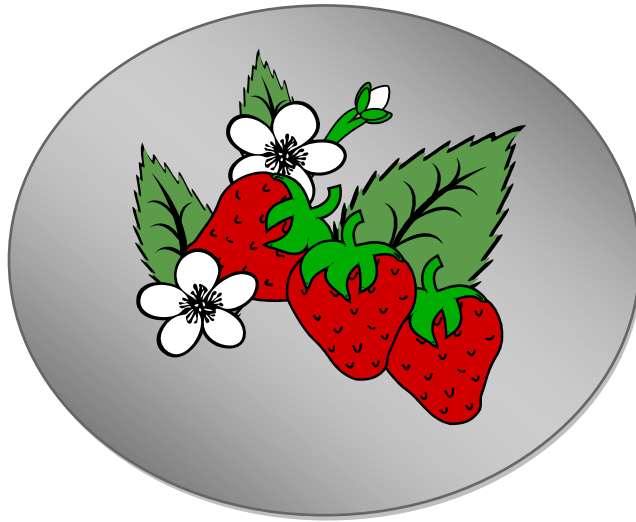


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# **CITY OF STARKE, FLORIDA**

## **LAND DEVELOPMENT CODE**

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**Prepared For:**

**CITY COMMISSION, CITY OF STARKE**

**Prepared by:**

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**Adopted October 1997**

## **AMENDMENTS**

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**Sec. 1-1. Title**

This Code shall be entitled and may be cited as the "Land Development Code of Starke, Florida" and may be referred to herein as the "Code".

**Sec. 1-2. Authority**

This Land Development Code is enacted pursuant to the requirements and authority of the Local Government Comprehensive Planning and Land Development Regulation Act, ?163.3202, Florida Statutes, and the general powers as outlined in Chapter 166, Florida Statutes.

**Sec. 1-3. General Applicability**

Except as specifically provided, the provisions of this Code shall apply to all development in the City of Starke, and no development shall be undertaken without prior authorization pursuant to this Code.

**Sec. 1-4. Exceptions**

- A. **Previously issued development permits.** The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:
1. The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto, or will be commenced after the effective date of this Code but within six (6) months of issuance of the building permit; and
  2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.
- B. **Previously approved development activity.** Projects with a site plan, plat or final development plan that has not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.
- C. **Development approval in progress.** If the applicant has applied for a development permit, site plan or plat review prior to the effective date of this Code and is continuing in good faith through the review or appeal process, and said application is denied or rejected for valid cause, then the ability to preserve rights under the previous Code is surrendered.
- D. **Other causes for granting relief.** The City Commission may grant relief from new provisions in the Code if the petitioner can demonstrate by credible substantial evidence that certain actions

were taken, or not taken, in reliance upon the existing Code and that the enforcement of new provisions would cause undue hardship.

**Sec. 1-5. General Findings**

- A. **Statutory requirement.** Chapter 163, Part II, Florida Statutes, requires Starke to adopt a single code of development regulations which is consistent with the Comprehensive Plan.
- B. **General public need.** Controlling the location, design and construction of development within the city is necessary to maintain and improve the quality of life in the city as more fully described below.

**Sec. 1-6. Relationship of this Code to the Comprehensive Plan**

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, provides that local governments shall adopt Land Development Regulations that implement the adopted Comprehensive Plan. The standards and provisions in this Code have been designed to implement the Comprehensive Plan for Starke, as may be amended from time to time. When an amendment to the Comprehensive Plan creates inconsistency with this Code, then this Code shall be amended, as provided herein, so as to be consistent with the amended Comprehensive Plan.

**Sec. 1-7. Relationship of this Code to other Regulations**

In addition to meeting the regulations contained in this Code, proposed developments shall comply with all applicable regulations of federal and state agencies and the Suwannee River Water Management District. In all cases, the strictest of the applicable standards shall apply.

**Sec. 1-8. Relationship of Specific Provisions in Code to General Provisions in Code**

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

**Sec. 1-9. Incorporation by Reference**

The following materials are incorporated into and made part of this Code by reference:

1. The Flood Insurance Rate Map for Starke, as may be amended.
2. The map identified by the title, "Zoning Map; Starke, Florida", which shows the boundaries and designations of the districts provided for in Article IV.

**Sec. 1-10. General Rules of Interpretation and Construction**

- A. In the interpretation and application of this Code, all provisions shall be liberally construed in favor of the objectives and purposes of the city and deemed neither to limit nor repeal any other powers granted under state statutes.
- B. In the construction of this Code, the following shall be observed, unless such construction would be inconsistent with the manifest intent of the city commission:
  - 1. *Gender*. Words importing the masculine gender shall be construed to include the feminine and neuter.
  - 2. *Number*. Words in the singular shall include the plural and words in the plural shall include the singular, when not inconsistent with the text.
  - 3. *Shall and may*. The word "shall" is mandatory; "may" is permissive.
  - 4. *Tense*. Words used in the present tense include the future, when not inconsistent with the text.
  - 5. *Land* includes the words water, marsh, or swamp.
  - 6. *Unidentified words or terms*. Where words or terms are not defined, they shall have their ordinarily accepted meaning or as the context may imply.

**Sec. 1-11. Responsibility for Interpretation**

In the event that any question arises concerning any provision or the application of any provision of this Code, the Administrative Official shall be responsible for such interpretation and shall look to the Comprehensive Plan for guidance. This responsibility for interpretation shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

**Sec. 1-12. Definitions**

For the purpose of this Code, certain terms and phrases are defined. Words and phrases that apply to a single article, division or section are defined at the beginning of the article, division or section where they appear. Words and phrases that apply to more than one article, division or section are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

- 1. *Abut* means to physically touch, or border upon, or to share a common property line.



2. *Abutting or Adjacent Property* means the property which is immediately adjacent to or across a public right-of-way from the subject property.
3. *Access* means the primary means of ingress and egress to abutting property from a dedicated right-of-way.
4. *Addition to an existing building* means any walled and roofed addition to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
5. *Administrative Official* means a staff person designated by the City Commission to perform the responsibilities related to zoning and development activities. The commission may by resolution divide these responsibilities among different staff persons.
6. *Alley* means a right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.
7. *Alteration* means any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in the wiring, plumbing, heating, or cooling system; and includes the words "to alter" and "alter".
8. *Aquifer* means a groundwater-bearing geologic formation, or formations that contain enough saturated permeable material to yield significant quantities of water.
9. *Block* means tier or group of lots existing with 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.
10. *Board of Adjustment* shall mean the Board of Adjustment as provided for in Article II of this Code.
11. *Buildable area* means that portion of a lot remaining after the required yards and setbacks have been provided.
12. *Building* means any structure that is permanently affixed to the ground, has a roof, and is used for the shelter of humans, animals, property, or goods,
  - a. *Accessory building.* A subordinate building, the use of which is incidental to that of the principal building on the same lot.
  - b. *Principal building.* A building located on a lot in which the lot's principal use is conducted. In a residential district, an attached carport, shed, garage, or any other structure with one or more walls that are structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent

- carport, garage, or other structure shall conform to the requirements of an accessory building.
13. *Building height* means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the roof except that the distance shall be measured to the average height between the eaves and ridge for gable, hip, or gambrel roofs, and to the deck line for mansard roofs.
14. *Building setback line* means a line within a lot or other parcel of land between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited, as described by this Code.
15. *Business service establishments* means establishments providing supplies and services to businesses and professions and shall include copy services, blueprinting services, typing services, telephone answering services, office supply and stationary stores, delivery and messenger services, advertising agencies, direct mail services, detective agencies, employment agencies, collection agencies, and any other establishments offering goods or services of a similar nature, but not including establishments of research or light industrial nature.
16. *Capacity, available* means that portion of the design capacity of a public facility that can be reserved on a first-come-first serve basis.
17. *Capacity, design* means the maximum level of service that a public facility is capable of providing at the adopted level of service standard.
18. *Capacity, improvement* means a public facility that has been improved to accommodate increased capacity resulting from capital improvements made by a government body or by a developer.
19. *Capacity, reserved* means that portion of the design capacity that has been reserved for valid concurrency certificates and for developments that were issued a development permit prior to the adoption of the new Code.
20. *Capacity, used* means that portion of the design capacity that is allocated for and serves existing development.
21. *Capital improvement* means the purchase or construction of, or an addition or improvement to, a public facility, which has an estimated purchase and/or construction cost of twenty-five thousand (25,000) dollars or more.
22. *Center line* means the line midway between the street right-of-way lines or the surveyed and prescribed center line established by the Florida Department of Transportation or the City Commission which may not be the line midway between the existing or proposed street right-of-way lines.
23. *Child day care center* means a place, home, building, or location where care is provided for

four (4) or more children under the age of seventeen (17). Such term specifically includes nursery schools, kindergartens, or any other facility caring for children during the day or night.

24. *Church* means any building used for nonprofit purposes by any duly constituted sect and primarily intended to be used as a place of worship and customary accessory uses.
25. *City Commission* means the governing body of the City of Starke.
26. *Clinic* means a medical and dental office or group of offices used for the care, diagnosis, and treatment of sick, infirm, and injured persons, and those in need of medical or surgical attention not involving overnight care on the premises. Clinics may include accessory facilities for retail sales of pharmaceuticals and medical, optical, or dental supplies.
27. *City* means the City of Starke, Florida.
28. *Club, private* means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. This definition shall include the term "lodge" and shall apply to all social organizations not operated for profit.
29. *Code Inspector* means any authorized agent or employee of the city whose duty it is to assure compliance with the code and ordinances of the city.
30. *Compatibility setback ("buffer")* means a strip of land used to visibly separate one use from another, or to shield or block noise, light, or other nuisances.
31. *Comprehensive Plan* means the current Comprehensive Plan, as amended, that the City of Starke adopted pursuant to Chapter 163, Part H, Florida Statutes, including all elements and sub-elements, and not including the text, maps, figures, and tables prepared to support the adopted Comprehensive Plan. The Comprehensive Plan includes the following elements:
- a. Future Land Use
  - b. Traffic Circulation
  - c. Housing
  - d. Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Recharge
  - e. Conservation
  - d. Recreation and Open Space
  - e. Intergovernmental Coordination

## f. Capital Improvements

32. *Concurrency* means a condition where development has, or will have, the necessary public and/or private facilities and services at the adopted level of service standard concurrent with the impacts of the development.
33. *Concurrency certificate* means a certificate that indicates whether the proposed development is exempt from concurrency requirements or whether the proposed development is approved or approved with conditions.
34. *County Health Department* means the County Health Department of Bradford County, Florida.
35. *Cultural Resource* means a site, object, structure, building or district listed on the City's Survey of Cultural Resources or on the local register of historic places.
36. *Day* means a calendar day.
37. *Demolition* means the tearing down or razing of fifty (50) percent or more of a structure.
38. *Developer* means any person who engages in or proposes to engage in a development activity as defined in this Code either as the owner or as the agent of a property owner.
39. *Development or development activity* includes any of the following activities:
- a. Construction, or clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site;
  - b. Building, installing, enlarging, replacing, or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials;
  - c. Subdividing land into two or more parcels;
  - d. Removal of protected trees;
  - e. Erection of a permanent sign unless expressly exempted;
  - f. Changing the use of a site so that the need for parking is increased; and
  - g. Construction, elimination, or alteration of a driveway opening onto a public street.
40. *Development order* means any order granting, denying, or granting with conditions an application for development.
41. *Development permit* means an official document of the city which authorizes the commencement of development activity without the need for further application and approval.

Development permits include: all types of construction permits (e.g. building, plumbing, electrical, foundation, and mechanical permits), grading and clearing permits, septic tank permits, tree removal permits, and sign permits.

42. *Deviation, major* means a deviation from a planned unit development (PUD), which expands the land area, increases the total development allowed by five (5) percent or more, or increases impacts to the surrounding area or infrastructure by five (5) percent or more. Land uses may be exchanged or relocated within the PUD provided the net increase in impacts is less than five (5) percent.
43. *Deviation, minor* means a deviation from a planned unit development (PUD) other than a major deviation.
44. *Diameter breast height (DBH)* means the diameter of the trunk of an existing tree measured four and one-half (4-1/2) feet above the average ground level at the tree base. If the tree forks between four and one-half (4-1/2) and two (2) feet above ground level, it shall be measured below the swell resulting from the fork. Trunks that fork below two (2) feet, shall be considered multi-trunk trees. DBH for multi-trunk trees shall be determined by adding together the DBH of the two (2) largest trunks four and one-half (4-1/2) feet above- the ground.
45. *Drip line* means a vertical line extending from the outermost branches of a tree to the ground.
46. *Dwelling unit* means a building or portion thereof consisting of one or more rooms which are arranged, designed and used as living quarters with permanent individual bathrooms and complete kitchen facilities. It includes but is not limited to the following:
- a. *Duplex, two-family dwelling.* A detached building designed for, or occupied exclusively by, two (2) families living independently of each other;
  - b. *Dwelling, single family detached.* A structure designed as one dwelling unit and intended to be occupied exclusively by one family and structurally connected to no other dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, house boats or any unit which does not meet the group "A" residential requirements of the Southern Standard Building Code; and
  - c. *Dwelling, multiple family.* A structure designed with more than one dwelling unit with accommodations for each dwelling unit independent of each other and intended to be occupied by more than one family.
47. *Easement*, for the purpose of this Code, is authorization granted by a property owner for another to use the owner's property for a specified purpose.
48. *Eating establishments* means establishments where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises and shall include: restaurants, cafes, coffee shops, donut shops, delicatessens, cafeterias, and

other stores of similar nature. The term eating establishment shall not include a drive-in restaurant unless so stated.

49. *Eaves* means the extension or overhang of a roof, measured from the outer face of the supporting walls or column to the farthest point of the overhanging structure.
50. *Engineer* means a Professional Engineer registered to practice engineering by the State of Florida who is in good standing with the Florida Board of Engineer Examiners.
51. *Essential services* means public utility facilities either underground or overhead used in the transmission or distribution of water, sanitary or storm sewerage, telephone, gas, electricity, solid waste disposal, cable television and public safety. They include poles, wires, mains, hydrants, drains, pipes, conduits, police or fire call boxes, traffic signals, and other similar equipment necessary for the furnishing of adequate service, do but not include buildings.
52. *Exceptional specimen tree* means any tree which is determined by the City Commission to be of unique and intrinsic value to the general public because of its size, age, historic association or ecological value, or any tree designated a Florida State Champion by the American Forestry Association. The Administrative Official shall keep a record of all specimen trees and their location.
53. *Family* means one or more persons occupying a single dwelling unit related by law, blood, marriage, or other cohabitation agreement, and may include domestic servants employed on the premises.
54. *Financial institutions* means any establishments and offices offering financial services or counsel, and shall include full service banks, saving and loan institutions, stock brokers offices, banking companies, finance company offices, credit union offices, and any other institutions of a similar nature.
55. *Five-Year Schedule of Capital Improvements* means that schedule adopted as part of the Comprehensive Plan.
56. *Floor* means the top surface of an enclosed area in a building, including the basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
57. *Frontage* means the length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or other right-of-way.
58. *Grade* means the inclination with the horizontal of a road or unimproved land, and is generally expressed by the vertical rise or fall as a percentage of the horizontal distance.
59. *Gross density* or *density* means the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a lot or parcel.

60. *Gross floor area* means the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.
61. *Ground water* means water that fills all the unblocked voids of underlying material below the natural ground surface<sup>73</sup>. *Group housing* means two (2) or more buildings for dwelling purposes that are erected or placed on the same lot.
62. *Group housing* means two (2) or more buildings for dwelling purposes that are erected or place on the same lot.
63. *Hedge* means a landscape barrier consisting of a continuous, dense planting of shrubs.
64. *Historically significant* means any structure or area that is listed on the National Register of Historic Places, the Florida Master Site File, or local registry.
65. *Home occupation* means a business or activity conducted and pursued entirely within a dwelling unit. The use of the dwelling unit for such occupation shall be clearly and absolutely incidental and subordinate to its use for residential purposes. A home occupation shall be limited to those activities which are customarily and regularly undertaken within the home such as handicrafts, answering telephones, sewing, letter writing and the like.
66. *Hotel (motel, motor lodge)* means a building in which lodging or boarding is provided and offered to the public for compensation with or without individual kitchen or cooking facilities. Such building may have one or more dining rooms, restaurants, or cafes, provided, however, that if such dining room, restaurant or, cafe exists, it shall be operated in the same building or buildings in which boarding or lodging is available.
67. *Improvement* means any man-made, immovable item which becomes part of, is placed upon, or is affixed to, real estate. The term improvement may include, but is 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 (PRM's), permanent control points (PCP's), or any other improvements required by this Code.
68. *Irrigation* means the mechanical application of water to plant material in order to sustain plant life.
69. *Junkyards* means an open area where waste, or used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires, bottles, or vehicles.
70. *Land* includes the words marsh, water, and swamp.
71. *Level of service (LOS) standard* means the minimum provision of a public facility as adopted in the Comprehensive Plan.

72. *Lien* means a claim on the property of another as security against the payment of a just debt.
73. *Lot* means a portion of a subdivision of land intended as a unit for building development or for transfer of ownership or both. The word "lot"-includes the words "plot", "parcel", and "tract". A lot shall be of sufficient size to meet the minimum use, coverage and area requirements of the Zoning Regulations in this Code.
- a. *Lot area*. The total horizontal area included within lot lines;
  - b. *Lot coverage*. The ratio of enclosed floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage;
  - c. *Lot depth*. The mean horizontal distance between the front and rear lot lines;
  - d. *Lot line*. The boundary of a lot:
    - (1) *Front*. That property line which abuts on a public street or that property line abutting on a street which has been so designated by the owner at the time of his application for a building permit, provided both streets are local;
    - (2) *Side*. Any property line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line.
    - (3) *Rear*. That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line;
  - e. *Lot of record*. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the office of the clerk of the circuit court of Bradford County, Florida.
  - f. *Lot, corner*. A lot situated at the intersection of two (2) streets where the interior angle of such intersections does not exceed one hundred thirty-five (135) degrees;
  - g. *Lot width*. The horizontal distance between the side lot lines measured at the required front setback line.
74. *Manufactured 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. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site intended to be improved for one hundred eighty (180) consecutive days or longer.
75. *Mean sea level* means the average height of the sea for the stages of the tide. It is used as a reference for establishing various elevations within the floodplain. Mean sea level is synonymous with National Geodetic Vertical Datum (NGVD), as defined below.



76. *Mobile home.* A detached dwelling unit intended for occupancy by a single-family suitable for year-round occupancy and containing sleeping accommodations, complete plumbing and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems. Such a unit is designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arrives at the site complete and ready for occupancy except for minor incidental unpacking, assembly, and connections. A recreational vehicle such as a travel trailer is not to be considered as a mobile home. Mobile homes are units whose manufacturer is licensed by the State of Florida.
77. *Mobile home park.* A parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of mobile homes to be used for living purposes and customary accessory uses such as owners' and managers' living quarters, rest rooms, laundry facilities, utility areas, and facilities for parks and recreation.
78. *Mobile home subdivision.* A subdivision of land for the sale of lots intended for the placement of mobile homes as a permanent residences.
79. *New construction* means structures for which the start of construction commenced on or after the effective date of this Code.
80. *Nonconforming use of building or structures.* A building or structure existing at the time of passage of this Code which does not conform to the property development regulations of area, height, lot coverage, yard setbacks, or other like requirements of the district in which it is located.
81. *Nonconforming use of the land.* A use existing at the time of passage of this Code which does not conform to the zoning regulations for use or activity of the district in which it is located.
82. *Nonconforming lot* means any lot existing at the time of passage of this Code which does not meet the minimum dimensions, area, or other property development regulations of the district in which it is located.
83. *Nonconforming sign* means any sign which on the effective date of this Code is not consistent with the sign provisions of this Code, exceeds by ten (10) percent the height and size limitations as provided for in this Code, or otherwise does not conform to the requirements of this Code.
84. *Nonconforming use* means any use which was lawful prior to the effective date of this Code, but which is no longer permissible under the terms of this Code or amendment.
85. *Nonconforming use of buildings or structures* means the lawful use existing at the time of passage of this Code of any building or structure other than a use specifically permitted in the district in which the building or structure is located.
86. *Nonconforming use of land* means a lawful use existing at the time of passage of this Code of any land other than a use specifically permitted in the district in which the lot or parcel

of land is located.

