five feet below grade shall be filled or surrounded by a substantial fence adequate to deny children access to the area.

(Code 2015, ch. 11, art. I, § 11-1)

Sec. 14-22. - Limitations and permits.

Activities which require dredging and filling of marine or freshwater wetlands and the Withlacoochee River, including development of water-related uses or new canals, shall be prohibited, except where the following conditions are met:

- (1) The project must be approved through the federal and state permitting agencies, including SWFWMD, FDEP and the USACOE, as required.
- (2) No fill activities shall be permitted which restrict circulation of estuarine water.
- (3) The activity is demonstrated to be necessary to the public interest, and the applicant must demonstrate (through a professionally prepared study by environmental professionals) that such activity will not degrade surface water quality, cause saltwater intrusion of the potable water supply, or negatively impact manatee habitat.
- (4) Dredging of existing canals shall be allowed for maintenance purposes only.

- (5) Marinas must be located on the upland portions of property, preventing the need for dredge and fill.
- (6) No excavations or cut of any kind below the level of any road, street or highway shall be permitted in any district, nor shall any fill above street level be made in such areas unless:
 - a. In conjunction with the construction or maintenance of a building, swimming pool, docking facility, or to secure adequate drainage of a lot; and
 - b. A permit has been issued by the town zoning official for the excavation, cut or fill itself or for the structure being constructed in conjunction therewith. If the activity involves dredging or filling of marine or freshwater wetlands, the town shall not issue a permit until the applicant demonstrates that necessary permits have been obtained from SWFWMD, FDEP and the USACOE. Activities which are proposed below the mean high water line of the Withlacoochee River or coastal wetlands shall demonstrate proof of permitting from the department of natural resources.

(Code 2015, ch. 11, art. I, § 11-2)

Sec. 14-23. - Restoration.

In the event the building operation is discontinued prior to completion, the excavated materials or similar materials shall be returned to the place from which they were removed and fill materials above street level shall be removed from the area so filled so as to restore the lot to street level.

(Code 2015, ch. 11, art. I, § 11-3)

Sec. 14-24. - Setbacks.

No excavation of any character shall be allowed in any zone within 25 feet of any right-of-way line of any property line unless said excavation is to be immediately refilled with material of a suitable character.

(Code 2015, ch. 11, art. I, § 11-4)

Secs. 14-25—14-51. - Reserved.

ARTICLE III. - GARBAGE COLLECTION AND DISPOSAL

Sec. 14-52. - 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:

Bulk waste means stoves, ovens, refrigerators, water tanks, washing machines, ovens, TVs, couches, recliners, tables, bathtubs, toilets, sinks, other than construction debris, hazardous waste, solid waste, garbage, yard waste, refuse or rubbish.

Construction debris means solid waste consisting of building materials resulting from construction, remodeling, repair or demolition operations including rugs and any clean recyclable materials.

Garbage means all refuse accumulation or animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in, or storage of, meats, fish, fowl, fruit, or vegetables. Any matter which may serve as breeding or feeding material for flies or other germ-carrying insects.

Garbage can means a metal or plastic can of the type commonly sold as a garbage can. Such cans shall have a tight-fitting cover.

Hazardous waste means any waste as defined or characterized as hazardous by the United States Environmental Protection Agency or appropriate state agency pursuant to state or federal law. Hazardous waste which may include, but is not limited to, motor oil, gasoline, paint, paint cans, items containing freon and items containing chlorofluorocarbons.

Recyclable materials means glass, plastics, bottles, cans, old newspapers, paper and cardboard.

Refuse means both rubbish and garbage or a combination or mixture of rubbish and garbage, including paper, glass, metal, textile materials, and other discarded matter.

Resident means anyone who is either an owner or renter of any improved property within the town.

Rubbish means waste material other than garbage, usually attendant to domestic households or housekeeping, and attendant to the operation of stores, offices and other business places. The term "rubbish" includes, but is not limited to, paper, magazines, packaging, receptacles, textile materials, excelsior, bottles, cans, and ceramic material.

Solid waste means sludge unregulated under the Federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agriculture, or governmental operations.

Yard waste means all accumulations of grass, shrubbery, vines, cuttings and other refuse attending the care of lawns and/or gardens.

(Code 2015, ch. 11, art. III, § 11-5; Ord. No. 09-03, § 1, 10-28-2009)

Sec. 14-53. - Fees.

(a) *Service area.*

- (1) It is mandatory for all properties, with a certificate of occupancy within the town limits, to have garbage collection and disposal service and pay the prescribed fees and charges except for the exemptions below:
 - a. Those properties not served by a road suitable for a garbage truck to access.
 - b. Those properties with commercial dumpsters onsite or adjacent to their residence.
 - c. Town residents who own and operate a business in town may be granted an exemption by the town council. All requests must be sent to the town council in writing.
- (2) The town council, by resolution, may specifically add or delete exemptions based on access or service delivery issues.

(b) *Fees and deposits.*

- (1) The town council, by resolution, shall set such prescribed administrative fees and deposits.
- (2) The town council, by resolution, may change such prescribed fees and deposits.
- (3) Fees prescribed by the town council may be billed on the same bill and at the same time as the bill for water service.
- (4) Each new customer, before establishing garbage collection and disposal service, shall be required to establish credit for service and pay a deposit.
- (5) The town council, by resolution, shall establish a policy for refunding deposits.
- (6) Deposits described herein may be applied to unpaid bills for garbage collection and disposal service when such service has been disconnected.

- (7) The amount of the collection fees imposed by this article is hereby declared a debt due to the town.
- (c) *Discontinuation or suspension of service.*
- (1) Only customers who sell their property or otherwise have a transfer of title may have their garbage collection and disposal service discontinued. All requests must be sent to the town, in writing, reasonably well in advance of the desired date of discontinuance. The customer will be required to pay all garbage collection and disposal charges until the date of such discontinuance.
- (2) Unoccupied residences that are for sale or rent are eligible for suspension of service.
- (3) In case of absence of customers for periods of over three months (standby service), when such absence is previously reported in writing to the town council, a discontinuation of garbage and disposal services may be authorized.
- (4) The town council, by resolution, may set a fee for the cancellation, suspension, or reestablishment of service.
- (d) *Lien for nonpayment.* All property within the town is subject to lien for nonpayment of fees imposed by this article.

(Code 2015, ch. 11, art. III, § 11-6; Ord. No. 09-03, § 2, 10-28-2009)

Sec. 14-54. - General provisions.

- (a) The town will provide garbage service through a vendor who will collect and dispose of garbage from all improved properties within the town.
- (b) Except as otherwise provided, all improved properties within the town shall be required to have accumulations of garbage removed.
- (c) It shall be unlawful for any person to dump or place any bulk waste, construction debris, garbage, yard waste, hazardous waste, refuse or other debris on or adjacent to any street, alley, parkway, park or upon the property of another person or adjacent to the river within the town.
- (d) Collectors will not handle or remove garbage unless contained in garbage cans of an approved type subject to change by resolution.
- (e) The number of cans authorized, per collection, for each improved property shall be prescribed by the town council and shall be subject to change by resolution.
- (f) The town encourages all residents to recycle.

(Code 2015, ch. 11, art. III, § 11-7; Ord. No. 09-03, § 3, 10-28-2009)

Secs. 14-55—14-81. - Reserved.

ARTICLE IV. - JUNK

Sec. 14-82. - General provisions.

It shall be unlawful for any person to cause or permit junk, scrap metal, scrap lumber, wastepaper products, discarded building materials or any unused abandoned vehicle abandoned parts, machinery or machinery parts or other waste materials, to be in or upon any yard, garden, lawn, out-building or premises in the town unless in connection with a business enterprise lawfully situated and licensed for the same.

(Code 2015, ch. 11, art. V, § 11-8; Ordinance Reference 119)

Sec. 14-83. - Hazard exception.

It shall be unlawful to permit any accumulation of any such waste materials to be in or upon any yard, lawn, garden, out-building or premises in the town, if the same constitutes a fire hazard, a hazard to the safety of persons or property or any unsanitary condition.

(Code 2015, ch. 11, art. V, § 11-9; Ordinance Reference 119)

Sec. 14-84. - Ownership and permission.

It shall be unlawful for any person to discard or abandon any of the waste materials mentioned in section 14-83 upon premises not owned or occupied by such person without the consent of the owner thereof or the person occupying the same.

(Code 2015, ch. 11, art. V, § 11-10; Ordinance Reference 119)

Secs. 14-85—14-111. - Reserved.

ARTICLE V. - APPEALS

Sec. 14-112. - Appeal of final decision.

Any final decision of the town zoning official relating to this chapter may be appealed in accordance with article VI of chapter 18.

(Code 2015, ch. 11, art. XXI, § 11-31)

Chapter 16 - HUMAN RIGHTS

ARTICLE I. - IN GENERAL

Secs. 16-1—16-18. - Reserved.

ARTICLE II. - FAIR HOUSING¹¹

Footnotes:

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State Law reference— Fair Housing Act, F.S. § 760.20 et seq.

Sec. 16-19. - Declaration of policy.

It is hereby declared to be the policy of the town, in the exercise of its police power for the public safety, public health and general welfare, to ensure equal opportunity to obtain adequate housing by all persons regardless of race, color, sex, religion, national origin, familial status or handicap, and, to that end, to eliminate discrimination in housing.

(Code 2015, ch. 11.5, art. I, § 11.5-1; Ord. No. 91-03, § 1, 11-25-1991)

Sec. 16-20. - 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:

Discriminatory housing practice means an act that is unlawful under section 16-22, 16-23 or 16-24.

Dwelling means any building, structure or portion thereof which is occupied as, or designated or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with the following:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody with the written permission of such parent or other persons.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Family includes a single individual.

Handicap means that a person has a physical or mental impairment which substantially limits one or more major life activities or that he has a record of having, or is regarded as having, such physical or mental impairment.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, point-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

To rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Code 2015, ch. 11.5, art. I, § 11.5-2; Ord. No. 91-03, § 2, 11-25-1991)

Sec. 16-21. - Exemptions.

Nothing in section 16-22 (other than subsection 16-22(2)) shall apply to:

- (1) Any single-family house sold or rented by an owner:
 - a. Provided that such private individual owner does not own more than three such single-family houses at any one time;
 - b. Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such housing prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale, within any 24-month period;
 - c. Provided further that such bona fide private individual owner does not own interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time;
 - d. Provided further that after the effective date of the ordinance from which this article is derived, the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented without the use of any manner of sales or rental facilities or the sales or rental services of any real estate licensee, or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or

agent of any such licensee or person and without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 16-22(3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

- (2) Rooms or units in dwellings containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
 - a. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:
 1. Has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
 2. Has, within the preceding 12 months, participated as agent other than in the sale of his personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
 3. Is the owner of any dwelling designated or intended for occupancy by, or occupied by, five or more families.

Nothing in this article shall prohibit a religious organization, association, society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, religion, national origin, familial status or handicap. Nor shall anything in this article prohibit a private club not in fact open to the public, which, as an incident to its primary purpose, provides lodgings from which it owns or operates for other than commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

- b. Nothing in this article requires any person renting or selling a dwelling to modify, alter or adjust the dwelling in order to provide a physical accessibility except as otherwise required by law.

(Code 2015, ch. 11.5, art. I, § 11.5-3; Ord. No. 91-03, § 3, 11-25-1991)

Sec. 16-22. - Discrimination in the sale or rental of housing.

As made applicable by section 16-21 and except as exempted by section 16-21 and 16-25, it shall be unlawful:

- (1) To refuse to sell or rent after making a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, sex, religion, national origin, familial status or handicap.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in provision of services or facilities in connection therewith, because of race, color, sex, religion, national origin, familial status or handicap.
- (3) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, imitation, or discrimination based on race, color, sex, religion, national origin, familial status or handicap, or an intention to make any such preference, imitation or discrimination.

- (4) To represent to any person because of race, color, sex, religion, national origin, familial status or handicap that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, sex, religion, national origin, familial status or handicap.

(Code 2015, ch. 11.5, art. I, § 11.5-4; Ord. No. 91-03, § 4, 11-25-1991)

Sec. 16-23. - Discrimination in the financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against that person in the fixing of the amount, interest rate, duration, or other term or condition of such loan or other financial assistance, because of the race, color, sex, familial status, religion, national origin, familial status or handicap of such person or any person associated with that person in connection with such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling in relation to which such loan or other financial assistance is to be made or given provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 16-21.

(Code 2015, ch. 11.5, art. I, § 11.5-5; Ord. No. 91-03, § 5, 11-25-1991)

Sec. 16-24. - Discrimination in the provision of brokerage service.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, sex, religion, national origin, familial status or handicap.

(Code 2015, ch. 11.5, art. I, § 11.5-6; Ord. No. 91-03, § 6, 11-25-1991)

Sec. 16-25. - Administration.

- (a) The authority and responsibility for administering this article shall be with the council.
- (b) The council may delegate its functions, duties and powers to an appointed board, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this article.
- (c) The council or its appointed board shall:
 - (1) Implement the provisions of this article and rules and regulations promulgated hereunder and all ordinances, codes, rules and regulations pertaining to housing discrimination.
 - (2) Receive, initiate and investigate any and all complaints alleging violations of this article and take appropriate action to eliminate, conciliate, prevent and/or initiate prosecution of such violations.
 - (3) Provide assistance in all matters relating to equal housing opportunity.
 - (4) Publish and disseminate public information and educational materials relating to housing discrimination.

- (5) Enter into written working agreements as may be necessary to effectuate the purposes of this article with federal, state and local agencies involve in reducing housing discrimination.
- (6) Administer oaths and compel the attendance of witnesses and the production of evidence before it by subpoenas issued by the council or its appointed board.
- (7) Take other informational, educational or persuasive actions to implement the purposes of this article.

(Code 2015, ch. 11.5, art. I, § 11.5-7; Ord. No. 91-03, § 7, 11-25-1991)

Sec. 16-26. - Procedure.

- (a) Any person aggrieved by an unlawful practice prohibited by this article must file a written complaint with the counselor of its appointed board within 45 days after the alleged unlawful practice occurs.
- (b) Upon receipt of a complaint, the council or its appointed board shall serve upon the individual charged with a violation (hereinafter referred to as the respondent), the complaint and written resume setting forth the rights of the parties, including, but not limited to, the right of the respondent to a hearing on the matter before adjudication by the council or its appointed board.
- (c) The council or its appointed board shall immediately investigate the complaint. Within 60 days from the date of the receipt of the complaint, the council or its appointed board shall establish written report with findings of fact.
- (d) Copies of the council's or its appointed board's report shall be sent to the complainant and the resident. Either may, within ten days after such services, request a hearing before the council.
- (e) When the complainant or the respondent request a hearing by the council or its appointed board or when the council or its appointed board or when the council or its appointed board itself determine that a hearing is desirable, the council or its appointed board shall call and conduct such a hearing in accordance with section 16-27.
- (f) The council or its appointed board shall carry into execution the actions specified in its report, or if a hearing is held, shall carry into execution the actions determined upon by the council or its appointed board in the hearing.
- (g) The council or its appointed board in its review or its hearing may determine:
 - (1) That the complaint lacks ground upon which to base action for violation of this article;
 - (2) That the complaint has been adequately dealt with by conciliation of the parties; or
 - (3) That the case warrants filing charges against the offending party in the appropriate court. In some cases, both conciliation and adjudicative orders, or both adjudicative orders and initiation of court action may be indicated.
- (h) If the council or its appointed board issues an adjudicative order to correct, adjust, conciliate, prevent or prohibit any unlawful act prohibited by this article, and the respondent refuses or fails to comply with or obey such adjudication, the council or its appointed board shall forthwith request that the state attorney file a complaint in the appropriate court. The council or its appointed board shall, at all times, provide the complainant with full and timely information as to all the alternatives available to him under local, state and federal law, including assistance to initiate judicial action if desired, under the circumstances.
- (i) The provisions of Fla. R. Civ. P. 1.090 shall govern the computation of any period of time prescribed by this article.
- (j) All papers or pleadings required by this article to be served may be served by certified mail or in accordance with the provisions of Fla. R. Civ. P. 1.080(b).

(Code 2015, ch. 11.5, art. I, § 11.5-8; Ord. No. 91-03, § 8, 11-25-1991)

Sec. 16-27. - Hearings before the council.

- (a) When a hearing is required before the council or its appointed board as specified in section 16-26(e), the council or its appointed board shall schedule the hearing and serve upon all interested parties a notice of time and place of the hearing. The hearing shall be held promptly, but not less than 15 days after service of such notice and of the council or its appointed board's written report (section 16-26(d)).
- (b) The parties, or their authorized counsel, may file such statements with the council or its appointed board, prior to the hearing date, as they deem necessary in support of their positions. The parties may appear before the council or its appointed board in person or by duly constituted representative and may have the assistance of attorneys. The parties may present testimony and evidence, and the right to cross-examine witnesses shall be preserved. All testimony shall be give under oath or by affirmation. The council or its appointed board shall not be bound by strict rules of evidence prevailing in courts of law or equity but due process shall be observed. The council or its appointed board shall keep a full record of the hearing, which records shall be public and open to inspection by any person and upon request by any principal party to the proceedings, the council or its appointed board shall furnish such a party a copy of the hearing record at cost. The constitutional rights to the respondent not to incriminate himself shall be scrupulously observed.
- (c) The council or its appointed board shall make a finding of fact, and determination of action to be taken (section 16-26(g)).
- (d) The council or its appointed board may issue subpoenas to compel access to or the production or appearance or premises, records, documents, individuals and other evidence or possible sources of evidence relative to the complaint at issue.
- (e) Upon written application to the council or its appointed board, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the council or, to the same extent and subject to the same limitations as subpoenas issued by the council or its appointed board itself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- (f) Witnesses summoned by subpoena of the council or its appointed board shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the state courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him, unless he is indigent, in which case, the council shall bear the cost of said fees.
- (g) Within ten days after service of a subpoena upon any person, such person may petition the council or its appointed board to revoke or modify the subpoena. The council or its appointed board shall grant the petition if it finds that the subpoena requires appearance or attendance, at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- (h) In case of refusal to obey a subpoena, the council or its appointed board or the person at whose request it was issued may petition for its enforcement in the appropriate court.

(Code 2015, ch. 11.5, art. I, § 11.5-9; Ord. No. 91-03, § 9, 11-25-1991)

Sec. 16-28. - Other remedies.

Nothing herein shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled, or from the filing of any complaint with any other agency or any court having proper jurisdiction.

(Code 2015, ch. 11.5, art. I, § 11.5-10; Ord. No. 91-03, § 10, 11-25-1991)

Sec. 16-29. - Report to real estate commission.

If a real estate broker, a real estate salesperson or an employee thereof has been found to have committed an unlawful practice in violation of this article, or has failed to comply with an order issued by the council or its appointed board, the council or its appointed board shall, in addition to the other procedures set forth herein, report the facts to the state real estate commission.

(Code 2015, ch. 11.5, art. I, § 11.5-11; Ord. No. 91-03, § 11, 11-25-1991)

Chapter 18 - LAND DEVELOPMENT CODE

ARTICLE I. - IN GENERAL

Sec. 18-1. - Rules for construction of language.

For the purpose of the administration and enforcement of this land development code (LDC), and unless otherwise stated in this LDC, the following rules of construction shall apply to the text of this LDC, unless such construction would be inconsistent with the intent of the LDC:

In case of any difference of meaning or implication between the text of this LDC and any other ordinance or any caption, illustration, summary table or illustrative table, the text of this LDC shall control.

The terms "shall" and "will" are always mandatory, not merely directory, and not discretionary. The term "may" is permissive.

The phrase "used for" includes "arranged for," "designed for," "maintained for," "provided for," "occupied for," or "intended for."

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

"And" indicates that all the connected items, conditions, provisions, or events shall apply.

"Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.

"Either...or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.

The term "includes" or "including" shall not limit a term to the specified examples but intends to extend its meaning to all instances or circumstances of like kind or circumstances of like kind or character.

The term "person" includes an individual, corporation, unincorporated association, LLC, LLP, partnership, governmental body or other legal entity.

A term using a specific gender shall extend and apply to all persons.

The term "preceding" means immediately before and the term "following" means next after, respectively.

Terms used in the present tense include the future tense.

Terms in the plural number include the singular number.

Terms in the singular number include the plural number.

Sec. 18-2. - Definitions.

Any word or phrase used in this LDC, not specifically defined in this LDC, shall have the dictionary meaning as found in the "Webster's New World College Dictionary" fourth edition, that is most appropriate to the context in which such work or phrase is used.

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

A means agricultural.

Access pier means any fixed or floating structure that provides access from the shoreline to the dock.

Accessory structure means a subordinate structure, the use of which is incidental to that of the principal structure on the same parcel.

Accessory use means an activity, function, or purpose existing on a parcel as accessory or incidental to the principal use. Accessory uses shall not include guest units or any other potentially habitable structure. Habitable structures are considered to be dwelling units as defined below in this section.

ACOE means Army Corps of Engineers.

Addition means any vertical or horizontal walled and roofed expansion to the perimeter of an existing building to which the addition connects by a common load-bearing wall other than a firewall. Any walled and roofed addition, which connects by a firewall or is separated by independent perimeter load-bearing wall, is new construction.

Administrative appeal means a request for review of interpretation of any provision of this Code by the building inspector or zoning official.

Advisory committee. See *Commission* or *Committee*.

AE Zone means special flood hazard areas inundated by the 100-year flood; designated on FIRM maps from which base flood elevations are determined.

Affordable housing means residential dwelling units that meet the following requirements:

- (1) All applicable requirements of the United States Department of Housing and Urban Development minimum property standards as to room sizes, fixtures, landscaping and building materials, when not in conflict with applicable laws of the county; and either subsection (2) or (3) of this definition.
- (2) A dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents either 50 percent (very low income), 80 percent (low income), 100 percent (median income), or 120 percent (moderate income) of the monthly median adjusted household income for the county.
- (3) A dwelling unit occupied only by a household whose total household income does not exceed 50 percent (very low income), 80 percent (low income), 100 percent (median income), or 120 percent (moderate income) of the monthly median adjusted household income for the county.

Agent means any person or entity with authorization to act for or on behalf of another person or entity.

Agricultural fence means a barrier designed to control livestock.

Alley means a right-of-way providing a secondary means of access and service to abutting property.

Apartment house. See *Dwelling, multifamily*.

Average existing grade means the number arrived at by adding the corner elevations where the building intersects the ground and dividing by the number of corners. Where no structure exists the average natural grade of the parcel prior to fill.

B&B means bed and breakfast.

B zone means areas subject to the 100-year flood with average depths of less than one foot designated on FIRM maps.

Bar means an establishment where the primary income is on-premises sales of alcoholic beverages totaling more than 50 percent of gross sales receipts, (except as may be otherwise provided in the definition of the term "restaurant" in this section) and includes, but is not limited to, a nightclub, tavern, inn, disco, and dance hall whether or not entertainment is provided.

Barbed wire means strips of interwoven, flexible, metallic strands, without regard to the gauge, with clusters of sharp points added and placed at intervals along the interwoven strips. The term "barbed wire" shall include, but is not limited to, barbed tape, razor wire, razor, tape, and concertina wire.

Basement means that portion of a building having a sub-grade floor on all sides.

Bed and breakfast means a lodging facility licensed under state statutes providing individual sleeping rooms for rental of 31 days or less, and providing one or more meals or central cooking facilities.

BFE means base flood elevation.

Block means a group or tier of parcels of record existing within a plat with well-defined and fixed boundaries, usually surrounded by streets or other mapped boundaries and having an assigned number, letter, or other identification.

Board of adjustment (BOA) means board created by section 18-139.

Boat basin means an area cut into the shoreline of the river, a canal, or island, partially surrounded by land, often partly manmade or dredged to a greater depth, where boats may be moored.

Boat dry storage facility means a structure designed for the horizontal storage of more than two vessels on vertical or horizontal racks.

Boat ramp means any manmade or improved structure allowing water ingress or egress for launching or retrieving a vessel.

Boat slip means any fixed or floating structure that provides a place to moor a vessel, created by the construction of a dock or finger piers from the dock. For a single-family dwelling, a dock and terminal platform constitute one or more boat slips depending on configuration.

Boathouse means any fixed or floating structure with a roof that provides ingress or egress to the water by a vessel and allows for storage of a vessel, in a wet or dry configuration, for the property owner, but not for dwelling purposes.

Buffer means land area used to physically and visibly separate one use from another or to shield or block noise, lights, or other nuisances. Buffer strips may be required to include fences or berms, as well as shrubs and trees.

Buildable acre means that land within the property boundary lines lying landward of the ordinary high water line for fresh water or mean high tide line for tidal waters, minus jurisdictional or isolated wetlands, and minus submerged lands.

Building means any structure, either temporary or permanent or part thereof, except a fence or wall, used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind. This definition of the term "building" shall include tents, dining cars, trailers, manufactured homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein.

Building envelope means the outermost surfaces forming the complete enclosure of a building.

Building height. See *Height*.

Bulkhead line means the line defined by a constructed wall, barrier, or partition built parallel to the shoreline, the purpose of which is to protect the shore from erosion or destruction by wave or tidal action.

Canal means any manmade or improved water channel cut back from the normal shoreline of the body of water, serving more than two residential or commercial parcels.

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

Caretaker means a person or family living in the dwelling unit on a commercial or light industrial parcel and can include the proprietor, owner, manager, agent, maintenance, and security if living on-site either full or part-time.

Caretaker unit means a single-dwelling unit located in, beside, above, or below the business operation and the occupant that directly supports or provides maintenance or security for the business operation.

Catwalk means any fixed or floating structure, immediately adjacent to or inset in a dock, that allows safe embarkation to or from a vessel.

CEO means code enforcement official.

Church. See *Place of assembly for worship*.

CIE means capital improvement element.

Clear cutting means a forestry/logging practice in which most or all trees in an area are uniformly cut down.

Clear visibility triangle (vision triangle) means on a corner lot there shall be no structure or fence, which materially obstructs the vision of vehicular traffic across the triangular space, bounded by the two intersecting street right-of-way lines and a straight line connecting the two points 25 feet from the intersecting corner of the street right-of-way lines involved.

CMS means concurrency management system.

CN means commercial neighborhood.

Coastal high hazard area means as defined by state statutes, including the area described as below the surge zone of a category one hurricane and including areas designated on FIRM maps as AE, B, and VE Zones.

Coastal AE Zone, numbered, means special flood hazard areas inundated by the 100-year flood; coastal floods with velocity hazards, wave action; and designated on FIRM maps from which base flood elevations are determined.

Coastal VE Zone, numbered, means special flood hazard areas inundated by the 100-year flood; coastal floods with velocity hazards, wave action; and designated on the most recent FEMA maps from which base flood elevation is determined.

Code enforcement officer means any designated employee or agent of the town whose delegated duty is to enforce codes and ordinances enacted by the town.

Combustible trash means any refuse, accumulations of paper, rags, wooden or paper boxes or containers, sweepings, and other accumulations of nature other than garbage, which are usual to housekeeping and to operation of stores, offices, and other business places.

Commencement. See *Start of construction*.

Commercial means any non-manufacturing, non-industrial business establishment including sale, rental and distribution of products, or performance of service, or hotels, motels, restaurants, wholesale and retail stores.

Commercial fishing means the catching, taking or harvesting of fish, shellfish, crustaceans, or mollusks for profit and necessary support activities such as loading or unloading of commercial fishing equipment, passengers, fish, crustaceans or mollusks, or any other activity customarily related to commercial fishing vessels or associated with commercial fishing.

Commercial freight vehicle means any vehicle used to carry cargo or goods to or from any commercial endeavor, also any semi-tractor or trailer unit.

Commercial nursery, silvicultural system, tree farm means all state-licensed, government, and commercial plant nurseries and botanical gardens shall be exempt from the terms and provisions of this LDC only in relation to those trees that are so planted and grown to be sold or for other public purposes.

Commission means the board appointed by the town to deal with designated issues or, when appropriate to the context, includes any other such commission appointed by a governing body.

Committee means the group appointed by motion or resolution of the council to deal with designated issues or, when appropriate to the context, includes any other such committee appointed by a governing body.

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 having a complete, permanent roof and continuous walls on all sides, either party walls or exterior walls, including any customary windows and doors.

Compliance certificate means a certificate issued by the town zoning official certifying compliance with the town LDC authorizing the applicant to proceed with the approved building permitting process.

Comprehensive plan means the town comprehensive plan adopted by the town council and all amendments thereto.

Conditional use means a use that may not be appropriate throughout a district, but which, if controlled as to number, size, location, and/or relation to surrounding areas and subject to additional conditions can be compatible with surrounding uses.

Condominium means a form of ownership of real property, which is created pursuant to state statutes. Condominium dwelling units shall be treated as residential dwelling units to calculate density and allowable uses.

Construction means the building of, or improvement to, any structure or the clearing, filling or excavation of any land, any alterations in the size or use of any existing structure and the clearing or filling of land for agriculture or silviculture and excavation for mining and includes the act of construction or the result of construction.

Construction permit means a permit authorizing construction activities, installation or improvements, issued following the approval of the appropriate submissions.

Contiguous means parcels or uses that share an adjoining boundary. Water bodies and public roads interrupt contiguity of parcels or uses unless the adjoining boundary is located within the water body or road.

Council or the council means the town council of Yankeetown, Florida.

County or the county means Levy County, Florida.

CRC means concurrency review checklist.

CWD means commercial water dependent.

Day means a calendar day.

DBH means diameter breast height.

Density means the number of dwelling units or transient units allocated per buildable acre of land.

DEP means the state department of environmental protection.

Departments means bodies of government authorized by the governing body to control, within specified limits, the various functions performed by the governing body, such as a parks and recreation department, etc.

Developer or applicant means the person or legal entity that applies for approval of development or a subdivision plat, or person duly authorized by the property owner to make such an application.

Development means the carrying out of any building activity, the making of any material change in the use or appearance of any structure, land, or water, or the subdividing of land into three or more parcels and more particularly described in state statutes. The term "development" also means the conversion of existing dwelling units to vacation rental use. Vacation rental use of a dwelling unit requires building permits, inspections, a certificate of occupancy and state licensing.

Development rights (DR) means the ability to construct a dwelling unit based upon acreage restrictions. One development right is one dwelling.

Development rights receiving area (DRRA) means the area between CR40 and CR40A within the residential low-density district where development rights may be transferred to from the residential environmentally-sensitive district.

Diameter at breast height (DBH) means tree trunk diameter at breast height which is 4½ feet above ground level.

District. See *Zoning district*.

Dock means a platform extending from a seawall, the shore, or detached from the land including any floating structure, boatlift, mooring piling, or any area adjacent thereto, designated to be capable of use for mooring vessels and/or for other water-dependent recreational activities. A dock is attached to or supported by piles or pillars and has no sides or roof.

Dock, commercial, means any dock used for commerce or trade and operated for profit.

Dock footprint means the sum of the surface area of a dock that is located water ward of the mean high water line or ordinary high water line and preempts submerged lands.

Dockminium means a condominium form of ownership of mooring spaces, slips, or docks.

DOH means the state department of health.

DR means development rights.

Dripline means an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

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.

DRRA means development rights receiving area.

Dwelling. See *Dwelling unit*.

Dwelling, attached, means a residential dwelling unit consisting of one or more of residential units that are developed without open yards on all sides of the dwelling unit.

Dwelling, detached, means an individual residential dwelling that is developed with open yards on all sides of the dwelling unit but not including mobile homes or recreational vehicles.

Dwelling, multiple-family, means a building arranged, intended, or designed to house three or more families, living and cooking independently share common walls, floors, ceilings, entries, or accesses. Management may or may not furnish heating, service, and maintenance facilities.

Dwelling, single-family, means a detached building designed for or occupied exclusively by one family. The term "dwelling, single-family" may also include an attached unit such as townhouses.

Dwelling, townhouse, means an attached dwelling with only one dwelling unit from ground to roof attached to its neighbors on no more than two sides.

Dwelling, two-family, or duplex means a building designed arranged, intended, or designed to house two families living and cooking independently. Units share a common wall or are stacked. Management may or may not furnish heating, service, and maintenance facilities.

Dwelling unit means a single unit providing complete independent living facilities for one or more persons. The term "dwelling" includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement means a strip of land intended for ingress and egress, for public or private utilities, drainage, sanitation, or other specified uses or limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the servitude.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Emergency means a condition existing because of a declaration by the town, county, state governor, or by the federal government.

Engineer means a professionally-licensed engineer who meets the requirements to practice in the state.

Family means one or more natural persons occupying a single-dwelling unit as a single housekeeping unit.

FAR means floor area ratio.

FDOT means the Florida Department of Transportation.

FEMA means Federal Emergency Management Agency.

Fence or wall means a barrier made of approved materials serving as an enclosure or boundary.

Finger pier means any fixed or floating structure that extends at an angle, usually 90 degrees, from the dock.

FIRM means flood insurance rate map.

Fish house means a place processing fish, shellfish, crustaceans, or mollusks in bulk quantities for wholesale or retail sale.

Fishing means the catching, harvesting, and taking of fish, shellfish, crustaceans, and mollusks.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Floor means the walk-on surface of an enclosed area in a building, including a basement. The term "floor" does not include the floor of a garage used solely for parking vehicles.

Floor area, institutional-residential structure, means the sum of the horizontal areas of the floors of a building on a given land area, measured from the exterior faces of exterior walls and all covered, unenclosed areas used for commercial activities including outdoor seating areas, except for walkways, exterior entryways, parking and loading areas or drive-through canopies. 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 are approved outdoor storage and display areas, temporary uses, temporary structures, and the floor area of garages, carports, patios, decks, and porches, unless treated as an air conditioned space.

Floor area, nonresidential structure, means the sum of the horizontal areas of the floors of a building on a given land area, measured from the exterior faces of exterior walls and all covered, unenclosed areas used for commercial activities including outdoor seating areas, except for walkways, exterior entryways, parking and loading areas or drive-through canopies. 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, garages and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included are approved outdoor storage and

display areas, temporary uses, temporary structures, and space occupied by transient residential and institutional-residential principal uses area.

Floor area, residential and transient residential structure, means the sum of the horizontal areas of the floors of a building on a given land area, measured from the exterior faces 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, decks, and porches, unless treated as an air-conditioned space.

Floor area ratio (FAR) means the gross floor area of the building on a parcel divided by the gross acreage of the parcel or site.

Florida friendly means native or naturalized vegetation that is non-invasive, conserves water, protects the environment, is drought tolerant and adaptable to local conditions. It promotes water conservation objectives as set forth in F.S. § 373.185.

Fluorescent means glowing or vivid colors.

Foster family home. See *Residential, institutional*.

Front parcel line means the front of the structure is the side which has a door opening towards the numbered or named roadway, not an alley. If no door exists, the numbered or named roadway side shall be considered the front. If on a corner lot between two named or numbered roadways, the street to which the door opens shall be deemed the front parcel line. If on a corner lot and no door exists facing either numbered or named roadway, the 911 address roadway side shall be considered the front. If the structure has no plane parallel to the 911 address side, the side closest to parallel with the 911 address roadway shall be considered the front plane.

Front yard means the area between the front parcel line and the front plane of the use structure, extending to the side parcel lines.

Frontage means the length of a parcel line along an abutting public street right-of-way.

Functionally-dependent facility or use means a facility or use that unusable for its intended purpose unless it is located or carried out in close proximity to another resource (i.e., a port facility requires water). The term "functionally-dependent facility or use" does not include long-term storage, manufacture, sales, or service facilities.

Garage, commercial, means a building or portion of a building designed or used for the storage or repair of motor-driven vehicles; may be an accessory or a principal building depending upon the principal use of the parcel upon which the garage is situated.

Garage, commercial storage, means a structure or group of garages or storage structures erected for use as a commercial storage facility.

Garage, community storage, means a structure or group of garages or storage structures erected for the use of on-site residents and does not include a commercial storage facility.

Garage, residential, means an accessory used for temporary storage of a vehicle.

Garbage means all refuse accumulation or animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in, or storage of, meats, fish, fowl, fruit, or vegetables. Any matter, which may serve as breeding or feeding material for flies or other germ-carrying insects.

Garbage can means any metal or plastic container of the type commonly sold as a garbage can.

Garden or yard trash means any accumulation of grass, limbs trimmings, cuttings and other refuse attending the care of lawns, gardens, trees, and shrubs.

Gate means opening in a fence allowing access.

Governing body means the town council of Yankeetown, Florida.

Governmental agency means the United States, the state, the county, the town, any special district, and any agency, board, commission, authority, or political subdivision thereof.

Grade. See *Average existing grade*.

Green space means undeveloped land suitable for passive recreation and/or conservation uses.

Gross acreage means the total area of a site, including wetlands, but excluding submerged lands or surface water, and excluding any publicly dedicated rights-of-way, but including easements, calculated by using the parcel, mean high water, ordinary high water, or demarcation lines, whichever is most restrictive. See also *Buildable acre*.

Gross floor area means the sum of the floor areas of the building on a given parcel.

Group home. See *Residential, institutional*.

Guardrails means a protective railing installed between vertical supports on any part of a dock.

Guesthouse means an accessory structure separate from the principal structure, for guests or the occupants of the principal residential structure, but excluding hotel, motel, commercial lodging, bed and breakfast, transient or rental units.

Hardship means the loss of reasonable use of property or structure caused by the strict application of the provisions of this LDC due to the special circumstances or conditions existing, which are peculiar to the land or building and are not the result of actions of the current or previous owner.

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

Health officer means that person serving the town as code enforcement officer, and also the county medical officer and representatives of the state or county health department.

Hedge means a fence or visual screen made of vegetative matter serving as an enclosure or boundary.

Height means the vertical distance between the average existing grade and the highest point of the roof of any structure or proposed structure, including mechanical equipment, but excluding chimneys, spires, steeples, and on structures utilized for public uses only, radio or television antennae, flagpoles, solar apparatus, and utility poles. The exclusions listed above shall not permit habitable space or space for other uses to exceed the applicable height limitations.

Historic tree means a tree designated by the council as one of notable historic interest and value to the town because of its size, age, location, or historical association with the community.

Home business occupation means any business or other nonresidential activity conducted and pursued at a dwelling unit which shall be clearly and absolutely incidental and subordinate to its principal use for residential purposes.

Hotel means a transient unit building containing individual sleeping room accommodations, without kitchens and where access to individual rooms is from the interior of the building. See also, *Motel*.

Houseboat means any marine vessel equipped for or used primarily as a live aboard dwelling unit.

Impervious means resistant to penetration by fluids, such as stormwater or irrigation water.

Impervious surface means the square footage of parcel area covered by surfaces that do not allow infiltration of fluids including areas beneath eaves, decks, balconies, buildings, blacktop, or concrete paved areas, and any surface containing road base.

Improvements may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping.

Industrial use means use devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials, whether new or used, or the substantial, refinishing, maintenance, repair and/or rebuilding of vehicles or boats.

Institutional residential means foster homes, group homes, nursing homes, etc.

Intensity means the extent to which land may be developed or used for nonresidential uses, including the consumption or use of the land; the use or demand on lands natural resources; the use of or demand on facilities and services, including floor area ratio, open space, traffic or trip generation, potable water, solid waste, sanitary waste, and levels of service.

Iridescent means an optical phenomenon characterized as the property of surfaces in which hue changes according to the angle from which the surface is viewed.

Joint dock means docks and boat slips, including boatlifts and davits, serving more than one adjacent lot or parcel.

Junkyard or recycling yard means an area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled as a principal use, except within a completely enclosed building. Materials shall include, but not be limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. Also includes automobile wrecking yard and salvage yard.

Keeper. See *Caretaker.*

Kennel means any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, or boarding animals, and the physical structures, fences, pens, and real property associated with such use.

Kitchen means a room or an area equipped for preparing and cooking food, containing the ability to heat food, refrigerate food, and a sink.

LDC means land development code.

Legal descriptions means the written words describing the zoning districts.

LI means light industrial.

Live aboard means the occupancy or use of a watercraft, by one or more persons, as a place of habitation, residence, as living quarters or for dwelling purposes, temporarily or permanently, continuously or transiently at any location or the person living aboard a boat for any period.

Livestock means domestic animals typically found on a farm; to include, but not be limited to, cows, sheep, goats, horses, pigs, and fowl.

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 and carports.

LLC means limited liability corporation.

LLP means limited liability partnership.

Lot means any government lot, platted lot, recorded lot or lot of record. Also see *Parcel.*

Lot area. See *Parcel area.*

Lot depth. See *Parcel depth.*

Lot line. See *Parcel.*

Lot of record. See *Parcel of record.*

Lot width. See *Parcel width.*

Low impact development practices means a set of practices that minimize impacts of development on the environment, neighboring uses and the town.

Major development means any commercial development or redevelopment or any residential development (except for one single-family dwelling or one duplex dwelling on one parcel). See section 18-361.

Manufactured building (modular) means any type of building designed for use as a dwelling, which is built off the site where it is to be permanently located, does not have the capability for attachment of wheels, is built to provide the capability of being loaded and moved on a flatbed trailer, regardless of addition of appurtenances. This shall include structures assembled from two or more units, providing that the units meet the requirements of this definition, and its construction meets the requirements of the adopted building codes.

Manufactured home (formerly "mobile home") means a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, permitted in accordance with county and local standards, and meeting the living area requirements of the zoning chapter, including manufactured housing, which is certified by the state. (Manufactured homes conforming to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1 pursuant to state statutes.)

Marginal dock means any fixed or floating structure placed immediately contiguous and parallel to a shoreline or an established seawall, bulkhead, or revetment.

Marina means a facility for the wet and/or dry storage, launching, and mooring of vessels and may include the on-site retail sales of marine accessories and stores and vessel maintenance and repair and a waterfront space where any of the following may be available for water craft: dockage, mooring, fuel, ice, or supplies.

Marine railway means any manufactured conveyance using rails, slides or guides to drag, lift, remove, or lower a vessel into or from the water.

Market value means the appraised value of the structure prior to the start of the initial repair or improvement. In the case of damage, the appraised value of the structure prior to the damage occurring. It is the market value listed on the current county appraiser parcel card or the owner may obtain an independent market value appraisal made by a state-certified appraiser.

Mean high water line (MHWL) means as defined by F.S. § 177.27 and incorporated by reference herein. Represents the boundary line between tidal submerged lands and adjacent (landward) upland property and is defined by state law.

Minor project means any one single-family dwelling or one-duplex dwelling on one parcel.

Monochromatic color means all hues, tints, and shades of a single color.

Mooring means a place, berth, or structure to which a vessel can be made fast.

Motel means a transient unit building containing individual sleeping room accommodations, without kitchens where access to individual rooms is from the exterior of the building. See also *Hotel*.

MU means mixed use.

Multiple-family dwelling. See *Dwelling, multiple-family*.

Natural person means a single human being.

Non-combustible trash means any refuse materials that are unburnable at ordinary incinerator temperatures, such as metals, mineral matter, large quantities of crockery or glass, metal furniture, or appliances, auto bodies, etc.

Nonconforming parcel means a parcel located in any zoning district, which does not conform to the minimum requirements of parcel dimension or parcel area required for the zoning district in which such land is located.

Nonconforming structure means any structure which does not meet the limitations on structure size and location for the district in which such building is located.

Nonconforming use means the pre-existing use of any building or land on the effective date of the Town of Yankeetown Land Development Code or amendment, which cannot comply with all of the regulations of this Code.

Occupancy means the use of a dwelling unit for residential purposes not necessarily continuously, but as a place of usual return; and the use of all other structures (i.e., commercial use).

OFW means Outstanding Florida Water.

OHWL means ordinary high water line.

Open space means that pervious portion of a parcel that is uncovered by structures or impervious surfaces and includes landscaped areas, uncovered pervious outdoor activity areas, pervious patio areas, walkways, pervious uncovered parking areas, pervious driveways that serve one dwelling unit, and wetlands.

Ordinance means an official legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law.

Ordinary high water line (OHWL) or ordinary high water mark represents the boundary line between non-tidal submerged lands and adjacent (landward) upland property as defined by state law. The ordinary reach of high water during the year; the normal or average reach of water during the high water season. The term "ordinary high water line" excludes floods and other unusual high water events but includes the average high water of each year.

Owner means any person, group of persons, or legal entity owning, keeping or having possession of property, goods, materials, or services.

P and Z means the town planning and zoning commission.

Package store means a facility where beer, wine, and/or liquor is sold for consumption off the premises.

Parcel means a lot, piece, tract, or plot of land either vacant or occupied by any use or structure.

Parcel area means the total horizontal area included within property boundary parcel lines, not including any area below the mean high water line or ordinary high water line.

Parcel depth means the mean horizontal distance between the front and rear parcel lines, not including any area below the mean high water line or ordinary high water line.

Parcel line means the boundary line of a parcel, or the mean high water line where part of any parcel of land is located below the mean high water line.

Parcel number means the number assigned to the parcel by the county property appraisers office.

Parcel of record means any lot, parcel, portion of a parcel, combination of parcels, or parcel described by block and parcel numbers or by metes and bounds that was lawfully created individually or as part of a subdivision. A parcel of record must have been recorded in the office of the clerk of county court prior to the time of enactment of this Code, June 10, 1991. A pre-existing sub-standard parcel of record is a nonconforming parcel.

Parcel split means the platting or division of a parcel of land, whether improved or unimproved, into two contiguous parcels of land, for any purpose, whether immediate or future and includes that caused when the private establishment of a new street involves splitting a parcel into two parcels.

Parcel width means the horizontal distance between side parcel lines, measured along the minimum required front yard setback line, not including any area below the mean high water line or ordinary high water line.