87. *Ordinary maintenance* means work which does not require a construction permit and which is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.
88. *Open Area Market* means a market offering handcrafted merchandise, second hand merchandise, produce, farm products, and similar items for sale in a structure that is not completely enclosed. The structure shall have a permanent foundation and roof and shall adhere to all applicable zoning and building codes.
89. *Original appearance* means that appearance (except for color) which, to the satisfaction of the zoning commission, closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the zoning commission, to the style and materials of the building.
90. *Owner* means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant if the tenancy is chargeable under his lease for the maintenance of the property.
91. *Parcel* means a unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the City Manager.
92. *Parking space* means an area specifically designated for the parking or storage of vehicles.
93. *Performance Bond* means an agreement by a developer with the City Commission for the amount of 115 percent of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.
94. *Permanent Control Point (PCP)* has the same meaning as the one given in Chapter 177, Florida Statutes.
95. *Permanent Reference Monument (PRM)* has the same meaning as the one given in Chapter 177, Florida Statutes.
96. *Person* means an individual, firm, organization, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
97. *Personal service establishments* means establishments and offices offering services for the health and welfare of the individual and shall include barber shops, beauty shops, reducing or

slenderizing studios, steam or Turkish baths, and any other establishments of a similar nature, but not include any professional services.

98.*Phasing* means the incremental staging of development.

99.*Planning Agency* means the agency officially designated by the Starke City Commission to be responsible for the preparation of the Starke Comprehensive Plan pursuant to Chapter 163, Florida Statutes. The Starke City Commission may designate itself as the Planning Agency.

100.*Plant nurseries* mean an agricultural endeavor devoted exclusively to the raising of ornamental plants for sale or transplanting.

101.*Plat* means a map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions, and it includes other information required by the Subdivision Regulations in this Code. The plat is recorded in the office of the County Clerk. The word plat includes the terms replat or revised plat.

102.*Final* means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

103.*Preliminary development order* means any preliminary order that grants, denies, or grants with conditions a development project or activity. For purposes of this Code preliminary development orders include Future Land Use Map amendments, Comprehensive Plan amendments which affect land use or development standards, site plan approval, preliminary plat plan approval, and master plan approval.

104.*Professional services* means services offered by doctors, lawyers, accountants, real estate brokers, insurance agents, land developers, engineers, architects, planners, computer systems analysts, and any other individual or groups offering professional services of a similar nature.

105.*Projected impact* means the calculated usage of a public facility by a proposed development.

106.*Public facility (ies)* includes any or all of the following: roads, sanitary sewer, potable water, drainage, solid waste, and/or recreation and open space.

107.*Public Use* means the use of any land or buildings by a public body for a public service or purpose.

108.*Repeat Violation* means a violation of a provision of a code or ordinance of the city by a person whom the Code Enforcement Board has previously found to have violated the same provision within five (5) years prior to the violation.

109.*Recreational vehicle* means any vehicle designed and intended for recreational purposes, and shall include trailers, travel trailers, truck campers, motor homes, private motor coaches, van conversions, park model trailers, fifth trailers or any other similar vehicles with or without

motor power, designed and constructed to travel on public thoroughfares as defined by Chapter 320.01 Florida Statutes. A mobile home is not considered a recreational vehicle.

- 110.Right-of-way.* Right-of-way is land dedicated, deeded, used, or to be used for a street, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up his rights to the property so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.
- 111.Service station* means a building or lot where gasoline, oils and greases are supplied and dispensed to the motor vehicle trade, and where battery, tire, and other repair services, except body work or painting, are rendered.
- 112.Shopping center* means a group of commercial establishments planned, developed, managed, and operated as a unit, with off-street parking, loading and landscaping provided on the property.
- 113.Shrub* means a self-supporting woody perennial plant characterized by multiple stems and branches continuous from the base, naturally growing to a mature height between two (2) and twelve (12) feet.
- 114.Sidewalk* means that portion of the street right-of-way outside the roadway which is improved for the use of pedestrian or bike traffic.
- 115.Sight visibility triangle* means the area formed by three lines described as follows: the first and second lines commence at the point of an intersection of two streets and follow the edge of pavement for the two streets the distance required by this Code and the third line connects the end points of the first and second lines. This space shall be left open and unobstructed by fences, structures, shrubs, trees and other plant life (see section 6-45(H)).
- 116.Sign* means any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panel, designed to carry visual information.
- a. *Abandoned sign* is when the use of the sign has been discontinued and the business has not had an active account with the City for six (6) months or more.
  - b. *Changeable copy sign.* A sign on which message copy is changed manually or electronically in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Time and temperature signs are not included in the definition. No more than thirty-five percent (35%) of the permitted sign area may be used for changeable copy sign.
  - c. *On-Site sign* means a sign related in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

- d. *Off-Site sign* means a sign other than a on-site sign.
- e. *Substantially damaged sign* means a sign which is structurally damaged or destroyed by fifty-one (51) percent or more.
- f. *Temporary sign*. A sign that is used for a specific purpose and is not permanently affixed to a structure. Temporary signs are to be removed after two (2) weeks.
- g. *Window or door sign*. A sign visible from the exterior of the building or structure which is painted, attached, or otherwise affixed to a window or door for the specific purpose of identifying the proprietor, nature of the business, or name of the business.

117.*Site* means the location of an event, activity, building, structure, or archeological resource.

118.*Site plan* means a sketch or drawing of an architectural or engineering plan which shows the configuration of the primary use of a property and all significant accessory uses.

119.*Special exception* means a use that would not be appropriate generally or without restriction in a particular zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, and approved through a public hearing of the Board of Adjustment would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning districts as special exceptions as outlined in the applicable zoning district.

120.*Start of construction* includes any substantial improvement to a site including the placement of a manufactured or mobile home on the site or construction of a permanent structure. It also includes pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation.

121.*State* means the State of Florida.

122.*Street* means a roadway which affords the principal means of access to property. The term street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress regardless of the descriptive term used. It also includes all of the land lying between the right-of-way intended solely for limited utility purposes such as for electric power lines, telephone lines, water lines, drainage facilities, and sanitary sewers.

- a. *Arterial Streets* means streets which conduct large volumes of traffic over long distances.
- b. *Arterial, minor* means a roadway that connects and supports the principal arterial road system. Although its main function is still traffic movement, it performs this function at a lower level and places more emphasis on property access than does the principal arterial.

- c. *Arterial, principal* means a roadway that serves through-movement of traffic between activity centers and communities. The function of property access is subordinate to movement of vehicles.
- d. *Cul-de-sac* means a local street of relatively short length with one end open and the other end terminating in a vehicular turnaround.
- e. *Collector Street* means a street that serves as the connecting link for local streets and arterials and provides for intra-neighborhood transportation.
- f. *Local Streets* means a street whose primary function is to provide initial access to the highway network.
- g. *Marginal Access Street* means a local street, parallel and adjacent to an arterial or collector street, providing access to abutting lots and protection from arterial or collector streets.

123.*Structure* means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and having a height of four (4) inches or more, except for patios, parking and loading facilities, walls, or fences.

124.*Structural alteration* means a any change, except for repair or replacement, in the supporting members of a structure such as bearing walls, partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls of a structure.

125.*Subdivider* means any person, firm, corporation, partnership, association, estate, or trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including a developer or an agent of a developer.

126.*Subdivision* means the division of a parcel of land, whether improved or unimproved, into four (4) or more contiguous lots or parcels of land, for the purpose, whether immediate or future, of transfer of ownership. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The term shall not mean the division of land into parcels of more than five (5) acres not involving any change in street lines or public easements of whatsoever kind; the transfer of property by sale or gift or testate succession by the property owner to his or her spouse or lineal descendants; or the transfer of property between tenants in common for the purpose of dissolving the tenancy in common among those tenants.

127.*Substandard lot* is any lot that does not meet the minimum dimensional criteria for the district in which it is located.

128.*Substantial improvement* means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds twenty-five (25) percent of the market value of the

structure. For the purposes of this definition, 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 does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions.

129. *Substantially destroyed* means that the cost of reconstruction exceeds fifty (50) percent of the fair market value of the structure at the time of its destruction. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures.

130. *Surveyor, Land* means a Land Surveyor registered under Chapter 472, Florida Statutes, as amended, who is in good standing with the Florida State Board of Engineers and the Florida State Board of Land Surveyors.

131. *Tax Collector* means the Tax Collector of Bradford County, Florida.

132. *Tourist home* means a building or part thereof other than a hotel, motel, motor lodge, or boarding house, where lodging accommodations are offered to the public and intended primarily for rental to transients with daily charge.

133. *Travel trailer*. (See definition of *Recreational vehicle*).

134. *Tree* means a self-supporting woody plant having a single trunk or a multiple trunk of lower branches, growing to a mature height of at least twelve (12) feet in northeast Florida.

a. *Historic Tree* means a tree which has been determined by the City Commission to be of significant historic value to the community due to its location or historic association.

b. *Protected Tree* means any tree having a diameter breast height (DBH) of eight (8) inches and includes all Specimen Trees and Historic Trees. The following trees are excluded regardless of size or location:

Casuarina Cunninghamiana	-	Austrian Pine
Casuarina Lepidophloia	-	Austrian Pine
Casuarina Equisetifolia	-	Austrian Pine
Melia Asedarach	-	Chinaberry
Cinnamomum Camphora	-	Camphor Tree
Sapium Sebiferum	-	Chinese Tallow
Quercus Marilandica	-	Blackjack Oak

c. *Shade Tree* means a tree with a mature crown spread of at least fifteen (15) feet.

d. *Specimen Tree* means a tree which has been determined by the City Commission to be of value because of its type, size, age, or other relevant criteria.

135. *Understory* means assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.
136. *Useable open space* means that part of the ground area (improved or unimproved) roof, balcony, or porch, which is designed or intended for outdoor living, recreation, or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking, and loading areas, or any other paved vehicular ways and facilities. Required minimum front yard areas are not considered useable open space.
137. *Use*. Any activity, function, or purpose to which a parcel of land or a building is put and shall include the words "used", "arranged", or "occupied", for any purpose including residential, commercial, business, industrial, public or any other use:
- a. *Principal use*. The primary purpose for which land or building is used as permitted by the applicable zoning district.
  - b. *Accessory use*. A use which is wholly incidental to and supportive of the principal use on the same lot.
138. *Utilities* includes, but is not necessarily limited to, water systems, electrical power, sanitary sewer systems, storm water management systems, and telephone or television cable systems, or portions, elements, or components thereof.
139. *Variance* means a relaxation of the terms of the Zoning Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.
140. *Vehicle* means any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery.
141. *Vehicle accommodation area* means an area used for circulation, parking, and/or display of motorized vehicles.
142. *Wellhead protection zone* means all land within a two hundred (200) foot radius of an existing or designated protected wellhead.
143. *Written or in writing* means any representation of words, letters, or figures, whether by printing or otherwise.
144. *Yard* means the open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground upward, between the lot line and the building line.
- a. *Front yard* is the open space extending across the front of a lot between the side lot lines and incorporates the horizontal distance between the front lot line and the principal



building. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the front yard.

- b. *Side yard* is the open space extending from the front yard to the rear yard having a horizontal distance from the side lot line to the principal building.
- c. *Rear yard* is the open unoccupied space extending across the full width of the lot and measured between the rear line of the lot and the rear building line of the main building.

145. *Year* means a calendar year, unless otherwise indicated.

146. *Zoning Commission*. A commission appointed by the City Commission to perform the duties described in Article II of this Code.

147. *Zoning district*. An area subject to zoning, as identified on the zoning map of the City of Starke, Florida, and assigned a zoning classification as indicated on said map consisting of any one of the several zoning districts as set forth and established in this chapter. Reference to the word "district" or "zone" shall mean zoning district.

148. *Zoning map*. The term "zoning map" or "zoning maps" shall mean the official zoning map of the City of Starke, Florida, including all amendments to such zoning map.

149. *Zoning ordinance*. The term "zoning ordinance" shall mean the zoning ordinance of Starke, Florida, including all zoning regulations, zoning maps, and all amendments to such zoning ordinance and/or maps which are permanently maintained at the Starke City Hall

## **Sec. 1-13. Computation of Required or Permitted Units**

When the determination of required or permitted units as required by this Code results in a fractional unit, the fraction of one-half (½) or less may be disregarded, and a fraction in excess of one-half (½) shall be counted as one (1) unit.

## **Sec. 1-14. Computation of Time**

The time within which an act is to be done shall be computed by excluding the first and last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

## **Sec. 1-15. Fees**

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged applicants for zoning permits, concurrency certificates, sign permits, tree permits, special exceptions, subdivision plat approval, zoning amendments, variances and other administrative relief, and all other permits or certificates that may be established. The schedule of fees is to be established by the City Commission.

**Sec. 1-16. Fines**

Reasonable fines may be established and assessed to property and building owners in violation of this code.

**Sec. 1-17. Abrogation**

This Code is not intended to repeal, cancel, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the city or county.

**Sec. 1-18. Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

**Sec. 1-19. Effective Date**

This Code shall be effective upon adoption by the City Commission.

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## **DIVISION 1: GENERALLY**

### **Sec. 2.1 Generally**

This Chapter describes those administrative and enforcement bodies that shall administer and enforce this Code, and outlines the functions, powers, and duties of each with respect to this Code.

### **Sec. 2.2 - 2.5 Reserved**

## **DIVISION 2: CITY COMMISSION**

### **Sec. 2-6. Functions, Powers, and Duties**

- A. In addition to any authority granted the City Commission by general or special law, the City Commission shall have the following powers and duties:
1. To initiate, hear, consider, and approve, approve with conditions, or deny applications to amend the Comprehensive Plan as provided for in Article III;
  2. To initiate, hear, consider, and approve, approve with conditions, or deny applications to amend this Code as provided for in Article III;
  3. To hear, consider, and approve, approve with conditions, or deny applications for Planned Unit Developments as provided for in Article IV;
  4. To set and impose fines for violations of the provisions of this Code;
  5. Approve zoning requests;
  6. To take other actions not specifically delegated to other boards or department heads.

### **Sec. 2-7. General Requirements**

Unless otherwise specifically provided in this Code, the City Commission shall follow the regular voting and other requirements as set forth in other provisions of the city code, the city charter, or general law.

### **Sec. 2-8. Reserved**

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### **Secs. 2-9 - 2-10. Reserved**

### **DIVISION 3: ZONING COMMISSION**

#### **Sec. 2-11. Creation and Composition**

The Zoning Commission hereafter will be known as the Planning and Zoning Board.. There are to be five (5) members appointed by the City Commission, each for a term of three (3) years. The terms shall be staggered so that no more than two (2) members' terms expire in any given year.

#### **Sec. 2-12. Qualifications of Members**

The City Commission may by resolution designate the Planning and Zoning board to perform the functions of the Board of Adjustment. If the City Commissioners designates the Planning and Zoning Board to perform the functions of the Board of Adjustment the terms of office of members of the Planning and Zoning Board shall run concurrently with said member's term of office of the Board of Adjustment. Members of the Planning and Zoning Board shall be residents of the City of Starke. Members shall be persons in a position to represent the public interest, and no person whose private or public interests are likely to conflict with the general public interest shall be appointed.

#### **Sec. 2-13. Removal from Office and Vacancies**

Members of the Planning and Zoning Board may be removed from office for cause by a majority vote of the City Commission. Members of the Planning and Zoning Board who are absent from three (3) consecutive regularly scheduled meetings of the Planning and Zoning Board, shall be declared vacant by the City Commission. Any vacancy occurring during the unexpired term of any member shall be filled by the City Commission for the remainder of the term. It shall be the duty of the Administrative Official to notify the City Commission within ten (10) days after the occurrence of a vacancy on the Planning and Zoning Board. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.

#### **Sec. 2-14. Compensation**

Members of the Zoning Commission shall receive no salaries or fees for service on the Board but may receive reimbursement for actual and necessary expenses incurred in the performance of their duties.

#### **Sec. 2-15. Proceedings**

- A. **Officers and voting.** The Planning and Zoning Board shall elect a chairperson and a vice-chairperson from among its members and may designate other officers as deemed necessary. The Administrative Official shall be the permanent secretary, but not a member of the commission, and is authorized to delegate the administrative work to another. All regular members of the Planning and Zoning Board shall be entitled to vote in matters before the Planning and Zoning Board.

- B. **Rules of procedure.** The Planning and Zoning Board shall adopt rules of procedure necessary to its governance and the conduct of its affairs, and consistent with the applicable provisions of the Starke City Charter, this Code and other pertinent city codes. Such rules of procedure shall be available in written form to persons appearing before the Planning and Zoning Board and to the public.
- C. **Meetings.** Meetings shall be held at the call of the chairperson and at such other times as the Planning and Zoning Board may determine, provided that the Board shall hold at least one (1) regularly scheduled meeting each month, after due public notice, on a day to be determined by the Board. Meetings that are not regularly scheduled shall not be held without reasonable notice to each member and the public. If there are no zoning requests to review in a given month, the meeting may be canceled by the Administrative Official.
- D. **Minutes of proceedings.** The Planning and Zoning Board shall keep records of its proceedings, showing the vote of each member (including the chairperson and vice-chairperson), or if absent or failing to vote indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately by the Administrative Official in the office of the Administrative Official.
- E. **Disqualification of members.** If any member of the Planning and Zoning Board shall find that his private or personal interests are involved in the matter coming before the Board, he shall disqualify himself from all participation in that matter. No member of the Planning and Zoning Board shall appear before the Planning and Zoning Board, Board of Adjustment, or City Commission as agent or attorney for any person.

**Sec. 2-16. Appropriations, Fees, and Other Income**

The City Commission may appropriate such funds as it may see fit for salaries, fees, and expenses necessary in the conduct of the Planning and Zoning Board. The City Commission may establish a schedule of fees to be charged by the Planning and Zoning Board. The Board may expend all sums so appropriated and other sums made available for its use from fees and other sources for the purpose and activities authorized by this code.

**Sec. 2-17. Functions, Powers, and Duties**

- A. The functions, powers, and duties of the Planning and Zoning Board shall be:
  - 1. To hear all requests for zoning and land use changes and offer a recommendation to the City Commission for approval or denial;
  - 2. To recommend the preparation of necessary special studies on the location, condition, and adequacy of specific facilities in the city, including, but not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, transportation, parking and the like;
  - 3. To keep the City Commission and public informed and advised on matters before the Planning and Zoning Board;

4. To perform such other duties as may be lawfully assigned.
- B. All city employees shall, upon request and within a reasonable time, furnish to the Planning and Zoning Board or its employees or agents such available records or information as may be required for its work. The Planning and Zoning Board, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized city agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning and Zoning Board.

**Secs. 2-18- 2-20.Reserved**

## **DIVISION 4: BOARD OF ADJUSTMENT**

### **Sec. 2-21. Creation and Composition**

The Board of Adjustment shall consist of five (5) members. Members of the Board of Adjustment shall be appointed by the Starke City Commission for a period of three (3) years. The terms shall be staggered so that no more than two (2) members' terms expire in any given year.

### **Sec. 2-22. Qualifications of Members**

The City Commission may by resolution designate the Board of Adjustment to perform the functions of the Planning and Zoning Board, the terms of office of members of the Board of Adjustment shall run concurrently with said member's term of office of the Planning and Zoning Board. No member of the Board of Adjustment shall be paid or elected official or employee of the City. Members of the Board of Adjustment shall be residents of the City of Starke. Members shall be persons in a position to represent the public interest, and no person whose private or public interests are likely to conflict with the general public interest shall be appointed.

### **Sec. 2-23. Removal from Office and Vacancies**

Members of the Board of Adjustment may be removed from office for cause by a majority vote of the City Commission. Members of the Board of Adjustment who are absent from three (3) consecutive regularly scheduled meetings of the Board of Adjustment, shall be declared vacant by the City Commission. Any vacancy occurring during the unexpired term of any member shall be filled by the City Commission for the remainder of the term. It shall be the duty of the Administrative Official to notify the City Commission within ten (10) days after the occurrence of a vacancy on the Board of Adjustment. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.

**Sec. 2-24. Compensation**

Members of the Board of Adjustment shall not receive salaries or fees for service on the board, but may receive reimbursement for actual and necessary expenses incurred in the performance of their duties of office.