Parking means the temporary, transient storage of motor vehicles, vessels, and equipment trailers while the operators of such vehicles are engaged in other activities. The term "parking" shall not include or allow the storage of new or used motor vehicles for sale, service, rental, or any other purpose except in a district where such use is approved as an allowable use under this LDC.

Parking area means facilities located on-site with adequate space available for ingress and egress, the parking and circulation of automotive vehicles and providing an adequate number of parking spaces for the use of occupants, employees, visitors, customers, or patrons of every permitted building and/or use.

Parking space means a portion of a parcel providing a temporary storage area for a motor vehicle and of a shape to easily park one automobile, and which is clearly defined and has unobstructed accessibility to and from a public street by way of an aisle and/or driveway.

Passive recreation means activities that offer constructive, restorative, and pleasurable human benefits, foster appreciation and understanding of open space and its purpose, minimize environmental impacts, have a low level of development, do not significantly affect natural or cultural values, and require only minimal visitor facilities, such as parking and picnic areas, and services directly related to safety.

Person means and includes an individual, corporation, unincorporated association, LLC, LLP, partnership, governmental body, or other legal entity including one or more individuals, corporations, partnerships, associations, legal representatives, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries or organization of any kind.

Pervious (or permeable) means material that allows fluids, such as stormwater or irrigation water, to pass through to the ground directly beneath the surface.

Pervious or permeable surface area means the square footage of parcel area covered by surfaces that allow infiltration of fluids to the ground directly beneath the surface.

Pier. See *Dock*.

Place of public assembly means any permanent structure whose principle use is as a structure used for public assembly.

Planning and zoning commission (P and Z) means a citizens commission appointed by the town council to act as the local planning authority recommending land use policies and decisions to the town council and to conduct reviews for the approval of development proposals, as provided by this LDC and state statutes.

PNZ means the town planning and zoning commission.

Porch means a one-story screened or unscreened open gallery having a roof supported by columns and attached to the outside of a building.

Principal structure means a structure in which is conducted the principal use of the parcel on which it is situated, including any attached carport, shed, garage or structure that is structurally dependent, totally or in part, on the principal building. In a residential district, a dwelling is the principal building on the parcel on which it is situated.

Principal use means the use that constitutes the primary activity, function, or purpose for the parcel and/or building.

Property means and includes real and personal property.

Property line. See *Parcel line*.

Property, personal, means and includes every species of property except real property, as herein defined.

Property, real, means and includes lands, tenements, and hereditaments.

Proprietor. See *Caretaker*.

PU means public use.

Public buildings means office and service buildings, uses, or facilities owned or operated by a governmental agency, including publicly-owned utilities, which are compatible with or provide governmental services.

Public use means buildings and uses by local, regional, state, or federal agencies, excluding penal institutions or contract jails.

PUD means planned unit development.

Rear parcel line means that property line which is most distant from and is, or is most nearly, parallel to the front parcel line.

Rear yard means the area between the rear parcel line and the rear of the structure, extending to the side parcel lines.

Recreational vehicle (RV) means any vehicle or portable structure that is built on a single chassis, designed to be self-propelled or towed by a car, SUV, or pickup truck, and to be used as temporary living quarters for recreational, camping, travel, or seasonal use. The term "recreational vehicle" is also known as and includes campers, pop-ups, recreational buses, motor homes, and park model RVs, fifth wheel or travel trailers.

Recreational vehicle park means an area primarily for campers and recreational vehicles, providing temporary water, sewer, and electrical hook-ups for temporary or seasonal parking and use of RVs, vehicles or campers.

Remove or *removal* means the digging up, cutting down or causing to be absent through any means.

RES means residential environmentally sensitive.

Residence means a building used exclusively for living purposes by seasonal or permanent residents.

Residential density means the extent of development of residential uses, expressed in dwelling units per gross acre of land.

Residential, rental, means an attached or detached residential dwelling unit rented, leased, or assigned for tenancies of greater than or equal to 31 days duration. See also *Vacation rental*.

Residential, institutional, means residences housing persons, run by a person or organization, for compensation or grant funding. The term "residential, institutional," may be a group home, assisted living facility, foster home, or similar living facility.

Residential use means used, or intended for use, exclusively for dwelling purposes as applied to any plat, parcel, tract, area or building, room, or unit, but not including hotel, motel or transient units.

Resolution means an expression of the council concerning matters of a temporary character, or a provision for the disposition of a particular item of business of the governing body.

Resort, residential. See *Hotel* or *motel*.

Restaurant means an establishment whose principal and primary source of income is the serving of food and open to the public.

Retail sales means the sale of goods or articles individually or in small quantities directly to the consumer.

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

RHD-1 means residential highest density 1.

RHD-2 means residential highest density 2.

Right-of-way means land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purposes by the public, certain designated individuals or others.

Riparian line means the property line of the parcel extended into the water body.

Riparian property means property adjacent to a body of water.

RLD means residential lowest density.

Road base means loose, gravel-like material, which is used as a base, or finish layer for walkways, paths, driveways, or parking areas, which becomes an impervious surface when compacted mechanically or by traffic.

Room, hotel or motel, means a unit in a lodging establishment as defined by state statutes, intended for transient lodging of periods less than 31 days. The term "transient occupancy" shall conform to the definition contained in state statutes. Each bedroom shall be considered a separate transient unit when determining transient unit density per gross acre.

RP means resource protection.

RV means recreational vehicle.

Salvage yard. See *Junkyard*.

Sanitary wastewater treatment facility means the use of land and its appurtenances for the treatment of sanitary wastewater including a package plant.

Sanitation officer. See *Health officer*.

Security fence means a barrier erected around commercial or industrial properties to restrict entrance.

Setback or *setback line* means a line determined by measurement perpendicular to and parallel with a parcel line. No structures or part of a structure may be erected within any setback distance.

Sewage treatment collection system means the use of land for sewer lines and any appurtenances related to the collection and transmission of sewage to a treatment facility.

Sewage treatment facility. See *Sanitary treatment facility*.

Side parcel line means any property line not a front line or a rear parcel line. A side parcel line separating a parcel from another parcel is an interior side parcel line.

Side yard means the area between the side parcel line and the side plane of the primary structure, not including any part of the front or rear yard.

Sign. See *Street graphic*.

Single-family dwelling. See *Dwelling, single-family*.

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

Slip means that portion of the water adjacent to a pier, main pier, finger pier, or float where a boat is moored for the purpose of berthing, embarking, or disembarking.

Snipe signs means any off-premises sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Sovereign submerged land means land below the mean high water line or ordinary water line, over which the state has control.

Special exception means a use which would not be appropriate generally or without restriction throughout a district but which, if controlled as to number, size, location, and relation to surrounding areas, may be permitted by the board of adjustment, based on compliance with the requirements of this LDC as to any particular special exception use and as to special exceptions generally. See *Residential use*.

Specimen tree means the same definition given to it in the town's adopted tree code.

Start of construction means that date when a building permit or commencement notice is issued.

Street right-of-way. See *Right-of-way*.

State building code means the building code adopted by a municipality or county pursuant to the requirements of the state statutes.

Street or road means any way intended for travel by the public, whether improved or unimproved; but shall not include easements and rights-of-way intended for limited utility purposes and shall not include easements for ingress and egress as provided for by this LDC, including the terms "drive," "highway," "alley," "parkway," "viaduct," "boulevard," "circle," "court," "terrace," "place" or "cul-de-sac," "avenue," "thoroughfare," "alley," "way," and "lane."

Street centerline means the surveyed and prescribed centerline of a street established by the state department of transportation or, if no centerline has been so established, the line midway between the existing or proposed street right-of-way lines.

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. It can be seen and deciphered from the street or right-of-way of a public street or highway. The term "street graphic" includes graphics placed inside a window but intended to attract 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.

Street right-of-way means a strip or area of land dedicated or deeded for use of and by the public as a public street.

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land. The term "structure" includes a movable or anchored building or shed usable for housing, business, commercial, agricultural, storage or office purposes, either temporarily or permanently. The term "structure" also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, sewage treatment plants, sheds, mooring areas, off-shore swimming platforms, and other accessory construction.

Studio means the workroom, atelier or place of work in which some form of art is pursued. Examples include, but are not limited to, photography studios, interior design studios, ceramic studios, acting studios, and fine-artist studios, except metal sculpting requiring welding.

Subdivision means the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Submerged land means land below the mean high or ordinary water line of a water body.

Substandard parcel means any nonconforming parcel. In residential districts, a substandard parcel has less than 5,000 square feet of parcel area or less than 50 feet of parcel width.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to the before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" does not include any project for improvement of a structure to comply with an existing health, sanitary or safety code specification that is solely necessary to ensure safe living conditions. In addition, the term "substantial improvement" does not include any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.

Surveyor means a state-registered and licensed professional who is qualified to practice surveying in the state.

Swale means a shallow depression that allows for indirect discharge of stormwater in excess of the retained or detained volume to a nearby body of water.

SWFWMD means Southwest Florida Water Management District.

Temporary signs means any sign not permanently attached to the ground or a structure. For example, step-in signs, hand-written signs, wire placard signs, short-term signs.

Terminal platform means any fixed or floating structure providing an activity area located at the end of a finger pier or boat dock. The activity area would have a different shape or dimensions from the finger pier or dock.

Tie-in survey means a survey that shows the exact location of as-built structure in relation to parcel lines.

Timeshare means a form of ownership of real property as defined by state statutes. Timeshare units shall be considered transient units for purpose of calculating density and allowed uses within a particular zoning district.

Timeshare unit. See *Transient unit.*

Tourist housing. See *Vacation rental unit.*

Town boundary means the geographical area of the town, as defined by the town Charter, section 1.

Transient residential unit means a unit used as transient housing for tenancies less than 31 days duration such as a hotel or motel, transient lodging establishment, time share, vacation rental, room or space for parking a recreational vehicle or travel trailer, or units that are advertised and held out to the public or such use.

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

Transplant means the digging up of a tree from one place and the re-planting of the same tree in another place.

Tree means any self-supporting, woody plant that has secondary branches usually supported clear of the ground on a single main stem or trunk with a crown. The term "tree" means one which normally grows to a height of 15 feet or greater with a mature crown spread of 15 feet or greater and having trunks which can be maintained with over five feet of clear wood, including palms.

Tree protection zone means that area within the drip line of a protected tree, not to exceed 20 feet from the tree trunk.

Tree survey means an aerial photograph or drawing to an adequate scale, which provides the following information: location of all trees protected under the provisions of this LDC, plotted by accurate techniques; and, common or botanical name of all trees, consecutively numbered, and calibrated.

Trip generation, high intensity, means a nonresidential use that generates greater than 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

Trip generation, low intensity, means a nonresidential use that generates less than 50 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

Trip generation, medium intensity, means a nonresidential use that generates between 50 and 100 average daily trips per 1,000 square feet of floor area as set forth in the Institute of Transportation Engineers Trip Generation Manual.

Two-family dwelling. See *Duplex,* and *Dwelling, two-family.*

Unnecessary noise means sounds not required or caused by the act of construction.

Uplands means lands landward of all MHWL, OHWL, ACOE, DEP, or SWFWMD wetlands jurisdictional delineation or demarcation lines.

Upland acre means the area of a site calculated using the most restrictive boundaries available and subtracting any contained wetlands.

Urban area means where the town would like to encourage traditional neighborhood development.

Urban service area means where the town would supply services for residential, commercial, and light industrial development; specifically, that area encompassing the RHD-1, RHD-2, RLD, CWD, CN, and LI districts and those portions of the PU district encompassed within the fore mentioned districts.

Use means any activity, function, or purpose to which or for which a parcel of land/or building is put, used, arranged, or occupied, for any purpose, including any residential, office, business, industrial, public or any other purpose or use.

Utility means any public or private service, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, cable, or telephone line, whether underground or overhead.

Utility building or *facility* means a location or installation of a utility company where employees are not stationed, such as a substation or lift station.

Utility tower. See *Transmitter tower.*

Vacation rental means an attached or detached dwelling unit rented, leased, or assigned for tenancies of less than 31 days duration. Vacation rental use does not include hotels, motels, and RV parks, which are permitted in appropriate districts.

Valet parking means a service provided by attendants who park and later retrieve motor vehicles for guests or customers.

Variance means a request for relief from the terms of this LDC necessitated by conditions where compliance would result in unnecessary hardship, that meets the standards and criteria for granting a variance set forth in this Code.

Vessel means any device used for transportation of personnel or material on the water.

Violation means an infringement or breach of any provision of this LDC.

Vision triangle. See *Clear visibility triangle.*

Visual screen means a barrier erected to limit visual access to a property.

WANE means water, air, and/or nutrient exchange.

Water access walkway means a structure built and used exclusively for access to the water for leisure activities such as fishing, swimming, or observation. A water access walkway is not usable as a vessel mooring.

Water-dependent facility means a facility that is functionally dependent on direct access to water. Water-dependent uses may be commercial or public.

Water detention facility means a stormwater management facility that delays or holds the runoff of stormwater prior to discharge into receiving waters in a structure with a bottom elevation below a control elevation.

Water-enhanced facility means a facility whose use is functionally enhanced by access to water. Water-enhanced uses do not require a waterfront location in order to function, but are often essential to the efficient functioning of water-dependent uses and can be an essential contributing factor to their economic viability. Water-enhanced uses often increase the public's enjoyment of the waterfront. Water-enhanced uses may be commercial or public.

Water retention facility means a stormwater management facility that provides for storage of a specified volume of stormwater without discharge from the retention structure.

Watercourse means and includes channels, creeks, ditches, drains, canals, dry runs, springs, rivers, and streams.

Waterfront property means property where one or more sides abuts the water.

Waterfront structure means a structure where one or more sides of the property it sits on abuts the water.

Wellhead exclusion zone means all land within a 200-foot radius of the town's existing or future wellheads.

Wellhead protection zone means the area within a 200- and 500-foot radius of the town's existing or future wellheads.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. The term "wetlands" also includes isolated wetlands, those areas mapped by DEP, SWFWMD, and/or ACOE, and as defined by federal and state statutes.

Wetlands, isolated, as defined by the Florida Administrative Code, means any area that is determined to be a wetland in accordance with state statutes, but that does not have any direct hydrologic connection to a lake, stream, estuary, or marine water. Isolated wetlands shall be still considered a wetland by the town and subject to wetland restrictions contained in this LDC.

Wholesale means the sale of goods in bulk quantities at prices below retail prices, usually not directly to the final consumer.

WWTF means wastewater treatment facilities.

Yard means the space on any parcel with a structure that is not occupied by a structure and/or accessory. See also *Front yard*, *Rear yard*, and *Side yard*.

ZO means town zoning official.

Zoning district means an area of the town designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this LDC.

Zoning map means the official map adopted by this LDC, showing the zoning districts applicable to all lands within the town.

(Code 2015, ch. 21, § 21.1)

Secs. 18-3—18-22. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 18-23. - General designation.

This chapter shall be known as and entitled the "Yankeetown Land Development Code," and may be referred to as the LDC. Enactment of the LDC is pursuant to state statutes.

(Code 2015, ch. 21, § 21.2.1)

Sec. 18-24. - Purpose and intent.

- (a) The LDC further implements, but does not replace, the goals, objectives and policies of the comprehensive plan by:
- (1) Establishing comprehensive regulations, procedures, and standards for review and approval of land development in the town;
 - (2) Fostering and preserving the public health, safety, comfort, and welfare in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the town;

- (3) Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments;
 - (4) Protecting the character and maintaining the stability of residential, business, industrial, recreational, and public areas to enhance property values and increase the economic benefits to the town arising out of its resources;
 - (5) Controlling and regulating growth of the town;
 - (6) Providing specific procedures to ensure that development permits are conditioned on the availability of public facilities and services that meet the level of service requirements (concurrency);
 - (7) Balancing the interest of the general public with that of individual property owners;
 - (8) Protecting and, where necessary, preserving our valuable natural resources, including, but not limited to, ecologically significant land, water resources, wildlife habitats, and threatened or endangered species.
- (b) To accomplish the above requires the council to divide the entire town into districts of such number, shape, and size that are best suited to carry out the intent of this LDC, and within such districts may determine, establish and regulate:
- (1) Height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration, and use of buildings and other structures, for trade, industry, residence, and other purposes;
 - (2) Use of land and water for trade, profession, residence, and other purposes;
 - (3) Size of yards and other open spaces;
 - (4) Density of population;
 - (5) Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of nonconforming uses;
 - (6) Type, size, and use of structures in those areas subject to seasonal or periodic flooding to minimize the danger to life and property;
 - (7) Design, development, and construction of specific types of uses throughout the town.

(Code 2015, ch. 21, §§ 21.2.1.3, 21.2.1.4)

Sec. 18-25. - Jurisdiction.

This LDC is applicable to all lands within the corporate limits of the town.

- (1) Wherever these requirements are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, restrictions or covenants, the most restrictive, or that imposing the higher standard shall govern.
- (2) The provisions of the LDC are the minimum requirements required by the town; applicants are encouraged to exceed FEMA floodplain requirements and base flood elevations (BFE) where possible and all applicants must meet all applicable requirements of state, regional and federal agencies.
- (3) All development and development orders, as defined by state statutes, must also be consistent with the goals, objectives and policies, maps and text of the town comprehensive plan regardless of compliance with these land development regulations.

(Code 2015, ch. 21, § 21.2.1.5)

Sec. 18-26. - Applicability.

- (a) The use of any parcel of land, or any structure or any combination thereof, within the corporate limits of the town shall comply with the requirements of this LDC.
- (b) All development, which includes redevelopment, shall comply with the standards, criteria, requirements, and procedures of this LDC.
- (c) All uses and any change of use shall conform to the standards, criteria, requirements, and procedures of this LDC.
- (d) When a lawfully issued permit or certificate issued prior to the effective date of the ordinance from which this LDC is derived expires, any further development on the site subject to the permit or certificate shall conform to the standards, criteria, requirements, and procedures of this LDC.

(Code 2015, ch. 21, § 21.2.2)

Sec. 18-27. - Exceptions.

- (a) Previously approved projects identified as exempt from the provisions and requirements of this LDC are exempt only to the extent of the previous approval. They are exempt from the provisions of this LDC only to the extent that such provisions and requirements are inconsistent with prior, unexpired approval.
- (b) Projects for which a permit or certificate has been lawfully issued are exempt from the provisions and requirements of the LDC, provided:
 - (1) The permit or certificate has not expired prior to the effective date of the ordinance from which this LDC is derived or amendment of the LDC;
 - (2) The activity authorized by the permit or certificate commenced on or before the effective date of the ordinance from which this LDC is derived and continues in good faith according to the applicable time limits; and
 - (3) The activity authorized by the permit or certificate is in accordance with all applicable permits or certificates.
- (c) Work required for public facilities and services within the public right-of-way is exempt from the provisions and requirements of this LCD as further described below:
 - (1) Work required for the purpose of inspecting, repairing, or replacing any existing water or sewer lines, mains, or pipes;
 - (2) Work required for the purpose of inspecting, repairing, or replacing cables, power lines, utility poles, utility tunnels, or similar uses.
 - (3) Work required for the purpose of inspecting, repairing, or replacing roads, streets and alleys, easements, swales, stormwater conveyances, or similar uses.

(Code 2015, ch. 21, § 21.2.2.2)

Sec. 18-28. - Computation of time for notices, actions, or elapsed time.

- (a) In computing any period, the day of the act, event or default from which the designated period begins to run shall not be included and the period of time shall begin the following day and shall include Saturdays, Sundays and holidays except as provided in subsections (b) and (c) of this section.
- (b) The last day of the period is included unless it is a Saturday, Sunday or legal holiday, in which event, the period shall run until the end of the next business day that is neither a Saturday, Sunday, nor legal holiday.

- (c) When the period prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays, are excluded from the computation.

(Code 2015, ch. 21, § 21.2.3)

Sec. 18-29. - Records.

Official copies of all building permits, building appeal actions, and variances shall be kept on file in the zoning office or town hall.

(Code 2015, ch. 21, § 21.2.4)

Sec. 18-30. - Zoning official (ZO).

- (a) There is created for the town the position of zoning official, ZO, which position may be separate from, or combined with, the position of building inspector for the town. The ZO is authorized to go upon any property located within the corporate limits of the town to investigate the location or construction of any building, or to investigate any land development, building, construction, or land clearing activity.
- (b) The ZO shall be provided with copies of acceptable building plans, architectural elevations, and a site plan with all applications for review and issuance of a certificate of zoning compliance. The ZO shall review all plans, including site plans, and shall determine the compliance or noncompliance of the proposed use and plans, including site plans, with existing LDC and zoning requirements where the proposed structure, construction, or development is to be located. The ZO shall review and confirm compliance with all requirements of this Code and consistency with the comprehensive plan including the required setback lines, maximum lot coverage, height requirements, and required elevations for all such proposed construction prior to issuing a the certification of compliance. Further, copies of all proposed changes to building plans, site plans, and architectural elevations shall be provided to the ZO, who shall sign off on and note any change on the building permit plans affecting LDC compliance.
- (c) Upon determination of compliance with all land development regulations and zoning compliance for such proposed use, the ZO shall issue a certificate of zoning compliance, which shall include a notation of any specific conditions or zoning requirements as hereinabove set forth. If a building permit has not been issued within one year, the certificate of zoning compliance shall be invalid.
- (d) A certificate of zoning compliance shall not be required for emergency repairs to protect lives and property.

(Code 2015, ch. 21, § 21.2.5)

Sec. 18-31. - Rezoning.

The ZO shall review rezoning requests and submit a report thereon to the planning commission, which shall make a recommendation to the town council.

(Code 2015, ch. 21, § 21.2.5.5)

Sec. 18-32. - Rules and regulations.

The ZO shall be empowered to propose written resolutions, fee structures, administrative rules, regulations or procedures to carry out the intent of this LDC; provided, however, no such rule, regulation or procedure shall become effective until an advisory recommendation is made by the planning commission and approved by the town council.

(Code 2015, ch. 21, § 21.2.5.6)

Sec. 18-33. - Complaints.

Whenever a violation of this LDC is alleged to have occurred, or is alleged to be occurring, any person may file a complaint in writing filed with the ZO. The ZO shall properly record such complaint and immediately investigate and act upon the complaint by issuing a stop-work order or notice of violation or noncompliance if found to be in violation or not fully in compliance with all requirements.

(Code 2015, ch. 21, § 21.2.5.7)

Secs. 18-34—18-53. - Reserved.

ARTICLE III. - ZONING MAPS

Sec. 18-54. - Authorization.

- (a) Zoning districts shall be approved by the town council.
- (b) Zoning districts are shown on the official zoning map as described in legal descriptions of the various zoning districts.
- (c) The zoning map is declared to be a part of this LDC.
- (d) The official legal descriptions are on file in the town clerk's office.
- (e) The official zoning map is on file in the town clerk's office and is made from the legal descriptions.
- (f) An official copy of the legal descriptions and map is available to the public in the town clerk's office and the ZO's office.

(Code 2015, ch. 21, § 21.3.1)

Sec. 18-55. - Amendment.

- (a) An ordinance enacted by the town council is required to change the legal descriptions or the official zoning map.
- (b) The official zoning map shall keep records of rezoning approved by ordinance of the town council.
- (c) The official zoning map shall bear the following entry, dated and signed by the mayor and attested by the town clerk: "Amended by official action of the town council of Yankeetown, (date and ordinance number)."
- (d) The official zoning map shall be an electronic map. No changes to the legal descriptions or the official zoning map shall be made except pursuant to the procedure and notice set forth in this LDC and by official action of the town council.

(Code 2015, ch. 21, § 21.3.2)

Sec. 18-56. - Attestation.

The official zoning map shall be dated, signed and attested by the mayor and the town clerk (by hand or digital signature) after each rezoning, change, adjustment or amendment and state: "This is the Official Zoning Map of the town of Yankeetown, Florida." The town shall keep a reference table of ordinance numbers adjusting, amending, or rezoning districts, lots, or parcels of the official zoning map.

(Code 2015, ch. 21, § 21.3.3)

Sec. 18-57. - Map disputes and correction.

- (a) In the event of a dispute over zoning district boundary zoning lines, the language of the legal descriptions shall prevail.
- (b) The town council must approve the correction of errors found on the official zoning map.
- (c) The correction of the zoning map by ordinance must be noticed pursuant to state statutes and can only be made after a public hearing of the town council.
- (d) This public hearing shall require published notice. A courtesy mailing notice may be sent to landowners within 500 feet.
- (e) The provisions of article XV of this LDC shall also apply where applicable.

(Code 2015, ch. 21, § 21.3.4)

Secs. 18-58—18-70. - Reserved.

ARTICLE IV. - LAND DEVELOPMENT CODE AMENDMENTS

Sec. 18-71. - Adoption.

All amendments to this LDC shall comply with the town Charter, section 15, requiring an affirmative vote of at least four members of the town council. Additionally, the procedures followed shall conform to state statutes and section 1-7.

(Code 2015, ch. 21, § 21.4.1)

Sec. 18-72. - Procedure.

- (a) The town council may amend this LDC only after requesting a recommendation from the planning and zoning commission.
- (b) The zoning official, planning and zoning commission, affected property owners, or the town council may propose recommended changes for consideration at duly noticed public hearings.
- (c) The planning and zoning commission must hold at least one public hearing on the proposed change and submit its advisory recommendations to the council in writing.
- (d) The town council must conduct at least two public hearings before acting on the proposed change.
- (e) Building height limitations. No amendment or variance to the town comprehensive plan or this LDC providing for an increase in the allowable building height of any building shall be adopted by the town council or height variance approved by the board of adjustment, except for reconstruction of a structure that was substantially damaged by fire, wind, flood or other natural disaster, until such amendment or variance is submitted to a vote of the electors by referendum.
- (f) Voter approval is required for approval of a comprehensive land use plan or comprehensive land use plan amendments affecting more than five parcels.
- (g) Amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule, shall not require voter approval.

(Code 2015, ch. 21, § 21.4.2)

Sec. 18-73. - Emergency ordinance.

As permitted by state statutes, an amendment that does not rezone real property may be adopted as an emergency ordinance without complying with the public notice requirements of state statutes, but must then comply with the requirements for adoption set forth in state statutes.

(Code 2015, ch. 21, § 21.4.3)

Secs. 18-74—18-90. - Reserved.

ARTICLE V. - COMPREHENSIVE PLAN AMENDMENTS

Sec. 18-91. - Applicant-generated plan amendment.

- (a) Any person, board, or agency may propose a plan amendment to the town pursuant to this Code and also F.S. ch. 163, pt. II.
 - (1) The cost of town staff and the town consultants to research, write reports, and present and respond to at public hearings an applicant-generated plan amendment shall be the responsibility of the applicant, paid through an application fee upon submission of the request.
 - (2) The estimated cost of the application fee is in the schedule of fees, adopted by council, however, the applicant will be responsible for any additional actual costs or fees that may be incurred for review of the applicant-generated plan amendment.
- (b) Applications to amend the plan shall be set for hearing before the commission.

(Code 2015, ch. 15, art. II, § 2; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-92. - Town-generated plan amendment.

- (a) The commission, staff or the town council may prepare a town-generated plan amendment based on statutory requirements, future, existing or anticipated needs.
- (b) Costs and fees for preparation and presentation of town-generated plan amendments shall be borne by the town.

(Code 2015, ch. 15, art. II, § 3; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-93. - Standards and criteria for approval of plan amendments.

- (a) Proposed comprehensive plan amendments must be in compliance with all procedural and substantive standards and criteria set forth in F.S. ch. 163, pt. II, as may be amended from time to time, and rules F.A.C. chs. 9J-5 and 9J-11, as may be amended from time to time.
- (b) The proposed comprehensive plan amendment must be internally consistent with other goals, objectives and policies contained in the town comprehensive plan.
- (c) The amendment shall comply with and further the comprehensive plans general purpose of guiding and accomplishing a coordinated review and ensuring compatible and harmonious development of the area, which will, in accordance with existing and future needs, best promote public health, safety, morals, environment and the general welfare and which will contribute to long-term efficiency and economic and environmental health, suitability of land for the sustainable use of land and infrastructure.

- (d) The amendment shall include description and data and analysis supporting the need for changes in land uses and infrastructure, transportation, facilities, capital improvements, operations and maintenance of infrastructure, financial programs for public improvements and such other matters as deemed necessary to meet the objectives of the comprehensive plan and ensure that the plan amendment is internally consistent with all elements of the comprehensive plan.

(Code 2015, ch. 15, art. II, § 4; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-94. - Review and adoption procedures.

(a) *Planning and zoning commission.*

- (1) The amendment shall be reviewed by staff and when staff review is complete, presented to the commission either in its entirety or as substantial portions corresponding generally with functional or geographic classifications are completed.
- (2) Before adoption of the amendment or any portion thereof, the commission shall hold a public hearing that meets notice requirements set forth in state statutes and this Code.
- (3) The commission shall make a recommendation to the town council for adoption, denial or adoption with conditions or changes of any plan amendment or any portion of any proposed plan amendment.

(b) *Council.*

- (1) The council may accept or reject the recommendation of the commission in whole or in part and may transmit and formally adopt the amendment by appropriate official action either in its entirety or in part.
- (2) Adoption of the plan amendment shall be by ordinance of the town council.
- (3) The ordinance shall:
 - a. Contain the narrative text, maps, and references, and other matters intended by the commission to form the whole or part of the amendment;
 - b. Record the votes on the action taken on the amendment.
- (4) The plan amendment shall meet all applicable procedural and other requirements of F.S. ch. 163, pt. II and applicable FAC, including rules F.A.C. chs. 9J-5 and 9J-11.
- (5) Any amendment shall only become effective upon its adoption by the council, approval of the department of community affairs (DCA). Adoption of the amendment may also require voter approval under town Charter section 11. Adoption of the amendments shall also comply with any applicable requirements set forth in the town Charter. (See town Charter section 11, 15, and 16.)

(Code 2015, ch. 15, art. II, § 5; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-95. - Legal effect.

- (a) Any amendment shall only become effective upon its adoption by the council, approval of the department of community affairs (DCA). Adoption of a plan amendment shall also comply, if applicable, with town Charter section 11.
- (b) All development orders shall be consistent with the duly adopted comprehensive plan.
- (c) All land development regulations shall be consistent with the duly adopted comprehensive plan.

(Code 2015, ch. 15, art. II, § 6; Ord. No. 2011-01, § 1, 3-9-2011)

Secs. 18-96—18-108. - Reserved.

ARTICLE VI. - APPEALS

Sec. 18-109. - Local procedure.

- (a) All zoning or town permit-related questions arising in connection with the enforcement or interpretation of this LDC, except as otherwise expressly provided in this LDC, must first be presented to the ZO for a formal decision.
- (b) Any person may appeal a ZO approval, denial, or formal decision to the BOA only within 30 days from the date of the specific decision of the ZO.
- (c) Any further appeals from decisions of the BOA shall be made to the courts as otherwise provided by law or the Florida Rules of Civil or Appellate Procedure as established by the state supreme court.

(Code 2015, ch. 21, § 21.5.1)

Sec. 18-110. - Remote procedure.

- (a) If the ZO is not also the building official, then all questions arising in connection with the enforcement or interpretation of the applicable building codes shall be presented to the building official for official decision.
- (b) Appeals from a decision of the building official shall be presented to the political jurisdiction represented by the building official if other than the town.
- (c) Town council.
 - (1) The duties of the town council in connection with this LDC shall not include hearing and passing on disputed questions, which may arise in connection with the enforcement or interpretation of this LDC.
 - (2) The duties of the town council in connection with this LDC shall only be the duty of considering the passing upon any proposed amendment or repeal of this LDC as provided by law.

(Code 2015, ch. 21, § 21.5.2)

Secs. 18-111—18-123. - Reserved.

ARTICLE VII. - PLANNING AND ZONING COMMISSION

Sec. 18-124. - Establishment and composition.

- (a) The planning and zoning commission (Commission), set forth in section 5.11 of the Charter, shall consist of five members nominated by the mayor and appointed by the town council (Council) pursuant to town Charter section 12.
- (b) The planning and zoning commission shall serve as the local planning agency (LPA) as described under F.S. ch. 163, as may be amended from time to time.

(Code 2015, ch. 15, art. I, § 1; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-125. - Functions, powers and duties.

- (a) The functions, powers, and duties of the commission shall include the power to identify the need for, and review proposals for, hold public hearings, and make recommendations to the town council for amendments to the town's comprehensive plan and land development regulations (LDRs).
- (b) The commission shall gather and maintain information and materials necessary for town planning including data and analysis, past and present conditions, trends and changes in conditions and expected population. Such information and material may include the following:
 - (1) Maps and photographs of manmade and natural physical features of the area;
 - (2) Statistics on past and present conditions with respect to population, property values, economic base, land uses and future trends; and
 - (3) Obtain any other information concerning or relevant to town planning, including the amount and type of development within the town.
- (c) The commission shall hold at least one public hearing on any application to amend the description, text or map of the comprehensive plan generated by the town (town-generated) or by an applicant (applicant-generated) and submit a recommendation to the council for approval or denial or approval with conditions or changes.
- (d) The commission shall hold at least one public hearing on any town-generated or applicant-generated application to amend the description, text or map of the LDRs and submit a recommendation to the council for approval or denial or approval with conditions or changes.
- (e) The commission shall review and certify the zoning official (ZO) recommendation for all major developments and subdivision plats under article XVI of this LDC, to ensure the site plan complies with the plan before issuing construction permits or zoning certificates.
 - (1) The council must act upon all major projects after commission certification before issuing construction permits or zoning certificates.
 - (2) If voter referendum is also required, it shall occur after the council has acted upon the major development.
- (f) The commission shall coordinate with the board of adjustment (BOA) where the town code requires BOA approval for a variance, vested right, beneficial use or development.
- (g) The commission may, if desired, as part of its review of plan amendments or LDC amendments or major projects, request an applicant, staff or consulting expert conduct any special studies on the location, condition, and adequacy of proposed amendments, including the availability or levels of service regarding specific facilities in the area, including, but not limited to, housing needs, commercial and industrial uses, conditions and facilities, public and private utilities, traffic, transportation, parking, environmental resources or other planning factors. Review of town-generated application by professional experts shall be paid for by the town. Review of applicant-generated application by professional experts shall be paid for by the applicant unless the town specifically, voluntarily agrees to pay for a review of an applicant-generated application by professional experts.

(Code 2015, ch. 15, art. I, § 2; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-126. - Officers and rules of procedure.

- (a) The commission shall annually in March elect a chair and a vice-chair from among its members.
- (b) The town clerk shall keep a record of the proceedings, notify members, and post appropriate notices of meetings.
- (c) The commission shall meet when requested by the town clerk and may meet at other times as the chair may determine or commission may decide by motion and vote.
- (d) The commission may adopt procedural rules for the transaction of its business.

- (e) The town clerk shall keep a record of the commission's resolutions, transactions, findings, and determinations, which shall be subject to Florida's Public Records Act, F.S. ch. 119.
- (f) All meetings of the commission shall be held in accordance with Florida's Sunshine Act, F.S. ch. 286.

(Code 2015, ch. 15, art. I, § 3; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-127. - Terms of office, removal from office, vacancies.

- (a) Members of the commission shall be appointed, pursuant to the town Charter section 12, for staggered terms of three years, and shall serve until the expiration of their terms, or until their successors are appointed after the expiration of their terms.
- (b) The council may remove any member for cause after written notice and public hearing.
- (c) Vacancies leaving an unexpired term are filled, pursuant to the town Charter section 12.

(Code 2015, ch. 15, art. I, § 4; Ord. No. 2011-01, § 1, 3-9-2011)

Sec. 18-128. - Fees and appropriations.

- (a) The commission, upon approval of the council, is hereby authorized and empowered to recommend appropriations for staff, salaries, fees, and expenses necessary in the conduct of the work of the commission and to recommendations to the town council for amendments to the schedule of fees charged by the town for applications heard by the commission.
- (b) To accomplish the purposes and activities authorized by this part, the commission, with the approval of the council, has the authority to expend all sums so appropriated and other sums made available for its use from fees, donations, state or federal grants, state, or federal loans, and other sources.
- (c) Acceptance of federal or state grants or loans must be approved by the town council.

(Code 2015, ch. 15, art. I, § 5; Ord. No. 2011-01, § 1, 3-9-2011)

Secs. 18-129—18-138. - Reserved.

ARTICLE VIII. - BOARD OF ADJUSTMENT (BOA)

Sec. 18-139. - Composition; appeals and review; powers, functions.

(a) *Establishment.*

- (1) A board of adjustment is hereby established, which shall consist of five members appointed by the mayor, subject to the approval of the town council, each for a term of three years.
- (2) The town council, upon written charges and after public hearing, may remove members of the board of adjustment from office.
- (3) Vacancies occurring in the membership of the board by resignation, illness, or for other causes shall be filled by appointment of the mayor, subject to approval of the town council, for the unexpired term of the member affected.

(b) *Appeals.*

- (1) Appeals to the BOA may be filed by any person or entity aggrieved by any decision of the ZO or other entity related to this LDC.
- (2) Appeals shall be filed within 30 days to the town clerk.

- (3) An appeal must specify the action being appealed, the specific reason for appeal, and the specific reasons relief should be granted.
 - (4) The ZO shall transmit to the BOA all documents which the action appealed from was taken.
 - (5) The BOA shall:
 - a. Fix a reasonable time for the hearing of the appeal.
 - b. Give public notice and notice to the parties in interest.
 - c. Decide the appeal within a reasonable time.
 - (6) At the hearing, any party may appear in person or by agent or by attorney.
- (c) *Judicial review of decisions of the board of adjustment.*
- (1) Any person or entity aggrieved by any decision of the BOA may apply to the circuit court in the judicial circuit where the board of adjustment is located for judicial relief within 30 days after rendition of the decision by the board of adjustment.
 - (2) Review in the circuit court shall be either by a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.
 - (3) The election of remedies shall lie with the appellant per F.S. § 163.250.
- (d) *Powers.*
- (1) *Administrative review.*
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this LDC.
 - b. Such appeals shall include, but not be limited to, appeals from decisions of the administrative official to refuse permits for structures or uses on grounds that the intended structure or use would be dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire, or vibration, or hazardous because of danger of fire or explosion.
 - c. In deciding appeals on such classes of cases, the BOA shall not reverse the decision of the ZO unless it finds that the proposed structure or use will be no more dangerous, hazardous, or offensive in its operation than permitted principal structures or uses of a similar nature in the same district.
 - (2) *Special exceptions.*
 - a. To hear and decide special exceptions to the terms of this LDC upon which the BOA is specifically authorized to pass under the terms of this LDC.
 - b. The BOA shall receive:
 1. A recommendation from the PNZ in all cases involving requests for special exceptions.
 2. A recommendation from the ZO in all cases involving requests for special exceptions.
 - (3) *Variances; conditions governing applications and procedures.*
 - a. To authorize a variance from the terms of this LDC as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this LDC will result in unnecessary hardship.
 - b. The BOA may not issue a variance from the terms of this LDC unless and until the applicant can affirmatively show and the BOA affirmatively finds that:
 1. An application for such variance has been received, stating fully the special circumstances or conditions applying to the land or building for which such variance is sought.

2. The circumstances or conditions of the hardship are peculiar to such land or building and shall not apply generally to neighboring lands or buildings.
 - (i) The existing circumstances and conditions are such that the strict application of the provisions of this LDC would deprive the applicant of reasonable use of the property.
 - (ii) The need for the proposed variance is due to the physical shape, configuration, topographical condition, or environmental conservation of portions of the lot or parcel and such conditions distinguishes the lot from other lots or parcels in the same zoning district.
 - (iii) The peculiar circumstances and conditions are not the result of the actions of the applicant and the hardship is not self-created.
 - (iv) The variance request is not based exclusively or simply upon a desire to reduce the cost of (or to increase profits from) developing the site.
 - (v) The nonconforming use of neighboring lands or buildings shall not be considered adequate grounds for a variance for similar uses.
 - (vi) The variance is the minimum variance that will make possible the reasonable use of the land or building.
 - (vii) The variance will be in harmony with the general purpose and intent of this LDC.
 - (viii) The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the surrounding neighborhood.
 - (ix) The variance will not be injurious to adjoining or neighborhood uses, property values, or otherwise detrimental to the public health, safety, or welfare.
 - (x) The effect of the proposed variance is consistent with the comprehensive plan and does not increase density.
 3. Public notice has been given of a public hearing, and in addition, written notice given to the owner or his agent and, so far as practicable, to directly affected property owners.
- c. At the public hearing, any person may appear by agent or attorney.
 - d. The BOA shall make written findings of fact on the standards and criteria set forth above for the granting or denial of the variance.
 - e. Nothing in this section shall be construed as permitting variance by the BOA to allow any use of land not clearly permitted by this Code.
 - f. A variance cannot be granted to permit a variation in type, density or intensity of land use other than as specifically allowed by the zoning district in which it is located.
 - g. A variance shall expire if not utilized within two years of the approval.
 - h. In granting any variance, the BOA shall prescribe any conditions and safeguards it deems to be necessary or desirable to ensure that the standards and criteria set forth above can be met.
 - i. Violations of such conditions or safeguards, when made a part of the terms under which such variance is granted, shall be deemed to be violation of this Code.
 - j. No variance shall be granted to criteria for any conditional use, major or minor development or any site-specific condition of approval imposed by the town council.
 - k. No variance shall be granted that will purport to simply modify any definition set forth in this Code rather than obtain a variance from the standard or criteria itself. Instead, variance can

be denied and changes to the LDC definitions may be proposed as set forth elsewhere in this Code.

(4) *Decisions of the BOA.*

- a. The BOA may reverse, affirm, or modify the decision made by an administrative official, board, or council in the enforcement of any regulation adopted pursuant to this Code.
- b. The BOA shall have all the powers of the officer from whom the appeal is taken.
- c. The concurring vote of a majority of all the members of the BOA shall be necessary to reverse, affirm, or modify any decision.

(5) *Conditional use.*

- a. To hear and decide conditional use requests in accordance with the terms of this Code.
- b. Nothing in this section shall be construed as permitting the BOA to allow any use of land not clearly permitted by this Code.
- c. Nonconforming use of neighboring lands or buildings shall not be considered adequate grounds for the issuance of a conditional use permitting similar uses.
- d. Violations.
 1. Violations of conditions or safeguards made a part of the terms of the conditional use permit shall cause the granted conditional use permit to be invalid.
 2. Violations of conditions or safeguards made a part of the terms of the conditional use permit shall be deemed to be violation of this LDC.
 3. Upon notice of violation, all work must cease and the owner or the agent must reappear before the BOA and reapply for a conditional use permit.
- e. The BOA may not issue a conditional use unless and until:
 1. An application for conditional use has been received, stating the section of this LDC allowing the conditional use sought.
 2. Public notice shall be given of a public hearing, including posting of the application (including a site plan and architectural rendering of the conditional use, if applicable) at the subject property. An applicant may appear in person or by agent or attorney at the public hearing.
 3. Written notice shall be given to the owner or his agent.
 4. Courtesy written notice shall be given to property owners within 500 feet.
 5. The concurring vote of a majority of all the members of the board shall be required to approve a conditional use.
 6. The BOA shall find that the reasons set forth in the application justify the granting of a conditional use.
 7. The BOA shall find that the granting of the conditional use will be in harmony with the general purpose and intent of this LDC, is consistent with the goals, objectives and policies of the town comprehensive plan, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 8. In granting any conditional use, the BOA shall prescribe any conditions and safeguards it deems to be necessary or desirable in addition to the requirements of this LDC.
 9. Any new conditional use that has not obtained approval shall be demolished.

(e) *Proceedings.*

- (1) The BOA shall adopt rules for the conduct of its affairs, and in keeping with the provisions of this LDC.
 - (2) Meetings shall be held at the call of the chair and at such times as the BOA may determine, after due public notice thereof.
 - (3) The BOA shall keep minutes of its proceedings, showing attendance and the vote of each member upon each question.
 - (4) The BOA shall keep records of its examinations and other official actions filed in the town hall.
 - (5) All records of the BOA shall be a public record.
- (f) *Stay of proceedings.*
- (1) An appeal to the BOA stays all actions in furtherance of the appealed decision.
 - (2) If the officer from whom the appeal is taken certifies to the BOA that a stay would cause imminent peril to life or property, the action may continue.
 - (3) In this case, a restraining order granted by the BOA or a court of record would stay all actions in furtherance of the appealed decision.

(Code 2015, ch. 21, § 21.6)

Secs. 18-140—18-151. - Reserved.

ARTICLE IX. - ZONING COMPLIANCE

Sec. 18-152. - Violations.

- (a) If the ZO shall find that any of the building provisions of this LDC are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.
- (b) The ZO shall order discontinuance of use of land or buildings, removal of buildings, additions or other structures, discontinuance of any work being done, or shall take any other action necessary to ensure compliance with this LDC.

(Code 2015, ch. 21, § 21.7.1)

Sec. 18-153. - Application for zoning compliance.

- (a) All applications for zoning compliance shall be accompanied by three sets of duplicate plans, drawn to scale.
- (b) The application shall include such other information as may be required by the ZO, including, but not limited to, the following:
 - (1) Existing or proposed uses of the building and land;
 - (2) The number of families or housekeeping units the building is designed to accommodate;
 - (3) Conditions existing on the lot and neighboring lots; and
 - (4) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this LDC.
- (c) Two copies of such plans and the approved application shall be returned to the applicant.
- (d) One copy of the plan and application shall be kept in the office of the ZO.

- (e) All applications for zoning compliance shall include the following information, unless otherwise noted by the ZO:
- (1) A complete legal description of the affected property;
 - (2) The ownership of the property, including all owners if more than one;
 - (3) A written narrative detailing the uses, including existing and proposed;
 - (4) A site plan describing the following:
 - a. The entire property owned and to be developed;
 - b. The location on the property of all existing and proposed improvements;
 - c. The elevations of the first floor of the proposed construction;
 - d. The maximum building height;
 - e. The distance of all improvements from the property lines involved.
 - (5) Detailed site plans are required for any major project development. (See also article XVI of this LDC.)
 - (6) Approved certificate of zoning compliance.
 - a. The ZO shall not issue a certificate of zoning compliance until compliance with all LDC requirements, consistency with the comprehensive plan, and all criteria on application forms are met.
 - b. The ZO shall make available separate application forms for residential development, commercial development, and concurrency management.
 - (7) Development proposals and site plans for projects west of the CR 40 and 40A intersection shall identify known historical and archaeological sites based upon competent historical or archaeological professional review.
 - (8) Demonstration that appropriate permits for on-site wastewater treatment systems have been obtained from the county health department and other federal, state, and local agencies.
 - (9) Demonstration that applicable surface water and/or stormwater permits have been obtained or are pending from SWFWMD if required; or a letter from that agency indicating no permits are needed.
 - (10) Site plans shall show any necessary water, drainage, and street improvements, and the nature and extent of earthwork required for site preparation and development.
 - (11) Demonstration that soils, topography, and vegetative cover have been integrated in planning.
 - (12) For developments in which hazardous wastes are proposed to be stored, generated or transported, the following shall be included as part of the site plan:
 - a. An emergency response plan addressing accidents involving hazardous waste;
 - b. Documentation that the location of the proposed site is not within 500 feet of the town's wellfields;
 - c. Documentation that the site will not degrade surface water or groundwater quality, or other natural resources;
 - d. Documentation that department of regulation standards for transfer and storage are implemented consistent with F.A.C. ch. 17-730;
 - e. Documentation that a "Notification of Hazardous Waste Activity" permit has been filed with the environmental protection agency.
 - (13) Location of proposed driveways.

- (14) If development activity includes a dock, seawall or riprap, or other activity in a wetlands or water body, the applicant shall also provide a copy of any and all documentation or information that has been provided to, or received from, any applicable state, regional or federal agency, including the State of Florida Department of Environmental Protection (DEP), the Southwest Florida Water Management District (SWFWMD) and United States Army Corps of Engineers (ACOE).

(Code 2015, ch. 21, § 21.7.2; Ord. No. 2020-03, § 1, 9-14-2020)

Sec. 18-154. - Zoning compliance required.

- (a) No building or other structure shall be erected, moved into or within the town, added to, or structurally altered without a permit issued by the ZO.
- (b) All applications for zoning compliance shall be in accordance with the requirements of this LDC.
- (c) Unless upon written order of the BOA, no building permit shall be issued except in complete conformity to the provisions of this LDC.

(Code 2015, ch. 21, § 21.7.3)

Sec. 18-155. - Certificate of occupancy required.

- (a) No land shall be used or occupied, building hereafter erected, structurally altered, moved or extended, or land or building change use until a certificate of occupancy has been issued by the building inspector or ZO.
- (b) A certificate of occupancy shall only be issued if construction and development is completed in full compliance with the provisions of this Code and any conditions placed on any applicable zoning approvals by the ZO, P and Z, BOA, or town council.
- (c) The ZO shall issue a certificate of occupancy for those projects that require zoning compliance review but that do not require a county building permit.
- (d) The ZO shall maintain a record of all certificates of occupancy, and copies shall be furnished upon request to any person having an interest as a proprietor or tenant in the building affected.

(Code 2015, ch. 21, § 21.7.4)

Sec. 18-156. - Permit suspension, revocation and approvals/permits erroneously issued.

- (a) A zoning compliance certificate, variance, special exception, conditional use or any other development approval, or building permit issued on the basis of faulty applications or plans, shall be null and void immediately upon discovery.
- (b) When a development permit or approval, or building permit, is issued through administrative error, the error shall be called to the attention of the permit holder upon discovery, in writing by the building or ZO.
 - (1) If the error is not voluntarily corrected in a timely manner, as set by the building official or ZO, the matter shall be brought to the immediate attention of code enforcement, the BOA and the town council.
 - (2) The town shall take such lawful actions, as is appropriate and deemed necessary including revocation of the erroneous permit, code enforcement or by filing an action in a court with the appropriate jurisdiction.

- (c) The ZO is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any provisions of this Code.
- (d) Misrepresentation of application. The ZO may revoke a permit or approval, issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (e) Violation of code provisions. The ZO may revoke a permit upon determination by the ZO that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code.
- (f) A permit or certificate of use issued in error shall not confer any rights to construction or occupancy, and upon a finding that a permit has been so issued, it shall be revoked.
- (g) No permit or certificate of use shall be deemed or construed to authorize violation of any provisions of this zoning ordinance, and such permits or certificates shall be deemed or construed to be valid only to the extent that the work authorized is lawful.

(Code 2015, ch. 21, § 21.7.5)

Sec. 18-157. - Expiration of zoning compliance and building permit.

- (a) Building permits shall expire in accordance with county building department regulations.
- (b) Renewing a building permit requires renewal of the zoning compliance also.
- (c) Zoning compliance certificates shall expire two months after issue if no building permit has been received by applicant.
- (d) If no permit is required, zoning compliance shall expire:
 - (1) Two months from date of issue if no work has started; or
 - (2) One year from date of issue if work is not complete.
- (e) Written notice shall be given to applicant if zoning compliance expires.
- (f) Building permit extensions issued by the county require notification of the ZO.
- (g) Zoning compliance certificates may be extended by the ZO if proof of significant effort is shown.
 - (1) The extended permit may include limitations as to the time allowed for completion of the work.
 - (2) The extended permit may include provisions for a performance bond to ensure such completion within the time limit set.

(Code 2015, ch. 21, § 21.7.6)

Secs. 18-158—18-177. - Reserved.

ARTICLE X. - DISTRICT REGULATIONS

Sec. 18-178. - Common standards for all districts.

- (a) No new building or land use shall be permitted unless it conforms to the code for the zone in which it is located.
- (b) Nonconforming structures voluntarily destroyed shall be brought into compliance with the current LDC and comprehensive plan when rebuilt.

- (c) Any nonconforming structure remodeled or modified involving the removal of any portion of an exterior wall, except for door or window replacement, or change to roof shape should ensure no increase in the amount of nonconformity either vertically or horizontally.
- (d) Replacement of involuntarily destroyed nonconforming structures is allowed provided:
 - (1) That portion of the structure that creates the nonconformity is not increased.
 - (2) The reconstruction must comply with:
 - a. Maximum height requirements;
 - b. The remaining LDC requirements to the greatest extent possible;
 - c. Chapter 12; and
 - d. All current building code requirements.
- (e) Any land required to comply with these regulations is unavailable as land for another structure or use.
- (f) No part of a parcel or other space required for any building for the purpose of complying with the provisions of this LDC shall be included as part of a parcel or other open space similarly required for another building.
- (g) Contiguous parcels of record, under identical ownership, are not subject to the common boundary setback requirements, as those provisions relate to the common boundaries of said parcels.
- (h) An owner who has built or is permitted to build on two or more contiguous parcels of record may not sell or transfer a portion or all of said contiguous parcels unless no violation of zoning district parcel dimensions or density will occur on the developed parcel or on the sold parcel if it is developed.
- (i) A substandard parcel, as defined by this Code, shall not be a legal parcel of record and is not buildable unless combined with an adjoining lot or unless a variance or beneficial use determination is obtained. Exceptions apply in the residential low density (RLD) district.
- (j) Prohibited is the creation and sale of any parcel that is a substandard parcel as defined by this Code.
- (k) Parcels combined by deed may never recover original parcel of record status.
- (l) New development shall provide on-site stormwater retention volumes consistent with outstanding state water regulations.
- (m) All new nonresidential development shall utilize low impact development practices for stormwater management set forth in the comprehensive plan in a linked, sequential treatment process that ensures efficient stormwater nutrient treatment. Post-development conditions shall equal pre-development natural conditions with regard to stormwater leaving the site.
- (n) Home business occupations in commercial and residential districts are allowed, providing:
 - (1) Not more than one person not a resident on the premises shall be employed.
 - (2) Such occupation shall be clearly incidental and secondary to the use of the building for residential purposes.
 - (3) Total square footage of premises used for home occupations shall not exceed 300 square feet. Conditional use permit approval by BOA is required if greater area is required.
 - (4) Two additional off-street parking spaces are required if the home occupation involves clients or deliveries.
 - (5) The external appearance of the building shall not be changed because of the conduct of the operation and there shall be no external evidence of such occupation on the buildings or grounds.
 - (6) A small professional notice or sign, not exceeding one-square foot in area, may be mounted against the side of the building, or in an approved site within the lot limits.
 - (7) Traffic density and congestion will not be a hazard in residential districts.

- (o) All new and replacement sanitary wastewater disposal systems shall be located on-site.
- (p) No dredging or filling of wetlands or water bodies shall be allowed for any purpose without state agency approval and a beneficial use determination obtained from the BOA except as otherwise set forth in this LDC and comprehensive plan.
- (q) To determine the extent of uplands for a particular site, the applicant must obtain DEP, ACOE, and SWFWMD approved jurisdictional delineation or demarcation line for the wetlands and uplands in question.
- (r) No construction permit or zoning certificate for major development may be issued unless the town council has determined that the site plan and other submitted documents are consistent with the comprehensive plan and in compliance with the LDC.
- (s) All principal or accessory uses not specifically allowed in a zoning district are hereby prohibited.
- (t) The principal structure must have a certificate of occupancy before approval of an allowable accessory structure:
 - (1) With the exception of a dock;
 - (2) With the exception of a storage shed, if an active principal structure construction permit exists.
- (u) The construction of an uncovered dock, in accordance with section 18-355, is an authorized use on any waterfront parcel of record, which is without a primary structure.
- (v) All accessory structures and uses, with the exception of a dock, shall be located behind the front plane of the structure or dwelling unit (i.e., to the side or rear of the structure), except on islands in the residential environmentally sensitive and resource protection district.
- (w) Guest house is an allowed accessory structure in any residential district, not exceeding 750 square feet in area, but not to exceed 50 percent of the primary structure.
- (x) The noise level of electronic speakers, musical instruments, fixed equipment, machinery, power tools, construction demolition and general construction noise should not be offensive to nearby residents between the hours of 10:00 p.m. and 7:00 a.m.

(Code 2015, ch. 21, § 21.8.1; Ord. No. 2020-01, § 1, 6-8-2020)

Sec. 18-179. - Additional standards for all CN, CWD, and LI districts.

- (a) Parcels in commercial districts that contain lawfully established residential development prior to September 1, 2007, are conforming as to structures and/or uses until the uses of the parcel or structures are converted to another conforming commercial use. Once converted to commercial use, the use of the parcel cannot be changed back to a nonconforming use.
- (b) Clustering of buildings to increase open space, view corridors or preserve wetlands or native vegetation is allowed, encouraged, and preferred.
- (c) Provision must be made and documentation provided to ensure the adequate collection and disposal of trash and garbage.
- (d) The noise level of electronic speakers, musical instruments, fixed equipment, machinery, power tools, construction demolition and general construction noise should not be offensive to nearby residents between the hours of 10:00 p.m. and 7:00 a.m.
- (e) Parking space shall be provided onsite for all vehicles and boat trailers using the facility, on-street or offsite parking shall not be used to meet minimum parking requirements.
- (f) A neighborhood traffic study is required containing:
 - (1) Detailed effect on neighborhood traffic on local streets and roads;
 - (2) Effect on transportation level of service;

- (3) Percentage of trips that will utilize each of the nearby streets;
- (4) Proposed improvements if necessary to accommodate the use.
- (g) Design and architecture of structures shall be in accordance with the architectural standards section. Owners may seek a variance from the BOA if special conditions exist.
- (h) All new commercial development shall utilize low impact development practices in a linked, sequential treatment process that ensures efficient stormwater nutrient treatment, including, as applicable to the specific use:
 - (1) Landscaped bio-filtration swales.
 - (2) Use of native and Florida-friendly plants adapted to soil, water, and rainfall conditions.
 - (3) Minimal use of fertilizers and pesticides.
 - (4) Grease traps for restaurants.
 - (5) Recycle stormwater by using pond water for irrigation of landscaping.
 - (6) Dry wells to capture runoff from roofs.
 - (7) Porous, pervious, permeable pavements.
 - (8) Maintenance of stormwater wetlands and ponds used for nutrient removal.
 - (9) Aerate tree root systems (for example, WANE systems).
 - (10) Vegetate on-site floodplain areas with native and Florida-friendly plants to provide habitat and wildlife corridors.
 - (11) Use of other connected best management practices to increase nutrient removal.
 - (12) At a minimum, post-development condition shall equal pre-development natural conditions with regard to stormwater leaving the site.
- (i) Existing commercial development shall be encouraged, but not required, to use the above recommendations and shall not be considered nonconforming if they do not.
- (j) Shipping, receiving, and loading, or unloading space or areas.
 - (1) In connection with every structure or part thereof, which is a commercial or industrial use, which utilizes shipping and receiving, there shall be provided and maintained, on the same lot with such building, one off-street loading space or area.
 - (2) The off-street loading space or area shall have the following minimum required dimensions:
 - a. Width: 12 feet.
 - b. Length: 25 feet.
 - c. Height: clearance of 14 feet.
 - (3) The off-street loading space or area may not occupy any setback areas.

(Code 2015, ch. 21, § 21.8.2; Ord. No. 2020-01, § 1, 6-8-2020)

Sec. 18-180. - Commercial neighborhood; CN.

- (a) *Purpose and intent.*
 - (1) The principal purpose of this district is to provide for various types of neighborhood retail sales, services, offices, restaurants and transient units.
 - (2) Intensities consistent with the community character and natural environment are allowed.

- (b) *General requirements.* See common standards for all districts and common standards for commercial and light industrial districts.
- (c) *Permitted principal uses and structures.*
 - (1) Retail stores.
 - (2) Customary home occupations.
 - (3) Restaurants. An establishment whose principal and primary source of income is the serving of food and is open to the general public.
 - a. Drive-through windows are prohibited.
 - b. Serving of alcohol is allowed only as a secondary source of income accessory to the service of food.
 - c. Gross revenue from the sales of alcohol may not exceed: 50 percent; or 60 percent if the restaurant meets all of the requirements of the following sections of rule F.A.C. 61A-3.0141(2)(d), (2)(e) and (3)(d) (2009).
 - d. Preparation of food onsite or elsewhere for on-site or off-site catering is allowed.
 - e. The restaurant may contain food specialty areas such as bakery, coffee shop, and delicatessen.
 - (4) Specialty food establishments such as a bakery, coffee shop, or delicatessen.
 - (5) Offices, business or professional.
 - (6) Financial institutions; allows drive-through service.
 - (7) Parking lots.
 - (8) Motor vehicle sales, both new and used.
 - (9) Watercraft and watercraft accessory sales and/or rentals.
 - (10) Family recreational uses and structures, including theaters, shuffleboard courts, and auditoriums.
 - (11) Retail and wholesale sale of seafood, seafood products, fresh fish, and related products.
 - (12) Establishments for the maintenance, overhaul, and repair of boats.
 - (13) Mortuaries and funeral homes.
 - (14) Self-storage facilities.
 - (15) Hotel or motel transient units.
 - a. Maximum 500 interior square feet per unit.
 - b. Transient unit may contain more than one bedroom; however, each bedroom shall be counted as a unit for density/intensity calculations.
 - c. Kitchens in transient units are prohibited.
 - d. Microwave, coffee pot, and mini refrigerator are allowed.
 - e. On-site management, check-in, and reservation desk is required.
 - f. Maximum allowed transient density is four bedrooms per acre.
 - (16) Day care centers.
 - (17) Laundromats.
 - (18) Car washes.
 - (19) Retail liquor sales for off-site consumption (package stores).

- (20) Radio or TV broadcasting studios.
- (21) Food catering services.
- (22) Professional services, such as, but not limited to, accounting, blueprint, computer, insurance, printing, real estate, and secretarial.
- (23) Recreation, activity-based (picnicking, jogging, cycling, arboretums, hiking, playgrounds, ball fields, outdoor ball courts, outdoor swimming pools and gymnasiums are examples of activity-based recreation).
- (24) Second hand retail merchandise sold within an enclosed, commercial structure.
- (25) Personal service businesses, such as, but not limited to, barber, beauty or nail salon, tailor, travel agency, laundromat, dry cleaner pick-up, photography studio, florist, spa, and physical fitness center.
- (26) Wholesale businesses.

Any desired use or structure not listed above requires a conditional use from the BOA.

(d) *Conditional uses.* The BOA must approve all conditional uses. Any requirements listed below are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.

- (1) Bed and breakfast lodging (B&B).
- (2) Temporary and/or portable retail sales stands meeting the following requirements:
 - a. No permanent power or utilities.
 - b. No permanent ground connection or anchor.
 - c. Authorized location on a yearly basis.
 - d. Daily debris removal required.
 - e. Proof of necessary permits required.
 - f. No alcohol sales allowed.
- (3) Gasoline sales and service.
- (4) Combination gasoline sale and food marts or restaurants.
- (5) Medical, dental, veterinary hospitals/offices.
- (6) Indoor kennels (outdoor kennels shall be prohibited).
- (7) Vacation rentals.
- (8) A single-dwelling unit for a caretaker located in, beside, above, or below the business operation and the occupant directly supports the business operation is allowed if meeting the following requirements:
 - a. Size not to exceed 750 square feet.
 - b. Bedroom is not counted as one of the bedrooms allowed onsite.
 - c. Kitchen is allowed.
 - d. No rental of this unit is allowed. There must be an employee or independent contractor business relationship between occupants and the owner or commercial enterprise existing onsite.
- (9) Boat building establishments with additional approval by town council.
- (10) Establishments where the sale of alcoholic beverages, for on-site consumption, is secondary to the primary use as a hotel where:

- a. At least 50 percent of gross revenue must come from primary hotel use.
 - b. No more than 30 percent of gross revenue may come from alcohol sales.
- (11) Facilities for vehicle towing, storage, service, and repair.
- a. No public street, parking space, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles during business hours.
 - b. No operation in connection with such establishments shall be carried on in a way which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
 - c. All motor vehicles being stored or repaired by such establishments shall be maintained in such condition that they may be moved under their own power at any time except such vehicles as may be under repair in garages or other buildings as provided in subsection (d)(11)d of this section.
 - d. All repairs of motor vehicles or parts shall be made within garages, service stations, body shops or other buildings used for such purposes.
- (12) Establishments for the maintenance, overhaul, and repair of boats.
- a. No public street, parking space, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles during business hours.
 - b. No operation in connection with such establishments shall be carried on in a way which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
 - c. All motor vehicles being stored or repaired by such establishments shall be maintained in such condition that they may be moved under their own power at any time except such vehicles as may be under repair in garages or other buildings as provided in subsection (d)(12)d of this section.
 - d. All repairs of motor vehicles or parts shall be made within garages, service stations, body shops or other buildings used for such purposes.
 - e. Any desired use or structure not listed above requires a conditional use from the BOA.
- (13) Allowed accessory uses and structures.
- a. Support facilities for transient units such as newsstands, laundry centers, or recreation facilities.
 - b. Occupancy of no more than a single recreational vehicle is limited to a period of not more than 14 days in a 90-day consecutive period and only when a primary residence is on the parcel. Existing RV parks are excluded from this limitation.
 - c. Any desired use or structure not listed above requires a conditional use from the BOA.
- (14) Prohibited uses and structures.
- a. Refineries, fuel tank storage farms, fuel transport terminals.
 - b. Incinerators, solid waste, construction, debris, junkyards, and demolition landfills.
 - c. Construction of new residential dwelling units except for caretaker units, as in subsection (d)(8) of this section.
 - d. Communal self-serve cooking facilities are prohibited.
 - e. Stand-alone bars with on-site consumption of alcoholic beverages that derive more than 50 percent of gross revenues from alcoholic beverage sales.
- (15) Dimensional requirements.

- a. Maximum impervious surface ratios shall not exceed 50 percent of the site.
- b. Minimum green space requirement shall be 50 percent.
- c. No structure shall exceed a gross floor space of 3,000 square feet.
- d. FAR is 0.07 for any parcel equal to or greater than 20,760 square feet.
 - 1. FAR for parcels less than 20,760 square feet see Table 1.

Table 1. Nonresidential Structures Size Limits

Nonresidential Structures: Floor Area Ratio (FAR) and Maximum Building Size

Table 1 Nonresidential Structures

Maximum Lot Size	Minimum Lot Size	Building Maximum Size
	20,760	0.07 FAR or 3,000 square feet
< 20,760 square feet	= to or > 18,720 square feet	1,460 square feet
< 18,720 square feet	= to or > 16,680 square feet	1,380 square feet
< 16,680 square feet	= to or > 14,640 square feet	1,315 square feet
< 14,640 square feet	= to or > 12,600 square feet	1,253 square feet
< 12,600 square feet	= to or > 10,560 square feet	1,181 square feet
< 10,560 square feet	= to or > 8,520 square feet	1,156 square feet
< 8,520 square feet		1,050 square feet

- 2. To calculate density, the parcel area less commercial usage is used to calculate the area available for transient units.
- 3. To calculate intensity, the parcel area less transient unit usage is used to calculate the area available for commercial.
- e. Maximum height is 35 feet above average existing natural grade.

- f. A minimum of 15 feet separation between buildings.
- g. Setbacks.
 - 1. Waterfront or wetland setback: 50 feet from the MHWL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.
 - 2. Side: eight feet.
 - 3. Front: 25 feet.
 - 4. Rear: ten feet.
- h. Minimum new parcel width: 100 feet.
- i. Minimum new parcel area: one-half acre.

(Code 2015, ch. 21, § 21.8.3)

Sec. 18-181. - Commercial water dependent; CWD.

(a) *Purpose and intent.*

- (1) This zone provides for water-dependent land uses that facilitate, provide, and protect commercial fishing, recreational fishing, and public access to the waterfront.
- (2) Water-dependent uses can take the form of a commercial business or a public facility.
- (3) Only low to medium commercial intensity uses are allowed.

(b) *General requirements.*

- (1) See common standards for all districts and common standards for commercial and light industrial districts.
- (2) Dumping, polluting, or otherwise disposing of any trash, waste or other matter into the river is prohibited.
- (3) There shall be no net loss of public access to boat ramp facilities existing onsite and available to the public. Public access includes either access to the water on a free or user-fee basis (for example, boat ramp fees, or docking fees open to the general public).

(c) *Permitted principal uses and structures.*

- (1) Marinas.
- (2) Customary home occupations.
- (3) Uncovered boat slips/docks.
- (4) Covered boat slip only within town limits.
- (5) Commercial fishing and customary commercial fishing support activities.
- (6) Fishing net and trap-making businesses.
- (7) Sail making businesses.
- (8) Recreational fishing.
- (9) Charter boat docks.
- (10) Fish houses.
- (11) Sales of recreational boating trips.
- (12) Wholesale and retail sales of fish and seafood.

- (13) Marine scientific and biological laboratories, research facilities, sampling or collection.
- (14) Watercraft and watercraft accessory sales and/or rentals.
- (15) Establishments for the maintenance, overhaul, and repair of boats.
- (16) Bait and tackle shops.
- (17) Water view restaurants: an establishment whose principal and primary source of income is the serving of food and is open to the general public.
 - a. Drive-through windows are prohibited.
 - b. Serving of alcohol is allowed only as a secondary source of income accessory to the service of food.
 - c. Gross revenue from the sales of alcohol may not exceed: 50 percent; or 60 percent if the restaurant meets all of the requirements of the following sections of rule F.A.C. 61A-3.0141(2)(d), (2)(e) and (3)(d) (2009).
 - d. Preparation of food onsite or elsewhere for on-site or off-site catering is allowed.
 - e. The restaurant may contain food specialty areas such as bakery, coffee shop, and delicatessen.
- (18) Water-enhanced food and beverage service areas open to the public may be included on public access ways to the waterfront.
- (19) Outdoor recreation supply stores.
- (20) Recreation, activity-based (picnicking, jogging, cycling, arboretums, hiking, playgrounds, outdoor swimming pools) and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreation uses.
- (21) Office buildings, only if water-dependent functions.
- (22) Retail shops, such as, but not limited to, gift shops, antique shops, art studios, and art shops.
- (23) Hotel, motel, residential transient units, or bed and breakfasts, subject to the following conditions:
 - a. Only if they are water dependent or water enhanced, which can be demonstrated by the following:
 - 1. Access to, and along, the waterfront is required to provide for viewing of waterfront vistas along the waterfront shoreline.
 - 2. Open to the public waterfront areas may be provided in the form of privately-owned river walks, boardwalks, sidewalks, pathways, and food and beverage service areas that allow open to the public:
 - (i) Perpendicular access to a waterfront (at least 15 feet wide);and
 - (ii) Parallel access along the waterfront (at least eight feet wide); or
 - (iii) If the use does not provide the open to the public waterfront access, the town council shall review the site plan, architectural design, and BOA and P and Z recommendations during major development or conditional use, as applicable. The council shall ensure that existing views of the waterfront and river are not degraded and to ensure that the proposed use is truly water dependent or water enhanced and cannot be located in commercial neighborhood or another non-waterfront zoning district.
 - b. Maximum allowed transient unit density is two units per acre.
 - c. Maximum 500 interior square feet each unit.

- d. Transient unit may contain more than one bedroom; however, each bedroom shall be counted as a unit for density/intensity calculations.
 - e. Kitchens in transient units are prohibited.
 - f. Microwave, coffee pot, and mini refrigerator are allowed.
 - g. Stays are limited to 31 days or less.
 - h. On-site management, check in, and reservation desk is required.
- (24) Commercial sales necessary to an ongoing on-site transient unit establishment.
- (25) Any desired use or structure not listed above requires a conditional use from the BOA.
- (d) *Conditional uses.* BOA must approve all conditional uses. Any requirements listed below are the minimum. BOA may add additional requirements.
- (1) Bed and breakfast shall not exceed the standards and criteria, applicable to hotels/motels.
 - (2) Temporary and/or portable retail sales stands provided that there is:
 - a. No permanent power or utilities.
 - b. No permanent ground connection or anchor.
 - c. Authorization of location on a yearly basis.
 - d. Daily debris removal required.
 - e. Proof of necessary permits required.
 - f. No alcohol sales allowed.
 - (3) A single-dwelling unit for a caretaker located in, beside, above, or below the business operation and the occupant directly supports the business operation is allowed if meeting requirements below:
 - a. Size not to exceed 750 square feet.
 - b. Bedroom is not counted as one of the bedrooms allowed on site.
 - c. Kitchen is allowed.
 - d. No rental of this unit is allowed.
 - e. There must be an employee or independent contractor business relationship between occupants and the owner or commercial enterprise existing on-site.
 - (4) Boat building establishments with additional approval by town council.
 - (5) Marine construction enterprises.
 - (6) Vacation rentals.
 - (7) Establishments where the sale of alcoholic beverages for on-site consumption is secondary to the primary use as a hotel or marina where:
 - a. At least 50 percent of gross revenues must come from primary use.
 - b. No more than 30 percent of gross revenues may come from alcohol sales.
 - (8) Any desired use or structure not listed above requires a conditional use from the BOA.
- (e) *Allowed accessory uses and structures.*
- (1) Support facilities for transient units such as newsstands, laundry centers, or recreation facilities.
 - (2) Food, gas and other commercial sales shall be an accessory use to an ongoing marina or motel.

(3) Occupancy of no more than a single recreational vehicle is limited to a period of not more than 14 days in a 90-day consecutive period and only when a primary residence is on the parcel. Existing RV parks are excluded from this limitation.

(4) Any desired use or structure not listed above requires a conditional use from the BOA.

(f) *Prohibited uses and structures.*

(1) Refineries, fuel tank storage farms, and fuel transport terminals.

(2) Incinerators, solid waste, construction, debris, junkyards, and demolition landfills.

(3) Construction of new residential dwelling units except for caretaker unit as in subsection (d)(3) of this section.

(4) Indoor communal self-serve cooking facilities.

(5) Stand-alone bars with on-premises consumption of alcoholic beverages that do not derive at least 50 percent gross revenues from food and non-alcoholic beverage sales.

(6) Package stores selling alcohol for off-premises consumption, except beer and wine, may be sold as secondary to a hotel, restaurant, or marina use where:

a. At least 50 percent of gross revenues must come from primary use.

b. No more than 30 percent of gross revenues may come from package beer and wine sales.

(7) High and dry boat storage.

(8) Live aboard for a period of more than three days is prohibited if an operational pump out facility or portable sanitary treatment facility is not available on the premises.

(g) *Dimensional requirements.*

(1) Maximum impervious surface ratios shall not exceed 50 percent of the site.

(2) Minimum open space shall be requirement 50 percent.

(3) No structure shall exceed a gross floor space of 3,000 square feet.

(4) FAR is 0.07 for any parcel equal to or greater than 20,760 square feet.

(5) For FAR for parcels less than 20,760 square feet, see Table 1 in section 18-180.

(6) To calculate density, parcel area less commercial usage area is used to calculate the net area available for transient units.

(7) To calculate intensity, the parcel area minus transient unit usage area is used to calculate the net area available for commercial.

(8) Maximum height is 35 feet above average existing natural grade.

(9) A minimum of 15 feet separation between buildings.

(10) Setbacks.

a. Waterfront or wetland setback: 50 feet from the MHWL or OHWL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.

b. Side: eight feet.

c. Front: 25 feet.

d. Rear: ten feet.

(11) Minimum new parcel width: 100 feet.

(12) Minimum new parcel area: one-half acre.

(Code 2015, ch. 21, § 21.8.4)

Sec. 18-182. - Light industrial; LI.

- (a) *Purpose and intent.* The principal purpose of this district is to provide for small scale, light industrial activities.
- (b) *General requirements.*
 - (1) See common standards for all districts and common standards for commercial and light industrial districts.
 - (2) A spill containment and industrial waste management plan shall be required to ensure that no industrial wastes are introduced to groundwater.
 - (3) Said industry shall be of such a nature that it can be operated to be not injurious, offensive, or detrimental to the present or intended character of this district or vicinity because of, including, but not limited to, the emission of noise, dust, glare, smoke, gas, fire, odors, vibration, toxic or noxious waste materials, or fumes.
 - (4) This district is designed for those industrial users, which can meet a high level of performance standards.
- (c) *Permitted uses and structures.*
 - (1) The receiving, sorting, and/or distribution of goods and materials.
 - (2) Fabricating shops.
 - (3) Activities requiring storage or warehousing.
 - (4) Distribution, assembly, packaging, or processing manufacturing of products that are not noxious and do not pose a threat to the environment.
 - (5) Building materials yards.
 - (6) Equipment storage yards.
 - (7) Ice manufacturing and cold storage.
 - (8) Truck terminals.
 - (9) Bottling and packaging works.
 - (10) Electrical repair shops.
 - (11) Utility towers.
 - (12) General industrial services.
 - (13) Catering services.
 - (14) Recycling collection centers.
 - (15) Self-storage facilities.
 - (16) Fishing net and trap storage facilities.
 - (17) Any desired use or structure not listed above requires a conditional use from the BOA.
- (d) *Conditional uses.*
 - (1) Boat building establishments with additional approval by town council.
 - (2) Storage of on-site volatile substances. Setback will need to increase to a minimum of the fire code requirements.
 - (3) Additional space between buildings will be required.

- (4) A single-dwelling unit for a caretaker located in, beside, above, or below the business operation and the occupant directly supports the business operation is allowed if meeting requirements below:
 - a. Size not to exceed 750 square feet.
 - b. Bedroom is not counted as one of the bedrooms allowed on site.
 - c. Kitchen is allowed.
 - d. No rental of this unit is allowed.
 - e. There must be an employee or independent contractor business relationship between occupants and the owner or commercial enterprise existing on-site.
- (5) Any desired use or structure not listed above requires a conditional use from the BOA.
- (e) *Allowed accessory uses and structures.*
 - (1) Uses requiring primarily outdoor storage or where the industrial activity itself is conducted outdoors.
 - a. Setback may need to be increased for safety reasons.
 - b. Additional space between buildings may be required.
 - (2) Any desired use or structure not listed above requires a conditional use from the BOA.
- (f) *Prohibited uses.*
 - (1) Structures used as places of public assembly.
 - (2) Junk yards and marine salvages.
 - (3) Used car lots.
 - (4) No materials shall be stored in the open that might float or become airborne during flooding or high winds.
 - (5) Refineries, fuel tank storage farms, and fuel transport terminals.
 - (6) More than one bulk 400-gallon or greater capacity LP gas storage tank.
 - (7) Distribution of LP gas.
 - (8) Incinerators, solid waste, construction, debris, and demolition landfills.
 - (9) Construction of new residential dwelling units except for caretaker unit as in subsection (d)(3) of this section.
 - (10) Occupancy of a recreational vehicle.
- (g) *Dimensional requirements.*
 - (1) Maximum impervious surface coverage shall not exceed 50 percent of the site.
 - (2) Minimum green space (including pervious, permeable surfaces) shall cover at least 50 percent of the site.
 - (3) No structure shall exceed a gross floor space of 3,000 square feet.
 - (4) FAR is 0.07 for any parcel equal to or greater than 20,760 square feet.
 - (5) For FAR for parcels less than 20,760 square feet, see Table 1 in section 18-180.
 - (6) No building shall exceed 35 feet in height from the average existing natural grade, except for allowed radio, cell phone, and television transmission towers. These facilities shall require review and approval as conditional uses by the BOA, which shall consider and determine that the location is appropriate and its height is no more than necessary to carry out its function.

- (7) A minimum of 15 feet separation between building.
- (8) Setbacks.
 - a. Waterfront or wetland setback: 50 feet from the MHWL or OWHL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.
 - b. Side: eight feet.
 - c. Front: 25 feet.
 - d. Rear: ten feet.
- (9) Minimum Parcel width: 100 feet.
- (10) Minimum Parcel area: one-half acre.

(Code 2015, ch. 21, § 21.8.5)

Sec. 18-183. - Residential highest density 1 (RHD-1).

- (a) *Purpose and intent.* The principal purpose of this district is to recognize lawfully platted lots and established subdivisions with infrastructure including roads and central potable water to accommodate residential uses.
- (b) *General.*
 - (1) The maximum density is two dwelling units per acre.
 - (2) All lawfully established parcels of record located in this land use district shall be entitled to one dwelling unit regardless of parcel size.
 - (3) Individual dwelling units are encouraged to utilize those low impact development practices for stormwater management that may be required or recommended in the comprehensive plan.
- (c) *Permitted uses and structures.*
 - (1) Single-family detached dwellings reasonably similar in construction, aesthetics, and architecture to dwellings in adjacent or nearby locations.
- (d) *Conditional uses.*
 - (1) Nursery schools (home child care).
 - (2) Any desired use or structure not listed as permitted requires a conditional use from the BOA.
 - (3) The BOA must approve all conditional uses. Any requirements listed are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.
- (e) *Allowed accessory uses and structures.*
 - (1) Attached private garages may be located in front of the principle residence structure.
 - (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
 - (3) Accessory structures may not intrude upon any setback.
 - (4) Accessory structures must be architecturally consistent with the primary residential structure.
 - (5) Private garages.
 - (6) Guest houses.
 - (7) Tool sheds.

- (8) Greenhouses.
 - (9) Swimming pools.
 - (10) Tennis and badminton courts.
 - (11) One boat dock per residence.
 - (12) Uncovered boat slips/docks.
 - (13) Covered boat slip only within town limits.
 - (14) Customary home occupations.
 - (15) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.
- (f) *Prohibited uses.*
- (1) Commercial or industrial uses.
 - (2) Private driveways for access to commercial or industrial uses in commercial or industrial districts.
 - (3) Private boat channels for access to commercial or industrial districts.
 - (4) Outside storage yards for commercial or industrial vehicles or materials.
 - (5) Occupancy or storage of manufactured homes.
 - (6) Occupancy of a recreational vehicle for more than 14 days in a 90-day consecutive period.
 - (7) Occupancy or storage of more than a single recreational vehicle at any time.
 - (8) Occupancy or storage of a recreational vehicle when no residence is on the parcel.
 - (9) Live aboard for a period of more than three days is prohibited if an operational pump out facility or portable sanitary treatment facility is not available on the premises.
 - (10) Parking of a commercial licensed or industrial vehicle for more than a period of four hours. This prohibition excludes pleasure campers/RVs, delivery vehicles in the process of loading or unloading, and private boat trailers.
- (g) *Dimensional requirements.*
- (1) No building shall exceed 35 feet in height from the average existing natural grade.
 - (2) Maximum impervious surface ratio of 50 percent.
 - (3) Setbacks.
 - a. Waterfront or wetland setback: 50 feet from the MHWL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.
 - b. Side: eight feet.
 - c. In lots platted prior to June 10, 1991, the minimum side yard shall be ten percent of the total width, to a maximum of eight feet.
 - d. Front: 25 feet.
 - e. Rear: ten feet.
 - f. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

(Code 2015, ch. 21, § 21.8.6)

Sec. 18-184. - Residential highest density 2 (RHD-2).

- (a) *Purpose and intent.* The principal purpose of this district is to recognize lawfully platted lots and established subdivisions with infrastructure including roads and central potable water to accommodate residential uses.
- (b) *General.*
 - (1) The maximum density is two dwelling units per acre.
 - (2) All lawfully established parcels of record located in this land use district shall be entitled to one dwelling unit regardless of parcel size.
 - (3) Individual dwelling units are encouraged to utilize those low impact development practices for stormwater management that may be required or recommended in the comprehensive plan.
- (c) *Permitted principal uses and structures.*
 - (1) Single-family detached dwellings reasonably similar in construction, aesthetics, and architecture to dwellings in adjacent or nearby locations.
 - (2) Two-family dwellings reasonably similar in construction, aesthetics, and architecture to dwellings in adjacent or nearby locations.
 - (3) Manufactured home reasonably similar in construction, aesthetics, and architecture to dwellings in adjacent or nearby locations.
 - a. Minimum 900 square feet in area.
 - b. Only one home per lot.
 - c. Permanently installed.
- (d) *Conditional uses.*
 - (1) Nursery schools (home child care).
 - (2) Any desired use or structure not listed as permitted requires a conditional use from the BOA.
 - (3) The BOA must approve all conditional uses. Any requirements listed are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.
- (e) *Allowed accessory uses and structures.*
 - (1) Attached private garages may be located in front of the principle residence structure.
 - (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
 - (3) Accessory structures may not intrude upon any setback.
 - (4) Accessory structures must be architecturally consistent with the primary residential structure.
 - (5) Private garages.
 - (6) Uncovered boat slips.
 - (7) Covered boat slip only within town limits.
 - (8) One boat dock per residence.
 - (9) Guest houses.
 - (10) Tool sheds.
 - (11) Greenhouses.
 - (12) Swimming pools.

- (13) Tennis and badminton courts.
 - (14) Customary home occupations.
 - (15) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.
- (f) *Prohibited uses.*
- (1) Commercial or industrial uses.
 - (2) Private driveways for access to commercial or industrial uses in commercial or industrial districts.
 - (3) Storage yards for commercial or industrial vehicles or materials.
 - (4) Occupancy of a recreational vehicle for more than 14 days in a 90-day consecutive period.
 - (5) Occupancy or storage of more than a single recreational vehicle at any time.
 - (6) Occupancy or storage of a recreational vehicle when no residence is on the parcel.
 - (7) Live aboard for a period of more than three days is prohibited if an operational pump out facility or portable sanitary treatment facility is not available on the premises.
 - (8) Parking of a commercial licensed or industrial vehicle for more than a period of four hours. This prohibition excludes pleasure campers/RVs, delivery vehicles in the process of loading or unloading, and private boat trailers.
- (g) *Dimensional requirements.*
- (1) No building shall exceed 35 feet in height from the average existing natural grade.
 - (2) Maximum impervious surface ratio of 50 percent.
 - (3) Setbacks.
 - a. Waterfront or wetland setback: 50 feet from the OHWL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.
 - b. Side: eight feet.
 - c. In lots platted prior to June 10, 1991, the minimum side yard shall be 10 percent of the total width, to a maximum of 8 feet.
 - d. Front: 25 feet.
 - e. Rear: ten feet.
 - f. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

(Code 2015, ch. 21, § 21.8.7)

Sec. 18-185. - Agriculture; A.

- (a) *Purpose and intent.* The principal purpose of this district is to provide areas for farming, aquaculture, grazing, and forestry.
- (b) *General.*
 - (1) Maximum density is one dwelling unit per 20 acres.
 - (2) The minimum parcel size for the dwelling is two contiguous acres of uplands.
 - (3) Clustered development is encouraged to minimize impervious surface area and maximize open space.

- (4) All agriculture and silviculture activities shall utilize best management practices, including fertilizer controls, treatment of wastewater prior to release to streams or rivers.
 - (5) Wise use, selective harvesting to preserve habitat and tree canopy is required.
 - (6) Clear-cutting tracts of indigenous native trees at one time is prohibited except for pine trees planted expressly for harvest. Selective harvesting is encouraged, where possible, to preserve some tree canopy and wildlife habitat values on all tracts.
- (c) *Permitted uses and structures.*
- (1) Agriculture.
 - (2) Grazing.
 - (3) Logging.
 - (4) Wildlife management.
 - (5) Aquaculture.
 - (6) Single-family detached dwellings reasonably similar in construction, aesthetics, and architecture to dwellings in adjacent or nearby locations.
- (d) *Conditional uses.*
- (1) Any desired use or structure not listed as permitted requires a conditional use from the BOA.
 - (2) The BOA must approve all conditional uses. Any requirements listed are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.
- (e) *Allowed accessory uses and structures.*
- (1) Private garages.
 - (2) Guest houses.
 - (3) Tool sheds.
 - (4) Greenhouses.
 - (5) Swimming pools.
 - (6) Tennis and badminton courts.
 - (7) Customary home occupations.
 - (8) Necessary farming structures.
 - (9) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.
- (f) *Prohibited uses.*
- (1) Storage yards for commercial or industrial vehicles or materials.
 - (2) Occupancy of a recreational vehicle for more than 14 days in a 90-day consecutive period.
 - (3) Occupancy or storage of more than a single recreational vehicle at any time.
 - (4) Occupancy or storage of a recreational vehicle when no residence is on the parcel.
- (g) *Dimensional requirements.*
- (1) No building shall exceed 35 feet in height from the average existing natural grade.
 - (2) Maximum impervious surface ratio of ten percent.
 - (3) Setbacks.

- a. Waterfront or wetland setback: 50 feet from the OHWL may be reduced to 25 with BOA approval in special circumstances.
- b. Side: eight feet.
- c. Front: 25 feet.
- d. Rear: ten feet.
- e. Nutrient sources other than septic (i.e., fertilized and landscaped areas, livestock sources) of 150 feet from property line.
- f. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

(Code 2015, ch. 21, § 21.8.8)

Sec. 18-186. - Resource protection; RP.

- (a) *Purpose and intent.* The principal purpose of this district is to provide for the perpetual protection of natural resources for land characterized by native vegetation with substantial habitat for threatened and endangered species, species of special concern, and regionally significant or rare plants and animals.
- (b) *General.*
 - (1) No density is allowed other than one on-parcel caretaker residence for the Withlacoochee Gulf Preserve.
 - (2) No new development is permitted other than pile-supported, nonhabitable structures.
 - (3) All development shall utilize low impact development practices.
 - (4) All site plans shall be reviewed to be consistent with the known archaeological resources identified on the future land use map.
 - (5) If an archaeological site is disturbed during development activity:
 - a. The developer shall immediately cease all disturbances to the site until the town council and the department of historical resources has been notified;
 - b. The developer shall continue work only after receiving permission from the department and the town.
 - (6) A buffer of native and/or Florida-friendly vegetation of 50 feet (protection zone) shall be maintained from the MHWL, except for clearing necessary for water-dependent or water-related uses.
 - (7) The use of herbicides, pesticides or chemical fertilizers, the parking or storage of vehicles or fuels, the housing of domestic animals and the introduction of nonnative species of vegetation in the protection zone is prohibited.
 - (8) A berm or swale to allow percolation of stormwater runoff shall be required at the landward edge of the protection zone for all new construction or substantial reconstruction.
- (c) *Permitted principal uses and structures.*
 - (1) Educational and passive recreational activities only.
 - (2) Minimal weather shelter structures may be allowed on publicly-owned lands.
- (d) *Conditional uses.*
 - (1) Any desired use or structure not listed as permitted requires a conditional use from the BOA.

- (2) The BOA must approve all conditional uses. Any requirements listed are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.
- (e) *Allowed accessory uses and structures.*
- (1) One boat dock.
 - (2) Other accessory uses and structures necessary to maintain permitted principal uses when located on the same property.
- (f) *Prohibited uses.*
- (1) Residential, commercial or industrial uses other than one on-parcel caretaker residence for the Withlacoochee Gulf Preserve.
 - (2) Occupancy of a recreational vehicle.
- (g) *Dimensional requirements.*
- (1) No building shall exceed 35 feet in height from the average existing natural grade.
 - (2) Maximum impervious surface ratio of ten percent.
 - (3) A 50-foot buffer of natural vegetation shall be retained adjacent to all water bodies and wetlands jurisdiction line.
- (h) *Setbacks.*
- (1) Waterfront or wetland setback: 50 feet from the MHWL or OHWL may be reduced to 25 with BOA approval in special circumstances.
 - (2) Side: eight feet.
 - (3) Front: 25 feet.
 - (4) Rear: ten feet.
 - (5) 150 feet to MHWL or OHWL for nutrient sources other than septic.
 - (6) New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.
 - (7) Minimum 25 feet to archaeological and historical sites within which no structures or land-clearing activity shall take place.

(Code 2015, ch. 21, § 21.8.9)

Sec. 18-187. - Residential low density; RLD.