**Sec. 2-25. Proceedings**

- A. Officers and voting.** The Board of Adjustment shall elect a chairperson and a vice-chairperson from among its members. The Board may create and fill such offices as it may determine to be necessary for the conduct of its duties. Terms of all such offices shall be for one (1) year, with eligibility for re-election.
- B. Rules of procedure.** The Board of Adjustment shall adopt rules of procedure necessary to its governance and the conduct of its affairs, and consistent with the applicable provisions of the Starke City Charter, this Code and other pertinent city codes. Such rules of procedure shall be available in written form to persons appearing before the commission and to the public.
- C. Meetings.** Meeting shall be held at the call of the chairperson and at such times as the Board of Adjustment may determine; provided that the board shall hold at least one (1) regularly scheduled meeting each month on a day to be determined by the Board. Meetings that are not regularly scheduled shall not be held without reasonable public notice and reasonable notice to each member. If there are no application to review in a given month, the meeting may be canceled by the Administrative Official.
- D. Minutes of proceedings.** The Board of Adjustment shall keep records of its proceedings, showing the vote of each member (including the chairperson and vice-chairperson), or if absent or failing to vote indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately by the Administrative Official in the office of the Administrative Official.
- E. Disqualification of members.** If any member of the Board of Adjustment shall find that his private or personal interests are involved in the matter coming before the Board, he shall disqualify himself from all participation in that matter. No member of the Board of Adjustment shall appear before the Planning and Zoning Board, Board of Adjustment, or City Commission as agent or attorney for any person.

**Sec. 2-26. Appropriations, Fees, and Other Income**

The City Commission may appropriate such funds as it may see fit for salaries, fees and expenses necessary in the conduct of the work of the Board of Adjustment. The City Commission may establish a schedule of fees to be charged by the Board of Adjustment. The board may expend all sums so appropriated and other sums made available for its use from fees and other sources for the purpose and activities authorized by this Code.



**Sec. 2-27. Functions, Powers, and Duties**

A. The functions, powers, and duties of the Board of Adjustment shall be:

1. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this Code (refer to section 3-33 (A-Ii) for appeal procedure);
2. To hear and decide special exceptions including the power to determine when special exceptions should be granted, to grant special exceptions with appropriate conditions and safeguards, and to deny special exceptions when not in harmony with the purpose and intent of this Code.
  - a. In granting any special exception, the Board shall find that such grant will not adversely affect the public interest and will meet the requirements set forth in Article III of this Code.
  - b. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards consistent with this Code. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed violations of this Code.
  - c. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.
3. To authorize upon appeal such variance from the terms of this Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary and undue hardship.
  - a. In granting any variance, the Board of Adjustment may prescribe conditions and safeguards consistent with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code;
  - b. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both;
  - c. Under no circumstances, except as permitted above, shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of Article IV in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

**Secs. 2-28. - 2-29. Reserved.**

## **DIVISION 5: CODE ENFORCEMENT BOARD**

### **Sec. 2-30. Created; Membership; Meetings**

- A. The Code Enforcement Board shall consist of seven (7) members appointed by the Board of City Commissioners of Starke, Florida. The Board of City Commissioners may appoint up to two (2) alternate members for the Code Enforcement Board to serve in the absence of code board members. All members shall be residents of the City of Starke and shall serve without compensation.
- B. The membership of the Code Enforcement Board shall be made on the basis of experience or interest in the subject matter jurisdiction of the Code Enforcement Board.
- C. The initial appointments of the Code Enforcement Board shall be as follows:
  - 1. Each member shall be appointed for one year.

A member may be reappointed upon approval of the Board of City Commissioners. When a member's term expires, the member may continue to service until the Board of City Commissioners takes action to either reappointing the member or appointing the member's replacement. Appointments to fill any vacancy on the Code Enforcement Board shall be for the remainder of the unexpired term of office.
- D. If any member of the Code Enforcement Board fails to attend two (2) of three (3) successive meetings without a cause and without prior approval of the chairman, the Code Enforcement Board shall declare the member's office vacant, and the vacancy shall be filled by appointment by the Board of City Commissioners.
- E. Members of the Code Enforcement Board may be suspended and removed from office by the Board of City Commissioners.
- F. At the first meeting of the Code Enforcement Board, members shall elect a chairman, who shall be a voting member, and a vice-chairman from among the Board members. The presence of four (4) or more members shall constitute a quorum of the Code Enforcement Board necessary to take action. The members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Board of City Commissioners, or as are otherwise provided by law.
- G. Regular meetings of the board shall occur no less frequently than once every two (2) months, but the board may meet as often as necessary. Special meetings of the board may be convened by the chairman upon giving notice thereof to each of the members of the board. The notice of a special meeting shall be given at least twenty-four (24) hours prior thereto.

- H. Minutes shall be maintained at all meetings and hearings held by the Code Enforcement Board, and all meetings, hearings and proceedings shall be open to the public.
- I. The office of the City Attorney shall provide clerical and administrative support to the Code Enforcement Board as may be reasonably required by the board for the proper performance of his duties.

**Sec. 2-31. Jurisdiction**

- A. The Code Enforcement Board shall have jurisdiction to hear and decide alleged violations of all code and ordinances in force in the city, including, but not limited to:
  - 1. Building code;
  - 2. Electrical code;
  - 3. Health code;
  - 4. Solid waste code;
  - 5. Animal control code;
  - 6. Zoning code;
  - 7. Weed code.
- B. The jurisdiction of the code enforcement shall not be exclusive. Any alleged violation of any of the aforesaid code and ordinances may be pursued by appropriate remedy in court at the option of the Administrative Official whose responsibility it is to enforce that respective code or ordinance. Nothing contained in this Code shall prohibit the city from enforcing its code and ordinances by any other means.

**Sec. 2-32. Enforcement Procedure**

- A. It shall be the duty of the Code Inspector to initiate enforcement proceedings of the various codes and ordinances. No member of the Code Enforcement Board shall have the power to initiate such enforcement proceedings.
- B. Except as provided in subsections (c) and (d) below, if a violation of the code or ordinances is found, the Code Inspector shall first notify the violator and give such person a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Officer shall schedule a hearing, and written notice of such hearing shall be provided to said violator in accordance with the provisions of Section 2-37 herein. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Code Enforcement Board even if the violated has been corrected prior to the board hearing, and the notice shall so state.
- C. If a repeat violation is found, the Code Inspector shall notify the violator, but is not required to give the violator a reasonable' time to correct the violation. The Code Inspector, upon notifying the violator of a repeat violation, shall notify the Code Enforcement Board and request a hearing.

The Code Enforcement Board, through its staff, shall schedule a hearing and provide notice pursuant to Section 2-37 herein in this chapter. The case may be presented to the Code Enforcement Board even if a repeat violation has been corrected prior to the board hearing and the notice shall so state.

- D. If the Code Inspector has reason to believe a violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible in nature, the Code Inspector shall make a reasonable effort to notify the violator and may immediately notify the Code Enforcement Board and request a hearing.

**Sec. 2-33. Conduct of Hearing**

- A. Upon request of the Code Inspector, or at such other time as may be necessary, the chairman of the Code Enforcement Board may call hearings of the board.
- B. Upon scheduling a hearing, the board shall cause notice thereof to be furnished to the alleged violator in accordance with the provisions of Section 2-37 herein. Such notice of hearing shall contain the date, time, and place of the hearing and shall state the nature of the violation and reference to the appropriate code or ordinance.
- C. At the hearing, the burden of proof shall be upon the Code Inspector to show, by a preponderance of the evidence that a violation does exist.
- D. Assuming the notice requirements of this chapter have been complied with, a hearing may proceed in the absence of the alleged violator.
- E. All testimony shall be under oath and shall be recorded. The board shall take testimony from the Code Inspector and alleged violator and from such other witnesses as may be called by the respective sides.
- F. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern such proceedings.
- G. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.
- H. Any member of the board, or an attorney appointed to represent the board, may inquire of any witnesses before the board. The alleged violator, or his attorney, and the attorney representing the city shall be permitted to inquire of any witness before the board and shall be permitted to present brief opening and closing statements.
- I. At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact based on evidence in the record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted by F.S. ch. 162, and by this Code. The order shall be stated orally at the meeting and shall be reduced to writing and mailed to the alleged violator

within ten (10) days after the hearing. The finding shall be by motion, approved by a majority of those present and voting; provided, however, that at least three (3) members of the board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specific date, and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute a 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. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the Code Enforcement Board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**Sec. 2-34. Powers**

The Code Enforcement Board shall have the power to:

1. Adopt rules for the conduct of its hearings;
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served as by provided in Chapter 162, F.S.;
3. Subpoena evidence to its hearings;
4. Take testimony under oath; and
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

**Sec. 2-35. Penalties**

- A. The Code Enforcement Board, upon notification by the Code Inspector that an order of the board has not been complied with by the set time, or upon finding that repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the board of compliance, or in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as provided for in this chapter, a hearing shall not be made necessary for issuance of the order imposing the fine. A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. In determining the amount of the fine, if any, the Code Enforcement Board shall consider the following factors: (1) the gravity of the violation; (2) any actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator.
- B. The Code Enforcement Board may reduce a fine imposed pursuant to this section.

- C. A certified copy of the order imposing a fine may be recorded in the public records of Bradford County, Florida, and shall continue a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriff's of the State of Florida, including levy against the personal property, but such order shall not be deemed otherwise to be a judgment of a court except for enforcement purposes. A fine imposed pursuant to this chapter shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. If, after three months from the filing of any such lien, the lien remains unpaid, the Code Enforcement Board may authorize the City Attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property which is a homestead under Section 4 Article X of the Florida Constitution.
- D. No lien provided by this chapter shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded unless, within that time, an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover costs, including a reasonable attorney's fee, incurred in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration with notice, unless a notice of lis pendens is recorded.

**Sec. 2-36. Appeals**

- A. An aggrieved party, including the Board of City Commissioners, may appeal a final administrative order of the Code Enforcement Board to the circuit court. Any such appeal shall be filed within thirty (30) days of the execution of the order to be appealed.
- B. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board.
- C. The Code Enforcement Board shall, by rule, establish reasonable charges to be paid by the appealing party for preparation of the record to be appealed.

**Sec. 2-37. Notices**

- A. All notices required by this chapter shall be by certified mail, return receipt requested, hand delivery by the Sheriff or other Law Enforcement Officer, the Code Inspector, or other person designated by the Board of City Commissioners; 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 such person of the contents of the notice.
- B. In addition to providing notice as set forth in Section 2-37 (A), at the option of the Code Enforcement Board, notice may also be served by publication or posting, as follows:
  - 1. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in the City. The

newspaper shall meet such requirements as are prescribed under F.S. Chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in F.S. 50.041 and 50.051.
3. If there is no newspaper of general circulation in the City, three (3) copies of such notice shall be posted for at least twenty eight (28) days in three (3) different and conspicuous places in the City, one of which shall be at the front door of the courthouse in the City.
4. Proof of posting 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.
5. Notice by publication or posting may run concurrently with, or may follow, and attempt or attempts to provide notice by hand-delivery or by mail as required under subsection (1).

Evidence that an attempt has been made to hand-deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this chapter have been met, without regard to whether or not the alleged violator actually received such notice.

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## ARTICLE III.

## DEVELOPMENT REVIEW PROCEDURES

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## **DIVISION 1: GENERALLY**

### **Sec. 3-1. Generally**

This chapter describes the application and review procedures required for obtaining development orders, and certain types of permits; the means for appealing administrative decisions or orders; provisions for seeking variances, special exceptions and site plan review; and provisions for amending this Code and the Comprehensive Plan.

### **Secs. 3-2 - 3-5. Reserved**

## **DIVISION 2: SITE PLAN REVIEW**

### **Sec. 3-6. Site Plan Approval for Single-Family Development**

Refer to subdivision regulations in Article VIII.

### **Sec. 3-7. Site Plan Approval for Multi-Family, Commercial, Institutional, and Industrial Development**

- A. **Purpose.** The purpose of these provisions is to provide for planned multi-family, commercial, institutional, and industrial developments, which will be compatible and harmonious with surrounding and adjacent areas. It is intended that such review will aid in the reduction of traffic, noise and other adverse conditions; and will permit maximum flexibility in evaluating each plan on its own merits while encouraging variety and innovation within the intent and purpose of this Code.
- B. **Site plan approval required.** No permit for building or building expansion, site development, redevelopment, or modification shall be issued until a site plan has been received and approved for any site on which there is to be or is currently located:
1. Four (4) or more multi-family dwelling units;
  2. Four (4) or more duplex dwelling units;
  3. Any commercial activity;
  4. Any industrial activity; or
  5. Any institutional activity.

Site plans are required prior to construction and should be prepared by a registered professional engineer.

**C. Procedure for obtaining site plan approval:**

1. **Pre-application conference.** The applicant is encouraged to meet with the Administrative Official and other City Departments or Agencies as the case may require to discuss basic site plan requirements and consider preliminary features of the site and the proposed development. This will allow the applicant to become familiar with the requirements of the applicable zoning regulations and any other provisions of the Comprehensive Plan affecting the proposed development.
2. **Application.** The application shall consist of three (3) copies of the following elements: an application form; a narrative statement describing the general character of the intended development; and a site plan (refer to section 3-6 (D) (1-15) for site plan requirements). The application with attachments shall be submitted to the Administrative Official.

**D. Site plan requirements.** The site plan shall be in conformity with and compatible to, the character of the surrounding property; and shall not substantially interfere with the safety, light, air and convenience of the surrounding private and public property. The site plan map shall be drawn clearly and legibly at a scale of at least 1" = 100' using a sheet size of 18" x 26". The site plan map shall include but is not limited to the following:

1. Proposed name of development;
2. Name, address, and telephone number of the owner, agent for the owner, and designer of the proposed development;
3. Date, north arrow, appropriate graphic scale, and space for revision dates;
4. Boundary line of the tract, by bearing and distance, drawn by a heavy line;
5. Names of owners of adjoining land with their approximate acreage or, if developed, names of abutting subdivisions;
6. Present zoning for subject site;
7. The relationship of the site to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties;
8. Location of all property lines, existing rights-of-way approaches, sidewalks, curbs, and gutters;
9. Location and dimensions of all existing and proposed utility poles and guylines, fire hydrants, meters, water lines, sewer lines, and easements;
10. Any wells, septic tanks, or septic drain fields on the property or within two-hundred (200) feet of the property boundary;
11. Location and dimensions of all existing and proposed parking areas and loading areas;

12. Location, size, and design of landscaped areas (including any existing trees);
  13. Location and size of any lakes, ponds, canals, or other waters and waterways;
  14. All structures and major features with dimensions including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures;
  15. Layout of the development including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and any land to be used for purposes other than single-family dwellings;
  16. A site summary to include:
    - a. Tabulation of gross acreage;
    - b. Tabulation of density;
    - c. Number of units proposed;
    - d. Location and average percent of total open space and recreation areas;
    - e. Percent of lot covered by structures;
    - f. Floor area of dwelling units;
    - g. Number of proposed parking spaces (refer to section 6-1 of this Code);
  17. Location of all trash receptacles;
  18. Location of wetland protection zones as established by this Code;
  19. The 100-year flood elevation, minimum required floor elevation, and boundaries of the 100-year floodplain for all parts of the proposed development.
- E. **Support documentation.** The following support documentation may be required with the submission of the site plan:
1. Soil survey map (current U. S. Soil Conservation Service maps are acceptable);
  2. Subsurface conditions of the tract showing: subsurface soil, rock and groundwater conditions; and locations and results of soil percolation tests;
  3. Existing and proposed covenants and restrictions;
  4. The location of any historic and archaeological resources on the site and a description of the manner in which they will be protected;
  5. Drainage Plan. The drainage of the property shall be in conformity with the standards established in Sections 6-51 - 6-60 and must not alter the established drainage so as to

adversely affect the public land or adjoining property or water quality standards of the State of Florida. The drainage plan can be submitted on a separate sheet and shall include the following:

- a. One (1) foot interval contours based upon coast and geodetic datum;
  - b. Proposed finished elevation of each building site and first floor level;
  - c. All existing and proposed drainage facilities with size and grades;
  - d. Proposed orderly disposal of surface water runoff;
  - e. Centerline elevations along adjacent streets.
6. Any other information that may be considered necessary by either the sub divider or the City Commission for full and proper consideration of the proposed subdivision.
  7. If a plat is required or submitted with the site plan, the procedures outlined in section 8-32(D)(1-18) and section 8-34(A-E) of the Subdivision Regulations shall be followed.
- F. **Qualifications for review.** No site plan shall be accepted for review, which does not contain all information required above.
- G. **Site Plan review.** The application packet shall be forwarded to the other appropriate departments or agencies as the case may require for review and comment. Staff review shall not exceed ten (10) working days. The applicant shall have the opportunity to respond to department comments and resubmit an amended plan prior to review by the City Commission.
- H. **City Commission approval.** After reviewing the site plan the City Commission shall approve, approve with conditions, or disapprove the site plan at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The City Commission shall state in writing its reasons for its decision on the site plan and a copy of such statement shall be sent to the applicant. Reference should be made to the specific sections of this Code, the Comprehensive Plan, the Zoning Regulations, or other ordinances or regulations with which the site plan does not comply.
1. The action of the City Commission shall be noted on two (2) copies of the site plan with any conditions. One copy shall be returned to the applicant and the other retained in the office of the Administrative Official.
  2. Once the site plan is approved and three (3) sets of construction plans are submitted and reviewed (see Article VIII, Section 8-33 of the subdivision regulations), a building permit will be issued by the Building Official. The development shall be built substantially in accordance with the site *plan and* the construction plans and specifications. If after such approval, should the owner/applicant or his successors desire to make any changes to the site plan, such changes with an explanation of each change shall first be submitted to the Administrative Official. If the Administrative Official deems that there is a substantial change or deviation

from that which is shown on the approved site plan, the owner/applicant or his successors shall be required to submit the amended plan for approval as specified herein.

**Sec. 3-8 - 3-10. Reserved**

**DIVISION 3: GUARANTEES AND SURETIES**

**Sec. 3-11. Generally**

- A. The provisions of this section apply to all proposed developments in the city including private road subdivisions.
- B. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in this Code.
- C. This section does not modify existing agreements between a developer and the city for subdivisions platted and final development orders granted prior to the effective date of this Code, provided such agreements are current as to all conditions and terms.

**Sec. 3-12. Improvements Agreements Required**

- A. The approval of any site and construction plans shall be subject to the applicant providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved site and construction plans. The following information shall be provided:
  - 1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
  - 2. The projected total cost for each improvement.
  - 3. Specification of the public improvements to be made and dedicated together with the timetable for making the improvements.
  - 4. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the city shall utilize the security provided in connection with the agreement.
  - 5. The amount and type of security, which will be provided to ensure performance. The amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection, and acceptance of improvements by the city.

**Sec. 3-13. Amount and Type of Security**

- A. The amount of the security listed in the improvement agreement shall be approved as adequate by the Administrative Official if it complies with subsection C of this section.



B. Security requirements may be met by, but are not limited to, the following:

1. Cashier's check
2. Certified check
3. Developer/Lender/City Agreement
4. Interest Bearing Certificate of Deposit
5. Irrevocable Letters of Credit
6. Surety Bond

C. The amount of security shall be one hundred fifteen (115) percent of the total construction costs for the required improvements installed by the developer. The amount of security may be reduced upon the completion and final acceptance of certain improvements.

**Sec. 3-14. Maintenance of Improvements**

A. A maintenance agreement and security shall be provided to assure the city that all required improvements shall be maintained by the developer and shall meet the following requirements:

1. The period of maintenance shall be for a minimum of one (1) year.
2. The maintenance period shall begin with the acceptance by the city of the improvements.
3. The security shall be in the amount of five (5) percent of the improvements' construction costs.
4. The original agreement shall be kept on file by the City Clerk.

B. Whenever a proposed development provides for the creation of common facilities or improvements to multiple owners, which are not proposed for dedication to the city, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

1. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
2. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.
3. No certificate of occupancy shall be issued for a development for which an owners' association is required until the documents establishing such association, covenants, and

restrictions have been reviewed and approved by the City Attorney and recorded with the City Clerk. No lot can be sold until such document is recorded.

- C. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the city shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.

**Sec. 3-15. Completion of Improvements**

- A. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the Administrative Official. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and two (2) copies of all test results and city-required closeout documents. The developer may apply for release of all or a portion of the security as required improvements are completed and accepted.

**Secs. 3-16 - 3-20. Reserved**

**DIVISION 4: ENFORCEMENT OF SITE AND BUILDING PERMITS  
AND APPROVALS**

**Sec. 3-21. Generally**

This part establishes the procedures for enforcement and for issuing a minor and major deviation from an approved site plan or building permit.

**Sec. 3-23. On-Going Inspections**

The city shall periodically inspect development work in progress to insure compliance with the development permit, which authorized the activity.