- (a) *Purpose and intent.* The principal purpose of this district is to recognize lawfully platted lots and established subdivisions with existing roads that have sufficient uplands to accommodate residential uses, to allow transfer of units from sending areas, and to allow platting or planned unit developments on parcels that have sufficient uplands to accommodate residential uses.
- (b) *General.*
- (1) Maximum density is one dwelling unit per five upland acres.
 - (2) The minimum contiguous upland area for a structure containing a dwelling is two contiguous acres of uplands.
 - (3) In order to determine the extent of uplands for a particular parcel, the applicant must obtain a DEP-approved jurisdiction line for the parcel.

- (4) All lawfully established parcels of record located in this land use district as of June 10, 1991, shall be entitled to one dwelling unit regardless of parcel size. However, the minimum contiguous upland area for a structure containing a dwelling is two contiguous acres of uplands. A beneficial use determination is not required for such parcels.
 - (5) All development must comply with the 500-foot well field protection and 200 feet well field exclusion zones.
 - (6) All:
 - a. New planned unit residential developments; or
 - b. New platted subdivisions of two or more units (construction of one single-family dwelling unit or duplex is exempt) shall utilize low impact development practices for stormwater management. Individual dwelling units and duplexes are encouraged to utilize those low impact development practices that may be required or recommended in the LDC.
 - (7) Individual dwelling units are encouraged to utilize those low impact development practices for stormwater management that may be required or recommended in the comprehensive plan.
 - (8) Cluster development is allowed.
- (c) *Permitted uses and structures.*
- (1) Single-family detached dwellings.
- (d) *Conditional uses.*
- (1) Any desired use or structure not listed as permitted requires a conditional use from the BOA.
 - (2) The BOA must approve all conditional uses. Any requirements listed are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.
- (e) *Allowed accessory uses and structures.*
- (1) Attached private garages may be located in front of the principle residence structure.
 - (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
 - (3) Accessory structures may not intrude upon any setback.
 - (4) Accessory structures must be architecturally consistent with the primary residential structure.
 - (5) Private garages.
 - (6) Guest houses.
 - (7) Tool sheds.
 - (8) Greenhouses.
 - (9) Swimming pools.
 - (10) Tennis and badminton courts.
 - (11) Customary home occupations.
 - (12) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.
- (f) *Prohibited uses.*
- (1) Commercial or industrial uses.
 - (2) Storage yards for commercial or industrial vehicles or materials.
 - (3) Occupancy or storage of manufactured homes.

- (4) Occupancy of a recreational vehicle for more than 14 days in a 90-day consecutive period.
 - (5) Occupancy or storage of more than a single recreational vehicle at any time.
 - (6) Occupancy or storage of a recreational vehicle when no residence is on the parcel.
 - (7) Parking of a commercial licensed or industrial vehicle for more than a period of four hours. This prohibition excludes pleasure campers/RVs, delivery vehicles in the process of loading or unloading, and private boat trailers.
- (g) *Dimensional requirements.*
- (1) No building shall exceed 35 feet in height from the average existing natural grade.
 - (2) Maximum impervious surface ratio 15 percent.
 - (3) Setbacks.
 - a. Waterfront or wetland setback: 50 feet from the OHWL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.
 - b. Side: eight feet.
 - c. Front: 25 feet.
 - d. Rear: ten feet.
 - e. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.

(Code 2015, ch. 21, § 21.8.10)

Sec. 18-188. - Development rights receiving area (DRRA) overlay district.

- (a) Within the DRRA, with the purchase of transfer of development rights, a maximum density of one dwelling unit per two acres shall be allowed.
- (b) If density is to exceed one dwelling unit per five acres in the receiving area, aerobic septic tanks shall be required, if allowed by comprehensive plan.
- (c) The value of the transferred DRs shall be determined by the market.
- (d) To determine the DRs available to be used in a parcel in the DRRA, divide the acreage of the parcel by two. For example, a 6.8-acre parcel divided by two, equals 3.4 DRs in this parcel in the DRRA. Since only complete dwellings may be constructed, this is three dwellings for the 6.8-acre parcel in the DRRA.

(Code 2015, ch. 21, § 21.8.11)

Sec. 18-189. - Well field overlay district.

- (a) No transfer of DRs shall allow construction within the protection zone.
- (b) No plan amendment or district change shall be granted which allows any existing lot of record to develop at a density of greater than one dwelling unit per five acres within the 500-foot radius.
- (c) No variance be granted to allow any development within the district of exclusion, other than structures, etc., which are associated with the well, pump, distribution system, or other development essential for operation, maintenance or expansion of the public well system.
- (d) Prohibited uses within the well field overlay district:

- (1) Landfills.
 - (2) Facilities for the bulk storage, handling or processing of materials on the Florida Substance List.
 - (3) Activities that require the storage, use, handling production or transportation of restricted substances: agricultural chemicals, petroleum, medical wastes, etc.
 - (4) Feedlots or other concentrated animal facilities.
 - (5) Wastewater treatment plants, percolation ponds, and on-site wastewater treatment systems (septic tanks).
 - (6) Excavation of waterways or drainage facilities, which intersect the water table.
- (e) Variances. A variance may be allowed in certain cases within the well field protection district, limited as follows:
- (1) Where enforcement of the well field protection district denies an adjacent property owner all use of his property, the adjacent property owner may apply for a variance to use one-half acre of the property for development of a single-family residence.
 - (2) An aerobic-type sewage treatment system must be used (unless central sewer service is available), sited as far as is possible from the wellheads, if allowed by comprehensive plan.
 - (3) The variance must ensure the development complies with all pertinent DOH standards and setbacks.
 - (4) The town shall not issue a variance until it has received satisfactory documentation from the applicant that granting of the variance will not result in harm to the potable water well field.

(Code 2015, ch. 21, § 21.8.12)

Sec. 18-190. - Residential environmentally sensitive; RES.

- (a) *Purpose and intent.* The principal purpose of this district is to encourage preservation of open space and natural resources while providing for very low density development in coastal, island, and marsh areas.
- (b) *General.*
 - (1) The maximum gross density for property shall be one dwelling unit per ten gross (uplands and wetlands, but not submerged lands) acres.
 - (2) The maximum net density for property shall be one dwelling unit per five acres of uplands. The minimum five acres of pre-development upland acreage used to calculate net density need not be contiguous.
 - (3) A minimum of at least two contiguous natural pre-development upland acres of area must be present in the area utilized for the dwelling unit.
 - (4) No land defined as jurisdictional wetlands or sovereign, submerged lands shall be eligible for DRs.
 - (5) No dredging or filling of wetlands or water bodies shall be allowed in order to obtain road access or increase island areas or meet the pre-development five-acre upland minimum or two contiguous acre pre-development upland minimum for an area where the dwelling will be constructed.
 - (6) Parcel of record.
 - a. Notwithstanding the density and limitations above, one single-family dwelling unit shall be permitted on any parcel of record that has at least two contiguous acres of uplands in order to preserve reasonable economic use of private property.

- b. No re-plats, vacation of plats, or new subdivision plats or divisions of parcels of record shall be permitted unless each parcel created complies with the requirement of a minimum of ten gross acres with five acres of uplands within each parcel.
 - c. The boundary line of parcels of record may, however, be adjusted so long as such adjustment does not increase the total number of parcels of record and so long as each resulting new parcel of record has at least two contiguous acres of upland.
 - (7) All development shall provide on-site retention volume equivalent to three-fourths of an inch of depth over the entire site or lot; grassed swales may be used, as long as equivalent storage is provided.
 - (8) Docks and walkways shall not exceed four feet in width, and be constructed in accordance with OFW and aquatic preserve regulations.
 - (9) All development shall provide on-site retention volume equivalent to three-fourths of an inch of depth over the entire site or lot. As an alternative, four- to six-inch-deep grass swales may be used, so long as equivalent storage is provided.
 - (10) Aerobic septic tanks approved by the state department of health and rehabilitative services shall be required, if allowed by the comprehensive plan.
 - (11) A 50-foot buffer of native vegetation shall be retained adjacent to all water bodies and wetland jurisdiction lines, within which only shoreline access structures (docks, cat walks, or piers) shall be allowed. Maintain only native and/or Florida-friendly vegetation under such pile-supported structures in the setback zone.
 - (12) Islands with existing dwellings may not develop additional units, or be used for transfer of development rights.
 - (13) All site plans shall be reviewed consistent with the known archaeological resources identified on the future land use map.
 - (14) If an archaeological site is disturbed during development activity:
 - a. The developer shall immediately cease all disturbances to the site until the town council and the department of historical resources has been notified.
 - b. The developer shall continue work only after receiving permission from the department and the town.
 - (15) Dwellings may be clustered.
 - (16) A buffer of native and/or Florida-friendly vegetation of 50 feet (protection zone) shall be maintained from the MHWL or OHWL, except for clearing necessary for water-dependent or water-related uses.
 - (17) The use of herbicides, pesticides or chemical fertilizers, the parking or storage of vehicles or fuels, the housing of domestic animals and the introduction of nonnative species of vegetation in the protection zone is prohibited.
 - (18) A berm or swale to allow percolation of stormwater runoff shall be required at the landward edge of the protection zone for all new construction or substantial reconstruction.
- (c) *Permitted uses and structures.*
- (1) Single-family detached dwellings.
- (d) *Conditional uses.*
- (1) Any desired use or structure not listed as permitted requires a conditional use from the BOA.
 - (2) The BOA must approve all conditional uses. Any requirements listed below are the minimum conditions. The BOA may add additional site- or use-specific conditions to ensure compatibility with surrounding lands and uses.

(e) *Allowed accessory uses and structures.*

- (1) Attached private garages may be located in front of the principle residence structure.
- (2) Accessory structures may be placed in front of the primary residence structure if greater than 100 feet separate the front of the accessory from the front parcel line.
- (3) Accessory structures may not intrude upon any setback.
- (4) Accessory structures must be architecturally consistent with the primary residential structure.
- (5) Guest houses.
- (6) Tool/storage sheds.
- (7) Greenhouses.
- (8) Swimming pools.
- (9) Tennis and badminton courts.
- (10) One uncovered boat dock per parcel without construction of a primary residence.
- (11) Customary home occupations.
- (12) Other accessory uses and structures customarily incidental to residential or other permitted principal uses when located on the same property.

(f) *Prohibited uses.*

- (1) Commercial or industrial uses.
- (2) Storage yards for commercial or industrial vehicles or materials.
- (3) Occupancy or storage of manufactured homes.
- (4) Occupancy of a recreational vehicle for more than 14 days in a 90-day consecutive period.
- (5) Occupancy or storage of more than a single recreational vehicle at any time.
- (6) Occupancy or storage of a recreational vehicle when no residence is on the parcel.
- (7) Live aboard for a period of more than three days is prohibited if an operable pump out facility or portable sanitary treatment facility is not available on the premises.
- (8) New publicly funded infrastructure for potable water, sewer, or roads.

(g) *Dimensional requirements.*

- (1) No building shall exceed 35 feet in height from the average existing natural grade.
- (2) Where base flood elevation is 18 feet or more, a building located on an island may exceed the height limit of 35 feet, but may not exceed a height limit of 25 feet above base flood elevation.
- (3) Maximum impervious surface ratio of ten percent.
- (4) Clearing of native vegetation, including that for all nonhabitable structures, is limited to the percentage of impervious surface requirement.
- (5) Clearing limitation calculations shall include that upland area used for pile-supported, nonhabitable structures such as docks and walkways.
- (6) Setbacks.
 - a. Waterfront or wetland setback: 50 feet from the MHWL or OHWL, excluding manmade slips, may be reduced to 25 with BOA approval in special circumstances.
 - b. Side: eight feet.
 - c. Front: 25 feet.

- d. Rear: ten feet.
- e. New and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.
- f. There shall be a setback for nutrient sources, other than septic, of 150 feet from MHWL or OHWL.
- g. Archaeological and historical sites shall be protected through a minimum 25-foot setback within which no structures or land-clearing activity shall take place.

(h) *Development rights.*

- (1) Owners of parcels of record in the RES district, which have not been subdivided and meet building requirements for this district may sell or transfer, whole or partial, DRs to the DRRRA at a ratio of 1:1½ (one unit in this district can be sold or transferred to build 1½ units in the DRRRA.)
- (2) Once transferred, the right to build on all or the portion of the subject parcel is extinguished. One dock is an allowable use.
- (3) The transfer must be recorded as a conservation easement on the parcel with the county clerk allowing the property owner of the subject parcel to reduce ad valorem tax burden on the subject parcel.
- (4) A copy of the recorded transfer must be given to the ZO for inclusion in the parcel record.
- (5) The parcel may be used only for passive recreational if all DRs are extinguished.
- (6) Owners of parcels of record in this land use district which do not have sufficient area to build may transfer one unit to the DRRRA at the same 1:1½ ratio or file an application for a determination of vested rights or beneficial use.
- (7) Once a parcel of record has been subdivided, development rights may no longer be transferred.
- (8) In order to determine the extent of uplands for a particular parcel, the applicant must obtain DEP, USACOE, and SWFWMD (if applicable), approved jurisdictional delineation or demarcation line for the wetlands and uplands in question.
- (9) One DR requires ten gross acres, five upland acres, and two contiguous upland acres.
- (10) To calculate the transferable DRs of a parcel in the RES, you must first determine the limiting acreage. This involves dividing the gross acreage of the parcel by ten, the uplands acreage by five, and the contiguous uplands acreage by two. (See limits immediately above.) The smallest result is the number of DRs that are available for transfer from this parcel.
- (11) Examples.
 - a. A 57-acre parcel that is all contiguous uplands would have:
 - 1. $57/10 = 5.7$ DRs for gross acreage;
 - 2. $57/5 = 11.4$ DRs for upland acreage; and
 - 3. $57/2 = 28.5$ DRs for contiguous acreage.
 - 4. Therefore, up to 5.7 DRs may be transferred from this parcel as gross acreage DRs is the smallest number. Therefore, this parcel could sell or transfer all or part of these 5.7 DRs to the DRRRA at the 1½ ratio. This means 8.55 DRs are available to a parcel in the DRRRA.
 - b. A 57 acre parcel with 27 acres of contiguous uplands would have:
 - 1. $57/10 = 5.7$ DRs for gross acreage;
 - 2. $27/5 = 5.4$ DRs for uplands acreage;

3. $27/2 = 13.5$ DRs for contiguous acreage;
 4. Now only up to 5.4 DRs may be transferred from this parcel as the uplands acreage DRs is the smallest number. Therefore, this parcel could sell or transfer all or part of these 5.4 DRs to the DRRA at the $1\frac{1}{2}$ ratio. This means 8.1 DRs are available to a parcel in the DRRA.
- c. A 57 acre parcel with 27 acres of uplands and nine acres of contiguous acreage would have:
1. $57/10 = 5.7$ DRs for gross acreage;
 2. $27/5 = 5.4$ DRs for uplands acreage;
 3. $9/2 = 4.5$ DRs for contiguous acreage;
 4. Now only up to 4.5 DRs may be transferred from this parcel as the contiguous uplands acreage DRs is the smallest number. Therefore, this parcel could sell or transfer all or part of these $4\frac{1}{2}$ DRs to the DRRA at the $1\frac{1}{2}$ ratio. This means 6.75 DRs are available to a parcel in the DRRA.

(Code 2015, ch. 21, § 21.8.13)

Sec. 18-191. - Public use; PU.

- (a) *Purpose and intent.* The principal purpose of the public use (PU) zoning district is to provide buildings and grounds to accommodate local, regional, state, and federal government and quasi-public uses for public benefit.
- (b) *General requirements.*
 - (1) All new development shall utilize low impact development practices.
 - (2) All uses must comply with these land development regulations and must also be consistent with the duly adopted comprehensive plan.
 - (3) If a variance is required in addition to conditional use approval, an applicant may seek a concurrent variance from the BOA at a public hearing, but first must submit a variance application and meet all procedural and substantive standards and criteria for variances set forth in this LDC.
- (c) *Permitted uses that do not require conditional use approval.*
 - (1) Government offices.
 - (2) Government maintenance facilities.
 - (3) Government utility facilities.
 - (4) Quasi-governmental public uses for public benefit.
 - (5) Community services facilities.
 - (6) Public assembly structures (regardless of worship or non-worship) such as churches and other places of worship including Sunday school.
 - (7) Fraternal clubs, community centers, and lodges.
 - (8) Nonprofit and professional associations.
 - (9) Scientific research facilities.
 - (10) Social services facilities.
 - (11) Cultural facilities.
 - (12) Recreational facilities such as the following:

- a. Parks.
- b. Playgrounds.
- c. Boat launch facilities.
- d. Picnic shelters.
- e. Observation decks.

(13) Festivals and celebrations, including temporary event ticket and vending tables, shade umbrellas, garbage, recycling and restroom trucks or port-a-lets, beverage trucks and concession vehicles.

Any use or facility not listed above is prohibited unless the LDC is amended to allow such a use.

(d) *Accessory uses.*

- (1) Accessory uses, subordinate to a permitted use listed in subsection (c) of this section that is customarily incidental to government buildings and facilities when located on the same parcel.
- (2) Any use or facility not listed above is prohibited unless the LDC is amended to allow such a use.

(e) *Conditional uses.* The following uses require a conditional use approval by the BOA:

- (1) Concession or catering activities.
- (2) Non-governmental quasi-public utility equipment for public benefit, such as cell phone or telecommunications towers, utility facilities, and substations (public and private utilities and facilities), with appropriate legal agreement (i.e., agreements for use of right-of-way, lease of property, easements, license, indemnity, hold harmless, etc., as appropriate) approved by the town council.
- (3) Any desired use or structures not listed as an allowable conditional use above or in the permitted uses section above are expressly prohibited and new unforeseen uses must apply for a text amendment to the LDC.
- (4) Educational facilities including public and private schools.

(f) *Prohibited uses.*

- (1) Prisons.
- (2) Occupancy of a recreational vehicle.
- (3) Other uses not specifically listed or described in permitted, conditional, or accessory uses above are expressly prohibited and new unforeseen uses must apply for a text amendment to the LDC.

(g) *Dimensional requirements.*

- (1) No building shall exceed 35 feet in height from the average existing natural grade, except for certain nonhabitable public facility structures that, due to their intrinsic nature, may require heights exceeding the specified limit.
- (2) These include, but are not limited to, water storage tanks, telecommunication antennae, and utility transmission poles and lines.
- (3) These facilities shall require review and approval as conditional uses by the BOA, which shall consider and determine that the location is appropriate and its height shall not exceed the minimum necessary to carry out its function.
- (4) A minimum of 15 feet separation between buildings.
- (5) Maximum impervious surface ratio of 35 percent.
- (6) Maximum 5,000 square feet total structure footprint.
- (7) Setbacks.

- a. Waterfront or wetland setback: 50 feet from the MHWL, excluding manmade slips, may be reduced to 25 feet with BOA approval in special circumstances and shall be consistent with the duly adopted comprehensive plan, including policy 1.1.1.2.7 and policy 1.1.1.2.8.
 - b. Side: eight feet.
 - c. Front: 25 feet.
 - d. Rear: ten feet.
 - e. There shall be a setback for nutrient sources other than septic (i.e., fertilized and landscaped areas, livestock sources) of 150 feet in those portions of the public use land use district outside the urban service area.
- (8) Minimum new parcel width: 100 feet.
 - (9) Minimum new parcel area: one-half acre.

(Code 2015, ch. 21, § 21.8.14)

Sec. 18-192. - Planned unit development; PUD. (Reserved title only.)

Sec. 18-193. - Mixed use.

(a) *Purpose and intent.*

- (1) The principal purpose of this zone is to provide for commercial and residential uses on a parcel under single ownership.
- (2) Intensities consistent with the community character and natural environment are allowed.

(b) *General requirements.*

- (1) Plan shall conform to all requirements of the town comprehensive plan.
- (2) See common standards for all districts and common standards for commercial and light industrial district.

(c) *Permitted principal uses and structures.*

- (1) All uses allowed in the CN district.
- (2) Residential uses allowed in RHD-1, limited to two dwelling units per acre.
- (3) All uses must be consistent with the underlying land use designations as set forth in the comprehensive plan, future land use element and future land use map (FLUM).

(d) *Conditional uses.*

- (1) Board of adjustment must approve all conditional uses. Any requirements listed below are the minimum. BOA may add additional requirements.
- (2) Conditional uses allowed in CN and RHD-1 district.
- (3) Any desired use or structure not listed above requires a conditional from the board of adjustment.

(e) *Allowed accessory uses and structures.*

- (1) Accessory uses allowed in CN and RHD-1 districts.
- (2) Any desired use or structure not listed above requires a conditional use from the board of adjustment.

(f) *Prohibited uses and structures.*

- (1) All prohibited uses in CN and RHD-1 districts.

(g) *Dimensional requirements.*

- (1) Dimensional restrictions as called for in CN and RHD-1 districts.
- (2) The most restrictive shall apply if a structure has both commercial and residential uses.

(h) *Setbacks.*

- (1) Setbacks shall apply as in CN and RHD-1 district.
- (2) The most restrictive setback shall apply if a structure has both commercial and residential uses.

(Code 2015, ch. 21, § 21.8.16)

Secs. 18-194—18-211. - Reserved.

ARTICLE XI. - FEES, CHARGES AND EXPENSES

Sec. 18-212. - Establishing.

The council shall establish, by resolution, regulations concerning recovery of expenditures through collection of costs, charges, fees, expenses in connection with permits; certificates, zoning, or comprehensive plan changes, and appeal procedures.

(Code 2015, ch. 21, § 21.9.1)

Sec. 18-213. - Adoption.

The fee schedule shall be adopted by resolution of the town council.

(Code 2015, ch. 21, § 21.9.2)

Sec. 18-214. - Schedule.

The fee schedule is available in the offices of the zoning officer (ZO) and the town clerk.

(Code 2015, ch. 21, § 21.9.3)

Sec. 18-215. - Payment.

Full payment of all applicable costs, charges, fees, and town expenses, including any anticipated necessary specialists needed to review an application, is required before initiating any action on any permit or proceeding required by this LDC.

(Code 2015, ch. 21, § 21.9.4)

Secs. 18-216—18-239. - Reserved.

ARTICLE XII. - INTERPRETATION OF CODE

Sec. 18-240. - Minimums.

In their interpretation and application, the provisions of this LDC are the minimum requirements, adopted for the promotion of the public health, safety, or general welfare.

(Code 2015, ch. 21, § 21.10.1)

Sec. 18-241. - Conflicts.

Wherever the requirements of this LDC are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, restrictions or covenants, the most restrictive, or that imposing the higher standard, shall govern.

(Code 2015, ch. 21, § 21.10.2)

Secs. 18-242—18-261. - Reserved.

ARTICLE XIII. - NONCONFORMING USES AND STRUCTURES

Sec. 18-262. - Changes in nonconforming use.

Nonconforming uses shall not be converted to other nonconforming uses even if the proposed use is less nonconforming.

(Code 2015, ch. 21, § 21.11.1)

Sec. 18-263. - Increasing nonconformity.

- (a) Nonconforming structures may be expanded, provided that portion of the structure that creates the nonconformity is not increased. For example, a structure that intrudes into a front lot line setback may increase the footprint of the structure on the rear and sides, but may not increase the portion of the structure that intrudes into the front setback. This applies both horizontally and vertically.
- (b) Any extensions must comply with chapter 12.

(Code 2015, ch. 21, § 21.11.2)

Sec. 18-264. - Reconstruction after damage.

- (a) If a nonconforming structure is involuntarily substantially damaged, it may be replaced in the same footprint and shall comply with LDC regulations to the greatest extent possible.
- (b) Voluntarily and involuntarily destroyed structures must be constructed in compliance with chapter 12.
- (c) Involuntarily destroyed structures must have permits applied for within one year of the occurrence of such damage or nonconforming status will be lost.

(Code 2015, ch. 21, § 21.11.3)

Sec. 18-265. - Resumption of discontinued nonconforming use prohibited.

If a nonconforming use is discontinued, the use of the property must be brought into full compliance with the code and be fully consistent with the comprehensive plan.

(Code 2015, ch. 21, § 21.11.4)

Sec. 18-266. - Use of nonconforming parcels of record at time of passage of the ordinance from which this section is derived.

Notwithstanding the limitations imposed by any other provisions of the ordinance from which this section is derived, the erection of a structure in any district shall be permitted on any parcel of record, at the time of passage of the ordinance from which this section is derived, provided that the parcel is not a substandard parcel as defined herein.

(Code 2015, ch. 21, § 21.11.5)

Sec. 18-267. - Certificate of occupancy.

- (a) No existing structure or use made nonconforming by this LDC or any amendment shall be allowed to continue without a certificate of occupancy.
- (b) The owner or occupant of every nonconforming structure or use shall apply for such certificate within three months after the adoption of the ordinance from which this section is derived or any amendment under which the nonconforming structure or use is created.
- (c) Failure to have made application within this period shall be presumptive evidence of discontinuance of use.
- (d) Certificate must be received within one year of the application date.

(Code 2015, ch. 21, § 21.11.6)

Secs. 18-268—18-297. - Reserved.

ARTICLE XIV. - PUBLIC NOTICE

Sec. 18-298. - Statute.

- (a) Public notice shall comply with the requirements of state statutes.
- (b) Administrative rezonings or administrative future land use map amendments shall only meet the requirements of state statutes, in lieu of the requirements contained in section 18-301.

(Code 2015, ch. 21, § 21.12.1)

Sec. 18-299. - Posting.

Notice must be posted conspicuously on the premises or in the area affected, for the same period as the published notice.

(Code 2015, ch. 21, § 21.12.2)

Sec. 18-300. - Major development.

Notice for a proposed major development shall also contain a site plan and architectural rendering of the proposed major development.

(Code 2015, ch. 21, § 21.12.3)

Sec. 18-301. - Courtesy mailing notice.

- (a) The town may send a courtesy mailing notice to all property owners within 500 feet of the property, which is the subject of a land use change, by U.S. mail.
- (b) This notice shall state the date, time, and place of the hearing; the type of petition to be considered at the hearing; and the location where the petition may be reviewed.
- (c) However, failure to mail, or the failure of a property owner to receive the notice if mailed, shall not affect any action or proceedings taken on the subject matter.
- (d) When a property within the 500-foot distance is included in a legally constituted homeowners' association, a courtesy notice will also be provided to that association based on the latest contact information available from the office of the town clerk.

(Code 2015, ch. 21, § 21.12.4)

Sec. 18-302. - Costs.

Costs of the courtesy mailing shall be borne by the applicant.

(Code 2015, ch. 21, § 21.12.5)

Sec. 18-303. - Names.

Courtesy notice shall be sent to the first property owner of record on the county appraiser website.

(Code 2015, ch. 21, § 21.12.6)

Secs. 18-304—18-324. - Reserved.

ARTICLE XV. - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Sec. 18-325. - Rules.

When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules (in addition to the requirements of article III of this LDC) shall apply:

- (1) Boundaries described or shown as following or approximately following any street are the centerline of the street right-of-way.
- (2) Boundaries described or shown as following or approximately following any platted lot line or other property line when adjacent to a street are the centerline of the street right-of-way.
- (3) Boundaries described or shown as following or approximately following any platted lot line or other property line when adjacent to another parcel are the property line.
- (4) Boundaries described or shown as following or approximately following section lines, half-section lines, or quarter-section lines are said lines.
- (5) Boundaries described or shown as following or approximately following the shoreline of a water body are the shoreline.
- (6) Boundaries described or shown as following or approximately following a canal are the centerline of the canal.

(Code 2015, ch. 21, § 21.13.1)

Sec. 18-326. - Subdivisions.

References to recorded subdivisions refer to said subdivisions as originally platted and appear of record among the county public records.

(Code 2015, ch. 21, § 21.13.2)

Sec. 18-327. - Parcel numbers.

References to parcel numbers refer to said numbers in effect on November 10, 2008, and appear of record among the county public records.

(Code 2015, ch. 21, § 21.13.3)

Sec. 18-328. - Ground-proofing of maps.

Where the layout existing on the ground is different from that shown on the official zoning map and the legal description of the zone, the ZO shall interpret the zone boundaries of this LDC.

(Code 2015, ch. 21, § 21.13.4)

Sec. 18-329. - Appeal.

Allowed is appeal of any interpretation to the BOA.

(Code 2015, ch. 21, § 21.13.5)

Sec. 18-330. - Precedence and priority in disputed boundaries.

In the event of a dispute over zoning district boundary zoning lines, the language of a more specific legal description shall prevail over the official zoning map.

(Code 2015, ch. 21, § 21.13.6)

Secs. 18-331—18-353. - Reserved.

ARTICLE XVI. - SUPPLEMENTARY REGULATIONS

Sec. 18-354. - Fences.

(a) *Plans, permit, fee.*

- (1) A town permit is required for any new fence or wall.
- (2) An additional permit may be required for certain types of fences and walls from the county building official, county building department under the applicable technical building codes and/or the county code. (e.g., block and structural walls).
- (3) Fences or walls less than three feet in height do not require a town permit but must conform to allowable types.

- (4) A permit is required to repair or replace any fence or wall anywhere on property, when more than 50 percent of the area of the fence or wall is repaired or 50 percent or more of the fence or wall is damaged.
 - (5) Application for a permit shall be submitted on forms provided by the town.
 - (6) A town fence/wall permit application form can be obtained from the zoning official, town hall, or town website, prior to start of construction.
 - (7) Applicants shall submit information describing the location and materials of any proposed fence, wall, gate, or enclosure.
 - (8) Any fence that provides structural support to a building is part of the building and shall meet the building setback and engineering standards.
 - (9) A fence may tie-in to a structure, where such fence does not provide support as set forth in subsection (a)(8) of this section.
 - (10) All fences in residential districts shall be constructed with a finished side facing the adjoining property or the right-of-way.
 - (11) The property owner or agent must give a written statement, after construction, that the fence or wall is located on property owner's property.
 - (12) Fence/wall permit fees shall be established by town resolution.
 - (13) Payment of applicable fence/wall permit fees in full is required before any action on any application is taken.
 - (14) If construction begins before permit approval, or a permit is issued after the fact, a fine shall be assessed per town code.
 - (15) Any newly constructed fence or wall that violates permit requirements or was constructed without a permit shall be removed or corrected by the owner within 30 days of notification.
 - (16) Transparent or screen pool enclosures are not considered a fence. Greater than 50 percent opaque pool enclosures are considered a fence. Pool enclosures require additional permits from other jurisdictions or regulatory agencies.
 - (17) Enclosure of space beneath an elevated structure is covered by chapter 12.
- (b) *Allowable types of fences/walls.* Fences and walls constructed within the town shall conform to one or any combination of the following:
- (1) Type A. Wood fences with posts constructed of rot and termite-resistant types of wood or pressure-treated wood.
 - (2) Type B. Posts of rot and termite-resistant wood or corrosion-resistant composite material, or plastic or vinyl or metal and welded wire fabric of galvanized or other corrosion resistant metal. Posts must be interior to the wire fabric.
 - a. This type of fence is not allowed in RHD-1 and RHD-2 districts for yard fencing.
 - b. This type of fence may be used to enclose a small garden area in RHD-1 and RHD-2 Zones if the fence is less than three feet tall and:
 1. The fence is not located in the front yard; or
 2. The fence is not located in the front or street-facing side yard for a corner parcel.
 - (3) Type C. Ornamental metal and chainlink or open weave.
 - (4) Type D. Concrete, stone, or masonry. Note: an additional permit may be required from the county.
 - (5) Type E. Plastic, vinyl, or synthetic composite material intended for use in fencing.

- (6) Nonconforming fences in place on the date of the passage of the ordinance from which this section is derived are permitted to remain until the limitations of subsection (a)(9) of this section are exceeded.
 - (7) Those uses authorized or permitted by state laws pertaining to the use of agriculture fencing to restrain/retain livestock and for other authorized or permitted agricultural purposes are allowed in agricultural zoned districts. Livestock crossing-fences or gates in the agriculture land use district do not require a permit.
 - (8) Low voltage, ground level, pet containment systems.
 - (9) Security fences shall only be allowed in light industrial, commercial neighborhood, and public use districts.
 - a. The security fence must be of chainlink or open weave construction.
 - b. Barbed wire may be placed on the top of the fence or wall, but if used, barbed wire shall only be placed above a minimum six-foot vertical height fence to prevent injury to children.
 - c. Security fences may be a conditional use in other districts with BOA approval.
 - (10) Open weave garden enclosures that are located outside of town right-of-way, utility, and drainage easements are exempt from this LDC and require no permit.
- (c) *Prohibited fences.*
- (1) Barbed wire fence in any residential zoning district.
 - (2) Electrical fence, in any form, in any zoning district, except to contain livestock where clearly marked and identified as electric fencing with appropriate universal visually understood markers or signage (for example, the electricity lightning bolt sign) at each gate and every 50 feet along fence.
 - (3) Security fences are not allowed in residential districts.
- (d) *Gates.*
- (1) Must be of materials allowed for fencing.
 - (2) Archways over gates are allowable.
 - (3) May be powered.
- (e) *Limitations and restrictions on height.*
- (1) The height of any fence or wall shall be measured from the ground below the fence plus six inches.
 - (2) In residential districts fences and walls may be located in any front yard, side yard, and/or rear yard, including setback areas subject to the following height limitations:
 - a. No fence or wall shall exceed four feet in height when located in the front yard. For corner lots, all street facing lot sides shall be subject to the four-foot height requirement.
 - b. No fence or wall shall exceed six feet in height when located in the side and rear yard.
 - (3) In areas where the property faces two roadways or is located in any area construed to be a corner lot, no fence or wall of greater than four feet in height, unless it is of open weave construction, shall be located in the clear visibility triangle in the urban service area.
 - (4) A security fence may only be constructed in the PU and LI districts and shall not exceed a total height of ten feet. Barbed wire, if used, shall not exceed two-foot vertical height and shall not be placed lower than six feet to prevent injury to children.
 - (5) Archways in place over vehicular driveways must have a minimum vertical clearance of 12 feet to allow passage of emergency equipment.

- (f) *Town right-of-way.*
- (1) It shall be unlawful for any person to place a fence, wall, gate, or hedge in, on, or over, any town right-of-way, utility, or drainage easement.
 - (2) Agricultural uses in agricultural districts may apply for and obtain a permit with conditions established by the zoning official to ensure minimal agricultural fence crossings of town right-of-way, utility, or drainage easements for the agricultural use.
 - (3) If the removal of an existing fence, wall, gate, or vegetation by the town or utility is required in an emergency for the installation, repair, or replacement of any item within the right-of-way, utility or drainage easement, the obstruction shall be removed at the owner's expense. The town or utility shall not be liable for removal of the obstruction. Costs for removal shall be the property owner's responsibility. The property owner may be billed and if not paid a lien may be placed upon the property to cover the costs of removal.
 - (4) The property owner is responsible for maintenance of the area clear and free from obstructions within a utility or drainage easement, regardless of the placement of the fence.
- (g) *Drainage, rights-of-way.*
- (1) No fence, wall, hedge, or other vegetation shall prevent or impede drainage or hamper access to drainage or street right-of-way.
 - (2) No fence, wall, hedge, or vegetation shall be constructed, planted or installed in such a manner as to interfere with stormwater management or to impede drainage on the site.
- (h) *Fence, wall and gate maintenance.*
- (1) Fences, walls and gates shall be properly maintained within ten degrees of vertical.
 - (2) Fences, walls and gates shall be kept in good condition and shall not remain in an unsafe or deteriorated condition. Any missing boards, ironwork, wire fabric, or posts shall be replaced with material of the same type and quality.
 - (3) The code enforcement official may direct the property owner of fences, walls, or gates that are severely dilapidated, deteriorated, and unsafe or present a safety hazard, to repair or remove the structure to correct the problem. The owner shall have 90 days to repair or remove the structure.
 - a. Upon showing good progress towards remediation, the official may grant three additional 30-day extensions.
 - b. After this time, the town may remove the structure.
 - c. The property owner may be billed and a lien may be placed upon the property to recover removal costs.
- (i) *Nonconforming fences, walls, and gates.*
- (1) Any fence, wall, or gate made nonconforming by this LDC shall be removed or brought into compliance whenever the property owner replaces 50 percent or more of the fence or wall or 50 percent or more of the fence or wall is destroyed or damaged.
 - (2) Any fence, wall, or gate, which intrudes into the clear visibility triangle, shall be moved, relocated, or otherwise brought into compliance within 90 days of the enactment of the ordinance from which this LDC is derived.
- (j) *Appeals.* Any decision of the zoning official may be appealed to the board of adjustment within 30 days of the date the signed, written decision.
- (k) *Variance or special exception.* A variance or special exception may be requested from the board of adjustment pursuant to the procedure and standards set forth for variances and special exceptions in this Code.
- (l) *Enforcement.*

- (1) This section may be enforced as provided by F.S. ch. 162, this Code or in a court of competent jurisdiction.
- (2) Any fence, wall, hedge, or vegetation located on town property or town right-of-way, utility or drainage easement shall be removed within 30 calendar days of notice to the adjoining property owner.
- (3) If no appeal or variance is filed then the fence or wall on town property or town right-of-way, utility or drainage easement must be removed.
- (4) If all appeals are denied and the fence, wall, hedge, or vegetation on town property or right-of-way is not removed or relocated, the town may remove the structure from town property or town right-of-way, utility or drainage easement.
- (5) If the town removes the fence, wall, hedge or vegetation, the property owner may be billed for the actual cost including legal expenses and hourly labor required for removal, and a lien may be placed upon the property to recover costs.

(Code 2015, ch. 21, § 21.14.1)

Sec. 18-355. - Docks.

- (a) *Jurisdiction.* All structures addressed in this LDC must also comply with any and all applicable county, state or federal permitting requirements and standards.
- (b) *The county.*
 - (1) Docks on the Withlacoochee River up to the mean high water line of the historic natural shore are under the jurisdiction of the county.
 - (2) If part of the construction is inland from the historic natural, mean high water line, a town permit is required for that phase of construction.
 - (3) The county will not approve a dock permit on the Withlacoochee River unless it complies with this LDC.
 - (4) The town zoning and code enforcement official must approve the application for dock construction to certify compliance prior to submission to the county.
- (c) *Yankeetown.*
 - (1) The town's jurisdiction is inland of the historic natural mean high water line of the Withlacoochee River.
 - (2) The town also has jurisdiction over lakes, creeks, and manmade features inland from the historic natural river shoreline such as the basin between Nancy Parkway and 50th Street, applicable areas of marinas, inlets, basins and canals.
 - (3) This jurisdiction applies to both commercial and residential properties.
 - (4) Those areas falling solely within the jurisdiction of the town require a town dock permit.
- (d) *Documentation for issuance of a town permit.* Documentation, as follows, must be submitted to the town zoning official before the permit application will be considered.
 - (1) Construction of a new dock or expansion of an existing dock.
 - a. Proof of property ownership.
 - b. Legal property description.
 - c. Site plan that shows water depth at mean high water and mean low water.
 - d. Set of construction plans approved by a state-licensed marine contractor and material list showing the height, width, and length of all proposed structures to include, but not limited to,

- pilings, boatlifts, platforms, pavilions, seawalls, detailed construction specifications, and all other information deemed necessary by the town zoning official to evaluate the plan.
- e. A dock permit, submerged land lease or exemption letter shall be obtained for all proposed construction of docks from the Southwest Florida Water Management District, Army Corps of Engineers, and the state department of environmental protection as necessary.
 - f. For a joint dock, a copy of the owners' agreement and a record of the filing of the owners' agreement in the county public records with the permit application for a joint dock.
- (2) Construction or repair of a boat ramp.
- a. Proof of property ownership.
 - b. Legal property description.
 - c. Site plan that shows water depth at mean high water and mean low water.
 - d. Set of construction plans approved by a state-licensed marine contractor and material list showing the height, width, and length of all proposed structures to include, but not limited to, pilings, boatlifts, platforms, pavilions, seawalls, detailed construction specifications, and all other information deemed necessary by the town zoning official to evaluate the plan.
 - e. A dock permit, submerged land lease or exemption letter shall be obtained for all proposed construction of ramps from the Southwest Florida Water Management District, Army Corps of Engineers, and the state department of environmental protection as necessary.
- (3) Modification to an existing dock that changes the original footprint of the dock.
- a. Proof of property ownership.
 - b. Legal property description.
 - c. Site plan that shows water depth at mean high water and mean low water.
 - d. Set of construction plans approved by a state-licensed marine contractor and material list showing the height, width, and length of all proposed structures to include, but not limited to, pilings, boatlifts, platforms, pavilions, seawalls, detailed construction specifications, and all other information deemed necessary by the town zoning official to evaluate the plan.
 - e. A dock permit, submerged land lease or exemption letter shall be obtained for all proposed construction of docks from the Southwest Florida Water Management District, Army Corps of Engineers, and the state department of environmental protection as necessary.
 - f. For a joint dock, a copy of the owners' agreement and a record of the filing of the owners' agreement in the county public records with the permit application for a joint dock.
- (4) Repair to an existing dock that changes any structure (e.g., gazebo, fish-cleaning station, and davit) on, or off the dock.
- a. A detailed sketch showing existing structure.
 - b. A detailed sketch showing changes to the existing structure.
 - c. A material list for the changes.
 - d. For a joint dock, a copy of the owners' agreement and a record of the filing of the owners' agreement in the county public records with the permit application for a joint dock.
 - e. Any other information deemed necessary by the town zoning official to evaluate the project.
- (5) Adding electrical or water service.
- a. A detailed sketch showing existing structure.
 - b. A detailed sketch showing changes to the existing structure.
 - c. A material list for the changes.

- d. For a joint dock, a copy of the owners' agreement and a record of the filing of the owners' agreement in the county public records with the permit application for a joint dock
 - e. Any other information deemed necessary by the town zoning official to evaluate the project.
 - f. County permit may be required for this change.
- (6) Repair to an existing dock when replacement is required to more than 50 percent of the materials of the dock's structure. If a nonconforming structure is voluntarily demolished or allowed to deteriorate through lack of maintenance, the structure shall be brought into compliance and shall be fully consistent with this Code. Structures that are involuntarily destroyed may be replaced in the existing footprint.
- a. Proof of property ownership.
 - b. Legal property description.
 - c. Site Plan that shows water depth at mean high water and mean low water.
 - d. Set of construction plans approved by a state-licensed marine contractor and material list showing the height, width, and length of all proposed structures to include, but not limited to, pilings, boatlifts, platforms, pavilions, seawalls, detailed construction specifications, and all other information deemed necessary by the town zoning official to evaluate the plan.
 - e. A dock permit, submerged land lease or exemption letter shall be obtained for all proposed construction of docks from the Southwest Florida Water Management District, Army Corps of Engineers, and the state department of environmental protection as necessary.
 - f. For a joint dock, a copy of the owners' agreement and a record of the filing of the owners' agreement in the county public records with the permit application for a joint dock.
- (e) *Dock sizing.*
- (1) Construction of new docks in residential zones shall be limited to one dock per 100 linear feet or portion thereof, of owned shoreline.
 - (2) If more than one dock already exists on a residential property, the owner can maintain said docks.
 - (3) If more than one dock already exists on a residential property, the owner must apply to the board of adjustment (BOA) for a variance if the owner is seeking to replace or enhance the dock and change the size, footprint, or structure.
 - (4) The dock footprint, including any terminal platform will be no more than 250 square feet for the first 50 linear feet of shoreline. For each additional linear foot of shoreline, the owner may add five square feet of dock footprint, up to a maximum of 500 square feet, which will include piles and platforms.
 - (5) Previously platted lots with less than 100 feet of shoreline may have one boat dock per main residence.
 - (6) Any noncommercial dock walk-on surface shall be a minimum of 2½ feet in width.
 - (7) If DEP requires specific mean low water line water depth at the terminal platform, the 500-square-foot limitation may be exceeded as necessary to allow a 300-square-foot terminal platform. This provision applies only to the RES and RP districts.
- (f) *Height.*
- (1) No pier or dock deck shall be higher than four feet above the mean or ordinary high water line, unless specifically required by DEP.
 - (2) Piles and pilings may extend up to 12 feet above the mean or ordinary high water line.
 - (3) The maximum height of a boat davit, boatlift, boat cover, or boathouse is 17 feet over the mean high water line to the highest point of the structure.

- (g) *Guardrails.* A guardrail, if installed, may be no more than 25 percent opaque.
- (h) *Lighting.* All lighting of any pier, dock, or boathouse shall be shielded, shaded, or directed in such a manner that the light source does not shine into adjacent homes, adjacent docks, across the waterway, or interfere with navigation.
- (i) *Completion.* Upon completion of a commercial dock or pier, the owner or agent shall submit to the zoning official for final approval a certification of the as-built location documenting compliance with the setback requirements.
- (j) *Maintenance.*
 - (1) No owner, lessee, or other person otherwise occupying any lot shall permit any piers, docks, or boathouses under said person's control or ownership, located on or adjacent to said lot, under said owner's, lessees or other persons control to become dilapidated, deteriorated, and structurally unsound or a safety hazard.
 - (2) Piers, docks, and boathouses shall be kept free of conditions that cause an unsightly appearance.
- (k) *Marking.* All pilings, docks, and other mooring devices located in a waterway shall be marked with;
 - (1) Red or yellow reflectors; or
 - (2) Other acceptable reflectorized markings on each side.
- (l) *Dock location.*
 - (1) One dock, conforming to this article, is permitted on any residential parcel before construction of the primary structure.
 - (2) Dock location must meet appropriate side yard setback requirements from the riparian lines. Docked vessels shall not intrude into the side yard setback without written permission from the adjacent property owners.
 - (3) The dock shall not infringe on the right to navigate.
 - a. Piers, docks alone or together in combination to include the boat, boat mooring spaces and pilings, shall not project into the waterway more than 25 percent of the width of the waterway at that particular location measured from the mean high water line.
 - b. The limitations of this subsection shall not apply to docks or lots having frontage at the inland end of a canal, as long as such docks do not extend into any applicable side yard setback as applied to side lot riparian lines.
 - (4) Docks, piers, and other shoreline structures must be designed and built to avoid or protect sea grass beds.
- (m) *Boat storage.* All boat docks, boat davits, boatlifts, boathouses, and boat covers shall comply with the following requirements, conditions, and limitations:
 - (1) Such structures are not required to meet rear yard or waterfront setback requirements, but, except as provided hereinafter for joint docks, shall comply with any applicable side yard setback as applied to riparian lines.
 - (2) Joint docks and boat slips, including boatlifts and davits.
 - (3) If serving more than one adjacent lot or parcel are permissible:
 - a. Provided the owners of such lots or parcels record an executed and effective agreement providing for the dock's location and joint use, access to the dock for all users, and enforceable joint maintenance obligations.
 - b. A joint dock or boat slip may be located on a property line or within a side yard setback, as long as it serves the owners of both affected lots and parcels.

- c. Joint docks have a 1,000-square-foot maximum size limit based upon the total property shoreline length.
- (4) Enclosure of covered docks, boathouses, boat covers and other structures constructed over the water is prohibited.
- (5) Boat covers and boathouse roofs will not be used as a deck, patio, dive platform, or elevated viewing area.
 - a. No use is allowed that would permit the occupation of the roof area.
 - b. No railings around the cover or roof area or devices for access to the cover or roof area are allowed.
- (6) No dock or other structure constructed over water shall include flotation devices that contain non-encapsulated Styrofoam-type materials.
 - a. Any dock or other structure constructed over water with flotation devices that contain non-encapsulated Styrofoam-type materials will be a nonconforming structure upon the adoption of this regulation.
 - b. If a structure with non-encapsulated Styrofoam-type, material deteriorates to the extent that particles are released into the waterway, such structure shall be made to conform to this section within 90 days after notice by the town.
- (7) Boat davits and boatlifts are permissible on seawalls and on permitted boat docks.
 - a. Such structures shall be constructed pursuant to sound engineering practices sufficient to protect the structural integrity of seawalls.
 - b. Boats stored on such structures shall not protrude into the side yard setback or the setback as applied to riparian lines.
- (8) No permit issued according to this section for a dock authorizes dredge or fill activity or any other structure.
- (n) *Marinas and commercial dockage.* Siting of marinas and commercial dockage shall prevent the need to alter the existing shoreline, dredge, fill, or excavate uplands, which shall be prohibited.
 - (1) Further, marinas and commercial dockage shall be located to ensure compatibility with adjacent land uses.
 - (2) Construction and expansion of multi-slip docking facilities and boat ramps shall be allowed in locations where:
 - a. There is quick access to deep, open water;
 - b. The associated increase in boat traffic and construction will not disturb wetlands supporting manatee habitat;
 - c. There is no alteration of existing shoreline, dredge, fill, or excavation of uplands.
 - (3) Marinas and commercial dockage are intended for the use of recreational and commercial boats.
 - (4) Conversion, change of use, or division of land or submerged lands from marina and commercial dockage to the private individual ownership of individual slips or any type of dockominium private ownership shall be prohibited.
 - (5) New marinas, existing marinas, and commercial dockage that redevelop shall designate at least ten percent of the wet slips, appropriately sized and located, and make them available as demand warrants for rent by vessels with saltwater products licenses for the purpose of commercial fishing. This requirement does not apply to repair of existing facilities.
 - (6) Any marina or commercial dockage desiring certification as a working waterfront is required to set aside ten percent of wet slips, appropriately sized and located, and make them available as

demand warrants for rent by vessels with saltwater products licenses for the purpose of commercial fishing.

- (7) Pump-out facilities. All marina dock construction and commercial dockage or reconstruction shall require a wastewater pump-out facility be available for each boat slip.
 - (8) Repair to an existing dock when more than 50 percent of the materials of the dock's structure is replaced requires a permit. Repair percentage shall refer to total dock square footage of the facility.
 - (9) If a nonconforming structure is voluntarily demolished or allowed to deteriorate through lack of maintenance, the structure shall be brought into compliance and shall be fully consistent with this Code.
 - (10) Structures that are involuntarily destroyed may be replaced in the same footprint.
- (o) *Residential docks.*
- (1) Docks or moorings constructed in any residential zoning district may not be used for conducting a commercial enterprise operation.
 - (2) Mooring of a commercial boat is allowed where the property owner and the boat owner are the same person or enterprise.
- (p) *Safety.*
- (1) When a structure is found by the code enforcement official to be severely dilapidated or deteriorated, or presents a navigational or safety hazard, the official may direct the property owner to sufficiently repair the structure to remove the hazard or to remove the structure.
 - (2) The owner shall have 90 days to repair or remove the structure, which 90 days may be extended for additional 30-day periods by the code enforcement official.
 - (3) After this time, the town may remove the structure and shall charge the costs of such removal to the owner.
 - (4) The town may place a lien upon the property.
- (q) *Nonconforming.*
- (1) Any structure made nonconforming by this LDC shall be brought into compliance when replacement is required to more than 50 percent of the materials of the structure, except that involuntarily destroyed structures may be replaced in the existing footprint.
 - (2) If a nonconforming structure is voluntarily demolished or allowed to deteriorate through lack of maintenance, the structure shall be brought into compliance and shall be fully consistent with this Code. Structures that are involuntarily destroyed may be replaced in the existing footprint.
 - (3) Repair to an existing dock that has an existing dimension or location not in compliance with the provisions herein is nonconforming and a variance may be required.
- (r) *Appeal.* Any decision of the zoning or code enforcement official may be appealed to the board of adjustment.
- (s) *Prohibited.* Live aboard for a period of more than three days is prohibited if a pump out facility or portable sanitary treatment facility is not available on the premises.

(Code 2015, ch. 21, § 21.14.2)

Sec. 18-356. - Architectural standards.

- (a) *Purpose.*

- (1) The town is made up largely of historic structures, many of which are older than 50 years and others which exhibit important architectural styles that provide mutual benefits to all structures in the town.
 - (2) The town desires to preserve that the sense of place, scenic vistas, aesthetics, and uniquely diverse but complementary architectural design from which the town and all structures in the town benefit is maintained and enhanced.
 - (3) The remaining sections of this article apply to new buildings and structures in all commercial zoning districts, except light industrial.
 - (4) The objective standards and criteria listed below in subsection (b) of this section shall be applicable to:
 - a. All new commercial construction in any district;
 - b. Additions or external renovations to or redevelopment of an existing commercial building or project, where the cost of such addition, renovation or redevelopment exceeds 50 percent of the structure the county tax appraiser total building value, or exceeds 50 percent of the square footage of the existing structure.
- (b) *Objective standards and criteria.* Design principles.
- (1) Plans for all structures to be located in commercial zones shall be reviewed by the planning and zoning commission to determine whether the structures which by their design, location, and appearance will contribute to a commercial district having a character consistent with the historic streets of the town, as specified below.
 - (2) The architectural style of new construction shall be restricted to those that replicate major design elements of the Southern Vernacular Cracker-style, 1900—1940 Craftsman, and Bungalow architectural style that predominate the original town site.
 - (3) For more detailed criteria refer to information contained on the architectural standards application form and the following references available for review at the zoning office:
 - a. "Classic Cracker," by Ronald Haase, Pineapple Press (1992);
 - b. "The American Collection: Craftsman style," Simon Hyoun, Home Planners (2006);
 - c. "American Bungalow Style," Robert Winter, Simon, & Schuster (1996);
 - d. Prohibited architectural styles. Structures located in commercial zones that do not incorporate the objective listed standards and criteria for design elements set forth below.
- (c) *Design requirements.* Objective standards and criteria.
- (1) The Florida Southern Vernacular (Cracker-style), 1900—1940 Craftsman, or Bungalow architectural style for each structure shall include the following architectural elements:
 - a. A metal panel, five-V-crimp silver, or a contemporary variation thereof is the preferred roofing material.
 1. A five-tab, 25 year or longer dimensional shingle roof or manufactured equivalent of a wood shake roof is acceptable.
 2. Three-tab shingles, barrel vaulted tiles, or corrugated roof systems are prohibited.
 - b. Roof pitch.
 1. Pitch of the main roof, hipped or gable, shall be no less than 5:12 and no greater than 12:12;
 2. A mansard roof pitch shall be between 24:12 and 48:12;
 3. A porch roof shall be a lower pitch than the main roof: and all structures must have a minimum 4:12 roof pitch;

4. Multiple roof systems with matching roof pitches are encouraged.
 - c. Low slope, equal or less than 3:12, ("flat") roof systems are prohibited. However, renovation of existing commercial structures with low slope ("flat") roof systems is allowed when screened by a mansard roof meeting the design requirements.
 - d. Roof overhang at the eaves and gables must be at least 12 inches as measured along the underside of the slant of the roof.
 - e. Open beam roof overhang design is preferred to an enclosed soffit.
- (2) The predominant exterior color shall be a monochromatic color scheme that conforms to the Munsell Color System having a value greater than 6 and a chroma less than 7.
- a. Iridescent and fluorescent colors are prohibited.
 - b. The predominant exterior color shall be applied to all sides of the structure.
 - c. Trim shall include railings, columns, door and window surrounds, soffits, shutters, gingerbread, and other decorative elements.
 - d. Trim finishes shall be of a contrasting color than that of the primary building color.
- (3) Allowed finishes.
- a. At least 50 percent of the non-glass face of all new commercial buildings shall consist of lime rock type stone, wood, or synthetic materials, which have the appearance of wood siding or stone.
 - b. Siding shall be ship-lap, bevel or other narrow course horizontal material;
 1. Clapboard 3½ inches to six inches to the weather;
 2. Drop siding less than 10 inches to the weather.
 - c. Manufactured brick and stone, or facing materials that have the appearance of brick or lime rock stone are acceptable.
 - d. Horizontally struck stucco.
 - e. Horizontally struck exterior finish system panels which give the appearance of lap siding, or board and batten.
 - f. Wood appearance vinyl or aluminum siding.
- (4) Prohibited finishes.
- a. Plain concrete block whether painted or unpainted;
 - b. Unfinished concrete, except that decorative units resembling allowed finishes shall be allowed;
 - c. Plywood panels whether plain or decorated;
 - d. Vertical or diagonal application of siding, except that board and batten siding may be applied vertically;
 - e. Oriented strand board siding.
- (5) A porch is required on a street-facing facade.
- a. The porch must be longer than 50 percent of the street-facing facade.
 - b. The porch must be a minimum of 60 inches in depth.
- (6) Gingerbread trim and/or porch railings, columns or posts shall have the appearance of light frame wood construction.

- (7) There shall exist no area greater than 400 square feet or 50 lineal feet on any level of the structure with a contiguous blank wall area on any facade that remains unadorned by architectural features that include, but are not limited to, windows, doors, banding trim, or porch elements.
- (8) There shall not exist any singular facade that has greater than 50 lineal feet of run without a minimum 16-inch break, by using a directional or material change.
- (9) Metal-sided structures are permissible.
 - a. The provisions of subsection (b) of this section shall apply to the roof and all facades of the structure.
 - b. All design requirements must be met for metal-clad structures as for any other new structure including exterior siding treatments.
 - c. Internal bracing must be certified to accept additional finishes or structures applied to the exterior metal panels.
 - d. No external "X" bracing is to be visible on any facade.
 - e. Finish panels must be able to accept a painted finish.
 - f. The use of exposed corrugated, or fiberglass panels is prohibited on any exterior wall or any roof surface.
- (d) *Accessory structures.* The design requirements listed in subsection (b) of this section shall be applicable to all accessory structures, unless they are screened so as not to be visible from the public rights-of-way, waterways, or pedestrian walkways.
- (e) *Approval process.*
 - (1) Conceptual drawings of all building elevations and color and material samples shall be submitted to the planning and zoning commission before the detailed site plan review for non-binding conceptual comments and to preliminarily identify any concerns or deficiencies.
 - (2) As part of the detailed site plan approval process, the architectural design on the application for the detailed site plan approval shall not vary significantly from approved conceptual drawings.
 - a. After receipt of the detailed site plan, the zoning official will make a recommendation to the planning and zoning commission regarding the architectural design.
 - b. The planning and zoning commission must review this final architectural design to determine if it is compliant with conceptual design.
 - c. All submittals shall be set for a public hearing before the planning and zoning commission for their final determination within 45 days of the zoning official receiving a complete application.
 - d. The planning and zoning commission approval must occur before final approval of the detailed site plan application by the zoning official.
- (f) *Signs.* In addition to meeting all requirements of the town sign code, permanent signs in commercial zoning districts shall also comply with the following:
 - (1) *Materials.* The color, construction, and material of each sign shall be compatible with the architecture on the site.
 - (2) *Design.* Signs shall be designed using colors, materials, and architectural themes compatible with the building to which they are related.
 - (3) *Freestanding signs.* Freestanding signs shall have landscaping at the base per the sign ordinance.
- (g) *Adoption.* The town council may, by resolution, adopt such administrative policies, manuals, and/or fees as necessary to implement the design requirements identified above.

- (h) *Appeal.* Any decision of the zoning official, code enforcement official, or the planning and zoning commission may be appealed to the board of adjustment.

(Code 2015, ch. 21, § 21.14.3)

Sec. 18-357. - Off-street parking.

(a) *General.*

- (1) Off-street parking spaces are required in all districts for vehicles and trailers in accordance with the tables and diagram below for new construction.
- (2) Any modification to the existing parking area design of an existing use or structure requires that the parking be brought into compliance with the tables and diagram below.
- (3) For any structure or use not specifically mentioned, the requirements of the most similar use, in the opinion of the planning and zoning commission, shall apply.
- (4) If calculated results for parking spaces result in a fraction, the result must be rounded up to the next integer.
- (5) The minimum number of required off-street parking spaces shall be three for commercial and industrial districts.
- (6) The calculation requiring the greatest number of parking spaces shall apply if two possibilities exist.
- (7) Parking facilities shall be landscaped and screened from public view pursuant to subsection (d) of this section to the extent necessary to eliminate unsightliness and monotony of parked cars in commercial and light industrial districts.
- (8) Pedestrian connections between parking areas and buildings shall be via pedestrian walkways.
- (9) Parking facilities shall be developed as an integral part of an overall site design. The planning and zoning commission may modify the parking layout, if the layout illustrates a poor design according to recognized parking engineering principles, or is unsafe but complies with required parking guidelines.

(b) *Size.*

- (1) *Automobiles.* Parking space design shall conform to the table and diagram below.
- (2) *Trailers.* Minimum width to be 12 feet and minimum length to be 25 feet.
- (3) *Handicapped accessible.* Design must meet the requirements of the Americans with Disabilities Act.

(c) *Access.*

- (1) *Nonresidential entrance/exit.*
 - a. Minimum width is 24 feet if sharing a common entrance/exit.
 - b. Minimum width is 16 feet if separate entrance/exit.
 - c. No more than one entrance/exit per 100 feet of road frontage.
 - d. Entrance/exit to be centered on property, if possible, or no closer than 100 feet to property line.
 - e. Adjacent property owners are encouraged to share access.
- (2) *Residential entrance/exit.*
 - a. Minimum width to be 14 feet for entrance/exit.

- b. Entrance/exit may not be in setback areas.
- c. Adjacent property owners are encouraged to share access.

(3) *Interior roadways nonresidential.*

- a. Back out distances shall be maintained where parking areas exist.
- b. Interior bi-direction roadways shall be a minimum 24 feet wide where commercial traffic exists.
- c. Interior bi-direction roadways shall be a minimum of 16 feet wide where no commercial traffic is allowed.
- d. Interior bi-direction roadways shall be 20 feet for private vehicular traffic if pedestrian or bicycle use is necessary.

(d) *Landscaping requirements; nonresidential.*

(1) Landscaping requirements adjacent to right-of-way.

- a. A 15-foot wide strip of land shall be located between the abutting right-of-way and the off-street parking area.
- b. This buffer shall include one two-inch DBH tree for each 30 linear feet of abutting right-of-way or major fraction thereof.
 - 1. A hedge or other durable barrier fence shall be placed along the interior perimeter of the landscaped strip.
 - (i) If the barrier is of non-living material, for each ten feet, or major fraction thereof, one shrub or vine shall be planted abutting the barrier.
 - (ii) The shrubs or vines shall be planted along the street side of the barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of the barrier.
 - (iii) The barrier shall not interfere with the visibility triangle.
- c. All property lying between the right-of-way and off-street parking area, including the required landscaped strip, shall be landscaped with grass or other ground cover.
- d. Necessary pedestrian access ways from the public right-of-way are permitted to service parking or other vehicular use areas and the nonresidential structures.
- e. Landscaped earthen berms may be used in conjunction with the planting of a continuous hedge if the intent of the visual barrier created by the hedge is maintained.
 - 1. Maximum slope ratios for all earthen berms shall be no greater than 3:1.
 - 2. The berm and landscaping shall not interfere with the visibility triangle.

(2) Landscaping requirements adjacent to abutting property.

- a. A ten-foot buffer shall be located between the abutting property owner and the off-street parking area;
- b. Upon agreement of adjacent property owners, this buffer may be reduced to ten feet total. Such agreement must be filed with the county clerk of the court.
 - 1. This buffer shall be planted with a hedge or other durable landscape barrier not less than six feet in height and form a continuous screen between the off-street parking area or other vehicular use area and such abutting property.
 - 2. A six-foot-high barrier fence set in the buffer area may be substituted for the planted buffer.

3. One two-inch DBH tree shall be provided for each 30 linear feet or major fraction thereof of such landscape barrier within the landscape buffer.
 4. Each buffer shall be landscaped with grass, ground cover, or other permeable material in addition to the required tree.
 5. When a proposed parking area abuts an existing hedge, wall or other durable landscape barrier on abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this subsection, provided that said existing barrier meets all applicable standards of the code and protection against vehicular encroachment is provided.
- c. Landscaped earthen berms may be used in conjunction with the planting of a continuous hedge if the intent of the visual barrier created by the hedge is maintained. Maximum slope ratios for all earthen berms shall be no greater than 3:1.
- d. The barrier shall not interfere with the visibility triangle.
- (3) Interior landscaping requirements.
- a. *General.*
1. Vehicular off-street parking areas shall have interior landscaped islands in accordance with subsections (d)(3)c and d of this section.
 2. Each separate landscaped area shall include at least one tree with the remaining area adequately landscaped with shrubs, ground cover, or other authorized landscaping material not to exceed three feet in height.
 3. Properties that are designated public use will be exempt from any parking area interior landscaping requirements.
- b. *Vehicular encroachment into landscaped areas.*
1. The front of a vehicle may not encroach upon any landscaped area.
 2. Two feet of the required depth of each parking space abutting a landscaped area may be planted in grass or ground cover if a suitable motor vehicle stop is provided.
- c. *Terminal landscape islands.*
1. Each row of parking stalls shall be required to end in a landscaped island.
 2. Landscape island shall be no less than nine feet in width.
 3. Landscape island shall be the length of the parking space.
 4. At least one tree shall be provided for each terminal island.
 5. Landscape island shall have a parallel face to the roadway.
- d. *Interior landscape islands.*
1. No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by a landscape island.
 2. Landscape island shall have a minimum width of nine feet.
 3. At least one tree shall be provided for each terminal island.
 4. Landscape island shall be the length and shape of the parking spaces.
 5. Landscape island shall have a parallel face to the roadway.
- e. *Bicycle parking.* For every 50 spaces of vehicle parking required, a bicycle rack serving at least two bicycles shall be provided.
- f. *Off-street parking schedule.*

Vehicle

<i>Uses</i>	<i>Required Parking Spaces</i>
Churches	1 per 4 seats in church or auditorium or for each 10 classroom seats
Community buildings, social halls	1 for each 250 square feet of floor area
Dwellings	2 for each dwelling unit
Motels, hotels, etc.	1 for each sleeping unit
Industrial	1 for each employee in the working shift or 1 for each 500 square feet of floor space
Restaurants, bars and night clubs	1 for each 100 square feet of floor space
Retail stores, shops, etc.	1 for each 100 square feet of floor space
Wholesale or warehouses	1 for each employee in maximum shift or 1 for each 300 square feet of floor area
Offices, general	1 for each 300 square feet of floor area
Marinas and boat slips	1 parking space per boat slip
Home businesses	2 additional

g. *Off-street parking schedule.*

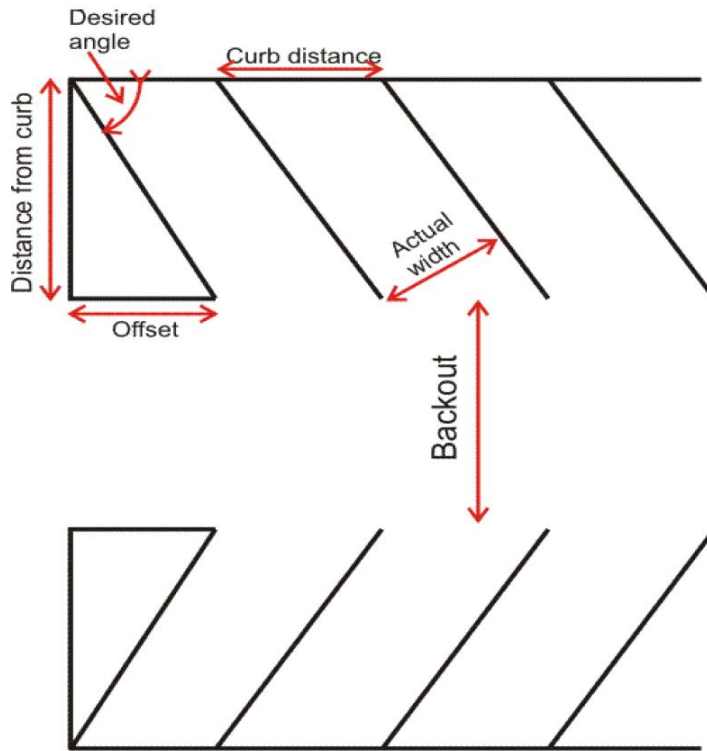
Trailers

<i>Uses</i>	<i>Required Parking Spaces</i>
Motels, hotels, etc.	1 for each 3 bedrooms

Marinas and boat slips	1 for each 3 slips
High and dry boat storage	1 for each space
Commercial	1 for each loading berth
Industrial	1 for each loading berth
Wholesale or warehouses	1 for each 3,000 square feet of floor area or 1 for each loading berth

h. *Off-street parking diagram.*

<i>Angle</i>	<i>From base line</i>	<i>Along curb</i>	<i>Offset</i>	<i>Backout</i>
90	18	9	0	24
75	17	9 foot 4 inches	4 foot 6 inches	22
60	16	10 foot 4 inches	9	20
45	15	12 foot 7 inches	15	19



Sec. 18-358. - Pedestrian access standards.

- (a) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for bikeways and/or sidewalks within the right-of-way.
- (b) Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service or recreation activities may provide pedestrian and bicycle access from the development to the activity center.
- (c) Design and construction of sidewalks, bikeways or other footpaths shall conform to the requirements of this Code, including provisions for access by physically handicapped persons.

Sec. 18-359. - Handicapped access.

- (a) Level parking spaces shall be reserved for physically handicapped persons according to the following requirements:

Total Spaces Provided	Spaces Required to Be Reserved
Up to 25	1
26 to 50	2
51 to 75	3

76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 1 for each 100 over 1,000

- (b) Parking spaces reserved for physically handicapped persons shall meet the following design and location requirements:
- (1) All spaces shall be accessible to curbramp or curbcut, when necessary to allow access to building, structure or use served, and shall be so located that users are not compelled to wheel behind parked vehicles.
 - (2) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide with a five-foot isle. If two handicapped spaces are adjacent, one five-foot isle can be shared between them.
 - (3) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to an alley entrance. Curbs adjacent to such premises shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
 - (4) Each such parking space shall be prominently outlined with blue paint and posed with a nonmovable, fixed sign of a color and design approved by the state department of transportation, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY."

(Code 2015, ch. 21, § 21.14.4; Code 2015, ch. 6, art. X, §§ 6-39—6-41)

Sec. 18-360. - Signs.

- (a) General regulations. If any particular section or subsection or definition in the town sign regulation conflicts with a state statute, or the Constitution of the United States, or the State of Florida, the state statute or Constitution will prevail.
- (1) Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

- (2) Signs, other than an official traffic sign, quasi-public sign for governmental agencies, civic clubs, or for sale signs, shall not be erected within the right-of-way lines of any street.
 - (3) Signs shall not project beyond property lines or over public sidewalk areas.
 - (4) A permit shall not be required for the erection, alteration, or maintenance of any signs permitted in a residential district.
 - (5) A permit shall be required for the erection, alteration, or reconstruction of any business or advertising sign.
 - (6) All temporary signs erected for a special event, which shall include campaign signs, shall be removed by the person causing the sign to be erected no later than seven days after a special event or election date.
- (b) Residential signs.
- (1) Signs indicating only the name or address of the occupant, except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
 - (2) For multiple-family dwellings, hotels and for buildings other than dwellings, a single identification sign not exceeding 12 square feet in area and indicating only the name and address of the building and the name of management may be displayed, provided that, on a corner lot, two such signs (one facing each street) shall be permitted.
 - (3) Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises and signs bearing the word "sold" or "rented" with the name of the persons affecting the sale or rental may be erected or maintained, provided:
 - a. The size of any such sign is not in excess of four square feet; and
 - b. Not more than one sign is placed upon any property unless such property fronts upon more than one street, in which event, one such sign may be erected on each frontage.
- (c) Signs designating entrances or exits to or from a parking area are limited to the following:
- (1) One sign for each such exit or entrance;
 - (2) A maximum size of two square feet each shall be permitted;
 - (3) One sign per parking area shall be permitted;
 - a. Designating the conditions of use or identity of such parking area; and
 - b. Limited to a maximum size of nine square feet if on a corner lot two such signs shall be permitted, one facing each street.
- (d) Business and advertising signs are permitted in commercial and manufacturing districts in accordance with the following regulations:
- (1) The gross surface area of all freestanding signs on a parcel under one ownership shall not exceed 60 square feet.
 - (2) No sign in a nonresidential district shall project more than three feet from the main wall of a building.
 - (3) One free standing business sign shall be allowed for service stations.
 - (4) No sign shall project into a public way.
 - (5) No signs shall be higher than the height limit in the district where such sign is located.
 - (6) No sign shall be located upon the roof of any building.
 - (7) Advertising signs shall not be permitted in R districts.

- (e) Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of similar public or semi-public nature may be erected and maintained, provided:
 - (1) The size of any such sign is not in excess of 20 square feet; and
 - (2) Not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

(Code 2015, ch. 21, § 21.14.5)

Sec. 18-361. - Minor/major development projects and land subdivision plats.

(a) *Determination of minor and major development.*

- (1) *Generally.* For purposes of these review procedures, all development or redevelopment activity shall be determined to be either a minor development or a major development.
- (2) *Major development project.*
 - a. Any commercial development or redevelopment.
 - b. Any residential development except for one single-family dwelling or one duplex dwelling on one parcel.
 - c. Subdivision of land into three or more parcels.
- (3) *Minor development project.* A minor development project is:
 - a. Any one single-family dwelling or one duplex dwelling on one parcel.
 - b. An accessory structure.
 - c. Interior remodeling.
 - d. Any structural repair.
 - e. Any reroof, greater than 300 square feet and door or window replacement.
 - f. Parcel split into two parcels.

(b) *Approval process; minor development.*

- (1) The applicant shall file, along with the appropriate fee, a minor development permit application at the town hall.
- (2) The ZO shall expeditiously review and make a determination regarding whether or not the application is complete.
- (3) If the application is incomplete, the ZO shall notify the applicant within one week of the necessary incomplete information.
- (4) The ZO may need the assistance of a qualified consultant in reviewing the minor development.
 - a. The ZO shall notify the applicant in writing with an estimate of the expense involved.
 - b. The applicant will be required to reimburse the town for full payment of the estimated fee in advance.
 - c. The town may then obtain the qualified consultant to assist in the review of the minor development plan.
- (5) If the minor development meets all provisions of this Code, the ZO shall sign and date this approval on the final page of the application and stamp all attachments.

- (6) If the minor development does not meet all provisions of this Code, the ZO shall sign and date this denial on the final page of the application and notify the applicant in writing. The applicant may appeal the ZO's decision to the BOA.
 - (7) If a variance, special exception, or conditional use is required to obtain approval, the applicant may apply for a variance, special exception, or conditional use and must obtain approval prior to the approval of the minor development.
- (c) *Approval process; major development.*
- (1) It is suggested that a pre-application meeting between the applicant and the ZO to review the development plan be held.
 - a. The ZO can review the proposal and indicate whether comprehensive plan amendment (text or map) or a rezoning (amendments to text or map) would be required for the proposed use on the property as currently designated.
 - b. The ZO can review the proposal and indicate whether a variance, special exception, or conditional use would be required for the proposed use on the property.
 - c. The ZO can review the proposal and indicate whether if special studies will be required to review the proposed use.
 - d. The ZO can review the proposal and indicate whether a qualified consultant or engineer will be required by the town to review the proposed use.
 - (2) The applicant shall file, along with the appropriate fee, a major development permit application at the town hall.
 - (3) The ZO shall expeditiously review and make a determination regarding whether or not the application is complete.
 - (4) If the application is incomplete, the ZO shall notify the applicant of the necessary incomplete information.
 - (5) As soon as the package is determined to be complete, the ZO shall commence review.
 - (6) The town may need the assistance of a qualified consultant in reviewing the major development plan.
 - a. The ZO shall notify the applicant in writing with an estimate of the expense involved.
 - b. The applicant will be required to reimburse the town for full payment of the estimated fee in advance.
 - c. The town may then obtain the qualified consultant to assist in the review of the major development plan.
 - (7) If the major development application does not meet code, the ZO shall inform the applicant of any necessary modifications or additions required. This decision may be appealed to the BOA.
 - (8) If needing a variance, special exception, or conditional use, the applicant shall obtain a decision from the BOA for inclusion into the package for the P and Z.
 - (9) When the application package is complete and has been reviewed, allowing time for any modifications, additions, or appeals, the ZO shall forward his findings along with any consultant reports and BOA action to the P and Z.
 - (10) The clerk will then forward the information to the P and Z, and set a public hearing for the P and Z as soon as a quorum (or any required super-majority) is available.
 - (11) The P and Z shall hold a duly noticed hearing providing a due process opportunity for the applicant and any other member of the public to present sworn testimony and evidence, subject to cross-examination.

- (12) The P and Z and town council shall consider competent substantial evidence relating to the following factors in reviewing the development plan. The P and Z or town council may request additional information from the applicant if necessary to determine whether the proposed major development:
- a. Is consistent with the characteristics and natural conditions and hazards of the site.
 - b. Complies with the concurrency and other requirements of this Code.
 - c. Is compatible with surrounding land uses.
 - d. Is compatible with community character and sense of place.
 - e. Is consistent with all comprehensive plan goals, objectives and policies.
 - f. Conforms with all provisions of other applicable regulations.
 - g. Design factors are compatible with and further the community vision.
 - h. Is designed, located, and operated in a way that will protect the public health, safety, and welfare.
 - i. Will not cause substantial injury to the value of other property in the neighborhood where it is located.
 - j. Is compatible with the intended purpose of the district in which it is to be located, unless zoning and comprehensive plan changes are requested.
 - k. Will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
 - l. Provides adequate ingress and egress to property, off-street parking and loading areas, and access for emergency vehicles.
 - m. Signs and exterior lighting conform to code.
- (13) The P and Z may recommend reasonable conditions on the determination of concurrency necessary to ensure meeting the requirements of state law.
- (14) The P and Z shall prepare a written recommendation for the town council of its review of the development plan.
- a. The written report shall set forth its factual conclusions.
 - b. The written report shall contain as attachments all of the information presented at the hearing.
 - c. The written report shall forward the factual and legal basis for its recommendation for review by the town attorney.
 - d. The written report recommends:
 1. Approval of the proposed development plan.
 2. Approval of the proposed development plan with conditions or modifications described in sufficient detail and exactness to permit the applicant to amend the proposal accordingly.
 3. Denial of the proposed development plan, and the reasons therefor.
- (15) The town council shall schedule a review of the P and Z recommendation at a hearing, which shall include a staff report and the report from the P and Z.
- a. If zoning changes are required, two hearings are required.
 - b. If comprehensive plan changes are required, a referendum may have to be held before council action is possible.

- (16) The council, by motion, may take one of the following actions:
- a. Approve the P and Z recommendation or the proposed development plan.
 - b. Approve the proposed P and Z recommendation or development plan with conditions or modifications described in sufficient detail and exactness to permit the applicant to amend the proposal accordingly.
 - c. Deny the P and Z recommendation or the proposed development plan, and the reasons therefor.
- (17) Upon notification of an approved major development, the ZO shall issue the necessary certificates and allow the development to proceed.
- (d) *Land subdivision plats.*
- (1) *Generally.*
 - a. Land subdivision platting shall be the division of a parcel of land existing on April 29, 1999, into three or more parcels or lots.
 - b. The ZO may approve subdivision plat applications of three or less parcels.
 - c. The P and Z must approve a parcel subdivision plats application of more than three lots, but less than ten lots.
 - d. The town council must approve all subdivision plats of more than en lots.
 - e. A "parcel split" is the division of an existing parcel on April 29, 1999, into two parcels.
 - f. May be submitted as part of a major or minor development.
 - g. Applicant shall use forms as provided by the town.
 - (2) *Exceptions.*
 - a. The division of property for conveyance of land to a governmental agency, entity, political subdivision, or a public utility does not constitute subdividing within the meaning of this LDC.
 - b. A parcel split.
 - (3) *Procedure for splitting a parcel.*
 - a. The ZO may approve parcel splits that conform to the requirements of this section.
 - b. The ZO shall consider a proposed parcel split upon submittal of the following materials:
 1. A completed application form and the appropriate fee to town hall.
 2. Two paper copies of the proposed parcel split.
 3. Land descriptions and acreage or square footage of the original and proposed parcels.
 4. A scaled drawing of the intended split showing any structures on the parcel.
 5. Clearly label the drawing, "This is not a survey," if it is not a survey.
 - c. ZO review procedures.
 1. If the parcel split meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the ZO shall approve the parcel split by signing the application form.
 2. If the parcel split does not conform, the ZO shall explain the deficiency in the plat to the applicant and inform him that a corrected plat may be resubmitted for approval.
 3. This decision may be appealed to the BOA.
 - d. Filing of a parcel split.

1. Upon approval of the parcel split, the ZO shall document the split on the appropriate maps and in the appropriate files.
 2. Applicant must:
 - (i) File with the county clerk.
 - (ii) Provide ZO with a stamped copy of the parcels after filing within 30 days.
- e. Standards.
1. Lot shall meet all requirements contained in this LDC.
 2. No further division of an approved parcel split shall be permitted under this section, unless a development plan is prepared and submitted in accordance with this article.
 3. Each parcel must further meet all requirements for new subdivisions set forth below:
 - (i) Each parcel or lot must abut a public or private street that meets minimum design criteria in this Code.
 - (ii) Shall not be less than 75 feet wide at street front line.
 - (iii) Shall not contain less than 7,500 square feet.

(4) *Procedure for obtaining a subdivision.*

- a. New subdivisions. All areas not platted as of the effective date of the ordinance from which this LDC is derived which are subsequently divided into parcels shall not:
 1. Be less than 75 feet wide at street front line; and
 2. Contain less than 7,500 square feet.
- b. Existing subdivisions. All areas which were platted before the effective date of the ordinance from which this LDC is derived which are subsequently divided into parcels shall not:
 1. Be replatted into parcels less than 75 feet wide at street front line; and
 2. Contain less than 7,500 square feet.
- c. The applicant shall submit to the ZO a plat conforming to the requirements of state statutes when submitting the development plan.
- d. Review by ZO.
 1. The ZO shall review the plat and determine whether it conforms to the requirements of state statutes.
 2. The ZO:
 - (i) Determines that the plat conforms to the town code and land development regulations.
 - (ii) Forwards it to the P and Z for consideration, along with the development plan if applicable.
- e. If it does not conform to state statutes or the Code or land development regulations, the ZO shall:
 1. Explain the deficiency in the plat to the applicant in writing;
 2. Inform them that a corrected or revised plat application may be resubmitted for approval.
- f. The ZO's decision may be appealed to the BOA.
- g. If needing a variance, special exception, or conditional use, the applicant shall obtain a decision from the BOA prior to approval of the subdivision plat.

- h. When the application package is complete, allowing time for any modifications, additions, or appeals, the ZO shall forward his findings, along with any consultant reports and BOA action, to the P and Z.
- (5) *Review by the P and Z.*
- a. When the ZO's recommendation is complete, the clerk shall forward the information to the P and Z, and set a public hearing for the P and Z as soon as a quorum (or any required super-majority) is available.
 - b. The P and Z shall hold a duly noticed hearing providing a due process opportunity for the applicant and any other member of the public to present sworn testimony, evidence, subject to cross-examination.
 - c. The P and Z shall review the proposed land subdivision, as part of the entire development plan if applicable.
 - d. Review of the proposed land subdivision shall be strictly limited to whether or not the plat conforms to the platting requirements of state statutes.
 - e. The P and Z may recommend reasonable conditions on the determination of concurrency necessary to ensure meeting the requirements of state law.
 - f. The P and Z must specifically note action on the land subdivision if reviewed as part of a major development.
 - g. The P and Z shall prepare a written report of its review of the land subdivision.
 - 1. The written report shall set forth its factual conclusions.
 - 2. The written report shall contain as attachments all of the information presented at the hearing.
 - 3. The written report shall forward the factual and legal basis for its recommendation for review by the town attorney.
 - h. The written report may recommend:
 - 1. Approval of the proposed land subdivision.
 - 2. Approval of the proposed land subdivision with conditions or modifications described in sufficient detail and exactness to permit the applicant to amend the proposal accordingly.
 - 3. Denial of the proposed land subdivision, and the reasons therefor.
 - i. Final approval.
 - 1. Upon notification of an approved land subdivision, the ZO shall issue the necessary certificates.
 - 2. If changes to the land subdivision are required by the P and Z certificates shall not be issued until a final plat is submitted incorporating the changes.
 - 3. The ZO shall document the land subdivision on the appropriate maps and in the appropriate files.
 - 4. The applicant must file with the county clerk and provide the ZO with a stamped copy of the plat after filing within 30 days.

(Code 2015, ch. 21, § 21.14.6)

Sec. 18-362. - Visibility at intersections.

On a corner parcel, there shall be no obstruction to vision in the clear visibility triangle planted, allowed to grow, placed, or erected in such a manner as to materially impede visibility between a height of four feet to ten feet above the grades of the intersecting streets at their point of intersection.

(Code 2015, ch. 21, § 21.14.7)

Sec. 18-363. - Stormwater management.

(a) General.

- (1) When deemed necessary by any zoning official, department, commission, or the governing body, a drainage system design prepared by a state-registered professional engineer may be required which will include detailed construction plans, supportive calculations, and any additional information related or required therewith.
- (2) Land, subject to flooding (floodprone area) or land deemed by any zoning official, floodplain manager, department, commission, or governing body to be unsuitable for development, shall:
 - a. Not be platted for residential occupancy, or other uses that may cause danger to life, or property, or aggravate the flood hazard.
 - b. Within a parcel:
 1. Be set aside for such uses as shall not be endangered by periodic or occasional inundation;
 2. Alternatively be improved in a manner satisfactory to the zoning official, floodplain manager, department, commission, or governing body to remedy said hazardous conditions.

(b) Information required prior to issuance of a development permit for all new nonresidential development, and residential subdivisions:

- (1) For developments meeting SWFWMD thresholds for surface water and/or stormwater permitting, the developer shall provide a copy of the appropriate approved permit from SWFWMD.
- (2) For developments, which are exempt from SWFWMD permitting requirements, the applicant shall provide documentation from those agencies that no permit is needed.
- (3) Where drainage runoff comes from outside the limits of the subdivision, it shall be included in the design.
- (4) Post-development runoff shall not exceed predevelopment runoff rates. Design storm shall be the 25-year, 24-hour storm (eight inches) or may be taken from storm intensity-frequency data published by another governmental agency if approved prior to use.

(c) Single-unit residential development and substantial improvement.

- (1) All single-family and duplex residential units, which are not part of a larger development, and do not otherwise require compliance with SWFWMD permitting rules, shall meet the following standards:
 - a. Comply with the OFW standards for retention volumes.
 - b. All new development and redevelopment activities shall utilize appropriate techniques during construction to minimize erosion. Staked hay bales shall be required to prohibit erosion into adjacent property. Construction near wetlands shall require the use of approved silt screens to prevent erosion and siltation.
- (2) In the residential environmentally sensitive district:
 - a. All development shall comply with OFW standards for retention volumes.
 - b. Grassed swales may be used, as long as equivalent storage is provided.

- c. Clearing of native vegetation for all development shall be limited to ten percent of the total site.
- (3) Expansion of existing residential development of greater than 300 square feet of additional impervious coverage shall provide site-suitable stormwater management in accordance with OFW regulations.

(Code 2015, ch. 21, § 21.14.8; Code 2015, ch. 6, art. IX, § 6-38)

Sec. 18-364. - Concurrency management and proportionate share.

(a) *Purpose and intent.*

- (1) *Intent.* It is the intent of this section to ensure that proposed development is consistent with the town's comprehensive plan, and that public facilities are available at prescribed levels of service concurrent with the impact of the development upon those facilities.
- (2) *Purpose.* It is the purpose of this article to establish procedures and criteria to ensure that facilities and services needed to support development are available concurrent with the impacts of such development, except as otherwise defined in this section, through a:
 - a. Concurrency management system and fair share methodology.
 - b. Whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.
 - c. To be known as the "Proportionate Fair-Share Program," as required by and in a manner consistent with, state statutes.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Current level of demand means the average of the 12 previous monthly peak days and is calculated every January.

Development approval, for the purposes of determining concurrency, means approval of any of the following:

- (1) Site plan or development plan;
- (2) Subdivision;
- (3) Building permit; or
- (4) Other official action of the town having the effect of permitting the development of land.

Development order means any order granting, denying, or granting with conditions an application for development approval.

Major development means any commercial development or redevelopment or any residential development except for one single-family dwelling or one duplex dwelling on one parcel.

Minor development means any one single-family dwelling or one duplex dwelling on one parcel.

(c) *Concurrency management system.* The town shall ensure that facilities and services needed to support development are available concurrent with the impacts of such development, except as otherwise defined in this article, through a concurrency management system, concurrency checklists and letter certifications of available capacity from the applicable service providers.

- (1) *Determination of concurrency.* A concurrency determination shall be made for the following facilities:
 - a. Transportation;

- b. Sanitary sewage;
- c. Solid waste;
- d. Drainage;
- e. Potable water and water supply;
- f. Parks and recreation;
- g. Schools.

(2) *Standards to meet concurrency.*

- a. A development order will be issued only if the proposed development does not lower any adopted level of service.
- b. A project shall be deemed concurrent if one of the following standards is met:
 - 1. Necessary facilities and services are in place at the time the development permit is issued;
 - 2. Necessary facilities will be in place when the impacts of development occur;
 - 3. Necessary facilities and services are under construction when the development order is issued; or
 - 4. Necessary facilities and services are guaranteed in an enforceable development agreement that includes any of the provisions of subsections (c)(2)b.1 through 3 of this section, and guarantees that the necessary facilities and services will be in place when the impacts of the development occur.
- c. Concurrency determinations and the development approval process:
 - 1. For minor development, concurrency determinations shall be made by the town zoning official at the time a building permit application is made.
 - 2. For major development, concurrency determinations shall be made by the planning and zoning commission after a recommendation by the zoning official, and forwarded to the town council as part of the development plan approval process.
 - 3. Pursuant to state statutes, consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent.
 - 4. Prior to approval of a building permit or its functional equivalent, the town shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent.
 - 5. Pursuant to state statutes, consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than one year after issuance by the local government of a certificate of occupancy or its functional equivalent.
 - 6. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the town of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the town's approval to commence construction.
 - 7. Pursuant to state statutes, consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within three years after the town approves a building permit or its functional equivalent that results in traffic generation.

- d. Adopted levels of service and concurrency management:
 - 1. Transportation system.
 - (i) Adopted level of service. The operational level of service "C" peak hour bicycle shall be the standard for roads.
 - (ii) Management procedures.
 - A. The town has vacant lots capable of accommodating new single-family or duplex development. Individual single-family or two-family development on a lot of record shall be exempt from these requirements along with other de minimus impacts as defined in state statutes.
 - B. Single-family subdivisions, multifamily, and nonresidential uses shall be evaluated by the town zoning official for the traffic impact of the development upon major and minor collector roadways in the town.
 - (iii) Available roadway capacities shall be determined in the following manner:
 - A. In January of each year, the town zoning official will evaluate roadway capacity of each of the major and minor collectors in the town, using the Florida Highway System Plan Level-of-Service and Guidelines Manual issued by the state department of transportation and effective January 1, 1989, using bicycle mode capacity.
 - B. Available roadway capacity will be calculated using the highest county highway department of transportation traffic counts, or other available traffic counts, as appropriate, from the previous year.
 - C. The impact of any given project on the roadway system will be calculated using the trip generation standards contained in the most recent edition of Trip Generation, published by the Institute of Traffic Engineers.
 - D. It shall be the responsibility of the applicant to provide all traffic data necessary for a determination of concurrency.
 - E. The estimated number of trips to be generated by the proposed project will be subtracted from the available capacity of the roadway and compared to the town's adopted level of service to determine whether the available capacity is adequate to support the project.
 - F. If no official traffic count is available for the major or minor collector to be impacted, the town will arrange, at the applicant's expense, to have such counts made.
 - G. Calculation of traffic to be generated by the proposed project will assume 100 percent build-out and occupancy.
 - 2. Sanitary sewage.
 - (i) Adopted level of service. Pursuant to state statutes, the town may meet the concurrency requirement for sanitary sewer through the use of on-site sewage treatment and disposal systems approved by the department of health (DOH) to serve new development. All new or replacement sanitary sewage systems in all land use districts shall also meet the following requirements:
 - A. All new or replacement sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
 - B. Joints between sewer drain components shall be sealed with caulking, plastic, or rubber gaskets.