**Sec. 3-24. Procedure for Minor Deviations**

If the work is found to have only one minor deviation, the Administrative Official may amend the permit or approval to conform to the actual development. The Administrative Official may, however, refer any minor deviation that significantly affects the development's compliance with the purposes of this Code to the Zoning Commission for treatment as a major deviation.

**Sec. 3-25. Procedure for Major Deviations**

- A. If the work is found to have any major deviations, the Administrative Official shall:
  - 1. Place the matter on the next agenda of the City Commission, allowing for adequate notice and appropriate action.

2. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the City determines that work or occupancy may proceed pursuant to the decision of City Commission.
3. Refer the matter to the Code Inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board.

B. The City Commission shall take final action on any major deviation.

**Sec. 3-26. Revocation of the Site Plan Approval or Building Permit**

After a site plan approval or building permit has been revoked, development activity shall not proceed on the site until a new site plan approval or building permit is granted in accordance with the procedures for original approval.

**Secs. 3-27 - 3-30. Reserved**

**DIVISION 5: REVIEW OF ADMINISTRATIVE AND  
LEGISLATIVE DECISIONS**

**Sec. 3-31. Generally**

This part establishes the means for an adversely affected person to appeal an administrative or legislative decision.

**Sec. 3-32. Review of Legislative Decisions**

A final legislative action of the City Commission may be reviewed in a court of competent jurisdiction as prescribed by law.

**Sec. 3-33. Review of Administrative Decisions**

- A. **Generally.** Any final administrative decision or order that is made by any city official, department, bureau or board, other than the Code Enforcement Board, in the administration or enforcement of this Code may be appealed by any person or by any officer of the city affected by said decision. The Board of Adjustment shall review such appeals to any final administrative decision or order.
- B. **Application fee.** A non-refundable application fee, as may be set by resolution, shall accompany all applications for appeals.
- C. **Limitation on appeals.** Appeals must be made as provided for in this part within thirty (30) days of said decision; otherwise said decision shall be final.

D. **Appeal application contents.** The appeal shall be made in writing indicating the following:

1. The decision to be reviewed and the date of the decision;
2. The interest of the person seeking review; and
3. The specific error alleged as the grounds of the appeal.

E. **Procedure for appeals.** The following procedure shall be followed to process appeals:

1. **Submittal of appeal.** The aggrieved person shall submit a completed application of appeal, as described in this part, to the City Clerk who shall indicate the date of submittal on the application form.
2. **Compilation of record.** The officer, board, bureau or department from whom the appeal is taken shall compile and transmit to the Board of Adjustment all copies constituting the record relating to the decision being appealed.
3. **Hearing.** The Board of Adjustment shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons making the appeal and to the officer, board, bureau or department from whom the appeal is being taken. At the hearing, parties of interest may appear in person or by agent or attorney. The Board of Adjustment, by a concurring of a majority of the board, may reverse, affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed. In so doing, the board shall have all of the powers of the officer, board, bureau or department from whom the appeal is taken.

F. **Effect of appeal.** An appeal stays all actions relating to the decision being appealed, unless the Administrative Official certifies to the Board of Adjustment that such a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application in the manner provided by law.

G. **Burden of proof.** The burden of proof that the decision being appealed is in error shall be upon the applicant.

H. **Appeals from decisions of Board of Adjustment.** Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may seek review of such decision by the City Commission by filing a written appeal with the City Clerk within thirty (30) days of the decision being rendered by the Board of Adjustment..

**Secs. 3-34 - 3-40. Reserved**

## DIVISION 6: VARIANCES

### Sec. 3-41. Generally

This part describes the procedures for applying for and granting a variance and the special provisions, which apply to, granted variances.

### Sec. 3-42. Applicability

The Board of Adjustment may grant a variance from the strict application of any provision of this Code, except the provisions concerning permissible uses and concurrency, provided that such variance is granted in conformance with this part.

### Sec. 3-43. Definitions

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

1. *Variance*. A relaxation of the terms of this Land Development Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship,

### Sec. 3-44. Application Fee

A non-refundable application fee, as may be set by resolution, shall accompany an application for a variance.

### Sec. 3-45. Procedures for Applying for and Issuing a Variance

- A. **Pre-application conference.** The applicant is encouraged to meet with the Administrative Official and other departments or agencies as the case may require to discuss the variance request. This will allow the applicant to become familiar with the requirements of all applicable regulations and the application process.
- B. **Application.** The applicant shall submit a completed application, as described in this part, to the Administrative Official along with the appropriate fee. The Administrative Official shall forward said application to the Board of Adjustment for consideration.
  1. All applications for variances shall be in writing and in such form as may be determined by the City Commission.
  2. The application shall, at a minimum, include the following:
    - a. Name and address of the owner and agent, along with signatures of the same.

- b. Address and legal description of the particular real property, accompanied by a copy of that portion of the map maintained by the Bradford County Property Appraiser reflecting the boundaries of the particular real property.
- c. Written description of the variance sought and other information necessary for the board of adjustment to make the findings as required in this part.
- d. A sketch plan (if applicable) drawn to an appropriate scale showing the property as it is intended to be developed or modified pursuant to the proposed variance.
- e. Names and addresses of all property owners within three hundred (300) feet, accompanied by a map maintained by the Bradford County Property Appraiser reflecting the boundaries of the parcels affected.

### C. Notification Requirements

1. **Mailed notices.** The city shall mail notices to all property owners within three hundred (300) feet of the property involved in the application consistent with the following provisions:
  - a. The notices shall be mailed at least ten (10) days prior to the public hearing on the variance application.
  - b. The names of the property owners shall be deemed to be those listed on the latest ad valorem tax roll maintained by the county.
  - c. The failure of an adjacent property owner required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public hearing or action taken on the application.
2. **Legal Notice.** A legal notice advertising the public hearing shall be published once at least ten (10) days prior to the public hearing before the Board of Adjustment. The advertisement shall state the purpose of the proposed request, and it shall be published in a newspaper of general paid circulation in Starke and of general interest and readership in the community, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week.
3. **Post signs.** The city shall post a sign or signs on the property for which the variance is sought at least ten (10) days prior to the hearing. The sign shall state the proposed request, meeting place, date and time of the hearing.
4. **Additional notice.** Where the applicant is the owner of land adjacent to the parcel upon which the request is made, the Administrative Official may require that a notice be mailed to such owner when appropriate.

- D. **Board of Adjustment action.** After proper notice, the Board of Adjustment shall conduct a public hearing and shall approve, approve with conditions, or deny the variance after making the requisite findings of fact.

**Sec. 3-46. Limitations on Issuing a Variance**

- A. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by a variance.
- B. A variance shall not change the functional classification of a use permitted or permissible in a zoning district.
- C. A variance shall not change the requirements for concurrency.

**Sec. 3-47. Required Findings Needed to Issue a Variance**

- A. **Required findings.** The Board of Adjustment may grant a variance after making the following findings:
  - 1. Special circumstances exist that are peculiar to the particular land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.
  - 2. A literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Code.
  - 3. The special circumstances are not a result of the actions of the applicant.
  - 4. Granting the variance requested will not confer upon the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district.
  - 5. The existence of nonconforming uses of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts does not constitute the reason for the requested variance.
  - 6. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - 7. The requested variance will be in harmony with the general purpose and intent of this Code and will not be injurious the neighborhood or otherwise detrimental to the public welfare.
  - 8. The variance is not a request to permit a use of land, building, or structure not permitted by right or by special exception in the district involved.
  - 9. There are practical or economic difficulties in carrying out the strict letter of the Code.

10. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
11. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
12. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
13. Compliance with the subdivision regulations would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site.

- B. **Cumulative effect of common conditions.** If the condition causing the proposed variance is common to numerous sites so that requests for similar variances are likely to be received, the Board of Adjustment shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

**Sec. 3-48. Imposition of Conditions in Issuing a Variance**

In issuing a variance, the Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to **minimize** the injurious effect of the variance.

**Sec. 3-49. Sketch Plan Binding upon Variance**

A sketch plan submitted as part of the variance shall be binding, if the variance was granted.

**Sec. 3-50. Expiration of Issued Variance**

An approved variance shall be personal to the record title owner at the time of its approval and shall, in any event, expire either one year after the date of approval or by earlier City Commission action, unless construction has actually commenced.

**Sec. 3-51. Special Provisions where Variance is Sought to Requirements to Flood Damage Prevention Regulations**

- A. **Additional finding required.** When a variance from the flood damage prevention regulations is sought, the Board of Adjustment shall find that the requested variance will not result in an increase in the elevation of the base flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances. These findings are in addition to the findings outlined in section 3-47(A).
- B. **Considerations needed before issuance of variance.** Before granting a variance from the flood prevention regulations, the Board of Adjustment **shall** consider:
1. The danger that materials may be swept from the site onto other lands;



2. The danger to life and property from flooding or erosion;
  3. The potential of the proposed facility and its contents to cause flood damage thereby posing a threat of damage to the owner and the public;
  4. The importance of the services provided by the proposed facility to the community, and whether it is a functionally water-dependent use;
  5. The availability of alternative locations, not subject to flooding or erosion, for the proposed use;
  6. The compatibility of the proposed use with existing and anticipated neighboring development;
  7. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
  8. The availability of safe vehicular access to the property in times of flood;
  9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and effects of wave action, if applicable, at the site; and
  10. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.
- C. **Flowage easements.** No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the base flood more than one (1) foot.
- D. **Written notification.** All variances from the flood damage prevention regulations shall:
1. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.
  2. State that the variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five (25) dollars for one hundred (100.00) dollars of insurance coverage.
  3. State that construction below the flood protection level increases risks to life and property.
- E. **Record of variances to be maintained.** The Administrative Official shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Administrative Official shall report any or all variances to the Federal Emergency Management Agency (FEMA), upon request.

**Sec. 3-52. Special Provisions Where Variance is Sought for Historically Significant Properties**

- A. **Generally.** Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on a local register of historic places or the State Inventory of Historic Places, or the National Register of Historic Places.
- B. **Limitations.** The following special limitations shall apply:
1. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.
  2. The special variance shall be the minimum necessary to protect the historic character and design of the structure.

**Sec. 3-53. Violation of Variance Terms or Conditions**

The violation of the terms or conditions of a variance, shall be treated as a violation of this Code and subject to applicable remedies.

**Secs. 3-54 - 3-60. Reserved**

**DIVISION 7: SPECIAL EXCEPTIONS**

**Sec. 3-61. Generally**

This part establishes the procedures for applying for and granting a special exception.

**Sec. 3-62. Applicability**

The Board of Adjustment may grant a special exception for uses specified in the Zoning District Regulations.

**Sec. 3-63. Definitions**

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

1. *Special Exceptions.* A use that would not be appropriate generally or without restriction in a particular zoning district but which if controlled as to number, area, location, or relation to the neighborhood, and approved through a public hearing of the Board of Adjustment would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning districts as special exceptions as outlined in the applicable zoning district.

**Sec. 3-64. Application Fee**

A non-refundable application fee, as may be set by resolution, shall accompany an application for special exception.

**Sec. 3-65. Procedures for Applying for and Issuing a Special Exception**

- A. **Pre-application conference.** The applicant is encouraged to meet with the Administrative Official and other departments of agencies as the case may require to discuss the special exception request. This will allow the applicant to become familiar with the requirements of all applicable regulations and the application process.
- B. **Application.** The applicant shall submit a completed application, as described in this part, to the Administrative Official along with the appropriate application fee. The Administrative Official shall forward said application to the Board of Adjustment for consideration.
1. All applications for special exceptions shall be in writing and in such form as may be determined by the City Commission.
  2. The application shall, at a minimum, include the following:
    - a. Name and address of the owner and agent, along with signatures of the same;
    - b. Current zoning of the property and the special exception being sought;
    - c. Address and legal description of the property of the particular real property, accompanied by a copy of that portion of the map maintained by the Bradford County Property Appraiser reflecting the boundaries of the particular real property;
    - d. Written description of the special exception sought and any other information necessary for the Board of Adjustment to make the findings as required in this part;
    - e. A sketch plan (if applicable) drawn to an appropriate scale showing the property as it is intended to be developed or modified pursuant to the proposed special exception; and
    - f. Names and addresses of all property owners within three hundred (300) feet, accompanied by a map maintained by the Bradford County Property Appraiser reflecting the boundaries of the parcels affected.
- C. **Notification requirements.**
1. **Mailed notices.** The city shall mail notices to all property owners within three hundred (300) feet of the property involved in the application consistent with the following provisions:
    - a. The notices shall be mailed at least ten (10) days prior to the first scheduled hearing.

- b. The names of the property owners shall be deemed to be those listed on the latest ad valorem tax roll maintained by the county.
  - c. The failure of an owner required by this section to receive the notice shall not invalidate or otherwise have any effect upon a public hearing or action taken on the application.
  - d. Where the applicant is the owner of land adjacent to the parcel upon which the request is made, the Administrative Official may require that notices be mailed to owners as the Administrative Official deems appropriate.
2. **Legal Notice.** A legal notice advertising the public hearing shall be published once at least ten (10) days prior to the public hearing before the Board of Adjustment. The advertisement shall state the purpose of the proposed request, and it shall be published in a newspaper of general paid circulation in Starke and of general interest and readership in the community, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week.
  3. **Post signs.** The city shall post a sign or signs on the property for which the special exception is sought at least ten (10) days prior to the hearing. The sign shall state the proposed request, meeting place, date and time of the hearing.
- D. **Board of Adjustment action.** Allowing for proper notice as specified in this part, the Board of Adjustment shall conduct a public hearing. Any person at the public hearing shall be afforded the opportunity to be heard.

**Sec. 3-66. Required Findings Needed to Issue a Special Exception**

- A. The Board of Adjustment may grant a special exception based on substantial competent evidence of each of the following:
  1. The special exception complies with all elements of the Comprehensive Plan.
  2. The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety or general welfare and is not contrary to established governmental standards, regulations or ordinances.
  3. Each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Starke and the zoning district in which it is proposed.
  4. The special exception will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.

5. The establishment of the special exception will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district and as allowed in the Comprehensive Plan.
6. Adequate water supply and sewage disposal facilities will be provided in accordance with the state and county health departments' requirements.
7. Adequate access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided where required.
8. Adequate measures have been taken to provide ingress and egress to the property, which is designed in a manner to minimize traffic congestion on local roads.
9. Adequate screening and buffering of the special exception will be provided, if necessary.
10. The special exception will not require signs or exterior lighting, which will cause glare, adversely impact area traffic safety, or have a negative economic effect on the area. Any signs or exterior lighting required by the special exception shall be compatible with development in the zoning district.
11. The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community.
12. The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area.
13. The proposed use would not overburden existing public services and facilities.
14. The special exception meets all other requirements as provided for elsewhere in this Code.

**Sec. 3-67. Imposition of Conditions in Issuing a Special Exception**

In issuing a special exception, the Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a special exception as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the special exception.

**Sec. 3-68. Sketch Plan Binding Upon Special Exception**

The sketch plan, as submitted or as modified by the Board of Adjustment, shall be binding upon the special exception, if granted.

**Sec. 3-69. Special Exception Only Applies to Property for which Permit Issued**

Any special exception granted by the city shall only apply to the property for which it was granted. Under no circumstance shall the special exception apply to any adjacent or contiguous property that may be acquired, subsequent to the issuance of the special exception.

**Sec. 3-70. Expiration of Special Exception Permit**

Unless construction, specially permitted by the special exception, has actually been commenced within one year following the date of issuance of such permit, such permit shall expire and have no further force, validity, or effect.

**Sec. 3-71. Violation of Special Exception Terms or Conditions**

The violation of terms or conditions of a special exception shall be treated as a violation of this Code and subject to applicable remedies.

**Sec. 3-72. Procedure for Appeal**

Decisions of the Board of Adjustment in granting or denying special exceptions shall be final and may be appealed to a court of proper jurisdiction.

**Secs. 3-73. - 3-80. Reserved****DIVISION 8: AMENDING THE ZONING REGULATIONS****Sec. 3-81. Generally**

Any portion of the Zoning Regulations may be amended, supplemented, changed, modified, or repealed and the zoning map may be modified by the rezoning of land as provided for in this part, provided that all changes are consistent with the Comprehensive Plan.

**Sec. 3-82. Definitions**

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

1. *Comprehensive Plan* means the current Comprehensive Plan, as amended, that the City of Starke adopted pursuant to Chapter 163, Part II, Florida Statutes, including all elements and sub-elements, and not including the text, maps, figures, and tables prepared to support the adopted Comprehensive Plan. The Comprehensive Plan includes the following Elements: Future Land Use; Traffic Circulation; Housing; Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Recharge; Conservation; Recreation and Open Space; Intergovernmental Coordination; and Capital Improvements.

**Sec. 3-83. Consistency with Comprehensive Plan**

Amendments to the Zoning Regulations, including the rezoning of land, shall be consistent with the Comprehensive Plan.

**Sec. 3-84. Amendments to the Zoning Regulations**

A. The City Commission may, from time to time, amend, supplement, or repeal the regulations and provisions of the Zoning Regulations:

1. Request by any owner of real property to amend official zoning map:
  - a. An owner of real property may file an application for an amendment to the official zoning map to designate the particular real property a different zoning classification from the use designated on the official zoning map under the provisions of this section. Said application shall be accompanied by a fee established from time to time by the Starke City Commission. Said application shall be in such form as approved by the commission and shall contain the following information:
    - (1) The name of the owner of the particular real property;
    - (2) If the applicant is not the owner of the particular property, then a written consent signed by all owners of the particular real property shall be attached;
    - (3) The legal description of the particular real property, accompanied by a copy of that portion of the map maintained by the Bradford County Property Appraiser reflecting the boundaries of the particular real property;
    - (4) The current zoning classification as recorded on the official zoning map;
    - (5) The requested zoning classification that constitutes an amendment to the official zoning map;
    - (6) Reason for the requested zoning change;
    - (7) Names and addresses of all property owners within three hundred (300) feet, accompanied by a map maintained by the Bradford County Property Appraiser reflecting the boundaries of the parcels affected.
2. The City Commission may, on its own motion and without the consent of any owner of the affected property, initiate, by resolution, a consideration of an amendment to the official zoning map of any property within the City. Such resolution shall describe the property to be considered, the zoning classification as recorded on the official zoning map, the proposed zoning classification that constitutes a proposed amendment to the official zoning map, and the time and place for the public hearings of the Planning and Zoning Board and the City Commission.

3. Amendments to the text of this Code may be initiated by the Administrative Official or the Starke City Commission. Prior to amending this Code, a report shall be prepared by the Administrative Official with recommendations for amendments or changes to the text. The report, which shall include the proposed amendments or changes in the text and *any* other explanatory materials, shall be forwarded to the City Commission for final action.

**Sec. 3-85. Public Hearings on Proposed Amendments**

- A. An amendment to this Land Development Code, including the official zoning map, requiring a public hearing before the City Commission shall be noticed in accordance with the requirements of Chapter 166.041, Florida Statutes.
  1. **Mailed Notices.** A notice of the hearings concerning the rezoning of real property shall be forwarded to the owner(s) of the affected property(ies) and the owners of properties located within three hundred (300) feet of the affected property(ies). For the purpose of complying with this notice provision, the owner and address of any affected property or property within three hundred (300) feet as obtained from latest ad valorem tax records of the Bradford County Property Appraiser shall be deemed accurate. The notice shall state the substance of the proposed ordinance as it affects the subject property owner, including the legal description of the affected property, the existing zoning classification, the proposed amendment to the official zoning map or changes to the actual list of permitted, conditional, or prohibited uses within a zoning category and the times and places of the public hearings before the Planning and Zoning Board and City Commission on such ordinance. Such notice shall be mailed at least ten (10) days prior to the first public hearing.
  2. **Legal Notice.** A legal notice concerning an amendment to this Land Development Code, including the official zoning map, shall be published once at least ten (10) days prior to a public hearing before the Planning and Zoning Board. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the Administrative Official.
  3. **Post Signs.** The city shall post a sign on the property affected by the amendment noticing the Planning and Zoning Board public hearing. The sign shall face and be clearly visible from the public street or right-of-way on which the property fronts. The sign shall be posted at least ten (10) days prior to the Planning and Zoning Board public hearing on the amendment.
- B. **Conduct of public hearings.** When an amendment to the official zoning map or to the actual list of permitted, conditional, or prohibited uses within a zoning category is considered at the designated public hearing, the City Commission shall hear from the applicant for, or the proponent of said proposed amendment and members of the general public. The Planning and Zoning Board and the City Commission shall have the power to establish such rules of procedure for the orderly conduct of said public hearing as the circumstances of each application warrant. The Planning and Zoning Board shall recommend to the City Commission the denial or approval of each



application for amendment to the official zoning map or actual list of permitted, conditional or prohibited use within a zoning category based upon a consideration of the following factors:

1. Conformity to the Starke Comprehensive Plan;
2. The compatibility of the proposed zoning classification of the property being considered with that of the surrounding property;
3. The change in land use conditions occurring in the general area;
4. Physical characteristics of the site, including, but not limited to, soils, topography, drainage, flood zone, and vegetation; and
5. Impact on public facilities and adopted level of service standards, including but not limited to the impact on the capacity of the existing and project traffic patterns, water and sewer systems, and other public facilities and utilities,
6. The impact on the established character of the surrounding property;
7. The appropriateness of the proposed zoning classification based on a consideration of the applicable provisions and conditions contained in this Code and other applicable laws, ordinances and regulations relating to land use and based upon a consideration of the public health, safety, and welfare of the citizens of Starke.