- C. Backflow preventers are required.
 - D. All new or replacement sanitary sewage systems shall be located and constructed to minimize or eliminate damage to them and contamination from them during flooding.
 - E. All new and replacement septic systems are to be performance-based certified to provide secondary treatment equivalent to ten milligrams per liter maximum nitrogen.
 - F. Further, all new and replacement septic systems and on-site sanitary WWTF systems shall be set back from mean high water line or ordinary high water line or wetland demarcation line in all districts per DOH and OFW requirements.
 - G. No publicly or privately funded, central collection sanitary WWTFs shall be constructed within the coastal high hazard area of the town.
 - H. All sanitary wastewater shall be treated on-site until a publicly funded central sewer system exists to serve the town.
 - I. On-site sewage treatment and disposal systems in the town must also be consistent with all other requirements of the town comprehensive plan.
- (ii) Management procedures. Prior to the issuance of zoning official's site plan approval, applicants shall be required to obtain:
- A. Permits from the county health department for on-site sanitary wastewater disposal; and
 - B. Certification from the town indicating that on site systems meet all other local requirements.
3. Solid waste.
- (i) Adopted level of service. The adopted levels of service for solid waste is 2.5 pounds per capita per day.
- (ii) Management procedures.
- A. Prior to the issuance of zoning official's site plan approval, applicants shall be required to obtain certification from the county indicating that solid waste capacity is available at the time of development or prior to the issuance of a Certificate of Occupancy.
 - B. In January of each year, the ZO will obtain a letter or formal allocation agreement from the county certifying that the county landfill has the capacity to handle garbage projected to be generated within the town during the following year.
 - C. The projected amount will be based upon the projected town population for the applicable period multiplied by the town's adopted per capita level of service.
 - D. The impact of any development requiring development plan approval shall be determined by the ZO:
 - I. For residential projects, the impact shall be calculated by multiplying the estimated population of the project, as provided by the applicant, by the town's adopted per capita level of service.
 - II. For nonresidential projects, the impact shall be provided by the applicant, and approved by the ZO.

- III. The ZO shall determine the adequacy of capacity by adding the amount of demand to the demand for any other approved developments and the current level of demand generated within the town.
 - IV. The cumulative total demand shall be compared with the capacity certified to be available to the town by the county.
 - V. If total demand exceeds the capacity certified to be available to the town by the county, the ZO shall request a letter from the county stating whether or not the county has the capacity to dispose of the amount of solid wastes to be generated by the proposed project.
4. Drainage.
- (i) Adopted level of service. The adopted levels of service for drainage requires that all new development and expansion of existing residential development greater than 300 square feet of additional impervious coverage shall meet requirements as specified in the F.A.C. for Outstanding Florida Waters.
 - (ii) Management procedures. The ZO or a town stormwater engineer shall require and review drainage plans and calculations for all development and shall make and record a determination that the impact on the drainage system will not lower the established level of service.
5. Potable water and water supply.
- (i) Adopted level of service. The adopted levels of service for potable water is 125 gallons per capita per day.
 - (ii) Existing allocated demand.
 - A. Vacant residential parcels within the urban service area shall be included as demand upon the water system as if they were fully built out and calculated at 125 gallons per capita per day times two persons per parcel times number of vacant residential parcels.
 - B. Developed lots north of CR40 in urban service area with well potable water service shall be included as demand upon the water system and calculated at 125 gallons per capita per day times two persons per parcel times number of parcels.
 - C. Commercial demand shall be calculated at 450 gallons per day per commercial enterprise.
 - (iii) Management procedures.
 - A. Prior to the issuance of ZO's site plan approval, applicants shall be required to obtain certification from the town ZO indicating that potable water supply is available at the time of development or prior to the issuance of a certificate of occupancy.
 - B. In January of each year, the ZO will certify that the town has the capacity to provide the volume of potable water projected to be needed during the following year. The projected volume will be based upon the projected town population for the applicable period multiplied by the town's adopted per capita level of service.
 - C. The impact of any development requiring development plan approval shall be determined by the town zoning official:
 - I. For residential projects, the impact shall be calculated by multiplying the estimated population of the project, as provided by the applicant, by the town's adopted per capita level of service.

- II. For nonresidential projects, the impact shall be provided by the applicant, and approved by the town zoning official.
- III. The town zoning official shall determine the adequacy of the existing plant capacity by adding the volume of demand to the demand for any other approved developments and the current level of demand generated within the town including consideration of allocated vacant parcel demand as defined in subsection (2)d.5.(iii)B of this section.
- IV. The cumulative total demand shall be compared with the withdrawal volumes permitted under the town's water use permit (groundwater withdrawal amounts) and WTP SRF water system improvements permit (engineered plant capacity).
- V. If total demand exceeds the volume allowed by the town's water use permit or WTP permit, the major development applicant shall be responsible for all costs associated with receiving a new water withdrawal use permit.
- VI. If total demand exceeds the capacity of the plant, the applicant shall be responsible for all costs associated with providing the additional water plant capacity.

6. Parks and recreation.

- (i) Adopted level of service. The adopted levels of service for parks and recreation are as follows:
 - A. Neighborhood parks: two acres per 1,000 population.
 - B. Community parks: two acres per 1,000 population.
 - C. Equipped tot play area: 0.5 acres per 1,000 population.
- (ii) Management procedures. Any major development causing a decrease in level of service shall be responsible for providing additional park or payment of a proportionate fair share of all improvements and costs associated with meeting the level of service requirements set forth above.

7. Schools.

- (i) Level of service. The level of service in schools shall be as follows:
 - A. The town is exempt from school concurrency;
 - B. The town may enter into an interlocal agreement regarding school concurrency and school concurrency impact fees with the county school district if:
 - I. The town is no longer exempt from school concurrency review; or
 - II. The school district and town decide to implement school impact fees for major residential development that would be applicable within the town.
- (ii) Management procedures. The applicant for any major residential development shall obtain a letter of concurrency from the county school district board demonstrating adequate school capacity to accommodate proposed new development.

e. Concurrency determinations for redevelopment.

- 1. Redevelopment shall be exempt from concurrency determinations relative to transportation, sanitary sewer, solid waste, potable water, and recreation/open space, provided the following conditions are met:

- (i) Residential redevelopment. For residential redevelopment, there is no increase in the density from that existing prior to redevelopment.
 - (ii) Commercial redevelopment. For commercial redevelopment, there is no increase in the square footage of the building or intensity of use of the property from that existing prior to redevelopment.
 - 2. Redevelopment which is not determined to be exempt:
 - (i) Shall be subject to concurrency determinations only with respect to those impacts in excess of that attributable to the property prior to the redevelopment;
 - (ii) Except that concurrency with respect to the town's drainage level of service, shall be determined and based upon the drainage needs of the entire use of the property.
 - f. Limitations and expiration of concurrency determinations.
 - 1. Longevity and validity of concurrency determinations are contingent upon building permit issuance within one year of the concurrency determination.
 - 2. Concurrency determinations shall expire with the expiration of the development plan approval or building permit, as applicable.
- (d) *Proportionate fair share program.*
- (1) The proportionate fair-share program shall apply to all development in the town that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility per the concurrency management system (CMS) or concurrency review checklist (CRC), including transportation facilities maintained by the state department of transportation (FDOT) or another jurisdiction that are relied upon for concurrency determinations.
 - (2) The proportionate fair-share program does not apply to:
 - a. Developments of regional impact (DRI) using proportionate fair-share under state statutes; or
 - b. Developments, which may be exempted from concurrency as provided in the town comprehensive plan and this article, and/or state statutes, regarding exceptions and de minimus impacts.
 - (3) General requirements.
 - a. An applicant may choose to satisfy the transportation concurrency requirements of the town of by making a proportionate fair-share contribution, pursuant to the following requirements:
 - 1. The proposed development is consistent with the comprehensive plan and applicable LDC.
 - 2. The five-year schedule of capital improvements in the town CIE currently includes the proposed project.
 - 3. Additional requirements may apply if a project needed to satisfy concurrency is not presently contained within the town's CIE.
 - 4. The town 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 requirements of the CMS or CRC requirements, but is not contained in the five-year schedule of capital improvements in the CIE, where the following apply:
 - (i) The town adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE no later than the next regularly-scheduled update.

- (ii) To qualify for consideration under this section, the proposed improvement must be:
 - A. Reviewed by the town council.
 - B. Determined to be financially feasible pursuant to state statutes, (financial feasibility for this section means that additional contributions, payments, or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.)
 - C. Consistent with the comprehensive plan.
 - D. In compliance with the provisions of this LDC.
 - (iii) If the funds allocated for the five-year schedule of capital improvements in the town CIE are insufficient to fully fund construction of a transportation improvement required by the CMS or CRC, the town may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of only 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 governmental entity maintaining the transportation facilities, significantly benefit the impacted transportation system.
- b. Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of:
- 1. The town locally maintained roadways;
 - 2. The county for county-maintained roads; and
 - 3. The FDOT for the state highway system.
- (e) *Intergovernmental coordination.*
- (1) Pursuant to policies in the intergovernmental coordination element of the town comprehensive plan and applicable policies in the strategic regional policy plan for the Withlacoochee Region, the town shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation.
 - (2) An interlocal agreement may be established with other affected jurisdictions for this purpose.
- (f) *Application process.*
- (1) Upon notification of a lack of capacity to satisfy any concurrency, the applicant shall be notified in writing of the opportunity to satisfy concurrency through the proportionate fair-share program pursuant to the requirements of this section.
 - (2) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss the following:
 - a. Eligibility;
 - b. Application submittal requirements;
 - c. Potential mitigation options;
 - d. And related issues.
 - (3) If the impacted facility is on the state intermodal system (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.
 - (4) Eligible applicants shall submit an application to the town that includes:
 - a. An application fee as established within the town's fee resolution, as amended;

- b. Name, address and phone number of all owners;
 - c. Name, address and phone number of developer, if required;
 - d. Copy of agent authorization (form 10), if required;
 - e. Copy of concurrency review certificate (form 2);
 - f. Property location, including parcel numbers and 911 address;
 - g. Legal description;
 - h. Survey of property showing;
 - 1. Boundaries;
 - 2. Location of driveways and access roads.
 - i. Project description, including type, intensity and amount of development;
 - j. Phasing schedule, if applicable;
 - k. Description of requested proportionate fair-share mitigation method.
- (5) The town zoning official shall review the application and certify that the application is sufficient and complete.
- (6) If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair-share program, as indicated in this section, then:
- a. The applicant will be notified in writing of the reasons for such deficiencies.
 - b. If such deficiencies are not remedied by the applicant within 30 calendar days of receipt of the written notification, then the application will be deemed abandoned.
 - c. The town council may, at its discretion, grant an extension of time to cure such deficiencies, if the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- (7) Pursuant to state statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (8) When an application is deemed sufficient, complete, and eligible, the applicant shall be:
- a. Advised in writing.
 - b. A proposed proportionate fair-share obligation and binding agreement will be prepared by the town at applicant expense or by the applicant with direction from the town and delivered to the appropriate parties for review, also at applicant's expense, including a copy to the FDOT for any proposed proportionate fair-share mitigation on an SIS facility.
- (9) The town zoning official shall notify the applicant regarding the date of the town council meeting when the agreement will be considered for final approval.
- (10) No proportionate fair-share agreement will be effective until approved by the town council.
- (g) *Determining proportionate fair-share obligation.*
- (1) Proportionate fair share mitigation includes, without limitation, separately or collectively, the following:
- a. Private funds;
 - b. Contributions of land; and/or
 - c. Contribution of transportation facilities.

- (2) The methodology used to calculate a developer's proportionate fair share obligation to meet transportation concurrency shall be as provided in state statutes, and as represented by the formula: Proportionate Share equals ((Development Trips)/(SV Increase)) times Cost. Where:
 - a. Development trips equals number of trips from the development that are assigned to roadway segment;
 - b. SV increase equals service volume increase, new service volume minus current service volume, provided by the improvement to roadway segment;
 - c. Cost equals all improvement costs 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.
- (3) For the purposes of determining transportation proportionate fair share obligations, capital improvement costs shall be based upon the actual cost of the improvement as obtained from the CEI, or the state department of transportation work program. Where such information is not available, the improvement cost shall be determined using one of the following methods:
 - a. The most recent issue of state department of transportation "transportation costs," as adjusted, based upon the type of cross section (urban or rural); and/or
 - b. Locally available data from recent projects on acquisition, drainage, and utility costs; and/or
 - c. Significant changes in the cost of materials due to unforeseeable events.
- (4) If the town has accepted an improvement project proposed by the developer, then the value of the improvement shall be determined by using one of the methods provided in this section.
- (5) If the town accepts any right-of-way dedication for the proportionate fair share payment, credit for the dedication of the non-site-related right-of-way shall be valued on the date of the dedication at:
 - a. 120 percent of the most recent assessed value of the land, upon which the right-of-way is or will be located, by the county property appraiser; or
 - b. At the mutual agreement of the town and the developer, by fair market value established by an independent appraisal approved by the town and at no expense to the town.
- (6) The developer shall supply a certificate of title or title search of the land to the town at no expense to the town.
- (7) If the estimated value of the right-of-way dedication proposed by the developer is less than the town estimated total proportionate fair share obligation for that development, then the developer must also pay the difference.
- (8) Proportionate fair-share agreements.
 - a. Upon execution of a proportionate fair-share agreement (agreement), the applicant shall receive a concurrency approval certificate issued under the CMS or CRC from the town.
 - b. Should the applicant fail to apply for a development permit within 12 months or a timeframe provided in the town's capital improvements element of the execution of the agreement, then the agreement shall be considered null and void, and the applicant shall be required to reapply.
 - c. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be nonrefundable.
 - d. Payment must be submitted within 12 months of the execution of the agreement.
 - e. If the payment is submitted more than six months from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to this section and adjusted accordingly.

- f. The application fee and all associated costs to the town will be nonrefundable.
 - g. No agreement will be issued until all fees have been paid in full.
 - h. It is the intent of this section that, where possible, any required improvements be completed before issuance of certificates of occupancy. However, consistent with the public welfare, and consistent with any other requirements or exemptions provided state statutes, transportation facilities needed to serve new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation.
 - i. 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 or recording of the final plat.
 - j. 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 load that would require mitigation.
 - k. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.
- (9) Selected corridor improvements. The town council may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.
- (10) Appropriation of fair-share revenues.
- a. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the town CIE, or as otherwise established in the terms of the proportionate fair-share agreement.
 - b. At the discretion of the town council, 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.
 - c. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT agreements or programs.
 - d. In the event a scheduled facility improvement is removed from the CIE, 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 this article.
 - e. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan, as provided in state statutes:
 - 1. The town may coordinate with 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 FDOT agreements or programs.
 - 2. Such coordination shall be ratified by the town through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(Code 2015, ch. 21, § 21.14.9)

Secs. 18-355—18-380. - Reserved.

ARTICLE XVII. - VIOLATIONS, GENERAL PENALTIES, ENFORCEMENT, JUDICIAL REVIEW

Sec. 18-381. - Violation and non-compliance of article.

- (a) *Violations.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, land or water is used in violation of this article, the town council may institute any appropriate legal or equitable action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration or repair, conversion, maintenance or use, to restrain, correct or abate such violation.
- (b) *General penalties.*
 - (1) It shall be unlawful for any person to violate or fail to comply with any provision of this municipal article and it shall be enforced and subject to the penalties provided by state law.
 - (2) A violation of any provision of this article shall be punished by a fine not exceeding \$500.00 or as otherwise provided by law.
 - (3) Each and every day any violation of any provision of this LDC continues past the date given by the ZO or code enforcement officer to bring the property into compliance shall constitute a separate offense subject to imposition of a daily fine.

(Code 2015, ch. 21, § 21.15)

Secs. 18-382—18-405. - Reserved.

ARTICLE XVIII. - DEVELOPMENT AGREEMENT PROCEDURES (RESERVED)

Secs. 18-406—18-422. - Reserved.

ARTICLE XIX. - VESTED RIGHTS OR BENEFICIAL USE

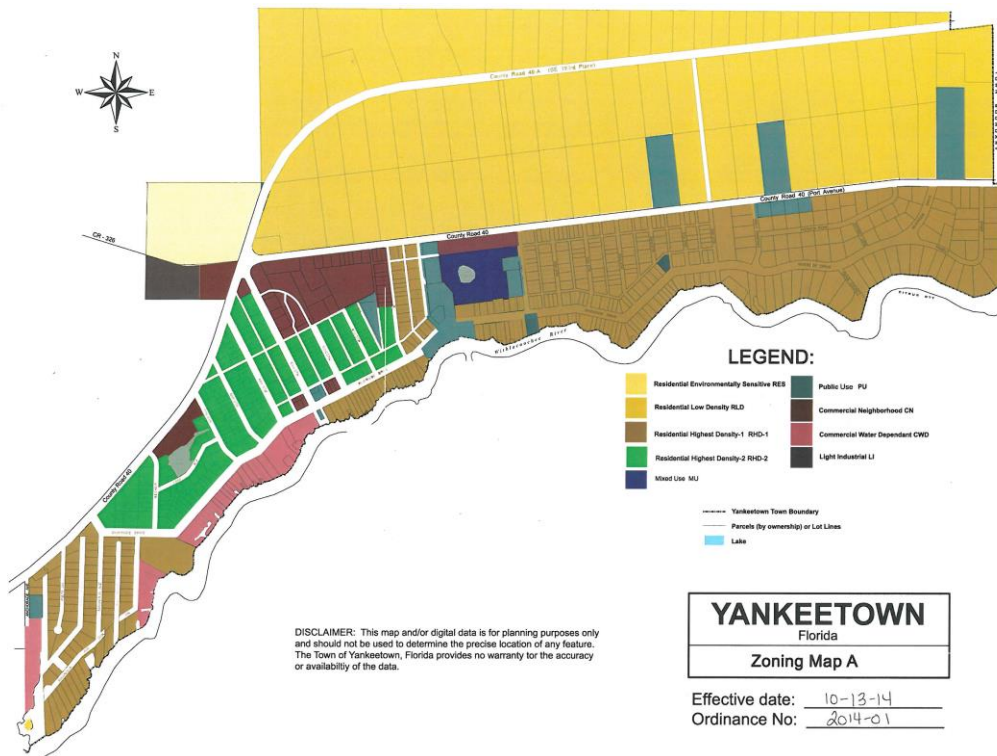
Sec. 18-423. - General requirements; determination of vested rights and beneficial use.

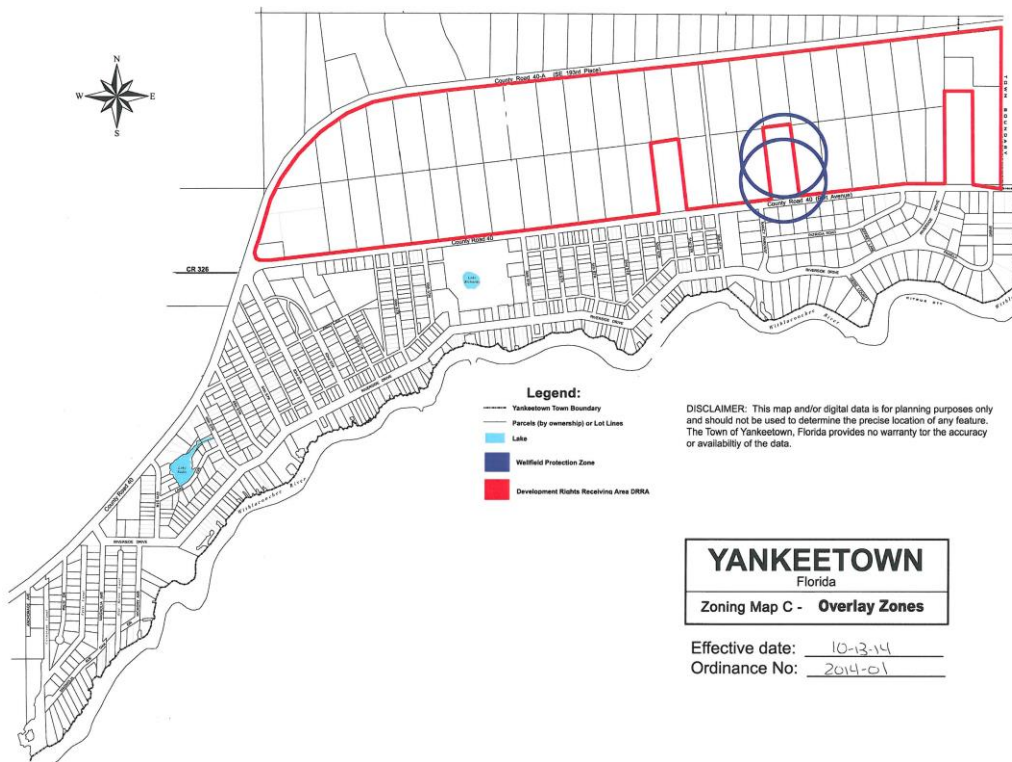
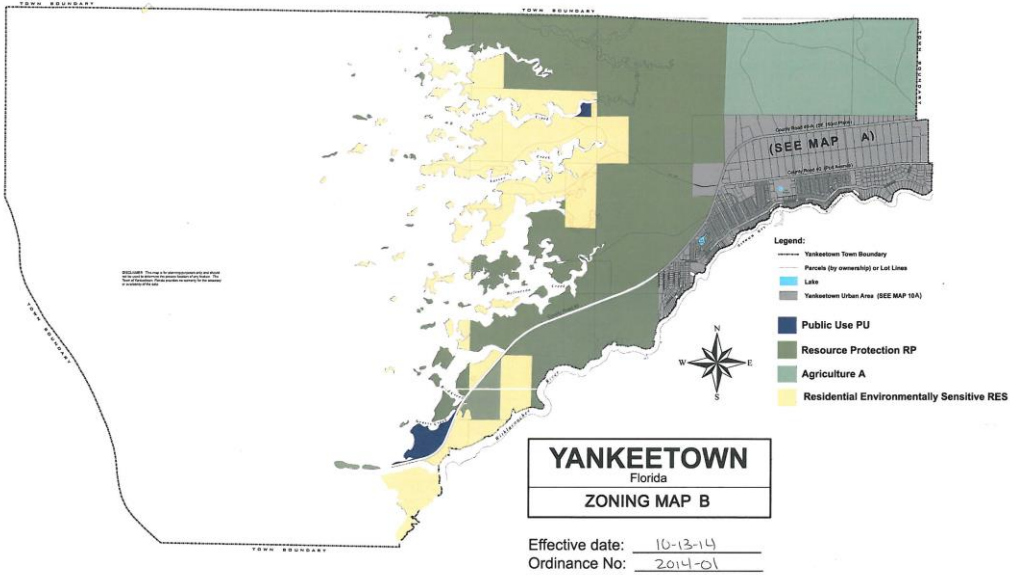
- (a) *Requirements.*
 - (1) Applications shall go to the BOA who shall give notice, schedule, and conduct a public hearing on the application.
 - (2) The preparation of a proposed BOA recommended determination, including findings of fact and conclusions of law that shall be submitted to the town council.
 - (3) A final determination that shall specify the development rights that are vested or the beneficial use to which the landowner is entitled, including the following:
 - a. The geographic scope of the determination in relation to the total area of the development site.
 - b. The duration of the determination and an expiration date.
 - c. The substantive scope of the determination, including, but not limited to, whether the development is vested for density, concurrency, and building permit allocation.
 - d. The applicability of existing and future county land development regulations.
 - e. Verification that construction timely commences and quarterly reporting requirements to ensure that the development is continuing in good faith.
 - f. Such other limitations and conditions necessary to ensure compliance with the comprehensive plan.
- (b) *Vested rights.*

- (1) A determination of vested rights shall be based upon one or more valid, unexpired permits or approvals issued by the town prior to the effective date of the comprehensive plan of the town.
- (2) The determination of vested rights shall be limited to the development expressly contemplated by said permits or approvals and to those aspects of development, which meet the standards, and criteria of this policy.
- (3) The applicant for a vested rights determination shall have the burden of proving that:
 - a. The applicant has reasonably relied upon an official act by the town. For the purposes of a vested rights determination pursuant to this comprehensive plan, any of the following may constitute an official act:
 1. One or more valid, unexpired permits or approvals issued by the town, provided that the zoning or land use designation of property shall not be deemed to constitute a permit or approval for the purpose of a determination of vested rights;
 2. A subdivision plat recorded in the official records of the county that fulfills the criteria established in F.S. § 380.05(18);
 3. An unexpired determination of vested rights granted by the town; or
 4. A valid, unexpired building permit issued prior to the effective date of the comprehensive plan of the town; and
 - b. The applicant, acting in good faith, has made such a substantial change of position or has incurred such extensive obligations and expenses that it would be highly inequitable or unjust to effect such rights by requiring the applicant to now conform to the comprehensive plan and land development regulations. Substantial changes of position or expenditures incurred prior to the official town act upon which the vested rights claim is based shall not be considered in making the vested rights determination; and
 - c. The development has commenced and has continued in good faith without substantial interruption.
- (4) A vested rights determination shall not preclude the town from subjecting the proposed development to:
 - a. Town land development regulations in effect on the date of the vested rights determination or adopted subsequent to the vested rights determination.
 - b. Unless the development is shown to be vested with regard to the subject matter addressed by a prior development order and the specific requirements.
 - c. A vested rights determination shall specify an expiration date by which all building permits necessary for development shall have been issued. The expiration date shall be reasonable, and, in no event later than the date specified in the original development order.
- (5) Beneficial use.
 - a. It is town policy that the provisions of neither the comprehensive plan nor the LDC shall deprive a property owner of all reasonable economic use of a parcel of record as of June 10, 1991.
 - b. An owner of real property may apply for relief from the literal application of applicable land use regulations when such application would have the effect of denying all economically reasonable use of that property unless such denial is necessary to prevent a nuisance or to protect the health, safety, and welfare of the town citizens.
 - c. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period as established by current land use case law.

- d. The relief to which an owner shall be entitled may be provided with one or a combination of the following:
1. Granting of a permit for development in order to prevent an unconstitutional taking by inverse condemnation arising from implementation of the plan or LDC as applied to the specific property, that renders it wholly unbuildable;
 - (i) Transfer the development rights to the DRRRA.
 - (ii) Government swap or purchase of all or a portion of a parcel upon which all beneficial use is prohibited is allowed.
 - (iii) Such other relief as the town may deem appropriate and adequate.
- (c) The relief granted shall be the minimum necessary to avoid a taking of the property under state and federal law.
- (d) Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the comprehensive plan and land development regulations unless specifically exempted from such requirements in the final beneficial use determination.

(Code 2015, ch. 21, § 21.17)





(Code 2015, ch. 21, att.)

Secs. 18-424—18-444. - Reserved.

ARTICLE XX. - SEPTIC TANKS

Sec. 18-445. - Access for inspection.

The town, through its officers, agents and employees, shall have the right of access to any property upon which a septic tank or sewage connection is located, for the purpose of inspection, and if necessary, corrective orders, when, in its opinion, such septic tank or connection, through neglect, accident, deterioration or Act of God, has become unsafe or unsanitary or otherwise inimical to the health and welfare of the inhabitants of the town.

(Code 2015, ch. 11, art. XIV, § 11-18; Ordinance reference 120)

Sec. 18-446. - New facilities.

All toilet facilities that are installed within the incorporated area of the town must be connected to a central sewage system or septic tank and drain field, in accordance with the rules of the state department of health and rehabilitative services, F.A.C. ch. 10D-6, Standards for On-Site Sewage Disposal Systems, or any amendments thereto; permits of other federal and state agencies, if needed, and approved by the county health department.

- (1) All new development in the conservation area shall be required to use alternatives to septic tanks approved by DOH, such as aerobics class I treatment systems. Coastal islands are defined as islands without dry land (upland) or existing road access.
- (2) Septic tanks which are proposed for nonresidential uses shall not exceed the sewage flow limitations of the state department of health and rehabilitative services and the department of environmental regulation.
- (3) Any change in use for an existing dwelling from residential to nonresidential use shall certify that the proposed use will not result in the disposal of any hazardous waste defined in this LDC consistent with F.S. § 383.0076.

(Code 2015, ch. 11, art. XIV, § 11-19; Ord. No. 97-03, § 5, 4-7-1997; Ordinance reference 120)

Sec. 18-447. - Order of permits.

Any person, firm or corporation, before being issued a building permit from the town for construction or installation of any building, must first acquire a septic tank permit from the county health department.

(Code 2015, ch. 11, art. XIV, § 11-20; Ordinance reference 120)

Sec. 18-448. - Appeals.

Appeals to decisions of the zoning official in relation to this article may be made in accordance with article VI of this LDC.

(Code 2015, ch. 6, art. X, § 6-42)

Chapter 20 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 20-1. - Violation.

The following shall constitute a violation of this Code, and shall be subject to arrest:

- (1) Whoever shall disturb or wrongfully interrupt any lawful assembly or meeting.

- (2) Whoever shall attach any object to any public property without express permission from the town council to do so.
- (3) Whoever shall damage or destroy any public property without express permission from the town council to do so. Public property shall include any living or non-living objects on municipal rights-of-way or publicly-owned lands, including, but not limited to, animals, minerals, soil, vegetation and public works.
- (4) Whoever shall commit, cause, or maintain a nuisance, or shall keep his house, other buildings, lot, land or premises in a foul, dirty, unclean, noisome, noxious, ill-smelling, stinking, unhealthy, unsanitary, unsightly or dangerous conditions.

(Code 2015, ch. 1, art. IX, § 1-9; Ord. No. 11-04, § 2, 9-26-2011)

Sec. 20-2. - Prohibited activities.

Activities involving removal, quarrying, crushing and processing of materials such as rock, coal, metal ores, sand and gravel are expressly prohibited within the corporate limits of the town.

(Code 2015, ch. 1, art. X, § 1-10)

Sec. 20-3. - Boat tying.

It shall be illegal for any person to permit, suffer or otherwise allow for the tying of more than two boats abreast to any dock or other facility capable of mooring boats, which dock or other facility is located in whole or in part within the corporate limits of the town.

(Code 2015, ch. 11, art. X, § 11-16)

Sec. 20-4. - Prohibited acts on town lands.

It shall be a violation of this chapter for any person to commit any of the following acts on property owned by the town:

- (1) Cut or disfigure or in any way destroy, injure or remove any tree or shrub.
- (2) Hunt, whether with gun, bow and arrow or otherwise, with or without the use of dogs.
- (3) Trap, whether with live traps or steel traps or otherwise, any animals whatsoever, or to set traps, or to be in possession of such traps on any of said land for any purpose whatsoever.
- (4) Litter or otherwise create a nuisance in any manner whatsoever.
- (5) Parking obstructing roads, streets, alleys and boat ramps prohibited. No vehicle, trailer, RV or any other personal property may be left standing, parked or placed on any public road, street, alley or boat ramp in a manner that partially or fully obstructs or interferes with traffic or vehicle, fire truck, fire equipment including hydrants, or emergency medical team (EMT) access along or through the public road, street, alley or boat ramp within the town or within any median strip.
 - a. Any vehicle, boat, trailer or other personal property on a median strip or that either partially or fully obstructs or interferes with traffic or vehicle, fire truck, fire equipment including fire hydrants, or EMT access on a roadway, street, alley or boat ramp may be ticketed and given a citation by a fire officer, code enforcement officer or law enforcement officer for illegal parking;
 - b. Any vehicle, boat, trailer or other personal property on a median strip or that either partially or fully obstructs or interferes with traffic or vehicle, fire truck, fire equipment including

hydrants, or EMT access on a roadway, street, alley or boat ramp may be towed or removed by order of a fire officer, code enforcement officer or law enforcement officer; and

- c. All towing costs and storage expenses shall be paid by the owner of the obstructing vehicle, trailer or personal property.

(Code 2015, ch. 11, art. XVI, § 11-21; Ord. No. 2011-02, § 1, 3-9-2011; Ordinance reference 138)

Secs. 20-5—20-26. - Reserved.

ARTICLE II. - NUISANCES

Sec. 20-27. - Overgrown lots.

No person shall keep or allow to remain upon his premises within the town or upon premises in the town under his charge or control an overgrown lot that becomes a public or private nuisance. All unimproved parcels shall remain free and clear of debris, trash, garbage and other similar items. All prior landscaped or mowed lots in the town shall be kept free from the overgrowth of weeds and vegetation which exceed a height of 24 inches. Upon written notice to the property owner requesting compliance with this section and the owner's timely failure to respond within ten days, the town shall constitute a violation of this Code subject to the town's code enforcement procedures.

(Code 2015, ch. 11, art. IX, § 11-15; Ord. No. 96-0-20, § 1, 12-2-1996; Ord. No. 05-05, § 1, 10-28-2009)

Secs. 20-28—20-57. - Reserved.

ARTICLE III. - WATER OFFENSES

Sec. 20-58. - Manatees.

- (a) Persons operating boats or otherwise on or about the waters within the corporate limits of the town shall not harass, injure or endanger any manatees located therein by any manner whatsoever.
- (b) Persons operating boats within the corporate limits of the town shall slow their boats when in the presence of manatees so as to avoid injuring the manatees by striking them with the boat or motor. Any person speeding in an area where manatees are visible shall be presumed to have violated this article.

(Code 2015, ch. 11, art. XVIII, § 11-22; Ordinance reference 137)

Sec. 20-59. - Reduced speed areas.

Persons operating boats within the corporate limits of the town shall operate their boats in such a manner and at such speeds as to minimize their wakes in all areas where property can be affected by such wakes. Damage of any kind caused by a boat wake shall provide a prima facie indication of a violation of this article.

(Code 2015, ch. 11, art. XVIII, § 11-23; Ordinance reference 137)

Chapter 22 - PARKS AND RECREATION

ARTICLE I. - IN GENERAL

Sec. 22-1. - Town parks and property.

Town parks are defined as, and shall include, but are not necessarily limited to, the following parks within the town:

- (1) Yacht Basin Boat Ramp.
- (2) Yacht Basin Park.
- (3) Winding River Garden Park.
- (4) Withlacoochee Gulf Preserve.
- (5) Fisherman's Park.
- (6) Wilderness Additions (Anchorage Park).
- (7) Children's Park.
- (8) Palmetto Resource Protection Park.
- (9) Water Resource Park.

(Ord. No. 2018-04, § 3, 8-6-2018)

Sec. 22-2. - Prohibition of alcohol in town parks.

Unless specifically authorized in, and limited to the duration of, any special event permit authorized by the town council pursuant to this Code, the sale or consumption of alcoholic beverages within the Yacht Basin Boat Ramp, Yacht Basin Park, Winding River Garden Park, Withlacoochee Gulf Preserve, Fisherman's Park, Wilderness Addition (Anchorage Park), Children's Park, Palmetto Resource Protection Park, and Water Resource Park is prohibited. In addition to any other remedies under this article, any individual or consuming alcoholic beverages on these park properties shall be removed and prohibited from using any town park for at least 24 hours.

(Ord. No. 2018-04, § 3, 8-6-2018)

Sec. 22-3. - Prohibition of swimming and water activities.

- (a) It shall be unlawful for any person to swim, bathe, dive, snorkel, or SCUBA dive or engage in any other water activity (other than launching, recovering or using a boat, kayak, or canoe) within or from the shoreline or other structure of the following listed town parks:
 - (1) Yacht Basin Boat Ramp;
 - (2) Yacht Basin Park, including fishing pier.
- (b) For all purposes hereof, SCUBA diving shall be defined as swimming under water with any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any other gas for breathing without returning to the surface of the water.

(Ord. No. 2018-04, § 3, 8-6-2018)

Sec. 22-4. - Hours of operation.

- (a) Opening and closing hours for town parks shall be opening at sunrise and closing at sunset, except for areas designated by resolution of the town council as a 24-hour launching area or a 24-hour fishing areas or by special event permit. All other use of town parks shall be prohibited between sunset and sunrise. The provisions of this section shall not apply to law enforcement officers or representatives of the town while in the discharge of their duties.
- (b) No unauthorized person shall enter upon any park property which is closed or which is posted as temporarily closed to the public due to construction or maintenance activities.

(Ord. No. 2018-04, § 3, 8-6-2018)

Sec. 22-5. - Violations; penalty.

The county sheriff, state law enforcement officers, and town code enforcement officers are hereby authorized to enforce this article. Any person found guilty of violating the provisions of this article shall be in violation of the town Code and subject to punishment by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment. Each day any violation of any provision of this article occurs or continues shall constitute a separate offense and penalty.

(Ord. No. 2018-04, § 3, 8-6-2018)

Secs. 22-6—22-28. - Reserved.

ARTICLE II. - CAMPING

Sec. 22-29. - Prohibition of camping and lodging in town parks without special events permit.

- (a) No person shall set up blankets, sleeping bags, tents, shacks or any other temporary shelters, or any special vehicle in any town park or town property to be used for lodging out-of-doors, or that could be used for lodging out-of-doors, such as a house trailer, camp-trailer, camp-wagon, or similar vehicle, structure, tent, hut, lean-to, shack, wood, cardboard or other temporary shelter for sleeping or temporary lodging for the purpose of lodging out-of-doors or overnight camping except within designated and posted areas, unless a special event camping permit is obtained in advance from the town council for such temporary camping use.
- (b) Special event permits for camping or other special use of a town park or any other town property or right-of-way for a limited duration are within the discretion of the town council's proprietary rights of ownership of the property or right-of-way, subject to any conditions imposed by or during donation or acquisition of the specific parcel. Special event permits for use of a specified town park or other town property for a limited, specified duration may be issued if all potential adverse impacts and concerns are adequately addressed by the applicant, including:
 - (1) The duration of the event;
 - (2) The expected number of participants;
 - (3) The number and location of tents or temporary lodging (if any);
 - (4) Cooking and waste disposal;
 - (5) Whether or not campfires will be permitted;
 - (6) Whether or not the consumption of beer or wine or alcohol will be permitted;
 - (7) Bathrooms, portable toilets and the disposal of human waste;
 - (8) Collection and disposal of all garbage and recyclables generated by participants;
 - (9) The potential effect on the native vegetation and wildlife;

- (10) Parking, security, safety, traffic flow and any temporary street closures; and compatibility with the surrounding uses.
- (c) Except for authorized town or emergency vehicles, it shall be unlawful for any person to operate a motorized vehicle on the grounds or trails of the following parks:
 - (1) Yacht Basin Boat Ramp Area.
 - (2) Yacht Basin Park.
 - (3) Winding River Garden Park.
 - (4) Fisherman's Park.
 - (5) Children's Park.
 - (6) Withlacoochee Gulf Preserve.

(Ord. No. 2018-04, § 3, 8-6-2018)

Chapter 24 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 24-1. - Design standards.

All new roads constructed within the town shall be consistent with the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance," also known as the Florida Greenbook, prepared by the state department of transportation, and any amendments thereto; and the Levy County Road Department Specifications for Road Construction. (See chapter 26, Subdivision Regulations.)

(Code 2015, ch. 16, art. I, § 16-1)

Secs. 24-2—24-20. - Reserved.

ARTICLE II. - PARKING ENFORCEMENT, CITATIONS AND TOWING

Sec. 24-21. - Inspections; citations.

Fire officers, code enforcement officers and law enforcement officers are hereby authorized to perform parking inspections within the town and to:

- (1) Issue citation for any violation of prohibited parking set forth in section 20-4(5) assessing a fine pursuant to F.S. ch. 31, which may be paid or appealed to a hearing officer or court of competent jurisdiction, which may assess a fine and court costs pursuant to F.S. § 316.1967; and
- (2) Order the towing of any vehicle, trailer or personal property (by any towing entity approved to tow vehicles in Levy or Citrus County) on a median strip or that either partially or fully obstructs or interferes with traffic or vehicle, fire truck, fire equipment including hydrants, or EMT access on a roadway, street, and/or alley. All costs and expenses for towing shall be borne and paid by the owner of the vehicle, boat, trailer or other personal property.

(Code 2015, ch. 11, art. XXII, § 11-32; Ord. No. 2011-02, § 2, 3-9-2011)

Chapter 26 - SUBDIVISION REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 26-1. - Definitions.

As used in these regulations, words in the singular include the plural and those in the plural include the singular. The term "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The term "building" includes a structure and shall be construed as if followed by the phrase "or part thereof." The term "watercourse" includes channel, creek, ditch, drain, canal, dry run, spring and stream. The term "may" is permissive; the term "shall" and "will" are mandatory, subject, however, to the provisions of article VI of this chapter.

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:

Alley means a right-of-way providing a secondary means of access and service to abutting property.

Block means a group or tier of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.

Board means the town board of adjustment, or, when appropriate to the context, includes any other such board appointed by the governing body.

Building setback line means a line across a lot, generally parallel to the street right-of-way line, or the side lot line, or the rear lot line, indicating the limit beyond which buildings may not be erected.

Commission means the planning commission of the town, or, when appropriate to the context, includes any other such commission appointed by the governing body.

Construction permit means a permit authorizing installation or improvements, issued following the approval of the preliminary plat.

Cul-de-sac means a street terminated at the end by a vehicular turnaround.

Departments means departments authorized by the governing body to control, within specified limits, the various functions performed by the governing body, such as road and bridge department, development department, parks and recreation department, etc.

Developer means the owners of record executing the dedication required by F.S. § 177.081, and applying for approval of a plat of a subdivision pursuant to this chapter, or person duly authorized thereby.

Easement means a strip of land intended for ingress and egress, for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Governing body means the town council of the Town of Yankeetown, Florida.

Improvements may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRMs), monuments, or any other improvement required by the governing body.

Legal entity means an entity that holds a certificate of authorization issued under F.S. ch. 472, whether the entity is a corporation, partnership, association, or person practicing under a fictitious name.

Lot means any tract or parcel being the least fractional part of subdivided lands having limited fixed boundaries.

Lot, recorded, means any tract or parcel being the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter or other name through which it may be identified.

Monument means a survey marker which must:

- (1) Be composed of a durable material.
- (2) Have a minimum length of 18 inches.

- (3) Have a minimum cross-section area of material of 0.2 square inches.
- (4) Be identified with a durable marker or cap bearing either the state registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable.
- (5) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the monument falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

Open space means undeveloped land suitable for passive recreation and/or conservation uses.

PCP (permanent control point) means a secondary horizontal control monument.

- (1) PCPs set in impervious surfaces must:
 - a. Be composed of a metal marker with a point of reference.
 - b. Have a metal cap or disk bearing either the state registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable, and the letters PCP.
- (2) PCPs set in pervious surfaces must:
 - a. Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2-square inches in certain materials, encasement in concrete is optional for the stability of the rod. When used, the concrete is optional for stability of the rod. When used, the concrete shall have a minimum cross-section area of 12.25-square inches and be a minimum of 24 inches long.
 - b. Be identified with a durable marker or cap with the point of reference marked thereon bearing either the state registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters PCP.
- (3) PCPs must be detectable with conventional instruments for locating ferrous or magnetic objects.

Plat or replat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of this chapter and of any other ordinances of the town, and may include the term "replat," "amended plat" or "revised plat."

P.R.M (permanent reference monument). A PRM must:

- (1) Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2-square inches in certain materials, encasement in concrete is optional for stability of the rod. When used, the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.
- (2) Be identified with a durable marker or cap with the point of reference marked thereon bearing either the state registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters PRM.
- (3) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the PRM falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

Professional surveyor and mapper means a surveyor and mapper registered under F.S. ch. 472, who is in good standing with the state board of professional surveyors and mappers.

Right-of-way means land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purposes by the public, certain designated individuals or others.

State plane coordinates means the system of plane coordinates as defined in F.S. § 177.031(19). State plan coordinates may be used to define or designate the position of points on the surface of the earth in accordance with F.S. § 177.151.

Street or road means and includes street, road, highway, alley, parkway, viaduct, boulevard, circle, court, terrace, place or other similar designations, or cul-de-sac, or other ways intended for travel by the general public, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended for limited utility purposes such as for electric power lines, gas lines, telephone lines, water lines, sanitary sewers or other such uses, and shall not include easements for ingress and egress as provided for by this chapter.

Subdivision means the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

Survey data means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

Surveying data means:

- (1) PC (point of curvature): the point where a tangent circular curve begins.
- (2) PT (point of tangency): the point where a circular curve ends and becomes a tangent.
- (3) PCC (point of compound curvature): the point where two circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent.
- (4) PRC (point of reverse curvature): the point where two circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent.

Town means the Town of Yankeetown, Florida.

Utility means any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service or telephone line, whether underground or overhead.

(Code 2015, ch. 17, art. I, § 17-1)

Sec. 26-2. - Area covered.

The provisions contained herein shall apply to all lands within the limits of the town.

(Code 2015, ch. 17, art. II, § 17-2)

Sec. 26-3. - Erection of building adjacent to unapproved streets.

No building shall be erected on a lot or parcel of land within the area, nor shall any building permit be issued therefor, unless the street giving access to the lot or parcel on which such building is proposed to be placed has been accepted and opened as a public street, has otherwise received the legal status of a public street, has been accepted by the governing body and is shown on a recorded subdivision plant, or is a private street dedicated for the use of certain lots or parcels but not accepted for maintenance by the governing body or available for use by the public.

(Code 2015, ch. 17, art. II, § 17-3)

Sec. 26-4. - Legal status of recorded plats.

The recording of any plats made in compliance with the provisions of this chapter shall serve to establish the identity of all lands shown on and being part of such plats, and lands may, thenceforth, be conveyed by reference to such plat.

(Code 2015, ch. 17, art. II, § 17-4)

Sec. 26-5. - Mandatory compliance.

No subdivision of any lot, tract or parcel of land as it exists, on November 22, 2010, shall be affected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use and/or travel, or the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these regulations and with F.S. chs. 163 and 177.

(Code 2015, ch. 17, art. II, § 17-5)

Sec. 26-6. - Purpose.

The regulation of the subdivision of land is intended to aid in the coordination of land development in the town in accordance with orderly physical patterns; to discourage haphazard, premature, uneconomic or scattered land development; to ensure safe and convenient traffic control; to encourage development of an economically stable and healthful community; to ensure adequate utilities; to prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; to provide public open spaces for recreation and schools; to ensure land subdivision with installation of adequate and necessary physical improvements; to ensure that the citizens and taxpayers of the town will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements; to ensure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; and to serve as one of the several instruments of comprehensive plan implementation authorized by F.S. ch. 13.

(Code 2015, ch. 17, art. II, § 17-6)

Secs. 26-7—26-30. - Reserved.

ARTICLE II. - DESIGN STANDARDS

DIVISION 1. - GENERALLY

Sec. 26-31. - General provisions.

- (a) All street criteria including width of right-of-way, horizontal and vertical alignment, grade, intersection and crossing details, and other items related to the design, construction, maintenance and operation shall be in accordance with article IV of this chapter and must be approved by the appropriate officials.
- (b) As a guide for street-related items, the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," prepared by the state department of transportation is hereby adopted, together with any amendments thereto. Copies of the test may be obtained from the Florida Department of Transportation, Reference Library, Burns Building, Room 380, Suwannee Street, Tallahassee, Florida 32304.

(Code 2015, ch. 17, art. III, § 17-7)

Sec. 26-32. - Blocks.

- (a) The length, width and shape of blocks shall be determined with due regard to the following:
 - (1) Provision of adequate sites for building of the type proposed.
 - (2) Zoning regulations.
 - (3) Topography.
 - (4) Requirements for safe and convenient vehicular and pedestrian circulation.
- (b) Blocks generally shall not be less than 400 feet, nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the commission may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable, and may further specify, at its discretion, that a four-foot-wide paved footpath be included.
- (c) Pedestrian through-walks may be required, where necessary, to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than ten feet and a paved walk of not less than four feet.

(Code 2015, ch. 17, art. III, § 17-8)

Sec. 26-33. - Lots and lot sizes.

- (a) Lot size and dimensions shall be in accordance with town zoning regulations.
- (b) The ratio of the depth of any lot to its width shall not be greater than 2½ to one, except as may be specified in the town zoning regulations.
- (c) Side lot lines shall be substantially at right angles or radial to street lines.
- (d) If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or dedicated to public use if acceptable to the town.
- (e) Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and loading as required by the provisions of the zoning regulations.

(Code 2015, ch. 17, art. III, § 17-9)

Secs. 26-34—26-43. - Reserved.

DIVISION 2. - PRIVATELY-OWNED AND MAINTAINED STREETS

Sec. 26-44. - General design, construction and maintenance of streets.

All streets to be constructed and not proposed for dedication and acceptance into the town-maintained street system shall be designed, constructed and perpetually maintained in accordance with this section. Privately-owned and maintained streets shall not be allowed when, or to such an extent as to interrupt or adversely affect the existing or future anticipated town-maintained street system necessary to promote, protect and improve the public health, safety, good order, convenience and general welfare.

(Code 2015, ch. 17, art. III, § 17-10(intro ¶))

Sec. 26-45. - Classes of streets and definitions.

There shall be only one class of privately-owned and maintained street, which shall be "private street."

(Code 2015, ch. 17, art. III, § 17-10(a))

Sec. 26-46. - General requirements.

- (a) All proposed streets shall be completely contained within the limits of the subdivision or project except connections to outside streets serving the inter-development street network.
- (b) No private street may, by either right-of-way or easement, connect to another private street. To accomplish this, and to keep traffic volumes to a minimum, each private street shall:
 - (1) Be limited to a maximum length of 1,200 feet.
 - (2) Provide access to no more than 11 subdivision lots.
 - (3) Terminate in a cul-de-sac, said cul-de-sac having a minimum right-of-way diameter of 100 feet, of which a 40-foot diameter shall receive stabilization, base, or other treatment as described in illustration 1 of this chapter, titled "Typical Road Section for Privately Owned and Maintained Street, Illustration 1."
- (c) All agreements and conditions relating to the perpetual maintenance of streets must be approved by the governing body prior to commencement of construction.
- (d) Privately-owned and maintained streets shall be permitted only where direct connection is provided to a street maintained by the state or county or town or other governmental agency. Proof of an approval of such connection shall be provided to the town road department or designee.

(Code 2015, ch. 17, art. III, § 17-10(b))

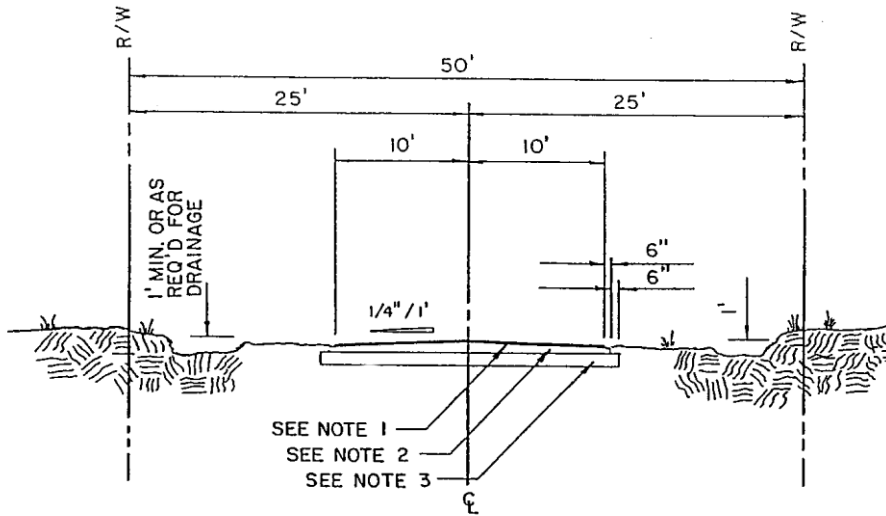
Sec. 26-47. - Required improvements.

Although the construction of privately-owned and maintained streets may depart from conformance with construction of streets for acceptance into the town-maintained street system, certain minimum standards as follows have been established for privately-owned and maintained streets.

- (1) All minimum improvements, including, but not limited to, drainage, flood protection, roadway structures, sidewalks, utilities, canals and waterways and other items deemed by the town road department or designee necessary to promote, protect and improve the public health, safety, good order, convenience and general welfare shall be required and shall be designed in accordance with good engineering practice.
- (2) Street construction must be inspected and approved by the design engineer and certification provided to the town prior to final approval of the plat.
- (3) Street improvements and construction shall be in accordance with the typical sections shown on the following pages for local I and collector I street types.

Illustration 1

TYPICAL ROAD SECTION FOR PRIVATELY OWNED AND MAINTAINED STREET



Notes for Illustration 1

- Note 1. Surface course: one inch minimum DOT type II asphaltic concrete or DOT type 2 bituminous surface treatment.
- Note 2. Base 4: minimum of compacted limerock or other suitable material, approved by the town road department or designee; alternately may be six inches minimum of loose limerock or other material mixed with clean sand, compacted after mixing and having a compacted depth of ten inches.
- Note 3. Subgrade stabilization: when required, shall be accomplished by mixing limerock or other suitable material, approved by the town road department or designee with clean sand; stabilized subgrade must be a minimum of 12 inches in depth and must be approved by the town road department or designee.
- Note 4. Where, in the opinion of the town road department or designee, it is necessary, areas shall be fertilized, seeded, mulched and watered to prevent erosion.

(Code 2015, ch. 17, art. III, § 17-10(c))

Secs. 26-48—26-57. - Reserved.

DIVISION 3. - PUBLIC STREETS

Sec. 26-58. - Definitions.

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

Collector 1 means a street meeting the following conditions:

- (1) May be connected to another street at no more than two points.
- (2) Shall serve no more than 60 lots, tracts or parcels at any point along its length as determined by the town road department or designee.
- (3) Shall not create a series of interconnected loops so as to complicate the procedure of estimating lots served by any particular road section.

Collector II means a street serving more than 60 lots, tracts or parcels.

Local I means a street meeting the following conditions:

- (1) Shall be a dead-end street terminating with a vehicular turnaround (cul-de-sac).
- (2) Shall serve no more than 20 lots, tracts or parcels.

Local II means a street meeting the following conditions:

- (1) May be connected to another street at no more than two points.
- (2) Shall serve no more than 30 lots, tracts or parcels at any point along its length as determined by the town road department or designee.
- (3) Shall not create a series of interconnected loops so as to complicate the procedure of estimating lots served by any particular road section.

(Code 2015, ch. 17, art. III, § 17-11(a))

Sec. 26-59. - General provisions.

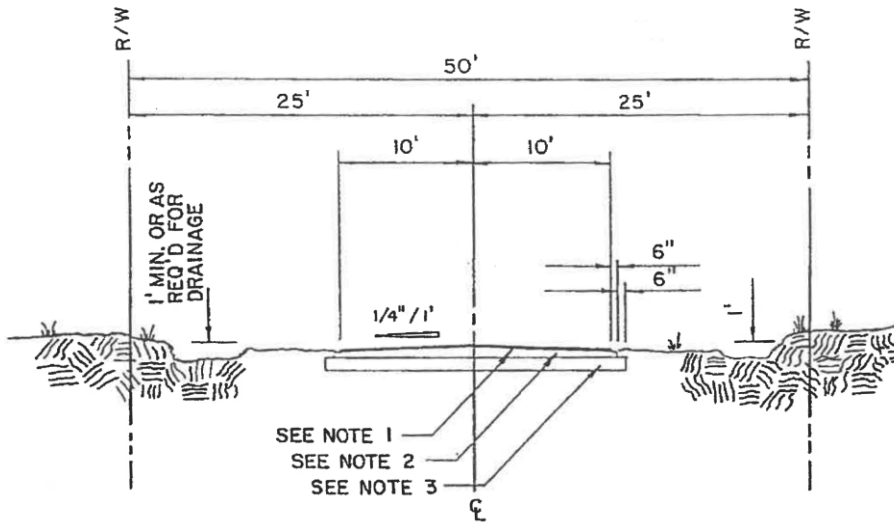
All streets to be constructed and proposed for dedication and acceptance into the town-maintained street system shall be designed, constructed and maintained in accordance with this chapter. All rights-of-way, easements, etc., as appropriate, shall be dedicated to the town at no expense to the town.

(Code 2015, ch. 17, art. III, § 17-11(b))

Sec. 26-60. - Required improvements.

- (a) All proposed streets intended for use by the general public and not meeting the requirements for privately-owned and maintained streets shall be required to have an asphaltic paved roadway surface constructed in accordance with the "Levy County or FDOT Specifications."
- (b) All drainage structures shall be installed in accordance with approved construction plans or the instruction of the county road department. All materials shall meet or exceed the minimum specifications set forth in the state DOT Standard Specifications for Road and Bridge Construction.
- (c) Street signs identifying streets by name or number shall be installed. All signing and materials shall be approved by the town council.
- (d) Warning and regulatory signs, including stop, yield, etc., shall be installed in accordance with specifications and regulations used by the county road department and must be in compliance therewith.
- (e) All cul-de-sac streets shall be marked with a sign indicating "dead end."

Typical Road Section for Local I and II



Notes for Local I and II

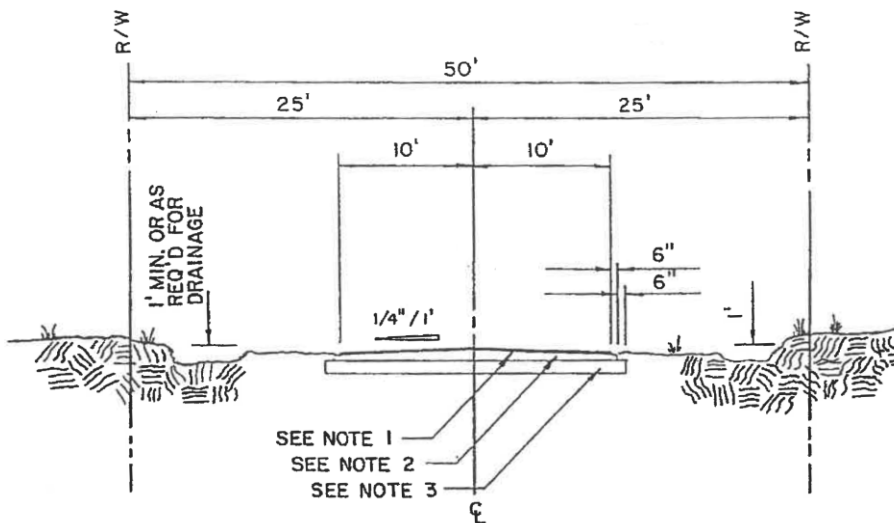
Note 1. Surface course (if required): one-inch minimum DOT type II asphaltic concrete or DOT type 2 bituminous surface treatment.

Note 2. Base: four-inch minimum of compacted limerock or other suitable material, approved by the county road department; alternately may be six inches minimum of loose limerock or other material mixed with clean sand, compacted after mixing and having a compacted depth of ten inches.

Note 3. Subgrade stabilization: when required, shall be accomplished by mixing limerock or other suitable material, approved by the county road department with clean sand; stabilized subgrade must be a minimum of 12 inches in depth and must be approved by the county road department.

Note 4. Where, in the opinion of the county road department, it is necessary, areas shall be fertilized, seeded, mulched and watered to prevent erosion.

Typical Road Section for Collector I and II



Notes for Collector I and II

Note 1. Surface course (if required): one-inch minimum DOT type II asphaltic concrete or DOT type 2 bituminous surface treatment.

Note 2. Base, without surface course: six-inch minimum of compacted limerock or other suitable material, approved by the county road department; alternately may be eight inches minimum of loose limerock or other suitable material mixed with clean sand, compacted after mixing and having a compacted depth of 12 inches.

Base, with surface course: four inches minimum of compacted limerock or other suitable material, approved by the county road department; alternately may be six inches minimum of loose limerock or other suitable material mixed with clean sand, compacted after mixing and having a compacted depth of 12 inches.

Note 3. Subgrade stabilization: when required, shall be accomplished by mixing limerock or other suitable material, approved by the county road department with clean sand; stabilized subgrade must be a minimum of 12 inches in depth and must be approved by the county road department.

Note 4. Where, in the opinion of the county road department, it is necessary, areas shall be fertilized, seeded, mulched and watered to prevent erosion.

(Code 2015, ch. 17, art. III, § 17-11(c))

Sec. 26-61. - Storm drainage.

- (a) (1) When deemed necessary by any department, commission, or the governing body, a drainage system in a design prepared by a registered professional engineer may be required which will include detailed construction plans, supportive calculations and any additional information related or required therewith.
- a. For developments meeting Southwest Florida Water Management District thresholds for surface water and/or stormwater permitting, the developer shall provide a copy of the appropriate approved permit from the Southwest Florida Water Management District.
 - b. For developments which are exempt from Southwest Florida Water Management District permitting requirements, the applicant shall provide documentation from those agencies that no permit is needed.
- (b) The engineer's attention is further directed to the following:
- (1) Where drainage runoff comes from outside the limits of the subdivision, it shall be included in the design;
 - (2) Post-development runoff shall not exceed predevelopment runoff rates. Design storm density/frequency data shall be taken from the state DOT drainage manual for this zone or may be taken from storm intensity/frequency data published by another governmental agency if approved prior to use;
 - (3) New development. All new development and redevelopment shall conform to the following level of service standards:
 - a. All single-family, duplex, triplex and quadruplex residential units, which are not part of a larger development, and do not otherwise require compliance with SWFWMD permitting rules, shall meet the following standards:
 - 1. Lots shall provide on-site retention equivalent to three-fourths of an inch of depth over the entire site.
 - 2. Impervious surface rations shall be limited to 30 percent.
 - 3. Erosion and sediment control, such as staked straw bales or fabric silt fences, shall be used during construction to prevent transportation of soil or sediment off-site.

4. In the conservation area, all development shall provide on-site retention volume equivalent to three-fourths of an inch of depth over the entire lot or site; grassed swales may be used, as long as equivalent storage is provided.
 5. In the conservation area, clearing of native vegetation for all development shall be limited to ten percent of the total site.
 Redevelopment shall be defined as projects where the estimated value of construction exceeds 50 percent of the appraised value of the existing improvements on the property.
- b. All other development and redevelopment, not described in subsection (b)(3)a of this section, shall meet the following standards:
1. Water quantity.
 - (i) Conveyance systems. All drainage swales and ditches shall be designed to convey the runoff generated from a 25-year, 24-hour storm event.
 - (ii) On collector roads, culverts and cross-drains shall convey the runoff from a ten-year, 24-hour storm.
 - (iii) On local roads and internal subdivision roads, culverts and cross-drains shall be designed to convey the runoff from a ten-year, 24-hour storm.
 2. Water quality.
 - (i) Stormwater management systems. Stormwater management systems shall be designed to either retain on-site the runoff generated by a 25-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.
 - (ii) Water quality treatment, in general, shall be provided for a volume equivalent to three-fourths of an inch of depth over the entire site or the runoff from the first 1½ inches of rainfall on the entire site, consistent with chapter 62-302.700 FAC, Design Criteria for Outstanding Florida Waters.
 - (iii) Site-specific conditions may require other design criteria to be satisfied in order to obtain water management district construction permits. To ensure compliance with those requirements, a copy of a valid water management district permit or exemption letter shall be presented before building permits or development approvals are granted.
 3. The study shall include the effect of the subdivision on all downstream owners;
 4. Special consideration shall be given to avoid problems from concentration on all downstream properties.
- c. Land subject to flooding (floodprone area) or land deemed by the governing body to be unsuitable for development shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the governing body to remedy said hazardous conditions.

(Code 2015, ch. 17, art. III, § 17-11(d))

Sec. 26-62. - Street-system layout.

- (a) The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding areas unless the governing body deems such extension undesirable for specific reasons due to topography or design.

(b) Streets shall be logically related to the topography to produce usable lots and acceptable grades.

(Code 2015, ch. 17, art. III, § 17-12)

Sec. 26-63. - Recreation and open space requirements for residential subdivisions.

- (a) In order to ensure the adopted level of service standards for recreation facilities are maintained, the town shall require that new residential development dedicates land, or fees in lieu of land, towards providing the proportional share of provision of such facilities, and to ensure that issuance of a development order for a proposed residential subdivision does not result in a lowering of adopted level of service standards.
- (b) The comprehensive plan, as adopted, has set a level of service standard of 4½ acres of total recreation facilities per 1,000 persons (two acres per 1,000 for neighborhood facilities, two acres per 1,000 for community facilities, and ½ acre per 1,000 for total lots. This calculates to 0.09 acres per household (average household size in the town is 2.01 persons). Therefore, new residential subdivisions shall be required to provide 0.09 acres per household. Cash may be given to the town towards community recreational uses in lieu of land dedication. Example: 25 housing units requires 0.225 acres (0.009 acres x 25).
- (c) Minor streets shall be designed to discourage through traffic. However, provision for street connections and access to or from adjacent areas will generally be required.
- (d) Where a subdivision abuts or contains an existing or proposed collector or other high service road, frontage roads, rear service alleys, reverse frontage lots or other such treatment, as required, will be provided for protection of abutting properties, reduce the number of intersections with major streets and separate local and through traffic.
- (e) Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60 degrees.
- (f) Multiple intersections, involving junction of more than two streets, shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- (g) Streets entering opposite sides of another street shall be either directly opposite one another or with a minimum offset of 125 feet between centerlines.
- (h) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way may be required.
- (i) Cul-de-sac public streets with no provision for extension shall not exceed 700 feet in length and shall not provide access to more than 20 lots. (See section 26-46(b)(3) for private cul-de-sac restriction.)
- (j) Cul-de-sac rights-of-way shall have a minimum diameter of 100 feet.
- (k) Unless future extension is clearly impractical or undesirable beyond a turnaround, right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining street. The street system shall connect directly to a street which is maintained by a government agency.

(Code 2015, ch. 17, art. III, § 17-13)

Secs. 26-64—26-74. - Reserved.

ARTICLE III. - PLATTING PROCEDURES¹¹

Footnotes:

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State Law reference— Platting, F.S. § 177.011 et seq.

Sec. 26-75. - Platting steps.

The procedure for submission of a subdivision plat shall consist of the following three steps, the first of which is optional:

- (1) *Presubmission conference (optional)*. In the case of large and complex subdivisions or conditions, the subdivider is encouraged to apply for a resubmission conference with the planning commission prior to submitting any preliminary plat or incurring any substantial cost.
- (2) *Preliminary plat*. The purpose of the preliminary plat is to enable the subdivider to submit his request and provide the commission, other town agencies, and, when necessary, the governing body the opportunity to conduct their review of the proposed plan prior to the subdivider incurring engineering, surveying, legal and other such costs.
- (3) *Final plat*. The final plat shall be submitted in a form acceptable for filing as a public record in accordance with this article. After review by the commission, other town and county agencies and the governing body and, if approved thereby, it shall be accepted and filed for record into the public records of the county.

(Code 2015, ch. 17, art. IV, § 17-14)

Sec. 26-76. - Preliminary plat submission and approval.

Preliminary plats and supporting data shall comply with all provisions of this chapter. The necessary forms shall be adopted by resolution as may be required, and shall be made available in the office of the town clerk.

- (1) To receive consideration, the preliminary plat, together with other required data, shall be presented to the town clerk at least two weeks prior to a regular monthly meeting of the planning commission. The applicant shall include six copies of the preliminary plat, completed application form and checklist, application fee and all other required supportive data.
- (2) The applicant or his duly authorized representative shall attend the planning commission meeting at which the preliminary plat is to receive consideration.
- (3) The commission shall study the practicability of the preliminary plat, taking into consideration the requirements of the town and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the comprehensive plan, zoning ordinance, and all other applicable ordinances and regulations.
- (4) Conditional approval of the preliminary plat may be issued when conditions, revisions or modifications are deemed by the commission or governing body to be of a minor nature. In such instance, the development department may issue a construction permit after receipt of acceptable revised data. However, in the event that acceptable revised data is not received by the development department within one week, unless otherwise specified, the applicant shall be required to reappear before the commission.
- (5) Conditional approval of the preliminary plat shall not be issued when conditions, revisions or modifications are deemed by the commission or governing body to be of a major nature and shall require the applicant to re-appear before the commission or governing body to acquire approval. A preliminary plat shall remain an unapproved preliminary plat until all conditions, revisions,

modifications and data required have been satisfactorily submitted. Only after approval of the preliminary plat shall a construction permit be issued.

- (6) The preliminary plat approval shall expire after a period of 30 days if the construction permit is not issued.
- (7) Conditional approval shall constitute approval subject to requirements as specified by the commission or governing body.

(Code 2015, ch. 17, art. IV, § 17-15)

Sec. 26-77. - Final plat submittal and approval.

(a) *Submission to planning commission.*

- (1) The applicant shall, prior to expiration of the preliminary plat approval and or the construction permit, submit to the town development department at least two weeks prior to a regular monthly meeting of the commission, the final plat. The applicant shall include six copies of the proposed final plat, completed application form and checklist, application fee, and all other required supportive data.
- (2) The applicant, or his duly authorized representative, shall attend the commission meeting at which the proposed final plat is to receive consideration.
- (3) The proposed final plat shall comply with the approved preliminary plat. However, at this time, the commission may require additional considerations, supportive data or improvements.
- (4) Following considerations at the regular monthly meeting, the commission shall either approve or disapprove the final plat within 60 days. The commission may elect to approve and sign the final plat at the same meeting at which it is considered.
- (5) The commission shall not approve and sign the final plat until it has been shown either in writing or by signature on the face of the plat that the requirements of the county health department and the town road department or designee have been satisfied.
- (6) If the proposed final plat is not approved by the commission, the applicant shall be so notified in writing within 60 days following said decision. The written notification shall state the reason for disapproval.

(b) *Submission to governing body.*

- (1) Following approval by the commission, the applicant may submit to the governing body the proposed final plat for approval. At this time, the governing body may require additional considerations, supportive data or improvements.
- (2) The applicant shall submit a minimum of one copy or print and the original plat to the governing body for signature.
- (3) Following the consideration at the regular meeting, the governing body shall either approve, disapprove or table for a reasonable period of time the final plat.
- (4) If the governing body approves the final plat, the copy or print and the original plat shall be signed by the governing body.

(c) *Filing of final plat.*

- (1) Within one week following approval and signing of the final plat by the governing body, the applicant shall submit the signed original and copy thereof, both bearing original signatures by the governing body to the clerk of the circuit court. The clerk shall retain the signed copy and reserve plat books and page numbers for said plat which shall be reserved for a period not to exceed one week.

- (2) Following reservation of plat book and page numbers by the clerk, the applicant shall, within one week, submit to the clerk the following:
 - a. One original.
 - b. Two reproducible copies on stable film base.
 - c. Two copies on cloth.
 - d. Six prints on paper.
- (3) The clerk shall, if all copies are acceptable, sign the original and all copies, file the plat in the public records of the county, and distribute all copies to the appropriate county and town offices.
- (d) *Penalties.* Failure by the applicant to comply with time requirements for filing appropriate documents with the clerk shall result in a penalty of \$10.00 per day for each day applicant is late. If applicant is late for more than 20 working days, the clerk shall refuse to accept the plat and advise the applicant the he must re-file with the governing body.

(Code 2015, ch. 17, art. IV, § 17-16)

Secs. 26-78—26-97. - Reserved.

ARTICLE IV. - REVERSION OF SUBDIVIDED LAND TO ACREAGE

Sec. 26-98. - Action by governing body.

The governing body may, on its own motion, order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction, including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels when:

- (1) The plat of the subdivision was recorded as provided by law not less than five years before the date of such action; and
- (2) In the subdivision or part thereof, not more than ten percent of the total subdivision area has been sold as lots by the original subdivider or his successor in title.

(Code 2015, ch. 17, art. V, § 17-17)

Sec. 26-99. - Action by owner.

The owner of any land subdivided into lots may file for record of a plat for the purpose of showing such land as acreage. Such plat, and the procedure in connection therewith, shall conform to the requirements of F.S. chs. 163 and 177, except that:

- (1) No survey or certificate of any surveyor or engineer shall be required. However, the governing body may require a survey of the exterior boundaries of the land and the placing of suitable monuments along such boundaries if it finds that the last preceding survey of record is faulty or inadequate or that insufficient monuments are in position along such boundaries.
- (2) No improvements shall be required except such as may be necessary to provide equivalent access, as provided hereafter in this section.
- (3) No findings need be made as to the suitability of the land or as to the provision of public facilities and services for it.

(Code 2015, ch. 17, art. V, § 17-18)

Sec. 26-100. - Findings and hearing required.

Such action shall be based on a finding by the governing body or by its accredited representative for the approval of subdivision plats that the proposed vacation and reversion to acreage of subdivided land conforms to the comprehensive plan of the area and that the public health, safety, economy, comfort, order, convenience and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the governing body or its accredited representative shall hold a public hearing thereon, with due public notice.

- (1) If land in a subdivision or part thereof is proposed for reversion to acreage either at the instance of the governing body or by filing a plat by the owner, and such land is subject to existing zoning regulations, the governing body shall, upon recommendation of the planning commission or other board or commission dealing with the recommendations as to zoning, where such agency exists concurrently with the proceedings for vacation and reversion to acreage, or for consideration of an action on such plat, conduct proceedings for such amendment of such zoning regulations as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.
- (2) No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of any part of the subdivision of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access. Such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

(Code 2015, ch. 17, art. V, § 17-19)

Secs. 26-101—26-128. - Reserved.

ARTICLE V. - VACATION AND ANNULMENT OF PLATS SUBDIVIDING LAND

Sec. 26-129. - Application by owners.

The governing body may adopt resolutions vacating plats in whole or in part of subdivisions in the town, returning the property covered by such plats either in whole or in part into acreage. Before such resolution or vacating any plat either in whole or in part shall be entered by the governing body, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(Code 2015, ch. 17, art. VI, § 17-20)

Sec. 26-130. - Double-platting.

- (a) *With conveyance.* When it is discovered that, after the filing of a plat subdividing a parcel of land located in the town, the developer of the lands there and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body of the town is authorized, by resolution, to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developers of such lands under the first plat or their successors, grantees or

assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat.

- (b) *Without conveyance.* Whenever it is discovered, after the plat has been recorded in the public records, that the developer has previously caused the lands embraced in the second plat to be differently subdivided under and by virtue of another plat of the same identical lands, and the first plat was also filed in the public record at an earlier date, and no conveyance of lots by reference to the first plat so filed appears of record in such county, the governing body is authorized and directed to and shall, by resolution, vacate and annul the first plat of such lands appearing of record upon application of the owners of all the lots shown and designate upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.
- (c) *Notice required.* Persons making application for vacation of plats, either in whole or in part, shall give notice of their intention to apply to the governing body to vacate said plat by publishing legal notice in a newspaper of general circulation in the town in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid.
- (d) *Vacating effect.* Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of the county.

(Code 2015, ch. 17, art. VI, § 17-21)

Secs. 26-131—26-158. - Reserved.

ARTICLE VI. - VARIANCES AND ERROR

Sec. 26-159. - Error.

In the event an appreciable error or omission in the date shown on any plat duly recorded under the provisions of these regulations is detected by subsequent examination or revealed by a retracement of the lines run during the original survey of the lands shown on such recorded plat, the land surveyor who was responsible for the survey and the preparation of the plat, as recorded, may file an affidavit confirming that such error or omission was made. However, the affidavit must state that he has made a resurvey of the subject property in the recorded subdivision within the last ten days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that, in his opinion, should be substituted for the erroneous data shown on such plat or added to the data on such plat. Where such an affidavit is filed, it is the duty of the county clerk to record such affidavit and he may place in the margin of such recorded plat a notation that the affidavit has been filed, the date of filing, and the book and page where it is recorded. The affidavit shall have no effect upon the validity of the plat or on the information shown thereon.

(Code 2015, ch. 17, art. VII, § 17-22)

Sec. 26-160. - Variances.

- (a) In the event that the enforcement of any of the provisions of this article would be impractical or would work an undue hardship upon any person, following a report by the planning commission on the nature of the hardship, the governing body may waive any of the provisions of this article, provided that, prior to requesting a variance, the person seeking such variance, shall show the following:

- (1) That the division of the property as sought would result in two or more lots providing frontage on a public road equal to at least the minimum width of said lot;
 - (2) That each lot sought to be created would have direct access to all utilities and other public services in a manner and to a degree that such services were accessible to the existing lot sought to be divided;
 - (3) That each lot sought to be created would meet the requirements of all other ordinances and of the comprehensive plan of the town; and
 - (4) That the relief sought is the least variance from the terms of this article which would overcome the alleged impracticality or undue hardship created by this article.
- (b) Said waiver or variance, if granted, shall not be deemed a continuing waiver of said provisions, nor shall said waiver abrogate or impair the effectiveness of said provisions.

(Code 2015, ch. 17, art. VII, § 17-23)

Chapter 28 - TAXES AND FEES

ARTICLE I. - IN GENERAL

Sec. 28-1. - Establishing and amending fees.

The town may establish any necessary fees by resolution. The council may amend said fees from time to time.

Secs. 28-2—28-18. - Reserved.

ARTICLE II. - AD VALOREM TAXES

Sec. 28-19. - Assessment and collection procedure.

An ad valorem tax shall be assessed and collected on non-exempt real and personal property located within the corporate limits of the town. This tax shall be collected at a millage rate to be established by the town council on an annual basis in accordance with the procedures of F.S. ch. 200.

(Code 2015, ch. 18, art. I, § 18-1)

Secs. 28-20—28-41. - Reserved.

ARTICLE III. - UTILITY TAX AND FEES^{[11](#)}

Footnotes:

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State Law reference— Utility tax, F.S. § 166.231 et seq.

Sec. 28-42. - Fees levied.

- (a) There is hereby imposed and levied by the town a tax on every purchase of electricity within the corporate limits within the town in the amount of six percent of the monthly recurring customer charge for electricity as collected by the seller of electric service from the purchaser.
- (b) There is hereby imposed and levied by the town, as allowed by law, a tax on every purchase of telecommunications service within the corporate limits of the town in the amount of six percent of the monthly recurring customer charge for each service as collected by the Seller of telecommunications services from the purchaser.

(Code 2015, ch. 20, art. II, § 20-25; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-43. - Exemptions.

- (a) The purchase of the taxable items by the United States government, the state, any other public body as defined in F.S. § 1.01, or a nonprofit corporation or cooperative association organized under F.S. ch. 617 which provides water utility services to no more than 13,500 equivalent residential units, ownership of which will revert to a political subdivision upon retirement of all outstanding indebtedness and shall exempt purchases by any recognized church in the state for use exclusively for church purpose.
- (b) Purchases of local telephone service or other telecommunications service for use in the conduct of telecommunications service for hire or otherwise for resale are exempt from the taxation as levied herein.

(Code 2015, ch. 20, art. II, § 20-26; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-44. - Seller compensation.

For purposes of compensating the seller of electricity and telecommunications service, the seller of such utilities shall each be allowed one percent of the amount of tax collected and due to the town in the form of a deduction from the amount collected for remittance. The deduction shall be allowed as compensation for keeping of records and collection of tax and remitting the same to the town.

(Code 2015, ch. 20, art. II, § 20-28; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-45. - Collection.

- (a) It shall be the duty of every seller of electricity and telecommunications service within the corporate limits of the town to collect from the purchaser thereof for the use of the town, the tax hereby levied at the time of collecting the selling price and to report and pay over on or before the last day of each calendar month to the town, all such fees levied and collected during the preceding calendar month. It shall be unlawful for any seller to collect for any utility service without, at the same time collecting a tax hereby levied, unless such seller shall elect to assume and pay such tax without collecting the same from the purchaser. Any seller failing to collect such tax at the time of collecting for such utility service where the seller has not elected to assume and pay such tax shall be liable to the town for the amount of such tax; provided, however, that the seller shall not be liable for the payment of such tax upon collected bills.
- (b) Subject to state law and regulation, if any purchaser shall fail, neglect or refuse to pay for such utility service, including the tax imposed, the seller shall have the right and is hereby authorized and

empowered to immediately discontinue further service to such purchaser until the tax and the seller's bill shall have been paid in full.

(Code 2015, ch. 20, art. II, § 20-29; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-46. - Inspect and file monthly records, payment to town.

Each seller shall keep complete records showing all sales in the town of such commodities or services, which records shall show the price charged upon each sale, the date thereof and the date of payment therefor, and said records shall be kept open for inspection by the duly authorized agents of the town during business hours on all business days and said duly authorized agents of the town shall have the right, power and authority to make such transcripts thereof as required for the proper supervision and enforcement of the terms of this article. In addition to making such records available for inspection, every seller is hereby required to execute and file not later than the last day of each month in town hall, a statement setting forth the amount of such tax to which the town became entitled under the provisions of this article on account of bills paid by purchasers during the preceding month and, contemporaneously with the filing of said statement, shall pay the amount of such tax to the town.

(Code 2015, ch. 20, art. II, § 20-30; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-47. - Violations and penalties.

Any purchaser willfully failing or refusing to pay the tax hereby imposed where the seller has not elected to assume and pay such tax, and any seller violating any of the provisions or terms of this article or any officer, agent or employee of any seller who shall violate any of the terms or provisions of this article shall, upon conviction thereof, be subject to the penalties provided in section 1-9.

(Code 2015, ch. 20, art. II, § 20-31; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-48. - Notice of change of boundaries.

The town shall notify, in writing, any known seller of items taxable hereunder of any change in boundaries of the town or in the rate of taxation.

(Code 2015, ch. 20, art. II, § 20-32; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Sec. 28-49. - Pledge of utility tax proceeds.

The town council may, by resolution, pledge all or a portion of any proceeds received from its utility service taxes to a specific program, fund, improvement or other use beneficial to the town. Absent a specific pledge of the net proceeds of the utility service tax to another use, said proceeds shall be dedicated to the town general funds.

(Code 2015, ch. 20, art. II, § 20-33; Ord. No. 90-03, § 1, 2-27-1990; Ord. No. 95-06, §§ 1—3, 10-18-1995)

Chapter 30 - TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

Secs. 30-1—30-20. - Reserved.

ARTICLE II. - PARKING

Sec. 30-21. - No parking zones.

Parking shall be a violation of this Code, and shall be enforced as provided in F.S. ch. 316, in such areas as are designated as no-parking zones within the town, which areas shall be designated within this section, as follows:

- (1) Those areas of Riverside Drive lying between the divided sections of the road, and acting as a median strip.
- (2) That area on Harmony Lane immediately in front of the town hall and fire department building on the south side of Harmony Lane.
- (3) Additional areas approved by town council by resolution to be designated no parking areas.

(Code 2015, ch. 19, art. I, § 19-1)

Sec. 30-22. - Parking requirements for development and redevelopment.

All development and redevelopment shall be subject to the off-street parking requirements provided in section 18-357.

(Code 2015, ch. 19, art. I, § 19-2)

Chapter 32 - TREE CODE

Sec. 32-1. - Intent.

- (a) It is the intent of the town to manage forestry practices involving trees because they:
 - (1) Enhance the coastal village ambiance of the town.
 - (2) Are a valuable natural resource.
 - (3) Increase property values.
 - (4) Enhance aesthetic vistas.
- (b) It is the intent of the town to define a tree, identify forestry practices requiring a permit, identify the process to acquire a permit, identify when a permit or fee is not necessary, and explain penalties for violating this chapter.
- (c) It shall be unlawful to damage, poison, destroy, or harm or cause to be damaged, poisoned, destroyed, or harmed, any tree greater than four inches DBH, and any protected tree greater than one inch DBH without a permit except as exempted in this chapter.

(Code 2015, ch. 23, art. I, § A; Ord. No. 2015-01, § 1(A), 9-28-2015)

Sec. 32-2. - 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:

Buffer zone means an identified space that provides a visual barrier between adjacent properties or property and a right-of-way.

Commercial nursery means all state-licensed government and commercial plant nurseries and botanical gardens which are so planted and grown for the purpose of being sold or for other public purposes.

Crown means that area encompassed by the fronds or limbs and leaves of the tree.

Diameter at breast height (DBH) means the tree trunk diameter measured 4½ feet above ground level.

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

Emergency means a condition wherein an emergency has been declared.

Front yard means that portion of a residential parcel which exists between the front door of the house and the roadway parallel to the front door.

Hat rack or *hat racking* means to trim a tree using cuts on limbs near the junction with the main trunk, leader, or other limbs without regard to tree health or structural integrity such that the remaining limbs and trunk resemble a hat rack.

Heritage tree means a tree which, due to size, shall be protected. The following trees, if greater than 24-inch DBH, are heritage trees: pine trees, except pine trees planted for commercial harvest, Bald Cypress (*Taxodium Distichum*), Live Oak (*Quercus Virginiana*), or hardwood trees.

Historic tree means one that has been designated by the town council as of value to the town because of its location or historical association with the community. All Live Oaks within 25 feet of the edge of the right-of-way line of Riverside Drive, designated by the comprehensive plan as a scenic corridor, are declared historic trees by this chapter.

Invasive species means species as identified as invasive by the University of Florida, IFAS, Center for Aquatic and Invasive Plants (<http://plants.ifas.ufl.edu/>).

Logging means the harvesting or cutting of any trees in accordance with an approved forestry management plan.

Primary structure means on residential property the dwelling, on all other property the building required for performance of product.

Prohibited trees means any tree not allowed to be planted in the town, and includes all invasive species.

Protected trees means any trees protected by state or federal regulations or this chapter; Bald Cypress, (*Taxodium Distichum*), and Live Oak, (*Quercus Virginiana*), trees with a one-inch DBH or greater are declared protected trees.

Protective barrier means a physical structure limiting access to a protected area composed of suitable materials which ensure compliance with the intent of this chapter.

Remove or *removal* means the actual removal by digging up or cutting down, or the effective removal through damage or other means.

Specimen tree means a tree that has been officially designated by the town council, county, state, or federal government to be of high value because of its type, size, age or other relevant criteria.

Topping means to trim a tree by cutting the main axis or leader without regard to tree health or structural integrity.

Transplant means the digging up of a tree from one place on the property, and the planting of the same tree in another place on the same property.

Tree means any self-supporting, woody plant which meets all of the following:

- (1) Grows to a minimum height of 15 feet or greater;
- (2) Has a mature crown spread of 15 feet or greater;
- (3) Usually has a single main axis or trunk; and
- (4) Has a trunk with over five feet of clear wood.

The definition of the term "tree" includes palms if they have a current height of 14 feet to the base of the crown and excludes plants which are defined as shrubs, hedges, vines, or ground covers.

Tree farm means any state-licensed government or commercial plant nursery, botanical garden, or actively-managed American Tree Farm System (ATFS) tree farm.

Tree protection zone means that area within the drip line of a protected tree, not to exceed 20 feet from the tree trunk.

Trimming means removal of up to 25 percent of the crown of hardwood trees in one year or growing cycle.

(Code 2015, ch. 23, art. I, § B; Ord. No. 2015-01, § 1(B), 9-28-2015)

Sec. 32-3. - Permit requirements.

See special conditions in section 32-6.

- (1) Contact town hall for permit application.
- (2) Tree removal permits shall expire after six months.
- (3) Approved permits shall be posted on the parcel visible from the street.
- (4) Zoning districts other than agriculture:
 - a. For any tree, other than a palm tree, a permit is required to remove any tree greater than four inches DBH in these districts and any protected tree greater than one-inch DBH.
 - b. For palm trees, a permit is required for removal, if the height is 14 feet or greater to the base of the crown.
- (5) Agricultural district.
 - a. Clear cutting shall only be allowed for logging (see subsection (6) of this section).
 - b. Any clear cutting for agricultural purposes requires a permit.
 - c. A property owner with adjacent lots is not required to maintain a buffer zone between his adjacent property lines.
 - d. A permit is required to remove any tree greater than four inches DBH when located within:
 1. Any setback area; or
 2. Any buffer zone, as described in subsection (6)e of this section.
- (6) Logging.
 - a. Clear cutting shall only be allowed for tree farms in existence prior to the effective date of the ordinance from which this chapter is derived.
 - b. Logging, but no clear cutting, is allowed in a buffer zone.
 - c. Logging is only allowed when:
 1. The land is officially designated as a tree farm by the American Tree Farm System (ATFS); or

2. The land has an agricultural exemption from the county and there is an approved forestry management plan.
 3. Replanted species must consist of shrubs and or trees of a minimum 12 to 18 inches in height when installed.
- d. The following documentation must be presented to the zoning official to support the no fee permit logging application:
1. Current certification as a member of ATFS;
 2. Current copy of management plan;
 3. Proof of agricultural exemption.
- e. A buffer zone is described as:
1. The area within 50 feet of any governmental maintained roadway; and
 2. The area within 25 feet on all other sides of the property line.
- f. A permit is required to remove any tree greater than four inches DBH when located within any buffer zone.
- g. A property owner with adjacent lots is not required to maintain a buffer zone between his adjacent property lines.

(Code 2015, ch. 23, art. I, § C; Ord. No. 2015-01, § 1(C), 9-28-2015)

Sec. 32-4. - Permit approvals.

- (a) *Zoning official.* With the exception of protected, historic and specimen, and heritage trees, the zoning official may approve permits for removal of trees per the provisions of this chapter with the requirement for replanting:
- (1) If the zoning official determines a tree is dead, or hazardous, he may issue a permit for removal without a requirement of replanting.
 - (2) If the applicant does not wish to plant replacement trees per the reforestation provisions of section 32-8, the tree may be removed with the zoning official approval, however, the decision whether the owner must replant will be made by the planning and zoning commission.
 - (3) If the zoning official determines a tree is an imminent hazard to public safety, or property, the zoning official can issue a permit, and the seven-day appeals process does not apply under section 32-12(c).
- (b) *Planning and zoning commission.* The following must go to the planning and zoning commission for approval, conditional approval, rejection, or review for recommendation to the town council:
- (1) Any permit exceeding the zoning official's authority.
 - (2) Any permit where the property owner seeks a waiver for the normal requirements for replanting trees, or permission to plant replacement trees, somewhere other than the property owner's lot, in accordance with section 32-8. The planning and zoning commission shall consider factors such as existing canopy cover, the number and size of trees on the property, and the consideration of replanting a replacement tree at a safer distance from the house, when making a determination.
 - (3) The planning and zoning commission can issue a permit for removal of protected trees, with or without a requirement of replanting, subject to the provisions of section 32-6(a).
- (c) *Town council.* The town council must approve, conditionally approve, or reject the following types of applications:
- (1) Historic or specimen tree.

- (2) Heritage tree.
- (3) Trees within public rights-of-way which must be replanted by the town, unless the request is initiated by the property owner, in which case, the property owner will be responsible for replacement of the tree or payment of a replenishment fee to the tree mitigation fund.
- (d) *Approval permit.* All approved permits shall be posted on the parcel facing and visible from the street.
- (e) *Start of work.* No work shall begin until expiration of the appeal period, except in the case where the zoning official determines the tree is an imminent hazard, as stated in section 32-12(c).