C. **Limitation on subsequent application.** No application by an owner of real property for an amendment to the official zoning map for a particular parcel of property, or part hereof, shall be received by the Administrative Official until the expiration of six (6) calendar months from the date of denial of an application for an amendment to the official zoning map for such property, or part thereof, unless the Starke City Commission specifically waives said waiting period based upon a consideration of the following factors:

1. The new application constitutes a proposed zoning classification different from the one proposed in the denied application.
2. Failure to waive the six (6) months waiting period would constitute hardship to the applicant resulting from mistake, inadvertence or newly discovered matters of consideration.

D. **Relationship of amendments to Starke Comprehensive Plan.** If the rezoning requires the prior amendment of the official Starke Comprehensive Plan adopted pursuant to Chapter 163, Florida Statutes, procedures concerning such amendment as established in Sections 163.3187 and 163.3181, Florida Statutes shall be followed by the City Commission.

#### **Sec. 3-86. Limitations on Rezoning of Land**

- A. No ordinance to rezone land shall contain conditions, limitations, or requirements not applicable to all other land in the zoning district to which the particular land is rezoned.

- B. No ordinance to. rezone land that would be inconsistent with the Comprehensive Plan shall be adopted.

**Secs. 3-87. - 3-90. Reserved.**

## **DIVISION 9: AMENDING THE COMPREHENSIVE PLAN**

### **Sec. 3-91. Generally**

This part establishes the procedures to amend the adopted Comprehensive Plan, including the Future Land Use Map.

### **Sec. 3-92. Simultaneous Action on Amendment to the Comprehensive Plan and this Code**

In cases where a change in the Comprehensive Plan is needed prior to adopting a change in this Code, including the zoning map, nothing shall prohibit the application for a Comprehensive Plan amendment and an amendment to this Code from being processed simultaneously, provided that the consideration of the amendment to the Comprehensive Plan shall appear first on any agenda. In such instances, two (2) ordinances will be required.

### **Sec. 3-93. Changes to Five-Year Schedule of Capital Improvements**

Corrections, updates, or modifications of costs for the Five-Year Schedule of Capital Improvements shall not constitute amendments to the Comprehensive Plan.

### **Sec. 3-94. Application Fee**

- A. A non-refundable application fee, as may be set by resolution, shall be submitted along with the application for all amendments to the Future Land Use Map that are initiated by the owner or another person having a contractual interest in land to be affected by the proposed amendment, or their agent.
- B. No application fee is required for all other types of amendments.

### **Sec. 3-95. Procedure for Amending the Comprehensive Plan**

- A. **Submittal of application.** Any board, agency, person, or the owner or another person having a contractual interest in land to be affected by a proposed amendment, or their agent, may submit an application for an amendment to the City Clerk along with the appropriate application fee as provided for in this part.
- B. **Determination of completeness.** The Administrative Official shall determine if the application is complete or incomplete and notify the applicant of any deficiencies in the application.
- C. **Transmittal of application to City Commission.** The Administrative Official shall forward applications deemed to be complete to members of the City Commission.

- D. **Notification of proposed plan amendment.** The Administrative Official shall notify and solicit comments from Bradford County relative to the proposed amendment and any other local government or state agency in the state that has filed a written request with the city for such proposed plan amendments.
- E. **Report to City Commission.** The Administrative Official shall submit to the City Commission a written recommendation which:
1. Identifies any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them;
  2. States factual and policy considerations pertaining to the recommendation;
  3. Includes those comments or recommendations received from Bradford County, other governmental agencies, or non-governmental entities.
- F. **First public hearing conducted by City Commission.** The City Commission shall conduct at least one public hearing, allowing for proper notice, as provided for in this part, prior to submitting the proposed amendment to the Department of Community Affairs (DCA). The City Commission may approve or reject the proposal, or approve a modified proposal that is within the scope of matters considered in the hearing.
- G. **Submittal of proposed amendment to DCA.** Within ten (10) days following the public hearing at which the proposed plan amendment was approved, the Administrative Official shall forward ten (10) copies of the proposed plan amendment to the Department of Community Affairs (DCA).
- H. **Submittal of proposed amendment to other entities.** Within ten (10) days following the public hearing at which the proposed plan amendment was approved, the Administrative Official shall forward one (1) copy of the proposed plan amendment to Bradford County and to any other local government or state agency in the state that has filed a written request with the city for such proposed plan amendments.
- I. **Second public hearing by City Commission.** Upon receipt of the written comments from DCA, the City Commission shall have sixty (60) days to conduct a second public hearing, allowing for proper notice, as provided in this part. At said hearing, the City Commission shall adopt the amendment by ordinance, in whole or with changes, or determine that it will not adopt the amendment. Said hearing shall be held on a weekday no less than five (5) days after the day that the second advertisement is published.
- J. **Submittal of adopted amendment to DCA.** Within five (5) days following the public hearing at which the plan amendment was approved the City Commission shall forward five (5) copies of the adopted plan amendment to the Department of Community Affairs for a determination whether the adopted plan amendment complies with Chapter 163, Florida Statutes.
- K. **Submittal of adopted amendment to other entities.** Within five (5) days following the public

hearing at which the plan amendment was adopted, the Administrative Official shall forward one copy of the adopted amendment to Bradford County and to any other local government or state agency in the state that has filed a written request with the city for such plan amendments.

- L. If DCA finds the amendment does not comply, the city may pursue litigation on behalf of the property owner and in such instances the city may assess the applicant reasonable fees to recoup expenses incurred by the city.

**Sec. 3-96. Limitations on Amending the Comprehensive Plan**

- A. **Large scale amendments.** Large scale land use amendments to the Future Land Use Map involve ten (10) or more acres of land. Text changes to goals, policies, and objectives of the Comprehensive Plan are considered large scale amendments.

- 1. **Number of amendments per year.** Amendments to the Comprehensive Plan may be made not more than two (2) times during any year, except as provided by state law.

- B. **Small scale amendments.** Small scale land use amendments to the Future Land Use Map involve less than (10) acres of land and does not involve text changes to goals, policies, and objectives of the Comprehensive Plan. If the proposed amendment involves a residential land use, the residential land use has a density of ten(10) units or less per acre.

- 1. **Number of amendments per year.** The cumulative effect for the acreage for all small scale amendments to the Future Land Use Map shall not exceed sixty (60) total acres annually. The proposed amendment shall not involve the same property more than once a year, and it does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months.

- C. **Consistency with Comprehensive Plan.** Amendments shall be made in such a way as to preserve the internal consistency of the plan, pursuant to 163.3177 (2), Florida Statutes.

- D. **Granting of special privileges.** Amendments shall not be made to confer special privileges or rights on any person.

**Sec. 3-97. Notice Requirements for Hearings**

- A. Notice that complies with state law shall be given for all public hearings.
- B. The Administrative Official **shall** notify and solicit comments relative to the proposed Comprehensive Plan amendment from Bradford County.

**Secs. 3-98 - 3-100. Reserved**

**DIVISION 10: BUILDING PERMIT****Sec. 3-101. Permit Required**

No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this code.

**Sec. 3-102. Application Fee**

A non-refundable application fee, as may be set by resolution, shall accompany all applications for a building permit.

**Sec. 3-103. Application Requirements**

- A. All applications for building permits shall be in writing and in such form as may be determined by the City Commission.
- B. The application shall, at a minimum, include the following:
  - 1. Name and address of the owner and agent, along with signatures of the same;
  - 2. Address and legal description of the property;
  - 3. Plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and location on the lot of any existing buildings or structures, and the size and the location on the lot of the building or structure proposed to be erected or altered.
- C. The developer may be required to include other information as may be reasonably necessary to ensure compliance with this Code.

**Sec. 3-104. Procedures for Applying for and Issuing a Building Permit**

- A. **Submittal of application.** The developer shall submit a completed application, as described in this part, to the Building Inspector along with a non-refundable application fee.
- B. **Determination of compliance.** The Building Inspector shall issue the building permit if the development as described in the application is consistent with all provisions of this Code.

**Secs. 3-105 - 3-110. Reserved**

## **DIVISION 11: CERTIFICATE OF OCCUPANCY**

### **Sec. 3-111. Permit Required**

No building or other structure shall be occupied without a certificate of occupancy issued by the building inspector. No certificate of occupancy shall be issued except in conformity with the provisions of this Code and applicable building codes.

### **Sec. 3-112. Application Fee**

A non-refundable application fee, as may be set by resolution, shall accompany all applications for a certificate of occupancy.

### **Sec. 3-113. Procedure for Applying for and Issuing a Certificate of Occupancy**

- A. **Notification of completion.** The developer shall notify the building inspector upon completion of all construction.
- B. **Determination of compliance.** The building inspector shall inspect the development to determine compliance with all provisions of this Code and applicable building codes.

### **Sec. 3-114. Record of Certificates of Occupancy**

- A. A record of all certificates of occupancy shall be kept on file in the office of the building inspector.
- B. A copy of a certificate of occupancy shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or land involved.

### **Sec. 3-115 - 3-120. Reserved**

## **DIVISION 12: ENFORCEMENT PROCEEDINGS AND PENALTIES**

### **Sec. 3-121. Generally**

The provisions of this Code shall be enforced by the Code Enforcement Board and the City Commission.

### **Sec. 3-122. Procedure.**

- A. **Preliminary notification.** The City Code Enforcement Officer shall send a written notification by certified it to the owner of record of the land or structure stating the following:

1. The section of the Code being violated.
  2. An order to cease said violation.
  3. Information concerning penalties for violating this Code.
- B. **Final notification.** If the violation continues fifteen (15) days after the preliminary notification has been received then the City Code Enforcement Officer shall send a written citation by certified mail indicating:
1. The section of the Code being violated.
  2. Information concerning the pending hearing.
  3. Information concerning penalties for violating this Code.
- C. **Hearing scheduled.** The City Code Enforcement Officer shall notify the Code Enforcement Board of the citation and schedule a hearing for the citation.
- D. **Notice of hearing.** The City Code Enforcement Officer shall notify the alleged violator by certified mail of the hearing.
- E. **Hearing conducted.** The Code Enforcement Board shall conduct a hearing as provided for in this part.
- F. **Notification of board decision.** The decision of the Code Enforcement Board shall be mailed to the alleged violator by certified mail within ten (10) days of the hearing.

**Sec. 3-123. Hearing Requirements**

- A. **Testimony.** The Code Enforcement Board shall take testimony from city staff, if relevant, and the alleged violator. All testimony shall be made under oath and shall be recorded.
- B. **Burden of proof.** At the hearing, the burden of proof shall be upon the city to demonstrate by a preponderance of the evidence that a violation does indeed exist.
- C. **Due process to be observed.** Formal rules of evidence shall not apply, but fundamental rules of due process shall be observed.
- D. **Role of City Attorney in proceedings.** The City Attorney, or his designee, shall represent the Code Enforcement Board during all proceedings.
- E. **Failure of alleged violator to appear at hearing.** If the alleged violator fails to appear at the scheduled hearing and a violation is determined to exist, the Code Enforcement Board shall order the correction of the violation. The alleged violator who does not appear may petition the board for a re-hearing if good reason can be shown for the absence at the hearing.

- F. **Board action.** At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact, based on evidence in the record, and conclusions of law, and shall issue an order affording the proper relief, if *any*, as provided in this part. The order shall have the full force of law to bring the violation, if any, into compliance. The order shall be made by motion and passed in accordance with established procedures in this Code.

**Sec. 3-124. Penalties**

Any person violating any provision of this Code shall be guilty of an offense and, upon conviction, shall pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day the violation continues past the date set by the board's order for compliance.

**Sec. 3-125. Civil Remedies**

- A. The City Commission or any aggrieved person shall have the right to apply to a court of proper jurisdiction to enjoin and restrain any person violating the provisions of this Code.
- B. The court may issue temporary and permanent injunctions as deemed necessary.

**Sec. 3-126. Procedure for Appeal**

Within thirty (30) days after the final decision is made, any aggrieved party may appeal the decision of the Code Enforcement Board to a court of proper jurisdiction. The scope of the review shall be limited to the record made before the Code Enforcement Board and shall not be a trial de novo.

**Sec. 3-127-3-130. Reserved**



## ARTICLE IV.

## ZONING REGULATIONS

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**DIVISION 1: IN GENERAL****Sec. 4-1. Title; Map Adopted**

This article shall be known as the "Zoning Regulations of the City of Starke, Florida". The map herein referred to is identified by title, "Zoning Map of the City of Starke, Florida", and all explanatory matter thereon is hereby adopted and made a part of this article.

**Sec. 4-2. Purpose**

A. **Basic Goal.** It is the intent of this article to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the citizens of the City of Starke, Florida.

B. **Objectives.** To achieve this end, this article is designed to:

1. Conserve the value of land, buildings, and resources;
2. Protect the character and maintain the stability of residential, commercial, and industrial areas; and
3. Provide for the efficiency and economy in the process of development through the:
  - a. Preservation, protection, development, and conservation of the natural resources of land, water and air;
  - b. Appropriate use of land;
  - c. Regulation of the use and occupancy of buildings, land, and water;
  - d. Healthful and convenient distribution of population;
  - e. Convenience of traffic and circulation of people and goods;
  - f. Adequacy of utilities and facilities;
  - g. Promotion of civic amenities of beauty and visual interest;
  - h. Regulation of building location for commercial and residential sites through restrictions in height, bulk, area, landscaping, open space, and density of use.
4. To accomplish these objectives, this article has been prepared in accordance with the Starke Comprehensive Plan.

**Secs. 4-3 - 4-50 Reserved**

## **DIVISION 2: ESTABLISHMENT OF DISTRICTS: ZONING MAP**

### **Sec. 4-51. Districts Established**

- A. In order to regulate and restrict the location of trades, industries, public and semi-public uses, residences, and the location of buildings erected or offered for specific uses, the city is hereby divided into districts or zones as shown on the zoning map entitled "Zoning Map, City of Starke, Florida", and the map is hereby declared to be a part of this Code.
- B. The following base districts are established, with titles and abbreviations as indicated:

<b>District</b>	<b>Abbreviation</b>
<b>Single Family, Very Low Density District</b>	<b>R-1A</b>
<b>Single Family, Low Density District</b>	<b>R-1B</b>
<b>Single Family, Medium Density District</b>	<b>R-1C</b>
<b>Single Family, Mobile Home, Medium Density</b>	<b>R-1D</b>
<b>Mobile Home Subdivision District</b>	<b>R-M1</b>
<b>Multi-Family Residential District</b>	<b>R-2A</b>
<b>Multi-Family Residential District</b>	<b>R-2B</b>
<b>Mobile Home Park District</b>	<b>R-M2</b>
<b>Residential Professional District</b>	<b>RP</b>
<b>Neighborhood Commercial District</b>	<b>B-1</b>
<b>Community Commercial District</b>	<b>B-2</b>
<b>Highway Commercial District</b>	<b>B-3</b>
<b>Business Professional District</b>	<b>BP</b>
<b>Light Industrial District</b>	<b>I-1</b>
<b>General Industrial District</b>	<b>I-2</b>
<b>Agricultural</b>	<b>AGR</b>
<b>Planned Unit Development District</b>	<b>PUD</b>

- C. An overlay district is established for conservation areas with the following title and abbreviation: Conservation, CON.

**Sec. 4-52. Amendments to Zoning Map**

- A. Amendments to the zoning map shall be made as set forth in Article III.
- B. The Administrative Official shall update the zoning map as soon as possible after the amendments to district boundaries of rezoning are adopted by the City Commission and shall indicate on the map the date of revision.
- C. The City Clerk shall keep copies of superseded prints of the zoning map for historical reference as a public record.
- D. Under no circumstance shall any district be established, combined, amended, or abolished that would be inconsistent with the Comprehensive Plan until such time as the Comprehensive Plan is amended to allow such action.

**Sec. 4-53. Interpretation of District Boundaries**

- A. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:
  - 1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline.
  - 2. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
  - 3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
  - 4. Boundaries indicated as following railroad lines shall be construed to exist midway between the main tracks.
  - 5. Boundaries indicated as parallel to, or an extension of, features indicated in subsections one (1) through four (4) of this section should be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
  - 6. Where physical or cultural features existing on the ground are not in agreement with those shown on the zoning map, or in other circumstances not covered by subsections one (1) through five (5) of this section, the City Commission shall interpret the district boundaries.

**Sec. 4-54. Special Provisions for Lots Divided By District Boundaries**

Whenever a lot, existing on the effective date of this Ordinance, is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off-street parking and loading, or other regulations apply, the provisions of this section shall apply.

**A. Use Regulations:**

1. If more than fifty (50) percent of the lot area of the lot is located in one (1) of two (2) districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot.
2. If the lot is divided so that fifty (50) percent of the lot area lies within each of the two (2) or more districts, the applicable use regulations of the most restrictive district shall apply for the entire lot.

**B. Dimensional Requirements Regulations:**

1. If more than fifty (50) percent of the lot area is located in one (1) of two (2) districts, the dimensional requirements regulations applicable to the district containing the majority lot area shall apply to the entire lot.
2. In cases where the lot is divided so that fifty (50) percent of the lot area lies within two (2) districts or where a majority of the lot does not lie in a single district, the lot area, yard setback, height, lot coverage, and off-street parking and loading regulations and requirements for the district with the more restrictive regulations shall apply to the entire lot.

**Sec. 4-55 - 4-70. Reserved****DIVISION 3: DISTRICT REGULATIONS****Sec. 4-71. Residential, Low Density**

The following residential zoning districts are allowable within areas designated as LOW DENSITY RESIDENTIAL (LDR):

**Sec. 4-72. R-1A, Single Family, Very Low Density District**

- A. Purpose.** It is the intent of this district to provide for very low density, semi-rural, single-family, detached development of spacious character, together with public buildings, schools, churches, public recreation facilities and accessory uses as may be necessary or are normally compatible with spacious residential surroundings.

**B. Permitted uses in R-1A:**

1. Single-family, detached dwellings;
2. Leasing or renting of rooms; however the number of tenants in each dwelling shall not exceed two (2);
3. Adult Congregate Living Facilities (ACLF) with six (6) residents or less pursuant to Florida Statutes chapter 419;
4. Public facilities essential and necessary for the physical support of residential dwelling units, including water; sewer, gas, telephone, radio, television, and electric services.

**Sec. 4-73. R-1B, Single Family, Low Density District**

- A. **Purpose.** It is the intent of this district to provide for low density, single-family, residential development of a moderately spacious character, together with such public buildings, schools, churches, public recreation facilities and accessory uses as may be necessary or normally compatible with residential surroundings.

**B. Permitted uses in R-1B:**

1. Single-family, detached dwellings;
2. Leasing or renting of rooms; however the number of tenants in each dwelling shall not exceed two (2);
3. Adult Congregate Living Facilities (ACLF) with six (6) residents or less pursuant to Florida Statutes chapter 419;
4. Public facilities essential and necessary for the physical support of residential dwelling units, including water, sewer, gas, telephone, radio, television, and electric services.

**Sec. 4-74. RM-1, Mobile Home subdivision District**

- A. **Purpose.** It is the intent of this district to provide for mobile home subdivision development within the City of Starke on moderately sized lots together with such public and semi-public buildings and facilities and accessory structures as may be desirable and compatible with such development, as well as surrounding development. The minimum size area for mobile home subdivision districts shall be ten (10) acres.

**B. Permitted Uses in RM-1:**

1. Mobile homes;
2. Public facilities essential and necessary for the physical support of residential dwelling units, including water, sewer, gas, telephone, radio, television, and electric services.

**Sec. 4-75. Accessory Uses Permitted in R-1A, R-1B, and RM-1**

Garages, carports, storage rooms, swimming pools, and other structures, which are customarily incidental to the principal building, are permitted. Detached accessory structures shall not exceed five hundred (500) square feet each, and shall be set back seven (7) feet from the rear property line.

**Sec. 4-76. Uses Permitted by Special Exception in R-1A, R-1B, and RM-1**

- A. The following uses are permitted by special exception when they meet the requirements listed in section 3-61 - 3-80. (Special exceptions.)

1. Public schools or private schools offering curricula comparable to those of public schools;
2. Public recreational buildings and facilities;
3. Churches and other houses of worship, including convents and rectories, but only in conjunction with churches;
4. Golf courses;
5. Public buildings;
6. Cemeteries and mausoleums, but not funeral homes or mortuaries;
7. Private clubs and lodges;
8. Home occupations (providing all requirements of section 4-198 have been met and standards upheld).
9. Bed and Breakfast;

**Sec. 4-77. Prohibited Uses and Structures R-1A, R-1B, and RM-1**

Trade or service establishments or storage in connection with such establishments; storage or parking of commercial or industrial vehicles in excess of one ton capacity, or any vehicle not currently registered; storage' of building materials (except in connection with active construction activities on the premises); and any use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**Sec. 4-78. Dimensional Requirements**

**A. Residential uses R-1A, R-1B and RM-1**

1. Minimum lot size:

R-1A: 15,000 square feet

R-1B: 10,000 square feet

RM-1: 10,000 square feet

2. Minimum lot width:

R-1A: 100 feet



R-1B: 100 feet

RM-1: 100 feet

3. Minimum yard setbacks:

a. R-1A: Front, 30 feet

Side, each, 15 feet

Rear, 20 feet

b. R-1B: Front, 25 feet

Side, each, 10 feet

Rear, 15 feet

c. RM-1: Front, 25 feet

Side, each, 15 feet

Rear, 25 feet

4. Maximum building height R-1 A, R-1B, RM-1:

a. Principal structures, 35 feet

b. Accessory structures, 25 feet

5. Maximum lot coverage:

a. R-1A, 30 percent

b. R-1B, 35 percent

c. RM-1, 30 percent

B. Non-residential uses R-1A, R-1B, RM-1:

1. All churches, public and private schools shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building).

2. Public and private schools must meet the following criteria:
  - a. Minimum yard setbacks from any property line, 75 feet.
  - b. Maximum building height, 35 feet
3. Churches, other houses of worship, private clubs and lodges and all other permitted uses must meet the following criteria:
  - a. Minimum yard setbacks from any property line, 35 feet
  - b. Maximum building height, 35 feet

**Sec. 4-79. Residential Medium Density**

The following residential zoning districts are allowable within areas designated as MEDIUM DENSITY RESIDENTIAL (MDR):

**Sec. 4-80. R-1C, Single Family, Medium Density District**

1. **Purpose.** It is the intent of this district to provide for medium density, single-family, residential development on smaller lots, together with such public buildings, schools, churches, public recreation facilities, and accessory uses as may be necessary or normally compatible with residential surroundings.

**B. Permitted Uses:**

1. Single-family, detached dwellings;
2. Leasing or renting of rooms; however the number of tenants in each dwelling shall not exceed two (2);
3. Adult Congregate Living Facilities (ACLF) with six (6) residents or less pursuant to Florida Statutes chapter 419;
4. Public facilities essential and necessary for the physical support of residential dwelling units, including water, sewer, gas, telephone, radio, television, and electric services.

**Sec. 4-81. R-1D, Single Family, Mobile Home, Medium Density District**

- A. **Purpose.** It is the intent of this district to provide for medium density, single-family, residential development on smaller lots. Individual mobile homes may exist in the same area, together with such public and semi-public buildings and facilities and accessory structures as may be desirable and are compatible with such development.<sup>1</sup>This district shall be strictly limited to existing developed areas which are already characterized by a mixture of housing types or to areas

dominated by substandard housing in which mobile homes would improve housing quality in the area.

**B. Permitted Uses:**

1. Single-family, detached dwellings;
2. Mobile homes, which meet the following conditions and criteria:
  - a. Installation shall be accordance with Florida Administrative Code, chapter 15(c)(1.10), also called the Installation of Manufactured Homes, including the use of a permanent perimeter under floor enclosure and a permanent foundation;
  - b. Siding material shall be wood, masonry, wood-like, masonry-like or other siding material and treatment of a type generally acceptable for site-built housing;
  - c. On-site assembled home width shall be a minimum of twenty (20) feet, as measured across the narrowest portion of the home (this is not intended to prohibit offsetting of portions of the home);
  - d. The main roof shall have a minimum pitch of two and one-half (2-1/2) feet rise for each twelve (12) feet of horizontal run and a minimum roof overhang of six inches per side;
  - e. Roofing materials and treatment shall be generally acceptable material for site-built housing; and
  - f. All transportation equipment shall be removed.
3. Adult Congregate Living Facilities (ACLF) with six (6) residents or less pursuant to Florida Statutes chapter 419;
4. Leasing or renting of rooms; however the number of tenants in each dwelling shall not exceed two (2);
5. Public facilities essential and necessary for the physical support of residential dwelling units, including water, sewer, gas, telephone, radio, television, and electric services.

**Sec. 4-82. RM-2, Mobile Home Park District**

- A. Purpose.** It is the intent of this district to provide for mobile home park developments where mobile homes are occupied as single-family dwellings in order to create an environment with residential character designed to enhance living conditions and permit only those uses, activities and services which are compatible with the residential environment. The mobile home park district is a residential district, not a commercial district.

**B. Permitted Uses:**

1. Mobile homes (refer to section 4-81(B)(2)(a-f) for criteria);
2. Public facilities essential and necessary for the physical support of residential dwelling units, including water, sewer, gas, telephone, radio, television, and electric services.

**Sec. 4-83. Accessory Uses Permitted In R-1C, R-1D, and RM-2**

Garages, carports, storage rooms, swimming pools, and other structures, which are customarily incidental to the principal building are permitted. Detached accessory structures shall not exceed five hundred (500) square feet each, and shall be set back seven (7) feet from the rear property line.

In RM-2 districts only, the following accessory uses are allowed in addition to those listed in the above paragraph: Administrative management offices, club or game rooms, recreational facilities, and laundry facilities intended for use solely by the residents of the development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.

**Sec. 4-84. Uses Permitted by Special Exception in R-1C, R-1D, and RM-2**

The following uses are permitted by special exception in compliance with the requirements listed in sections 3-61 - 3-80 (special exception):

1. Public schools or private schools offering curricula comparable to those of public schools;
2. Public recreational buildings and facilities;
3. Churches and other houses of worship, including convents and rectories, but only in conjunction with churches;
4. Golf courses;
5. Public buildings;
6. Cemeteries and mausoleums, but not funeral homes or mortuaries;
7. Private clubs and lodges;
8. Home occupations (providing all requirements of section 4-198 have been met and standards upheld);
9. In the R-M2 district only, the sale of new and used mobile homes shall be permitted within the boundaries of an approved mobile home park, subject to the following conditions which are intended to protect the residential character of the park:
  - a. Allowable number. The number of mobile homes for sale at any one time shall not exceed ten (10) percent of the total number of approved mobile home spaces in the mobile home park;

- b. Location. Mobile homes for sale shall be located only on approved mobile home spaces in the mobile home park, and subject to the same setbacks and yard requirements as occupied mobile homes;
- c. Maintenance. There shall be no renovating, overhaul, or repair to mobile homes offered for sale within the mobile home park. However, customary maintenance shall be permitted such as would be allowed for an occupant while living in a mobile home; and
- d. Advertising. There shall be no advertising, signs, banners, pennants, or any type of display advertising mobile homes for sale, except that one (1) sign not to exceed four (4) square feet shall be permitted to be posted on each mobile home offered for sale;

10. Bed and Breakfast.

**Sec. 4-85. Prohibited Uses and Structures in R-1C, R-1D, and RM-2**

Trade or service establishments or storage in connection with such establishments; storage or parking of commercial or industrial vehicles in excess of one ton capacity, or any vehicle not currently registered; storage of building materials (except in connection with active construction activities on the premises); and any use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**Sec. 4-86. Approval of Mobile Home Parks**

No mobile home park may hereafter be developed or expanded until the site plan thereof has the approval of the City Commission, which approval shall be given, provided the plans as submitted meet the requirements contained in this Code.

**Concept Plan Required.** Complete site plans for mobile home parks shall be submitted at a scale no less than fifty (50) feet to the inch and shall show:

- 1. The area and dimensions of the proposed mobile home park;
- 2. The street and lot layout;
- 3. The location of water, natural gas, and sewer lines;
- 4. A preliminary drainage plan for the mobile home park prepared by a registered engineer;
- 5. Location and dimensions of all buffers, office structures, utility buildings, and recreation areas.

**Sec. 4-87. Dimensional Requirements**

A. Residential uses R-1C and R-1D:

1. Minimum lot size, 7,500 square feet
2. Minimum lot width, 75 feet
3. Minimum yard setbacks:
  - a. Front, 20 feet
  - b. Side, each, 10 feet
  - c. Rear, 10 feet

4. Maximum building height:
  - a. Principal structures, 35 feet
  - b. Accessory structures, 25 feet
5. Maximum lot coverage, 35 percent

B. Residential uses RM-2:

1. Minimum park size, 5 acres
2. Maximum density, 7 units/acre
3. Minimum setback from park boundaries, 25 feet
4. Minimum lot area, 4,500 square feet
5. Minimum horizontal distance between mobile homes:
  - a. Side to side, 20 feet
  - b. End to end, 20 feet
  - c. Side to end, 20 feet
6. Minimum horizontal distance between the corners of adjacent mobile homes that do not face each other or overlap, 20 feet
7. Minimum horizontal distance between a mobile home and a mobile home park access or circulation drive, 20 feet

C. Non-residential uses:

1. All commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building).
2. Public and private schools must meet the following criteria:
  - a. Minimum lot area:
  - b. Elementary schools, 5 acres
    - i. Middle schools, 10 acres
    - ii. High schools, 20 acres
  - b. Minimum lot width at property line, 300 feet
  - c. Minimum yard setbacks from any property line, 75 feet
  - d. Maximum building height, 35 feet
  - e. Maximum lot coverage, 20%
3. Churches, other houses of worship, private clubs and lodges, and all other permitted uses must meet the following criteria:
  - a. Minimum lot area, 1 acre
  - b. Minimum lot width, 200 feet
  - c. Minimum yard setbacks from any property line, 35 feet
  - d. Maximum building height of principal structure, excluding church spire, 35 feet
  - e. Maximum lot coverage, 2

**Sec. 4-88. Additional Requirements for Mobile Home Parks**

**A. Mobile home space:**

1. Each mobile home shall be located on a space that will permit each unit to be sufficiently supported and anchored in compliance with the State standards for anchoring mobile homes.
2. Each approved mobile home space shall be clearly defined by stakes or such other type markers that physically delineate the location of each said space within a park development.
3. A skirt or an apron, which is continually and properly maintained, shall also be required to surround each mobile home between the bottom of the unit and the ground.

- B. **Street or Driveway Improvements.** All streets or driveways shall be paved and shall meet the City's paving and drainage requirements.
- C. **Street Lighting.** All streets or driveways within the park shall be lighted in a manner that will meet or exceed the minimum street lighting requirements for subdivisions.
- D. **Usable Open Space.** A minimum of fifteen (15) percent of the gross usable land area within the mobile home park boundaries shall be designed for use as an active and/or passive recreational area(s).
- E. **Parking.** No parking shall be allowed on any mobile home park's paved access or circulation drive.
- F. **Fire Protection.** Every park shall be adequately equipped at all times with fire extinguishing equipment in good working order. No open fire shall be permitted at any place, which may endanger life or property. No fires shall be left unattended at any time.
- G. **Required Utilities:**
  - 1. **Electrical Supply.** Each mobile home park shall contain an electrical weatherproof outlet supplying at least one hundred and ten (110) volts with adequate current to provide the needs of each mobile home.
  - 2. **Water Supply.** An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park. Each mobile home space shall be provided with a cold-water tap. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing, and laundry facilities.
- H. **Required Buffers.** Mobile home parks shall be surrounded by buffer strips in accordance with section 6-4let seq., site clearing and landscape standards.
- I. **Storage Area.** Each mobile home park shall provide a common storage area for recreation equipment, which is separate from the mobile home space, parking area, and usable open space.

**Sec. 4-89. Residential, Medium and High Density**

The following R-2A, Multi-family residential zoning districts is allowable within areas designated as MEDIUM DENSITY RESIDENTIAL (MDR) and the following R-2B Multi-family residential zoning district is allowable within areas designated as HIGH DENSITY RESIDENTIAL (HDR):

**Sec. 4-90. R-2A, Multi-Family Residential District**

- A. **Purpose.** It is the intent of this district to provide for the efficient use of land through a mixture of multi-family housing types, together with such public and semi-public buildings and facilities



and accessory structures as may be desirable and are compatible with such development as well as surrounding development.

**B. Permitted Uses:**

1. Multi-family dwellings;
2. Single-family, attached and detached dwellings;
3. Leasing or renting of rooms; however the number of tenants in each dwelling shall not exceed two (2);
4. Public facilities essential and necessary for the physical support of residential dwelling units, including water, sewer, gas, telephone, radio, television, and electric services;
5. Adult Congregate Living Facilities (ACLF) with six (6) residents or less pursuant to Florida Statutes chapter 419;

**Sec. 4-91. R-2B, Multi-Family Residential District**

- A. Purpose.** The intent of the R-2B multi-family residential district is to provide for the efficient use of land through a mixture of multi-family housing types, together with such public and semi-public buildings and facilities as may be desirable and are compatible with such development as well as surrounding development.

**B. Permitted Uses:**

1. Two-family dwellings;
2. Adult Congregate Living Facilities (ACLF) with six (6) or less residents.
3. Multiple family dwellings;
4. Townhouse dwellings;
5. Zero lot line dwellings;
6. Public parks, playgrounds, and recreational facilities; and
7. Community centers.
8. Adult Congregate Living Facilities (ACLF) with six (6) residents or less pursuant to Florida Statutes chapter 419;

**Sec. 4-92. Accessory Structures Permitted in R-2A and R-2B**

- A. Garages, carports, storage rooms, swimming pools and other structures, which are customarily incidental to the principal building are permitted. Detached accessory structures shall not exceed five hundred (500) square feet each, and shall be set back seven (7) feet from the rear property line.
- B. Administrative/management offices, clubs or game rooms, recreational facilities intended for use solely by the residents of a multi-family development and their guests. Leasing or renting of these facilities for a commercial basis shall be prohibited.

**Sec. 4-93. Uses Permitted By Special Exception In R-2A and R-2B**

The following uses are permitted by special exception in compliance with the requirements listed in sections 3-61-3-80 (special exception):

**A. R2-A:**

- 1. Public schools or private schools offering curricula comparable to those of public schools;
- 2. Public recreational buildings and facilities;
- 3. Churches and other houses of worship, including convents and rectories, but only in conjunction with churches;
- 4. Power substations, telephone exchanges, and transmission facilities;
- 5. Golf courses;
- 6. Public buildings;
- 7. Cemeteries and mausoleums, but not funeral homes or mortuaries;
- 8. Private clubs and lodges;
- 9. Child day care centers;
- 10. Nursing and personal care facilities;
- 11. Home occupations (providing all requirements of section 4-198 have been met and standards upheld); and
- 12. Adult Congregate Living Facilities (ACLF) with more than six (6) residents but less than thirteen (13) residents.
- 13. Mobile homes which meet the conditions and criteria of section 4-81(B)(2)(a-f);

14. Bed and Breakfast.

**B. R-2B:**

1. Adult Congregate Living Facilities (ACLF) with more than six (6) residents;
2. Halfway houses;
3. Home occupations;
4. Religious organizations;
5. Cemeteries;
6. Public schools or private schools offering curricula comparable to those of public schools;
7. Libraries;
8. Mobile home parks;
9. Golf courses (regulation golf courses only);
10. Power substations, telephone exchanges, and transmission facilities;
11. Public buildings;
12. Private clubs and lodges;
13. Child day care centers;
14. Nursing aid personal care facilities;
15. Adult day care centers;
16. Single family dwellings constructed in accordance with requirements of the R-1A zoning district; and
17. Rooming and boarding houses.

**Sec. 4-94. Prohibited Uses and Structures R-2A and R-2B**

Trade or service establishments or storage in connection with such establishments; storage or parking of commercial or industrial vehicles in excess of one ton capacity, or any vehicle not currently registered; storage of building materials (except in connection with active construction activities on the premises); and any use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**Sec. 4-95. Dimensional requirements.****A. R-2A****1. Residential Uses, Single Family:**

- a. Minimum lot size, 6,000 square feet
- b. Minimum lot width, 60 feet
- c. Minimum yard setbacks:
  - (i) Front, 25 feet
  - (ii) Side, 10 feet total for both sides
  - (iii) Rear, 20 feet
- d. Maximum building height:
  - (i) Principal structures, 35 feet
  - (ii) Accessory structures, 25 feet
- e. Maximum lot coverage, 35 percent

**2. Residential Uses, Two-Family:**

- a. Minimum lot size, 10,000 square feet
- b. Minimum lot width, 75 feet
- c. Minimum yard setbacks:
  - (i) Front, 25 feet
  - (ii) Side, 10 feet total for both sides
  - (iii) Rear, 20 feet
- d. Maximum building height:
  - (i) Principal structures, 35 feet
  - (ii) Accessory structures, 25 feet
- e. Maximum lot coverage, 35 percent

- f. Wall separation: Two family dwelling units shall contain a two (2) hour fire-resistant wall between units.

**3. Residential Uses, Zero-Lot Line:**

- a. Minimum lot size, 4,000 square feet
- b. Minimum lot width, 40 feet
- c. Minimum yard setbacks:
  - (i) Front, 20 feet
  - (ii) Side, 15 feet total for both sides
  - (iii) Rear, 20 feet
- d. Maximum building height:
  - (i) Principal structures, 35 feet
  - (ii) Accessory structures, 25 feet
- e. Maximum lot coverage, 35 percent
- f. Building separation: An open space separation at least fifteen (15) feet wide shall be provided between all dwelling units in zero-lot line detached single family housing development. When zero-lot line detached single family dwellings are adjacent to existing residential development, an open space separation of at least fifteen (15) feet wide shall separate the developments.

**4. Multi-family dwelling units;**

- a. Minimum lot area, 5,445 square feet
- b. Minimum lot width, 75 feet
- c. Minimum yard setback:
  - (i) Front, 20 feet
  - (ii) Side, 10 feet
  - (iii) Rear, 30 feet

**5. Non-residential uses:**

- a. All commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building).
- b. Public and private schools must meet the following criteria:
  - (i) Minimum yard setbacks from any property line, 75 feet
  - (ii) Maximum building height, 35 feet
- c. Churches, other houses of worship, private clubs and lodges, and all other permitted uses must meet the following criteria:
  - (i) Minimum yard setbacks from any property line, 35 feet
  - (ii) Maximum building height, 35 feet

**B. R2-B**

**1. Two Family Dwellings:**

- a. Minimum lot area, 6,000 square feet.
- b. Minimum lot width, 60 feet.
- c. Minimum yards:
  - (i) Front, 20 feet
  - (ii) Side, 10 feet
  - (iii) Rear, 30 feet
- d. Wall separation: Two family dwellings shall contain a two (2) hour fire resistant wall between units.
- e. Maximum lot coverage, 35 percent
- f. Maximum height, 35 feet

**2. Zero Lot Line Dwellings:**

- a. Minimum lot area, 4,000 square feet.
- b. Minimum lot width, 40 feet.