(Code 2015, ch. 23, art. I, § D; Ord. No. 2015-01, § 1(D), 9-28-2015)

Sec. 32-5. - Exemptions from some permitting requirements.

- (a) The terms and provisions of this chapter shall not apply:
 - (1) To any lands with a valid conservation easement to a recognized conservation organization and managed in accordance with an approved forestry management plan from a state-registered arborist or an agent of the state or county forestry or extension departments or other forestry specialist;
 - (2) Except as required below, to tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies:
 - a. Provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers;
 - b. Further provided that the activity is conducted so as to avoid any unnecessary removal.
- (b) Species identified as invasive by the state (see definition of the term "invasive" in section 32-2), such as Punk Tree (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolius*), and Australian pine (*Casuarina leipconphloia*), require a permit for removal, but no permit fee or replacement required; however, replanting of a noninvasive tree species is encouraged.
- (c) Transplanting of protected trees with a one-inch DBH or greater, or all other trees four inches DBH or greater shall require a permit, but no fee. If the tree does not survive, the current landowner is responsible for planting another tree of the same species.
- (d) State preemption. Exemptions which fall within state preemption of tree permitting pursuant to F.S. § 163.045 as may be amended from time to time, "Tree pruning, trimming, or removal on residential property." Yankeetown, as a local government, shall not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property, and shall not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section." Property owner may provide document substantiation to town hall.

(Code 2015, ch. 23, art. I, § E; Ord. No. 2015-01, § 1(E), 9-28-2015; Ord. No. 2020-02, § 1, 6-8-2020)

Sec. 32-6. - Special conditions.

- (a) Protected trees.
 - (1) Protected trees require a permit for removal by the planning and zoning commission.

- (2) Any trees protected by state or federal regulations may have additional requirements for removal, and the owner must show evidence of compliance with those regulations in their permit application.
- (b) Historic or specimen trees.
- (1) A public hearing shall be held by the town council before the designation of any tree as an historic or specimen tree, with due notice to the owner of the tree.
 - (2) Historic or specimen trees require a permit for removal.
 - (3) Removal process.
 - a. The landowner and/or his agent should explain to the zoning official why the tree removal is necessary due to:
 1. The tree being diseased or a hazard; or
 2. It not being economically or practically feasible to develop the parcel without removing the tree.
 - b. The zoning official shall present a recommendation to the planning and zoning commission along with the tree permit application.
 - c. The commission shall present a recommendation to the town council, along with the zoning official's recommendation and the tree permit application.
 - d. The town council must determine the tree is diseased or endangering public safety or will prevent development of the parcel, before approving removal. New conditions may be placed on the removal approval by the council.
- (c) Heritage trees.
- (1) Heritage trees require a permit for removal.
 - (2) Removal process.
 - a. Removal requires a statement by a state-registered arborist or an agent of the state or county forestry or extension departments or other forestry specialist that the tree in question is endangering public safety or is diseased.
 - b. The zoning official shall present a recommendation to the planning and zoning commission, along with the tree permit.
 - c. The planning and zoning commission shall present a recommendation to the town council, along with the zoning official's recommendation and the tree permit.
 - d. The town council must determine the tree is diseased or endangering public safety or will prevent development of the parcel, before approving removal. New conditions may be placed on the removal approval by the council.
- (d) Tree removal within public rights-of-way requires town council approval. Utilities are exempt per exemption section 32-5(a)(2)a.
- (e) Tree removal within 25 feet of the mean high water line which are four inches DBH or greater is only permitted if the tree is diseased, weakened or a safety hazard or removal is necessitated by seawall or similar construction.
- (f) Invasive species are prohibited trees and:
- (1) Shall not be planted within the town.
 - (2) Shall be removed if discovered.

(Code 2015, ch. 23, art. I, § F; Ord. No. 2015-01, § 1(F), 9-28-2015)

Sec. 32-7. - Tree protection during development.

To ensure the health and survival of trees that are not to be removed, the landowner and/or his agent shall:

- (1) Specify tree protection on the submitted permit;
- (2) Use protective barriers to establish a tree protection zone; and
- (3) Prevent the following kinds of tree injuries during development activities:
 - a. Mechanical injuries to roots, trunks and branches;
 - b. Injuries by chemical poisoning;
 - c. Injuries by grade changes, excavations, and paving.

(Code 2015, ch. 23, art. I, § G; Ord. No. 2015-01, § 1(G), 9-28-2015)

Sec. 32-8. - Reforestation.

(a) *Replacement of protected species.*

- (1) Trees removed shall be replaced at the expense of the person applying for the permit.
- (2) Replacement trees may be planted anywhere on the parcel or donated to the town if there is no room to plant on the parcel.
- (3) Removed trees shall be replaced with another protected species, one tree for one tree.
- (4)
 - a. Replacement trees shall be trees of protected species, one-inch DBH or greater, nursery grown, Florida Grade No. 1.
 - b. If the tree does not survive the current land owner is responsible for planting another tree of the same species.
- (5) Replacement trees must be planted within one planting cycle or calendar year of permit approval.
- (6) No tree which has been planted as a replacement under the provisions of this section shall be removed without a tree removal permit regardless of size.
- (7) Replacement trees may be donated to the town, as a fee in lieu of, for purposes of planting trees on public property with planning and zoning commission approval. The fee in lieu of shall be based on the cost of purchasing, transporting, and planting, the requisite size and number of replacement trees.

(b) *Replacement of any tree which is not a protected tree.*

- (1) Provisions of subsections (a)(1), (2) and (4) through (7) of this section apply, except for subsection (a)(3).
- (2) Any hardwood tree species shall be replaced one tree for one tree, with a hardwood tree species.
- (3) Other trees may be replaced with any tree on a one tree for one tree basis.

(Code 2015, ch. 23, art. I, § H; Ord. No. 2015-01, § 1(H), 9-28-2015)

Sec. 32-9. - Emergencies.

- (a) When a town emergency has been declared by a governmental agency, no permit is required for removal of any tree that has been severely damaged by the event to the point that the damage is a threat to persons or structures or is impeding emergency or recovery services.

- (1) This emergency permit exemption shall remain in effect until lifted.
 - (2) The property owner or agent shall provide the zoning official with photographs which show the condition of the damaged tree necessitating removal during the emergency period.
 - (3) The property owner or agent shall provide the zoning official with a sketch showing location of tree removed during the emergency period.
- (b) Improper removal of a tree during this emergency permit exemption shall be a violation of this chapter.
 - (c) The zoning official shall inspect the town and collect the required owner tree removal exhibits.
 - (d) If any trees removed were historical, heritage, or protected, replacement is mandatory. The zoning official shall track replanting.
 - (e) The zoning official shall review other types of trees that were removed and remaining tree cover and recommend amount of replacement to the planning and zoning commission.
 - (f) The planning and zoning commission shall determine tree replacement requirement for other types of trees, based upon the zoning official recommendations.

(Code 2015, ch. 23, art. I, § I; Ord. No. 2015-01, § 1(I), 9-28-2015)

Sec. 32-10. - Stop-work orders.

- (a) The zoning official shall issue a stop-work order, upon determination that this chapter is being, or has been, violated. In the absence of the zoning official, the mayor or town councilmember may also issue a stop-work order.
- (b) Hat racking, topping, excessive trimming, and tree removal without a permit are only a few examples of items which will result in a stop-work order.
- (c) All work shall stop immediately until the zoning official has cleared the stop-work order.
- (d) If the violator fails to cease and desist immediately, the zoning official shall notify the town attorney, who shall immediately proceed with civil and/or criminal prosecution.
- (e) If the violator fails to cure the violation, as agreed in discussions with the zoning official (may include payment of fine), the zoning official shall notify the town attorney, who shall immediately proceed with civil and/or criminal prosecution.
- (f) Any person aggrieved by the issuance of a stop-work order shall have the right to appeal.
- (g) All appeal rights are conditioned on stopping all work during the appeal process.

(Code 2015, ch. 23, art. I, § J; Ord. No. 2015-01, § 1(J), 9-28-2015)

Sec. 32-11. - Failure to comply.

- (a) Any person, firm, company or corporation who refuses to comply with, or violates, any section of this chapter, or the emergency measures which may be made effective pursuant to this chapter, shall be guilty of a civil infraction of this Code.
- (b) Any person, firm, company or corporation refusing to comply with, or who violates, any section of this chapter, or the emergency measures of this chapter shall be punished as follows:
 - (1) For protected, heritage, historic, and specimen trees, as defined herein, the fine shall be a civil penalty of:
 - a. \$500.00 for a violation.

- b. Plus \$500.00 per inch DBH to a maximum of \$5,000.00 for any violation found to be irreparable or irreversible in nature.
- (2) For all other trees, the fine shall be a civil penalty of:
 - a. \$250.00 for a violation.
 - b. Plus \$250.00 per inch DBH to a maximum of \$5,000.00 for any violation found to be irreparable or irreversible in nature.
- (3) Each tree shall constitute a separate violation.
- (4) Any person that refuses to comply with a stop-work order shall be subject to a civil penalty up to \$5,000.00, in addition to any other penalties.
- (c) Nothing contained herein shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this chapter or the emergency measures which may be made effective according to this chapter. Such other lawful action shall include, but shall not be limited to the following:
 - (1) An equitable action for injunctive relief; or
 - (2) An action at law for damages.
- (d) If this penalty section shall be in conflict with other provisions of this Code, this section shall prevail.

(Code 2015, ch. 23, art. I, § K; Ord. No. 2015-01, § 1(K), 9-28-2015)

Sec. 32-12. - Appeals process.

- (a) Any person denied a permit or in disagreement with the terms of an approved permit by the zoning official, planning and zoning commission or town council shall have the right to appeal the decision to the board of adjustment.
- (b) The notice of appeal shall be in writing, stating the grounds for seeking an appeal.
- (c) The notice of appeal must be filed with the clerk of the town within seven days of the denial of the permit. All approved permits shall be posted on the parcel facing and visible from the street. No work shall begin until expiration of the appeal period except in case the zoning official has determined there is an imminent hazard.
- (d) The town clerk shall immediately notify the board of adjustment and the planning and zoning commission.
- (e) The board of adjustment shall fix a reasonable time, not to exceed 30 days, for the hearing of the appeal, give public notice thereof, as well as give due notice to the parties in interest.
- (f) The board of adjustment shall specifically have the authority to support or overturn the decision or change conditions to the granting of a permit.

(Code 2015, ch. 23, art. I, § L; Ord. No. 2015-01, § 1(L), 9-28-2015)

Chapter 34 - UTILITIES

ARTICLE I. - IN GENERAL

Sec. 34-1. - Interconnections prohibited.

It shall be unlawful for any person to make any connection into any water lines connected with the water supply system of the town either upon public or private property, or for the owner, agent, tenant,

manager or any person having interest in the property within the town to permit to be constructed in or upon such property any such connections between water lines of the waterworks system of the town and any well. (See section 34-28.)

(Code 2015, ch. 11, art. XX, § 11-25)

Secs. 34-2—34-20. - Reserved.

ARTICLE II. - WATER DEPARTMENT

Sec. 34-21. - 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:

Commercial means any usage of water by any person, corporation, partnership, agent or other entity for any purpose or in conjunction with any purpose which is not residential.

Fire protection means service for fire hydrants and any other use of water by the fire department.

Metered rate means permanent service of water through a meter provided, installed and maintained by the town and shall also mean, where the context requires or implies, the rate charged for water so supplied.

Municipal or public use means any usage of water by the town, and includes any other public use which shall be approved by the town council.

Residential means any usage of water by any person, corporation, partnership, agent or other entity for any purpose or in conjunction with any purpose permitted in R-1, R-1A, R-2 and nonurban residences as defined in chapter 18.

(Code 2015, ch. 20, art. I, § 20-1; Ord. No. 90-02, § 1, 3-5-1990)

Sec. 34-22. - Access to premises.

- (a) The utility or its duly authorized agents shall, at all reasonable times, have the right to enter or leave the customer's premises for any purpose properly connected with the service of water to the customer.
- (b) Any inspection or recommendations made by the utility or its agents on plumbing or appliances or uses of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

(Code 2015, ch. 20, art. I, § 20-2)

Sec. 34-23. - Automatic fire service.

Automatic fire service shall be as described in the state building code, as provided by chapter 6.

(Code 2015, ch. 20, art. I, § 20-3)

Sec. 34-24. - Billing and receipt information.

On each customer bill for water service rendered by the utility to its customers will be printed in substance the regulation on penalty: "If this bill is not paid by the twentieth (20th) day of this month, a

penalty will be added to the next bill." The penalty amount will be adopted by resolution of the town council.

(Code 2015, ch. 20, art. I, § 20-4)

Sec. 34-25. - Bills and payments.

- (a) *Billing of separate meters not combined.* Each meter on customer's premises will be considered separately, and the readings of two or more meters will not be combined unless specifically provided for in the rate schedule, or unless the utility's operating convenience requires the use of more than one meter, or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters.
- (b) *Payment of bills.*
 - (1) Monthly bills are due and payable on presentation. Payment shall be made at the town hall, or by mail to the town.
 - (2) Notwithstanding any other provision of this chapter, bills are due for payment by the 20th of the month when rendered.

Failure to pay by the 20th will require the payment by the utility user of a penalty in an amount set by the town council by resolution. The town shall keep a copy of current penalty provisions for late water payments for inspection by all customers and prospective customers at town hall. If the bill is not paid by the regular billing date of the month following the month of rendering, the utility service shall be discontinued on the 20th day of the month subject to state law.

- (c) *Rendering of bills.*
 - (1) Meters will be read monthly, and no bills shall be for less than the monthly minimum fee set by the town council.
 - (2) Bills for water service will be rendered monthly unless otherwise provided in the rate schedule.
 - (3) For metered service, if actual use is greater than the monthly minimum, the charge shall be based on actual consumption.

(Code 2015, ch. 20, art. I, § 20-5; Ord. No. 89-01, § 1, 2-6-1989; Ord. No. 89-04, § 1, 1-8-1990)

Sec. 34-26. - Control valves.

- (a) The customer shall have a suitable valve installed by a licensed plumber, as required by the state building code, as close to the meter location as practicable, the operation of which will control the entire water supply from the service.
- (b) The operation by the customer of the curbstop in the meter box is not permitted.

(Code 2015, ch. 20, art. I, § 20-6)

Sec. 34-27. - Credit establishment.

- (a) *New credit.* Each applicant, before receiving metered service, shall be required to establish his credit by either of the following methods:
 - (1) A cash deposit, the methods of which shall be determined by resolution from time to time, to secure payment of water bills as in the regulations on deposits.

- (2) Use of service for more than a year by a property owner during the last 12 months of which the customer paid all water bills promptly without disconnection for nonpayment.
- (b) *Re-establishment of credit.* To re-establish credit, a customer shall be required to pay all back bills up to the time service was discontinued. He shall be required to pay a reconnection charge and make a cash deposit as described in the regulation on deposit.

(Code 2015, ch. 20, art. I, § 20-7)

Sec. 34-28. - Cross connections.

- (a) *Backflow protection on additional water supply lines.* Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the utility's mains entering such premises, buildings or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines.
- (b) *Discontinuance of service for defective apparatus.* The service of water to any premises may be immediately discontinued by the utility if any defect is found in the protective devices, or if it is found that cross connections exist. Service will not be restored until such defects are corrected.
- (c) *Health regulations.* Regulations of the state board of health (HRS) prohibit cross connections between the public water supply and any unapproved source of water.
- (d) *Inspection of backflow protective devices.* The approved backflow protection devices may be inspected and tested periodically for water-tightness by the utility. In addition, the regulations of the state department of health require that the owner of any premises on which, or on account of which, check valves or other protective devices are installed, shall inspect these devices for water-tightness and reliability at least every three months. The devices shall be serviced, overhauled or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.
- (e) *Plumbing changes required.* In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the utility may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow preventive devices. In making plumbing connections, the customer shall be guided entirely by local or state plumbing ordinances and not by the utility.
- (f) *Protection against interstreet main flow.* Two or more services supplying water from different street mains to the same building structure or premises through which an interstreet main flow may occur, shall have a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valves shall not be considered adequate if backflow protection is deemed necessary to protect the utility's mains from pollution or contamination, but the installation of approved dual backflow devices at such meters shall take the place of, and satisfy the requirements for, standard check valves.
- (g) *Relief valve required.* As a protection to the customer's plumbing service, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valve or other protective devices are used. The relief valve shall be installed between the check valve and the water heater.
- (h) *Utility requirements.* To comply with the regulations of HRS, the utility will require the installation of approved or physical separation between systems, by and at the expense of the customer before service will be granted under any of the following conditions:
 - (1) Where an unimproved fresh water supply is already available from a well, spring, reservoir or other source. If the customer agrees to abandon this other supply and agrees to remove all pumps and piping necessary for the utilization of this supply, the installation of backflow protection devices will not be required.
 - (2) Where saltwater, or water otherwise polluted, is available for industrial or fire protection purposes, or where fresh water hydrants are or may be installed on piers or docks.

- (3) Where the premises are not or may be engaged in industrial processes using or producing process waters or liquid industrial wastes, or where the premises are or may be engaged in handling sewage or any other dangerous substance.
- (4) Where the circumstances are such that there is special danger of backflow of sewage or other contaminated liquids through plumbing fixtures or water using or treating equipment, or storage tanks and reservoirs.
- (5) Where an approved water supply line terminates as a pier head cutlett which is used to supply vessels at piers or waterfronts. These installations shall be located where they will prevent the return of any water from a vessel or any other source into the approved water supply line.

(Code 2015, ch. 20, art. I, § 20-8)

Sec. 34-29. - Damage to utility property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The utility shall be reimbursed by the customer for any such damage promptly on a presentation of a bill. Such bill shall be treated as a water bill as provided in section 34-25.

(Code 2015, ch. 20, art. I, § 20-9)

Sec. 34-30. - Deposits.

- (a) *Credit.* The amount required to establish or re-establish credit for service shall be set by the town council, by resolution, with a copy of the current rates to be kept in the town hall for inspection by all prospective customers.
- (b) *Disposition of deposits.* The town council may, by resolution, establish a policy for refunding deposits. A copy of the current refund policy, if any, shall be retained in the town hall at all times, and shall be available for review by any customer of the utility during normal working hours of the town hall.
- (c) *Unpaid accounts.* Deposits described herein may be applied to unpaid bills for water service when such service has been discontinued. The utility shall require the customer to re-deposit a specified amount before rendering water services again.

(Code 2015, ch. 20, art. I, § 20-10; Ord. No. 90-02, § 2, 3-5-1990)

Sec. 34-31. - Discontinuance of service.

- (a) *Customer requests for service discontinuance.*
 - (1) A customer may have his water service discontinued by notifying the utility reasonably well in advance of the desired date of discontinuance. He will be required to pay all water charges until the date of such discontinuance.
 - (2) If notice is not given, the customer will be required to pay for water service for the remainder of the monthly period immediately after the utility has learned that the customer has vacated the premises or otherwise has discontinued service.
- (b) *Fraud and abuse.* The utility shall have the right to refuse or discontinue water service to any premises to protect itself against fraud or abuse.

- (c) *Non-compliance.* The utility may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations if the customer fails to comply with them within five days after receiving written notice of the utility's intention to discontinue service. If such noncompliance affects matters of health and safety, and conditions warrant, the utility may discontinue water service immediately.
- (d) *Non-payment of bills.*
 - (1) Discontinuance of service for nonpayment of bills shall be governed by section 34-25(b).
 - (2) Discontinuance of service shall also be applicable for nonpayment of a bill arising out of service at a prior location, subject to the time periods set forth in section 34-25(b).
 - (3) Non-payment of bills for service at any one location shall entitle the utility to discontinue service at all locations maintained by the customer pursuant to the procedures and time schedules set forth in section 34-25(b).
- (e) *Restoration; reconnection charge.* The utility shall make such charge as shall be set by the town council, by resolution, for any restoration or reconnection of service occasioned by a violation of this chapter.
- (f) *Service detrimental to others.*
 - (1) The utility may refuse to furnish water and may discontinue service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers.
 - (2) The utility may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.
- (g) *Moving of fire hydrants or stand pipes.* When a fire hydrant or stand pipe has been installed in the location specified by the proper authority, the utility has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant or pipe, he shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant or stand pipe must be approved by the proper authority.
- (h) *Use of and damage to fire hydrants and stand pipes.* No persons, other than those designated and authorized by the proper authority or by the utility, shall open any fire hydrant or stand pipes, attempt to draw water from them or in any manner damage or tamper with them. Any violation of this regulation will be prosecuted according to law, being a misdemeanor of the first degree.

(Code 2015, ch. 20, art. I, § 20-11)

Sec. 34-32. - Interruptions in service.

The utility shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be resorted to by the utility for improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to such shutdowns. The utility will not be liable for interruption, shortage, or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control. The utility, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, shall have the right temporarily to suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be prosecuted as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers.

(Code 2015, ch. 20, art. I, § 20-13)

Sec. 34-33. - Meter error.

Prior to installation, each meter will be tested and no meter found to register more than two percent fast or slow under conditions of normal operation will be placed in service.

- (1) *Adjustment of bills for meter error.* When upon test a meter is found to be registering more than two percent fast; more than 25 percent slow for the residential users; more than five percent slow for nonresidential users; or is found to be non-registering, the customer's bill will be adjusted to reflect the average bill for that customer over the prior six months' usage.
- (2) *On customer request.*
 - a. A customer may, giving not less than one week's notice, request the utility to test the meter serving his premises, and the utility shall perform such tests.
 - b. A written report giving the results of the test will be shown to the customer within ten days after the completion of the test.
 - c. If a meter is tested and found to be accurate or found to be registering less than two percent fast; less than 25 percent slow for the residential users; less than five percent slow for nonresidential users or, is found to be registering, after a customer's request for testing, the customer shall be liable for all costs incident to said test.

(Code 2015, ch. 20, art. I, § 20-14)

Sec. 34-34. - Multiple units.

- (a) Number of services to separate premises. Separate premises under single control or management will be supplied through individual service connections unless the utility elects otherwise.
- (b) A single commercial undertaking shall have one service connection and one meter, unless the utility elects otherwise.

(Code 2015, ch. 20, art. I, § 20-15)

Sec. 34-35. - Pools and tanks.

- (a) When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the utility prior to taking such water.
- (b) Permission to take water in unusual quantities will be given only if it can be safely delivered through the utility's facilities and if other consumers are not inconvenienced.

(Code 2015, ch. 20, art. I, § 20-17)

Sec. 34-34. - Responsibility for equipment.

The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water and the utility shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The utility shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(Code 2015, ch. 20, art. I, § 20-18)

Sec. 34-37. - Service connections and meters.

- (a) *Changes in meter size.* Permanent changes in the size of meters on existing services will be made with a charge to the customer for the cost of the work necessitated by the change.
- (b) *Changes in service location.* Meters or services moved for the convenience of the customer will be relocated at the customer's expense. Meters or services moved to protect the utility's property will be moved at the utility's expense.
- (c) *Connections.*
 - (1) The utility will furnish and install a service of such size and at such location as the applicant requests, provided such requests are reasonable; the service will be installed from its water distribution main to the curblin or property line of the premises which may abut on the street, or other thoroughfares, or on the utility right-of-way or easement. Charges for new services are payable in advance and shall be based upon the actual cost of the installation, as established by the town council by resolution.
 - (2) Advance notice must be given as other than standard (five-eighths inches by three-fourths inches) meters and yokes are not generally carried in stock.
 - (3) No meter smaller than standard five-eighths inches by three-fourths inches will be installed.
 - (4) Only duly authorized employees or agents of the utility will be permitted to install a service connection from the utility's main to the customer's premises.
- (d) *Maintenance.* The service connection, including the meter, meter box, and yoke will be repaired and maintained by the utility at its expense except for damage caused by the property owner, his agent or tenant. The utility is not responsible for the installation and maintenance of water lines beyond the end of its service.
- (e) *Meters.*
 - (1) Meters, when authorized, will be installed at the curb, at the property line, or on the sidewalk, and shall be owned by the utility.
 - (2) No rent or other charge will be paid by the utility for a meter or other facilities, including housing and connections, located on a customer's premises.
 - (3) All meters will be sealed by the utility at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.
 - (4) The utility reserves the right to meter service and apply the established metered rates.
- (f) *Ownership.* The service connection, whether located on public or private property, is the property of the utility, and the utility reserves the right to repair, replace and maintain, as well as to remove it upon discontinuance of service.

(Code 2015, ch. 20, art. I, § 20-19)

Sec. 34-38. - Service area.

The service area shall consist of the area within town limits identified on the future land use map as the urban area south of CR 40. No service shall be provided north of CR 40, except at the developer's expense. No well shall be used for household or commercial usage within the service area.

- (1) *Application for service.* Each applicant for water service will be required to sign a form provided by the utility, setting forth:
 - a. The date of application.
 - b. The location of the premises to be served.

- c. The date on which the applicant will be ready for service.
- d. The address to which bills are to be mailed.
- e. Whether the applicant is an owner or tenant of, or agent for, the premises.

An application does not bind the utility to give service, except under reasonable conditions.

(2) *Description of service.*

- a. *Supply.* The utility will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid any shortage or interruption in delivery.
- b. *Quality.* When furnished for human consumption, the utility will endeavor to supply safe and potable water at all times.
- c. *Classes of service.* All services installed by the utility will be classified as follows:
 - 1. Residential.
 - 2. Commercial.
 - 3. Industrial.
 - 4. Municipal or public use.
 - 5. Fire protection.
- d. *Types of service.* The type of service available from the utility is metered rate.

(Code 2015, ch. 20, art. I, § 20-20)

Sec. 34-39. - Special contracts.

Contracts, other than applications, may be required prior to service, under the following conditions:

- (1) When required by provisions contained in a filed rate schedule. The duration of the contract will be that specified in the schedule.
- (2) When construction of special extension facilities is necessary.
- (3) For temporary service.
- (4) For standby service or fire service.

(Code 2015, ch. 20, art. I, § 20-21)

Sec. 34-40. - Temporary service.

- (a) *Charge for water served.* Charges for water furnished through a temporary service connection shall be at the established rates for other customers.
- (b) *Installation charge and deposits.* The applicant for temporary service will be required to pay the utility, in advance, the estimated cost of installing and removing all facilities necessary to furnish such service, or, at the utility's option, if service is supplied through a fire hydrant, the applicant will be charged in accordance with the following rates established by the town council by resolution:
 - (1) To deposit an amount sufficient to cover bills for water use during the entire period such temporary service may be used, or to otherwise establish his credit.
 - (2) To deposit with the utility an amount equal to the value of any equipment loaned by the utility to such applicant for use on temporary services.

- (c) *Responsibility for meters and installation.* The customer shall use all possible care to prevent damage to meters or to any loaned facilities of the utility which are involved in furnishing the temporary service from the time they are installed until they are removed or until 48 hours' notice, in writing, has been given to the utility that the contractor or other person is through with the meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.
- (d) *Temporary service on a fire hydrant.* If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the town council, unless the installation is of a type that does not preclude the use of the fire hydrant for the fighting of fires. It is specifically prohibited to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for this purpose.
- (e) *Time limit.* Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the utility.

(Code 2015, ch. 20, art. I, § 20-22)

Sec. 34-41. - Water rates.

Water rates shall be established by the town council by resolution and shall be amended from time to time as required by changes in costs. Copies of the current rates shall be maintained in the town hall at all times, and shall be available for review by any customer of the utility during the normal working hours of the town hall.

(Code 2015, ch. 20, art. I, § 20-23)

Sec. 34-42. - Water waste.

Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the utility may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

(Code 2015, ch. 20, art. I, § 20-24)

Appendix A - LEGAL DESCRIPTIONS FOR ZONING MAP^[1]

Footnotes:

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Editor's note— Printed herein are the legal descriptions for the zoning map. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

CN—Commercial neighborhood.

1. Those lots fronting on CR40, and lying between 66th Street and 67th Street further identified as parcels 08172-000-00 and 08172-001-00. Item 2 in RHD-2.

2. Commence at the intersection of CR326 and CR40A. This is the northeasterly corner of parcel 03120-000-00. Then proceed westward 400 feet along CR326. Then proceed southward, parallel to the westerly line of said parcel about 300 feet, to the south line of said parcel. Then proceed eastward along said south line to CR40, about 150 feet. Then proceed northeastward on CR40 to the intersection of CR40 and CR40A. Then continue northeastward on CR40A, for a total distance of about 465 feet, to the point of beginning. This being about 2½ acres, the easterly portion of parcel 03120-000-00, and abutting item 1 in LI.
3. The lot on the southwest corner at the intersection of CR40 and CR40A identified as parcel 03125-000-00. Item 3 in RHD-2.
4. Commence at the intersection of Harmony Lane and 62nd Street. Then proceed southward on 62nd Street to Riverside Drive. Then proceed westward on Riverside Drive to the intersection with Alley 62. Then proceed northward on Alley 62 to Harmony Lane. Then proceed eastward on Harmony Lane to the point of beginning. Also known as that tract of land identified as lots 13, 14, and 15, Block 7 of the original Yankeetown plat. Item 4 in RHD-2.
5. Commence at the intersection of CR40 and 63rd Street. Then proceed eastward on CR40 to 60th Street. Then proceed southward on 60th Street to the southeasterly corner of parcel 08001-000-00. Then proceed westward along the southerly boundary of said lot to Alley 60 east. Then proceed northward on Alley 60 east to the southerly boundary of parcel 03105-011-00. Then proceed westward along the southerly boundary of said parcel until reaching Knotts Way. Then proceed westward on Knotts Way to the intersection with 63rd Street. Then proceed northward on 63rd Street to the point of beginning.
6. Commence at the intersection of CR40 and 56th Street. Then proceed westward on CR40 to the intersection with the northeasterly corner of parcel 08024-027-00. Then proceed southward along the easterly boundary of said parcel for a distance of 150 [feet]. Then proceed eastward, parallel to CR40 and 150 feet distance from the right-of-way line, to 56th Street. Then proceed northward on 56th Street until reaching the point of beginning.
7. Commence at the intersection of Alley A and 63rd Street. Then proceed southward on 63rd Street to Riverside Drive. Then proceed westward on Riverside Drive to the intersection with Alley 63. Then proceed northward on Alley 63 to Alley A. Then proceed eastward on Alley A to the point of beginning. This is item 5 in RHD-2.

CWD—Commercial water dependent.

1. Commence at the northwest corner of Fisherman's Park. Then proceed westward on Riverside Drive to the northeasterly corner of parcel 06-17-16-03129-000-00. Then proceed southeastward along the northerly line of said parcel to the Withlacoochee River. Then proceed eastward along the line of said river to the southwesterly corner of Fisherman's Park. Then proceed northward along the westerly boundary of said park to the point of beginning.
2. Those lots identified as parcels 03133-000-00, and 03123-003-00, adjacent to Cormorant Canal and Anchorage Road.
3. Those lots identified as parcels 03127-000-00, and 03126-000-00, adjacent to Hickory Avenue and the Withlacoochee River.

LI—Light industrial.

1. Commence at the intersection of CR326 and CR40A. This is the northeasterly corner of parcel 03120-000-00. Then proceed westward 400 feet along CR326, to a point of beginning. Then continue westward about 500 feet along CR326 to the northwesterly corner of said parcel. Then proceed southward along the westerly boundary of said parcel, about 380 feet, to the southwesterly corner of said parcel. Then proceed eastward along the southerly line of said parcel toward CR40, to a point 150 feet westward of CR40. Then proceed northward about 300 feet, parallel to the west line of said parcel to the point of beginning. This being about 5½ acres, the westerly portion of parcel 03120-000-00, and abutting item 2 in CN.

MU—Mixed use.

1. That parcel identified as 08024-000-00.
2. EXCLUDING FROM THE ABOVE that portion identified in item 1 RHD-1.
3. EXCLUDING FROM THE ABOVE that portion identified in item 6 CN.

PU—Public use district land areas.

1. Town-owned land known as Fisherman's Park lying at the foot of 63rd Street and extending from Riverside Drive to the Withlacoochee River. This being an area 125 [feet] wide between parcels 07906-000-00 and 07905-000-00. See Exclusion 3 from RHD-1.
2. Town-owned land known as Winding River Garden Park lying at the foot of 56th Street extending from Riverside Drive to the Withlacoochee River. This being an area 125 [feet] wide between parcels 07882-001-00 and 07880-000-00. See Exclusion 4 from RHD-1.
3. Town-owned land adjacent to the Presbyterian Church identified as parcel 08013-000-00. See Exclusion 5 from RHD-1.
4. Town-owned land known as the Water Tower identified as parcel 08085-000-00, also known as lot 12 block 19 of the original Yankeetown plat. See Exclusion 6 from RHD-1.
5. Coast Guard Station identified as parcel 08024-009-00. See Exclusion 7 from RHD-1.
6. Coast Guard Piers identified as parcel 07883-000-00. See Exclusion 8 from RHD-1.
7. The Presbyterian Church identified as parcel 08023-000-00. See Exclusion 9 from RHD-1.
8. Town-owned land known as Yacht Basin Park and Boat Ramp identified as that parcel of land lying between Riverside Drive to the north, the Withlacoochee River to the south, parcel 07889-00-00 to the west, and parcel 07883-000-00 to the east. See Exclusion 10 from RHD-1.
9. Town-owned land known as Water Resource Park identified as lots 1, 4, 5, and 8 of block B of River Forest subdivision. See Exclusion 12 RHD-1.
10. Town-owned land known as Anchorage Wilderness Park identified as parcel 03123-000-00. See Exclusion 4 from RHD-1.
11. Town-owned land known as Palmetto Park, lying between Alley 60 west and Alley 60 east, and extending from Harmony Lane to parcel 03105-013-00. See Exclusion 6 from RHD-2.
12. Town-owned land adjacent to Palmetto Park identified as parcel 03105-013-00. See Exclusion 7 from RHD-2.
13. Town-owned land known as Town Hall and Children's Park identified as parcels 07948-000-00, 07949-000-00, and 07935-000-00. See Exclusion 8 from RHD-2.
14. Town-owned land known as Lucy's Pie identified as parcel 03105-009-00. See Exclusion 2 from RP.
15. The area known as Allen Park identified as parcel 02276-000-00. See Exclusion 3 from RP.
16. The area known as Follow That Dream Park identified as parcel 02309-000-00. Exclusion 4 from RP.
17. Town-owned land known as the Spray Field parcel 13542-000-00. See Exclusion 3 from RLD.
18. Town-owned land known as the Water Plant parcel 13538-000-00. See Exclusion 4 from RLD.
19. Town-owned land known as 50th Street Extension identified as parcel 13581-001-00. See Exclusion 5 from RLD.
20. The Community Evangelical Church identified as parcel 02972-000-00. See Exclusion 6 from RLD.
21. The Lion's Club land identified as parcel 08024-008-00.
22. The Lion's Club land identified as parcel 08024-007-00.

23. The Women's Club and A.F. Knotts Library identified as parcel 08026-001-00.
24. The Post Office identified as parcel 08024-005-00.

RHD-1 Residential highest density—1.

1. Commence at the southwest corner of Fisherman's Park. Then proceed eastward along the line of the Withlacoochee River to 50th Street. Then proceed northward on 50th Street to County Route 40 (CR40). Then proceed westward on CR40 to 56th Street. Then proceed southward on 56th Street to the north boundary of the easement for Alley "A." Then proceed westward along said boundary to 59th Street, then proceed northward on 59th Street to CR40. Then proceed westward on CR40 to 60th Street. Then proceed southward along 60th Street to Harmony Lane. Then proceed westward on Harmony Lane to 62nd Street. Then proceed southward on 62nd Street to Riverside Drive. Then proceed westward on Riverside Drive to the northwest corner of Fisherman's Park. Then proceed southward along said westerly boundary of Fisherman's Park until reaching the point of beginning.
2. EXCLUDING FROM ITEM 1 ABOVE, Area 1 Public Use identified as Fisherman's Park.
3. EXCLUDING FROM ITEM 1 ABOVE, Area 2 Public Use identified as Winding River Garden Park.
4. EXCLUDING FROM ITEM 1 ABOVE, Area 3 Public Use identified as parcel 08013-000-00 Adjacent to Presbyterian Church.
5. EXCLUDING FROM ITEM 1 ABOVE, Area 4 Public Use identified as parcel 08085-000-00, the Water Tower site.
6. EXCLUDING FROM ITEM 1 ABOVE, Area 5 Public Use identified as parcel 08024-009-00, Coast Guard Station.
7. EXCLUDING FROM ITEM 1 ABOVE, Area 6 Public Use identified as parcel 07883-000-00, Coast Guard Piers.
8. EXCLUDING FROM ITEM 1 ABOVE, Area 7 Public Use identified as parcel 08023-000-00, Presbyterian Church.
9. EXCLUDING FROM ITEM 1 ABOVE, Area 8 Public Use identified as Yacht Basin Park.
10. Commence at the intersection of 50th Street and CR40. Then proceed eastward on CR40 until reaching the easterly line of the town of Yankeetown. Then proceed southward along said line until reaching the line of the Withlacoochee River. Then continue westward along the line of said river until reaching 50th Street. Then finally proceed northward on 50th Street until reaching the point of beginning.
11. EXCLUDING FROM [THE] ITEM ABOVE, Area 9 Public Use identified as Water Resource Park.
12. Commence at the intersection of CR 40 and Anchorage Avenue. Then proceed northeasterly on CR40 to 67th Street. Then proceed southward on 67th Street to Riverside Drive. Then proceed eastward on Riverside Drive to the northeasterly corner of parcel 03129-000-00. Then proceed southeastward along the northerly line of said parcel to the Withlacoochee River. Then proceed westward along the line of said river to the southerly line of said parcel. Then proceed northwestward along the southerly line of said parcel until reaching Hickory Avenue. Then proceed southward along Hickory Avenue until reaching parcel 08184-000-00. Then proceed southward along the easterly line of said parcel until reaching the Withlacoochee River. Then proceed westward along the line of said river until reaching Cormorant Canal. Then proceed northward on Cormorant Canal until reaching the southern boundary of parcel 03123-000-00. Then proceed westward along the southerly line of said parcel until reaching Anchorage Avenue. Then proceed northward on Anchorage Avenue to the point of beginning.
13. EXCLUDING FROM THE ITEM ABOVE, Area 10 Public Use identified as Anchorage Wilderness Park.

RHD-2 Residential highest density—2.

1. Commence at the intersection of the 63rd Street and CR40. Then proceed southward on 63rd Street to Knotts Way. Then proceed eastward on Knotts Way to the northwest corner of parcel number 03105-013. Then proceed eastward along the northerly line of said parcel to Alley 60 east. Then proceed southward on Alley 60 east to the northwest corner of parcel 07997-000-00. Then proceed eastward along the northerly boundary of said parcel to 60th Street. Then proceed southward on 60th Street to Harmony Lane. Then proceed westward on Harmony Lane to 62nd Street. Then proceed southward on 62nd Street to Riverside Drive. Then proceed westward on Riverside Drive to 67th Street. Then proceed northward on 67th Street to CR40. Then finally proceed northeastward on CR40 to the point of beginning.
2. EXCLUDING FROM THE ABOVE the tracts of land fronting on CR40, and lying between 66th Street and 67th Street further identified as parcels 08172-000-00 and 08172-001-00. See CN Area 1.
3. EXCLUDING FROM THE ABOVE the tract of land on the southwest corner at the intersection of CR40 and CR40A identified as parcel 03125-000-00. See CN Area 3.
4. EXCLUDING FROM THE ABOVE the tract of land identified in CN Area 4.
5. EXCLUDING FROM THE ABOVE the tract of land identified in CN Area 7.
6. EXCLUDING FROM THE ABOVE the tract of land identified as Palmetto Park. See, PU Area 11.
7. EXCLUDING FROM THE ABOVE the tract of land identified as parcel 03105-013-00, adjacent to Palmetto Park. See, PU Area 12.
8. EXCLUDING FROM THE ABOVE the tract of land identified as parcels 07948-000-00, 07949-000-00, and 07935-000-00, Town Hall and Children's Park. See, PU Area 13.

A—Agriculture.

- 1 Those parcels identified as 02969-001-00, 02969-002-00, and 02968-001-00, also known as Plum Creek Property.

RP—Resource protection.

1. Commence at the northwesterly corner of Town. Then proceed eastward along northerly boundary of town to the northwestern corner of parcel 02968-001-00. Then proceed southward along westerly boundary of said parcel to the northeasterly corner of parcel 03120-003-00. Then proceed westward along northerly boundary of said parcel to the northeasterly corner of said parcel. Then proceed southward along the westerly boundary of said parcel to Allen Park Road, CR 326. Then cross Allen Park Road to the northwesterly corner of parcel 03120-000-00. Then proceed southward along westerly boundary of said parcel to the southwesterly corner of said parcel. Then proceed eastward along southerly boundary of said parcel to CR40. Then precede [proceed] easterly along CR40 to Anchorage Avenue. Then proceed southward along Anchorage Avenue to the northwesterly corner of parcel 03123-003-00. Then proceed southward along westerly boundary of said parcel to the northeasterly corner of parcel 03132-001-00. Then proceed southward along the easterly boundary of said parcel to the Withlacoochee River. Then proceed westerly along the Withlacoochee River to the Gulf of Mexico. Then proceed westward along the southerly border of the Town to the southeasterly corner of the Town. Then proceed northward along the westerly boundary of the Town to the point of beginning.
2. EXCLUDING FROM THE ABOVE the parcel identified as 03105-009-00 Lucy's Pie. See PU Area 14.
3. EXCLUDING FROM THE ABOVE the parcel identified as 02276-000-00 Allen Park. See, PU Area 15.
4. EXCLUDING FROM THE ABOVE the parcel identified as 02309-000-00 Follow that Dream Park. See, PU Area 16.
5. EXCLUDING FROM THE ABOVE all parcels identified as part of the Residential Environmentally Sensitive District.

RLD—Residential low density.

1. That area known as Foxridge subdivision lying within Yankeetown consisting of parcels 19632-000-00 to and including 19653-000-00.
2. Start at the intersection of CR40A and the easterly Town line. Then proceed westward along CR40A to the intersection with CR40. Then proceed eastward along CR40 to the easterly boundary of the Town. Then proceed northward along the easterly boundary of the Town to the point of beginning.
3. EXCLUDING FROM THE ABOVE the tract of land identified as Town spray field parcel 13542-000-00. See PU Area 17.
4. EXCLUDING FROM THE ABOVE the tract of land identified as Town water plant parcel 13538-000-00. See PU Area 18.
5. EXCLUDING FROM THE ABOVE the tract of land identified as 50th Street Extension parcel 13581-001-00. See PU Area 19.
6. EXCLUDING FROM THE ABOVE the tract of land identified as Community Evangelical Church, parcel 02972-000-00. See PU Area 20.
7. That parcel identified as 03120-003-00.
8. Start at the intersection of the southwesterly corner of parcel 02967-000-00 and CR40A. Then proceed eastward along CR40A to the southeasterly corner of parcel 02967-003-00. Then proceed northward along easterly line of said parcel to the southern boundary of parcel 02968-001-00. Then proceed westward along the southern boundary of said parcel to the northwesterly corner of parcel 02967-000-00. Then proceed southward along the westerly boundary of said parcel to the southwesterly corner of said parcel. Then proceed eastward along southern boundary of said parcel to the point of beginning.

RES—Residential environmentally sensitive.

1. This district consists of privately owned lots [lots not owned by The State of Florida or one of its divisions or departments, Levy County, the Town of Yankeetown, or the Felburn Foundation] within the Resource Protection district identified as follows:
2. Parcel 02260-000-00.
3. Parcel 02262-000-00.
4. Parcel 02263-000-00.
5. Parcel 02264-000-00.
6. Parcel 02264-001-00.
7. Parcel 02265-000-00.
8. Parcel 02265-001-00.
9. Parcel 02266-000-00.
10. Parcel 02266-001-00.
11. Parcel 02267-000-00.
12. Parcel 02268-000-00.
13. Parcel 02269-000-00.
14. Parcel 02269-001-00.
15. Parcel 02270-000-00.
16. Parcel 02272-001-00.
17. Parcel 02273-000-00.
18. Parcel 02274-000-00.

19. Parcel 02274-001-00.
20. Parcel 02275-000-00.
21. Parcel 02275-001-00.
22. Parcel 02277-000-00.
23. Parcel 02279-000-00.
24. Parcel 02280-000-00.
25. Parcel 02281-000-00.
26. Parcel 02283-001-00.
27. Parcel 02284-000-00.
28. Parcel 02285-000-00.
29. Parcel 02285-001-00.
30. Parcel 02287-000-00.
31. Parcel 02288-000-00.
32. Parcel 02289-000-00.
33. Parcel 02290-000-00.
34. Parcel 02291-000-00.
35. Parcel 02292-000-00.
36. Parcel 02293-000-00.
37. Parcel 02294-000-00.
38. Parcel 02294-001-00.
39. Parcel 02295-000-00.
40. Parcel 02296-000-00.
41. Parcel 02297-000-00.
42. Parcel 02299-001-00.
43. Parcel 02300-000-00.
44. Parcel 02301-000-00.
45. Parcel 02303-000-00.
46. Parcel 02305-000-00.
47. Parcel 02307-000-00.
48. Parcel 02308-000-00.
49. Parcel 02310-000-00.
50. Parcel 02310-001-00.
51. Parcel 02965-000-00.

CODE COMPARATIVE TABLE - 2015 CODE

This table gives the location within this Code of those sections of the 2015 Code, as updated through September 24, 2018, which are included herein. Sections of the 2015 Code, as updated, not listed herein

have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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