- c. Minimum yards:
  - (i) Front, 20 feet
  - (ii) Side. When the building is constructed on the lot line, the other side yard shall be a minimum of 15 feet. In all other instances the total for both side yards shall be a minimum of 15 feet.
  - (iii)Rear, 20 feet
- d. Wall separation. An open space separation at least 15 feet wide shall be provided between all dwelling units in zero lot line detached single-family housing developments. When zero lot line detached single family dwellings are adjacent to existing residential development, an open space separation of at least 15 feet wide shall separate the developments.
- e. Maximum lot coverage, 35 percent
- f. Maximum height, 35 feet

**3. Multiple Family Dwelling Units:**

- a. Minimum lot area, 2,178 square feet.
- b. Minimum lot width, 75 feet.
- c. Minimum yards:
  - (i) Front, 20 feet
  - (ii) Side, 10 feet
  - (iii)Rear, 30 feet
- d. Building separation. An open space separation at least 15 feet wide shall be provided between all dwelling units in zero lot line detached single-family housing developments. When zero lot line detached single family dwellings are adjacent to existing residential development, an open space separation of at least 15 feet wide shall separate the developments.
- e. Maximum lot coverage, 35 percent
- f. Maximum height, 48 feet

**Sec. 4-96. RP, Residential Professional District**

- A. **Purpose.** It is the intent of this district to allow the reasonable and orderly development of areas through a mixture of single-family and multi-family residences, low-intensity professional, business and financial services office development, together with such public and semi-public buildings and facilities and accessory structures as may be desirable and are compatible with such development, as well as surrounding development.

**B. Permitted Uses:**

1. Professional services;
2. Single-family, detached dwellings;
3. Two (2) family residences (duplexes);
4. Multi-family residences; and
5. Sewer lift stations.

**C. Accessory uses permitted:**

All accessory structures customarily located and constructed with any one of the permitted principal structures are permitted.

**D. Uses permitted by special exception:**

The following uses are permitted by special exception when they meet the requirements in sections 3-61-3-80 special exception):

1. Public schools or private schools offering curricula comparable to those of public schools;
2. Churches and other houses of worship, including convents and rectories, but only in conjunction with churches;
3. Public buildings and services;
4. Power substations, telephone exchanges, transmission facilities;
5. Nursing and convalescent homes;
6. Nursery and child care facilities;
7. Parks and recreation areas;
8. Commercial recreational facilities;
9. Cemeteries;



10. Private clubs and lodges;
11. Business and financial services;
12. Product sales in conjunction with medical facilities, when the sale activity is not the primary function.
13. Open area market.

**E. Prohibited Uses, and Structures:**

1. Retail-commercial, sales, and services;
2. Drive-in restaurants;
3. Gasoline service stations and car washes;
4. Auto sales and services;
5. . Bars, cocktail lounges, and package stores;
6. Any use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**F. Dimensional Requirements.**

All principal and accessory structures shall be constructed in accordance with the following requirements:

**1. Single-family dwellings:**

Single-family dwellings shall be constructed in accordance with all requirements of the single-family residential district R-2A.

**2. Non-residential uses:**

- a. All commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).
- b. Public and private schools must meet the following criteria:
  - (i) Minimum yard setbacks from any property line, 75 feet
  - (ii) Maximum building height, 35 feet

- c. Churches, other houses of worship, private clubs and lodges:
  - (i) Minimum lot area, 1 acre.
  - (ii) Minimum lot width, 200 feet.
  - (iii) Minimum yard setbacks from any property line, 35 feet.
  - (iv) Maximum building height of principal structure excluding church spire, 35 feet.
  - (v) Maximum lot coverage, 20 percent.
- d. All other permitted uses:
  - (i) Minimum lot size, 6,000 square feet.
  - (ii) Minimum lot width, 60 feet.
  - (iii) Minimum yard setbacks:
    - (a) Front, 10 feet.
    - (b) Side, interior, 10 feet.  
Side, street, 10 feet
    - (c) Rear, 20 feet.
  - (iv) Maximum building height for principal structures, 35 feet.
  - (v) Maximum lot coverage, 35 percent.
- e. Accessory structures:
  - (i) No accessory structure, excluding fences or walls shall be closer to any property line than required setbacks; however, an accessory structure to a residential dwelling may be as close as 7 feet from any rear property line.
  - (ii) An accessory structure shall not exceed two stories or 25 feet in height.

**G. Special Regulations.** In addition to the dimensional requirements listed above, the following regulations shall apply when required:

1. Access (See section 4-194);
2. Nonconformities (See sections 7-1-7-9);

3. Off-street parking and loading facilities (See sections 6-1-6-19);
4. Performance standards (See section 4-208);
5. Site plan approval for multi-family, commercial, and industrial development (See section 3-1 et.seq.).
5. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).
- 6.

**Sec. 4-97. COMMERCIAL**

The following zoning districts are allowable within areas designated as COMMERCIAL (C):

**Sec. 4-98. B-1, Neighborhood Commercial District**

- A. **Purpose.** It is the intent of this district to provide convenience-type shopping and limited service for one or two localized residential areas. This district is not intended to accommodate large scale commercial or service activities.

**B. Permitted Uses.**

1. Uses Permitted By Right:
  - a. Grocery stores;
  - b. Convenience type stores; and
  - c. Laundromats.
2. Accessory uses permitted: All accessory structures customarily located and constructed with any one of the permitted principal structures.
3. The following uses are permitted by special exception when they meet the requirements listed in sections 3-6-3-80 (special exception).
  - a. Gasoline service stations, provided:
    - (i) Service stations' principal and accessory buildings and gasoline pumps shall not be constructed closer than forty (40) feet to any residential district;
    - (ii) Gasoline pump islands shall not be located closer than twenty (20) feet to any street right-of-way line; however, where pump islands are constructed perpendicular to the

pavement edge, the pump island shall be located not less than thirty (30) feet back of the right-of-way;

- (iii) Canopies shall not be constructed closer than fifteen (15) feet from any street right-of-way. (The Code states that variances may only be given when special conditions prevent the beneficial use of land. If a gasoline station may be constructed on a lot, the land has a beneficial use and, therefore, no variance may be given permitting the canopy to extend closer than fifteen (15) feet to the street right-of-way.)

**C. Dimensional Requirements.** All principal and accessory structures shall be located and constructed in accordance with the following requirements:

1. Grocery Stores, Convenience Type Stores, Laundromats:

- a. Minimum lot area, 1 acre.
- b. Minimum lot width, 200 feet.
- c. Minimum yard setbacks:

(i) Front yard:

<u>Type Street</u>	<u>Setback</u>
Arterial	45 feet
Collector	35 feet
Local	25 feet

(ii) Side yard, street, 10 feet

(iii) Side yard, interior, none (except where the side yard abuts a residential property, 15 feet)

(iv) Rear yard, none (except where the rear yard abuts a residential property, 25 feet)

- d. Maximum height of principal structure, 35 feet
- e. Maximum lot coverage of principal structure and accessory building, 35 percent

2. Gasoline service stations:

- a. Minimum lot size, 15,000 square feet
- b. Minimum width of lot, 125 feet

- c. Minimum depth of lot, 100 feet
  - d. Minimum setbacks:
    - (i) Front:
      - (a) Principal structure, 25 feet
      - (b) Pump island, 20 feet
    - (ii) Side, street:
      - (a) Principal structure, 25 feet
      - (b) Pump island, 20 feet
    - (iii) Side, interior:
      - (a) Principal structure, 10 feet (except where side yard abuts a residential property, 40 feet)
      - (b) Pump island, 20 feet
    - (iv) Rear, none (except where the rear yard abuts a residential property, 40 feet)
  - e. Maximum building height of principal structure, 35 feet
  - f. Maximum lot coverage of principal structure and accessory building, 35 percent
3. Accessory structures:
- a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required setbacks;
  - b. An accessory structure shall not exceed two stories or 25 feet in height.

#### **D. Special Regulations.**

In addition to the dimensional requirements listed above, the following regulations shall apply when required.

- 1. Access (See section 4-1-194);
- 2. Non-conformities (See sections 7-1-7-9);
- 3. Off-street parking and loading facilities (See sections 6-1-6-19);

4. Performance standards (See section 4-208);
5. Site plan approval for multi-family, commercial, and industrial development (See section 3-5).
6. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).

**Sec. 4-99. B-2, Community Commercial District**

- A. **Purpose.** It is the intent of this district to provide for existing or potential office, business, and commercial facilities which occur outside planned centers and are designed to serve the general needs of the City of Starke. Any use that is not permitted by right and not prohibited as stated in section 4-99 (C) may be permitted pursuant to section 4-214.

**B. Permitted Uses.**

1. Uses permitted by right:
  - a. Professional services;
  - b. Business and financial services;
  - c. Retail-commercial, sales, and services except for those prohibited;
  - d. Personal services;
  - e. Churches and schools;
  - f. Eating establishments;
  - g. Public buildings and services;
  - h. Power substations, telephone exchanges, transmission facilities, and sewer lift stations;
  - i. Funeral homes;
  - j. Nursing and convalescent homes;
  - k. Hospitals and clinics;
  - l. Veterinary clinics;

- m. Nursery and child care facilities;
  - n. Commercial recreational facilities;
  - o. Parks and recreation areas;
  - p. Cemeteries.
- 2. Accessory uses permitted: All accessory structures customarily located and constructed with any one of the permitted principal structures.
  - 3. Uses permitted by special exception when they meet the requirements listed in sections 3-61-3-80 (special exception):
    - a. Gasoline service stations and car washes;
    - b. Auto sales and service;
    - c. Parking lots (commercial);
    - d. Bars, cocktail lounges, and package stores; and
    - e. Mini-warehouses.
    - f. New residential uses in conjunction with a commercial use; provided that the residential and commercial uses occupy the same building or structure.

**C. Prohibited Uses and Structures.**

- 1. Light and general industrial uses;
- 2. Lumber and building material sales;
- 3. Contractor shops and yards;
- 4. Mobile home sales;
- 5. Drive-in movie theaters;
- 6. Petroleum bulk storage and sales;
- 7. Junk yards;
- 8. Any use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**D. Dimensional Requirements.**

All principal and accessory structures shall be located and constructed in accordance with the following requirements:

1. All principal and accessory structures except gasoline service stations and car washes:
  - a. Minimum lot size, none
  - c. Minimum lot width, none
  - d. Minimum yard setbacks:
    - (i) Front, none
    - (ii) Side, street, none
    - (iii) Side, interior, none (except where the side yard abuts a residential district boundary, 25 feet)
    - (iv) Rear, none (except where the rear yard abuts a residential district boundary, 25 feet)
  - d. Maximum building height of principal structures, 35 feet
  - e. Maximum lot coverage, 100 percent
2. Gasoline service stations and car washes:
  - a. Minimum lot size, 15,000 square feet
  - b. Minimum width of lot, 100 feet
  - c. Minimum depth of lot, 100 feet
  - d. Minimum setbacks:
    - (i) Front:
      - (a) Principal structure, 25 feet
      - (b) Pump island, 20 feet
    - (ii) Side, street:
      - (a) Principal structure, 25 feet
      - (b) Pump island, 20 feet
    - (iii) Side, interior:



- (a) Principal structure, 10 feet, or where the side yard abuts a residential district 40 feet
- (b) Pump island, 20 feet
- (v) Rear, none or 40 feet where the rear yard abuts a residential property
- e. Maximum building height of principal structure, 35 feet
- f. Maximum lot coverage, 100 percent
- 3. Accessory Structure:
  - a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required setbacks.
  - b. An accessory structure shall not exceed two stories or 25 feet in height.

#### E. Special Regulations.

In addition to the dimensional requirements above, the following regulations shall apply when required:

1. Access (See section 4-194);
2. Non-conformities (See sections 7-1-7-9);
3. Off-street parking and loading facilities (See sections 6-1-6-19);
4. Performance standards (See section 4-208);
5. Site plan approval for multi-family, commercial, and industrial development (See section 3-1 et seq.)
6. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).

#### Sec. 4-100. B-3 Highway Commercial District

- A. **Purpose.** It is the intent of this district to accommodate those forms of business that primarily serve the needs of the traveling public, and which therefore require adequate and convenient commercial locations adjacent to major transportation arteries. Any use that is not permitted by right and not prohibited as stated in section 4-100 (C) is prohibited.

**B. Permitted Uses:**

1. Uses permitted by right:
  - a. Eating establishments, including drive-in restaurants;
  - b. Hotels, motels, or motor lodges, tourist homes;
  - c. Gasoline service stations;
  - d. Retail - commercial, sales and service, except those prohibited;
  - e. Power substations, telephone exchanges, transmission facilities, and sewer lift stations;
  - f. Public buildings and services;
  - g. Drive-in theaters;
  - h. Mobile home sales - excluding residential uses;
  - i. Shopping centers;
  - j. Boat and marine supply sales;
  - k. Laundries and dry cleaning establishments;
  - l. Railroad and bus terminals;
  - m. Churches;
  - n. Campgrounds and travel trailer parks;
2. Accessory uses permitted:
  - a. All accessory structures that are customarily located near or constructed with any one of the permitted principal structures and ancillary to its use.
  - b. The following accessory structures shall be permitted:
    1. Car washes, in conjunction with gasoline service stations;
    2. Accessory structures permitted in conjunction with hotels, motels, or motor lodges;
  3. Uses permitted by special exception in compliance with the requirements listed in sections 3-61-3-80. (special exception):
    - a. Bars and cocktail lounges;

- b. Automobile and truck sales and service;
- c. Funeral homes;
- d. Cemeteries; and
- e. Mini-warehouses.

**C. Prohibited Uses and Structures**

- 1. Light and general industrial uses;
- 2. New residential uses;
- 3. Lumber and building material sales;
- 4. Contractor shops and yards;
- 5. Petroleum bulk storage and sales;
- 6. Junk yards; and
- 7. Any other use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**D. Dimensional Requirements.** All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- 1. All principal and accessory structures except churches, gasoline service stations and car washes:
  - a. Minimum lot area, 10,000 square feet, (except hotels, motels, and motor lodges, 20,000 square feet)
  - b. Minimum lot width at property line, 100 feet
  - c. Minimum lot depth, 100 feet
  - d. Minimum yard setbacks:
    - (i) Front, 40 feet
    - (ii) Side, street, 25 feet
    - (iii), Side, interior, 10 feet ( 25 feet where the side yard abuts a residential district)

- (v) Rear, 10 feet (25 feet where the rear yard abuts a residential district).
  - e. Maximum building height of principal structure, 35 feet
  - f. Maximum lot coverage, 60 percent
2. Gasoline service stations and car washes:
- a. Minimum lot size, 15,000 square feet
  - b. Minimum width of lot, 100 feet
  - c. Minimum depth of lot, 100 feet
  - d. Minimum setbacks:
    - (i) Front:
      - (a) Principal structure, 25 feet
      - (b) Pump island, 20 feet
    - (ii) Side, street:
      - (a) Principal structure, 25 feet.
      - (b) Pump island, 20 feet
    - (iii) Side, interior:
      - (a) Principal structure, 10 feet (40 feet where the rear yard abuts a residential district)
      - (b) Pump island, 20 feet
    - (v) Rear, none
  - e. Maximum building height of principal structure, 35 feet.
  - f. Maximum lot coverage, 60 percent
3. Churches and other houses of worship and all other permitted uses:
- a. Minimum lot size, 1 acre
  - b. Minimum lot width, 200 feet
  - c. Minimum yard setbacks from any property line, 35 feet

- d. Maximum building height of principal structure, 35 feet
- e. Maximum lot coverage, 20 percent
- 4. Accessory structures:
  - a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required yard setbacks.
  - b. An accessory structure shall not exceed two stories or 25 feet in height
- E. **Special Regulations.** In addition to the dimensional requirements above, the following regulations shall apply when required:
  - 1. Access (See section 4-194);
  - 2. Non-conformities (See sections 7-1-7-9);
  - 3. Off-street parking and loading facilities (See sections 6-1-6-19);
  - 4. Performance standards (See section 4-208);
  - 5. Site plan approval for multi-family, commercial, and industrial development (See section 3-1 et seq.).
  - 6. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).

**Sec. 4-101. BP, Business Professional District**

- A. **Purpose.** It is the intent of this district to allow the reasonable and orderly development of those areas no longer suitable for low density residential land uses, and to limit uses to a mixture of higher density residential uses and low intensity professional, business, and financial services. Office development together with such public and semi-public buildings and facilities and accessory structures as may be desirable and are compatible with such development as well as surrounding development.

**B. Permitted Uses.**

- 1. Uses permitted by right:
  - a. Uses permitted by right
  - b. Business and financial services;

- c. Multi-family dwellings.
- 2. Accessory uses permitted: All accessory uses customarily located and constructed with any one of the permitted principal structures.
- 3. The following uses are permitted by special exception when they meet the requirements listed in sections 3-16-3-80 (special exception):
  - a. Churches and schools;
  - b. Eating establishments;
  - c. Public buildings and services;
  - d. Power substations, telephones exchanges, transmission facilities, and sewer lift stations;
  - e. Funeral homes;
  - f. Nursing and convalescent homes;
  - g. Hospitals and clinics;
  - h. Veterinary clinics;
  - i. Nursery and child care facilities;
  - j. Indoor amusements;
  - k. Parks and recreation areas;
  - l. Cemeteries; and
  - m. Private clubs and lodges

**C. Prohibited Uses and Structures**

- 1. New single-family residential uses;
- 2. Retail – commercial, sales and services;
- 3. Drive-in restaurants;
- 4. Gasoline service stations and car washes;
- 5. Auto sales and services;
- 6. Bars, cocktail lounges, and package stores; and

7. Any use or structure not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**D. Dimensional requirements.** All principal and accessory structures shall be located and constructed in accordance with the following requirements:

1. Multi-family dwellings: Multi-family dwellings shall be constructed to meet with all the requirements of the multi-family residential district R-2A as stated in Article IV, division 3, of this Code;
2. Public and private schools:
  - a. Minimum lot area:
    1. Elementary schools, 5 acres
    2. Middle schools, 10 acres
    3. High schools, 15 acre
  - b. Minimum lot width at property line, 300 feet
  - c. Minimum yard setbacks from any property line, 75 feet
  - d. Maximum building height for principal structures, 35 feet
  - e. Maximum lot coverage, 20 percent
3. Churches, other houses of worship, private clubs and lodges:
  - a. Minimum lot area, 1 acre
  - b. Minimum lot width, 200 feet
  - c. Minimum yard setbacks from any property line, 35 feet
  - d. Maximum building height of principal structure excluding church spire, 35 feet
  - e. Maximum lot coverage, 20 percent
4. All other permitted uses:
  - a. Minimum lot size, 5,000 square feet
  - b. Minimum lot width, 50 feet
  - c. Minimum yard setbacks:

- (i) Front, 10 feet
  - (ii) Side, interior, 10 feet
  - (iii) Side, street, 10 feet
  - (iv) Rear, 20 feet
- d. Maximum building height for principal structure, 35 feet
- e. Maximum lot coverage, 35 percent
- 5. Accessory structures:
  - a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required setbacks;
  - b. An accessory structure shall not exceed two stories or 25 feet in height.

#### **E. Special Regulations**

In addition to the dimensional requirements above, the following regulations shall apply where required:

- 1. Access (See section 4-194);
- 2. Non-conformities (See sections 7-1-7-9);
- 3. Off-street parking and loading facilities (See sections 6-1-6-19);
- 4. Performance standards (See section 4-209);
- 5. Site plan approval for multi-family, commercial, institutional and industrial development (See section 3-1 et seq.).
- 6. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).

#### **Sec. 4-102. INDUSTRIAL DISTRICTS**

The following zoning districts are allowed within the INDUSTRIAL land use category:

#### **Sec. 4-103. I.1, Light Industrial District**



- A. **Purpose.** It is the intent of this district to provide for the development of certain types of retail-commercial sales and services, warehousing, wholesaling, and offices and shops of small contractors as well as research operations and light manufacturing concerns not likely to cause undesirable effects upon nearby or adjacent residential or commercial property.

B. **Permitted Uses.**

1. Uses permitted by right:
  - a. Warehousing, moving, and storage concerns;
  - b. Wholesaling concerns;
  - c. Bottling plants;
  - d. Retail - Commercial sales and services:
    - (i) Lumber and building materials;
    - (ii) Contractor and exterminator concerns;
    - (iii) Vehicular and equipment sales and services;
  - e. Research laboratories and activities;
  - f. Light industrial activities:
    - (i) Bus, truck, and railroad terminals;
    - (ii) Pipeline transportation;
    - (iii) Manufacturing and repairing of light sheet metal products and fiberglass products;
    - (iv) Light manufacturing, assembling, processing, and packaging plants;
  - g. Printing, bookbinding, lithograph, and publishing plants;
  - h. Photographic processing or blue printing;
  - i. Dry cleaning and laundry establishments;
  - j. Business offices, accessory to the primary industrial activity;
  - k. Public buildings;
  - l. Power substations, telephone exchanges, transmission facilities, and sewer lift stations;

- m. Radio and television stations;
  - n. Eating establishments;
  - o. Plumbing sales and fabrication;
  - p. Veterinary hospitals and kennels;
  - q. Automobile and truck sales and services;
  - r. Bakeries.
2. Accessory uses permitted: Storage of goods used in or produced by permitted retail-commercial and industrial uses or related activities, subject to applicable district regulations is permitted.
  3. The following uses are permitted by special exception when they meet the requirements listed in sections 3-61-3-80 (special exception).
    - a. Radio and television towers;
    - b. Bars, cocktail lounges, and package stores;
    - c. Gasoline service stations and car washes provided:
      - (i) Service stations' principal accessory buildings and gasoline pumps shall not be constructed closer than forty (40) feet to any residential district;
      - (ii) Gasoline pump islands shall not be located closer than twenty (20) feet to any street right-of-way line; however, where pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than thirty (30) feet back of the right-of-way line;
      - (iii) Canopies shall not be constructed closer than fifteen (15) feet from any street right-of-way. (The Code states that variances may only be given when special conditions prevent the beneficial use of land. If a gasoline station may be constructed on a lot, the land has a beneficial use, and, therefore, no variance may be given permitting the canopy to extend closer than fifteen (15) feet to the street right-of-way.)

**C. Prohibited Uses and Structures.**

1. Petroleum bulk storage and sales;
2. Livestock yards;
3. New residential uses;
4. Explosives and fireworks manufacturing and storage;

5. Any use not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**D. Dimensional Requirements.** All principal and accessory structures shall be located and constructed in accordance with the following requirements:

1. Warehousing, wholesaling, retail-commercial sales and services, research laboratories, light industrial activities and all other permitted uses:
  - a. Minimum lot size, none.
  - b. Minimum lot width, none.
  - c. Minimum yard setbacks:
    - (i) Front, 30 feet
    - (ii) Side, interior, 20 feet
      - (a) Except where the side yard abuts a residential district boundary, 50 feet
      - (b) Except where the side yard abuts a railroad siding, none
  - d. Maximum lot coverage, 60 percent
2. Accessory structures: No accessory structure, excluding fences or walls, shall be closer to any property line than the required setbacks.
3. Additional requirements:
  - a. All manufacturing, assembling, or processing located within one hundred (100) feet of a residential district boundary of any kind (except storage and off-street parking and loading) shall be conducted within completely enclosed structures;
  - b. No outdoor storage of materials or products shall be permitted in any of the required setback areas;
  - c. When a new principal building is constructed, or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent, or a change is made in the use of a property, a compatibility landscape buffer (as defined in section 6-45(D)) must be provided along all property lines which adjoin a residential zone. This provision may be waived only when competent substantial evidence is presented to the Board of Adjustment that such a buffer would serve no useful purpose. Such evidence shall be heard in the same manner as a request for other variances, and

adjoining property owners must be notified of the Board of Adjustment meeting at which the request will be heard.

E. **Special Regulations.** In addition to the dimensional requirements above, the following regulations shall apply where required:

1. Access (See section 4-194);
2. Non-conformities (See sections 7-1-7-9);
3. Off-street parking and loading facilities (See sections 6-1-6-19);
4. Performance standards (See section 4-209);
5. Site plan approval for multi-family, commercial, and industrial development (See section 3-1 et seq.);
6. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5 a 10,000 square foot parcel may contain up to five thousand (5,000) square feet of building area).

**Sec. 4-104. I-2, General Industrial District**

A. **Purpose.** It is the intent of this district to provide areas in appropriate locations where various heavy and extensive industrial operations can be conducted without creating hazards to the public and causing property devaluation of surrounding lands.

**B. Permitted Uses.**

Uses permitted by right:

- a. All uses permitted by right in the I-1 (light industrial) district;
- b. Agricultural feed and grain packaging, blending and storage facilities;
- c. Asphalt and concrete products or central mixing and proportioning plants;
- d. Chemical industries;
- e. Fertilizer, organic or non-organic, plants;
- f. Meat packing facilities, including livestock yards and slaughterhouses in conjunction with the meat packing operation;
- g. Petroleum bulk storage and sales;

- h. Glass manufacturing and products;
  - i. Well drilling concerns, including the manufacturing of well drilling equipment;
  - j. Construction operations and storage yards;
  - k. Brick, firebrick, and clay products;
  - l. Wallboard and plaster, building, insulation, and composition flooring operations;
  - m. Agricultural and forestry activities.
- 2. Accessory uses permitted: Storage of goods used in or produced by permitted retail-commercial and industrial uses or related activities is permitted subject to applicable district regulations.
  - 3. Uses permitted by special exception when they meet the requirements listed in sections 3-61.-3-80. (special exception):
    - a. Radio and television towers;
    - b. Junkyards;
    - c. Gasoline service stations and car washes.

**C. Prohibited Uses and Structures**

- 1. New residential uses;
- 2. Explosives and fireworks manufacturing and storage;
- 3. Any use not specifically permitted herein or permissible as an exception may be permitted pursuant to section 4-214.

**D. Dimensional Requirements.** All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- 1. Warehousing, wholesaling, retail-commercial sales and services, research laboratories, light industrial, and general industrial activities, and all other permitted uses:
  - a. Minimum lot size, none
  - b. Minimum lot width, none

c. Minimum yard setbacks.

(i) Front, 30 feet

(ii) Side, interior, 20 feet

(a) Except where the side yard abuts a residential boundary, 50 feet

(b) Except where the side yard abuts a railroad siding, none

(iii) Side, street, 25 feet

(iv) Rear, 10 feet

(a) Except where the rear yard abuts a residential boundary, 50 feet

(b) Except where the rear yard abuts a railroad siding, none

2. Accessory structures. No accessory structure, excluding fences or walls, shall be closer to any property line than the required setback.

3. Additional requirements:

a. All manufacturing, assembling or processing operations located within one hundred (100) feet of a residential district boundary of any kind (except storage and off-street parking and loading) shall be conducted within completely enclosed structures.

b. No outdoor storage of materials or products shall be permitted in any of the required yard setback areas.

c. When a new principal building is built, or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent, or a change is made in the use of a property, a compatibility landscape buffer (as defined in section 6-45(D)) must be provided along all property lines which adjoin a residential zone. This provision may be waived only when competent substantial evidence is presented to the Board of Adjustment that such a buffer would serve no useful purpose. Such evidence shall be heard in the same manner as a request for other variances, and adjoining property owners must be notified of the Board of Adjustment meeting at which the request will be heard.

E. **Special Regulations.** In addition to the dimensional requirements above, the following regulations shall apply where required:

1. Access (See section 4-194);
2. Non-conformities (See sections 7-1-7-9);
3. Off-street parking and loading facilities (See sections 6-1-6-19);
4. Site plan approval for multi-family, commercial, and industrial development (See section 3-1 et. seq.).
5. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).

**Sec. 4-105. AGRICULTURAL DISTRICT**

A. **Purpose.** It is the intent of this district to provide for agricultural lands along with the customary single-family residential and accessory uses associated with agricultural pursuits.

**B. Permitted Uses.**

1. Uses permitted by right:
  - a. Uses permitted on parcels of land of 5 or more acres:
    1. Single-family, detached dwellings;
    2. All agricultural pursuits except swine and commercial poultry operations;
    3. Processing, packaging, and sale of agricultural products and commodities which are raised on the premises;
    4. Public recreational buildings and facilities;
    5. Cemeteries;
    6. Greenhouses and plant nurseries;
    7. Churches and other houses of worship, including convents and rectories operated in conjunction with churches.
  - b. Uses permitted on parcels of land of 2.5 to 5 acres:
    1. Single-family detached dwellings;
    2. Limited agricultural uses not to exceed, per acre, the following:

- (i) Forty chickens or other poultry;
  - (ii) Two horses for personal use;
  - (iii) Two cows or other cattle;
  - (iv) Sheep or goats;
- 3. Greenhouses and plant nurseries;
- 4. Churches and other houses of worship, including convents and rectories operated in conjunction with churches; and
- 5. Cemeteries.
- 2. Accessory uses permitted: Barns, stables, garages, carports, storage rooms, swimming pools, and other uses, which are customarily incidental to agricultural and residential uses.
- 3. The following uses permitted by special exception when they meet the requirements listed in sections 3-61-3-80. (special exceptions):
  - a. Commercial kennels, veterinary clinics or hospitals;
  - b. Mobile homes;
  - c. Boarding of horses and horses for hire; and
  - d. Radio towers and antennae.
- C. **Prohibited Uses and Structures.** Trade or service establishments or storage in connection with such establishments; storage or parking of commercial or industrial vehicles equal to or in excess of one ton capacity, not incidental to agricultural pursuits, or any vehicle not currently registered; storage of building materials (except in connection with active construction activities on the premises); or any use or structures not specifically permitted herein or permissible as an exception are prohibited may be permitted pursuant to section 4-214..
- D. **Dimensional Requirements**
  - 1. Agricultural uses:
    - a. Minimum lot size, 2.5 acres; 5 acres for dwelling units
    - b. Minimum lot width, 200 feet
    - c. Minimum lot depth, 150 feet
    - d. Minimum yard setbacks:



- (i) Front, 50 feet
  - (ii) Side, each, 25 feet
  - (iii) Rear, 50 feet
- e. Maximum building height for principal structure, 35 feet
- f. Maximum lot coverage, 20 percent
- 2. Churches, other houses of worship, private clubs, and lodges and all other permitted uses:
  - a. Minimum lot area, 1 acre
  - b. Minimum lot width, 200 feet
  - c. Minimum yard setbacks from any property line, 35 feet
  - d. Maximum building height of principal structure, excluding church spire, 35 feet
  - e. Maximum lot coverage, 20 percent
- 3. Accessory structures:
  - a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required setbacks.
  - b. Accessory buildings used for processing, packaging, agricultural sales, poultry houses, stables, or feed lots shall be no closer than 100 feet to any lot or property line.

**E. Special Regulations.** In addition to the dimensional requirements above, the following regulations shall apply where required:

- 1. Access (See section 4-194);
- 2. Home occupations (See section 4-198);
- 3. Non-conformities (See sections 7-1-7-9);
- 4. Off-street parking and loading facilities (See sections 6-1-6-19);
- 5. Parking, storage, or use of major recreational equipment (See section 4-207);
- 6. Performance standards (See section 4-208).
- 7. The density and intensity of development for commercial, industrial, and public use areas shall be limited to a Floor Area Ratio (FAR) of 0.5. FAR is the ratio of building area that may be constructed relative to the amount of land area available (e.g., where the FAR equals 0.5, a 10,000 square foot parcel may contain up to 5,000 square feet of building area).

**Sec. 4-106. PUD, Planned Unit Development District**

- A. Purpose.** Purpose. The "PUD" Planned Unit Development category includes one (1) zone district: "PUD". The purpose of this district is to permit Planned Unit Developments to include residential and nonresidential uses as planned communities within lands classified as residential on the Future Land Use Plan Map of the Comprehensive Plan, as well as commercial complexes within lands classified as commercial and industrial complexes within lands classified as industrial on the Future Land Use Plan Map of the Comprehensive Plan, which are intended to: (1) encourage the development of planned communities, commercial or industrial complexes (2) encourage flexible and creative concepts of site planning; (3) preserve the natural amenities of the land by establishing common open space and undeveloped areas that preserve natural resources scenic vistas and serve as functional open areas; (4) accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations; (5) provide for an efficient use of land, efficient location and utilization of infrastructure through orderly and economical development resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and (6) provide a stable environmental character compatible with surrounding areas.

**B. Permitted Principal Uses and Structures**

1. Residential dwellings including single family attached and detached dwellings, duplex dwellings, and multiple family dwellings.
2. Public or private schools offering curricula comparable to that of public schools. Site and Development Plan approval shall be required and such Site and Development Plan shall conform at a minimum to the performance standards for schools, provided in the land development code.
3. Churches and other houses of worship.
4. Golf courses, country clubs, and racquet and tennis clubs.
5. Nonresidential uses, light industrial, commercial uses and offices, clinics and professional uses.
6. Public buildings and facilities.
7. Community residential homes within multiple dwelling unit areas of planned unit developments.

**C. Permitted Accessory Uses and Structures**

1. On-site signs (see also Sec. 6-20).

2. Uses and structures which:

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

**D. Special Exceptions**

- 1. Home occupations (see Sec. 1-12).

**E. Definitions**

In addition to the definitions contained in Article 1, the following terms, phrases, words, and derivations shall have the following meaning.

- 1. Applicant. Applicant is a landowner or the landowner's agent who files a petition for a zoning amendment to a Planned Unit Development District.
- 2. Common Open Space. Common Open Space is an area of land, or an area of water, or a combination of land and water within the area of a Planned Unit Development in common. Common open shall satisfy the following standards:
  - a. Common open space shall be dedicated to and usable by all residents of the planned unit development.
  - b. Common open space set aside for preservation of natural features or listed species habitat or buffering purposes shall remain undisturbed and be protected by conservation easements.
  - c. Location, size, shape and character of common open space shall be depicted on the planned unit development plan.
  - d. Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings. Retention areas may only make up fifty (50) percent of common open space and only if they are designed to function as a usable amenity with in the planned unit development.
  - e. Common open space shall be maintained by the homeowners association.

3. **Development Plan.** Development plan is the proposal for development of a Planned Unit Development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of building, density of development, common open space, and public facilities.
4. **Gross Density.** Gross Density is the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a Planned Unit Development.
5. **Net Residential Acreage.** Net Residential Acreage is the total number of acres within the perimeter boundaries of a Planned Unit Development excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, recreation, and other permitted non-residential uses.
6. **Planned Unit Development.** Planned Unit Development (PUD), (a) is a concept which require land to be under unified control, planned and developed as a whole in a single development or approved, programmed series of developments for dwelling units and related uses and facilities; (b) is a plan which, when adopted, becomes the land development regulations for the land to which it is applied; (c) includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and (d) is a concept which, when implemented, allows for development according to comprehensive and detailed plans which include not only streets, utilities, building sites, and the like, but also site plans and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses, and improvements on the land as related to the buildings.

#### **F. Procedure for Approval of a Planned Unit Development**

The procedure for obtaining a change in zoning for the purpose of undertaking a Planned Unit Development shall be as follows:

1. **Planned Unit Development Zoning and Preliminary Development Plan Approval.**  
The applicant shall submit to the Land Development Code Administrator a request for change to a Planned Unit Development zoning district containing the following exhibits:
  - a. A statement of objectives describing:
    - (i) The general purpose of the proposed development; and
    - (ii) The general character of the proposed development.
  - b. A Vicinity Map showing the location of the proposed Planned Unit Development in relation to:
    - (i) Surrounding streets and thoroughfares;

- (ii) Existing zoning on the site and surrounding areas; and
- (iii) Existing land use on the site and surrounding areas.

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

- c. A Boundary Survey and legal description of the property.
- d. A topographic Survey from the most recent United States Geological Service topographic survey map be used if more detailed topographic information is not available.
- e. A Site Analysis Map at the same scale as the Preliminary Development Plan described below shall be submitted indicating flood prone areas, areas with slopes greater than five (5) percent, a soils report showing the soil types on the site and indicating areas of soils which are marginally suited for development purposes, tree /vegetative cover, wetlands and any listed species that may be on the site, and natural drainage patterns, high water lines for lakes and other manmade features that could affect building placement, the center line of streams and creeks, or other natural features which would be affected by building encroachment.
- f. A Preliminary Development Plan drawn at a scale suitable for presentation showing:
  - (i) Proposed land uses;
  - (ii) Lot sizes indicated either by lot lines drawn in their proposed location or a statement on the face of the Preliminary Development Plan concerning proposed lot sizes, including minimum lot sizes; and
  - (iii) Building setbacks defining the distance buildings will be set back from:
    - (a) Surrounding property lines;
    - (b) Proposed and existing streets;
    - (c) Number of residential lots showing general location, size, indicating type of units. For commercial or industrial uses show general character, size and location of buildings, parking and loading area, buffer yards and landscaped areas for each proposed use.
  - (iv) Maximum height of buildings;

- (v) Common open spaces, showing general location, size and function of open space;
- (vi) Arterial and collector streets and thoroughfares;

Local access streets and interior circulation should be shown on the Preliminary Development Plan for Planned Unit Developments which have no planned arterial or collector streets within the projects.

- (vii) Common outside storage areas; and
- (viii) Screening, buffering, signage and landscaped and landscaped buffer areas including parking and signage requirements if they are unique or differ from what is currently required in the Land Development Regulations; and
- (viii) Special Provisions:

The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of thirty-five (35) feet from wetlands. The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of thirty-five (35) feet from perennial streams, creeks, ponds and lakes.

- g. A table showing acreage for each category of land use.
- h. A statement concerning gross density and net residential acreage (see Section 4-106.5 E for definition of gross density and net residential acreage).
- i. A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the maximum building coverage expressed as a percent of the total site area for nonresidential uses.
- j. A Preliminary Utility Service Plan including sanitary sewers, storm drainage, and potable water supply, showing general locations of major water and sewer lines, plant location, lift stations, and indicating whether gravity or forced systems are planned. Size of lines, specific locations, and detailed calculations are not required at this stage.
- k. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.
- l. Any architectural controls. Such controls may provide for a common architectural theme to be applied to all development within the planned unit development.

2. Processing the Planned Unit Development Zoning Application and Preliminary Development Plan Submittals. When the Land Development Code Administrator has received the application and submittal, and is satisfied that the application and submittal are complete, the application shall be processed as any other zoning application in accordance with the provisions of these land development regulations. The Planning and Zoning Board shall make a recommendation to the City Commission. The City Commission actions shall be one (1) of the following:
  - a. Approval as submitted.
  - b. Conditional approval.
  - c. Disapproval.
3. Final Development Plan. If the Preliminary Development Plan for the Planned Unit Development is approved, the applicant shall submit a Final Development Plan covering all or part of the approved Preliminary Development Plan within twelve (12) months to the Land Development Code Administrator. Thirty (30) days prior to any lapse date, the Land Development Code Administrator shall notify the City Commission and the applicant of such date. Such notice to the applicant shall be mailed via Certified Mail Return Receipt Requested. If a Final Development Plan is not submitted within this twelve (12) month period or an additional twelve (12) month period granted by the City Commission, the Land Development Code Administrator shall cause the Planned Unit Development district to be removed from the Zoning Map of the Land Development Code and reinstate the zoning district in effect prior to approval of the Planned Unit Development. The City Commission may extend this lapse date for a period not to exceed an additional twelve (12) months, provided the request for extension is made by the applicant prior to the expiration of the initial approval period.

The Final Development Plan shall include the following exhibits:

- a. A statement of objectives:
  - (i) The general purpose of the proposed development.
  - (ii) The general character of the proposed development.
- b. A Topographic Map drawn at a scale of one hundred (100) feet to one (1) inch by a surveyor or engineer registered in the state of Florida showing:
  - (i) The location of existing private and public property rights-of-way, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, and any public utility easements;

- (ii) Wooded areas, streams, lakes, marshes, and any other physical conditions or natural resources affecting the site; and
  - (iii) Existing contours at intervals of one (1) foot.
- c. A Final Development Plan drawn at a scale of one hundred (100) feet to one (1) inch and showing:
  - (i) The boundaries of the site, topography, and proposed grading plan;
  - (ii) Width, location, and names of surrounding streets;
  - (iii) Surrounding land use;
  - (iv) Proposed streets and street names and other vehicular and pedestrian circulation systems including off-street parking;
  - (v) The use, size, and location of all proposed building sites; and
  - (vi) Location and size of common open spaces and public or semi-public areas.
- d. A Utility Service Plan showing:
  - (i) Existing drainage and sewer lines;
  - (ii) The disposition of sanitary waste and storm water;
  - (iii) The source of potable water;
  - (iv) Location and width of all utility easements or rights-of-way; and
  - (v) Plans for the special disposition of stormwater drainage when it appears that said drainage could substantially harm a body of surface water.
- e. A Landscaping Plan showing:
  - (i) Landscaped areas;
  - (ii) Location, height, and material for walks, fences, walkways, and other man-made landscape features; and
  - (iii) Any special landscape features such as, but not limited to, man-made lakes, land sculpture, and waterfalls.



f. Statistical information:

- (i) Total acreage of the site;
  - (ii) Maximum building coverage expressed as a percent of the area;
  - (iii) Area of land devoted to landscaping and/or common open space usable for recreation purposes expressed as a percent of the total site area; and
  - (iv) Calculated gross density and net residential acreage for the proposed development (see Section 4-106 E for definition of gross density and net residential acreage).
- g. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities. All such legal documents, including homeowners associations and deed restrictions, shall be approved by the City Attorney before final approval of the plan.

#### **G. Issuance of Building Permits**

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

#### **H. Revision of a Planned Unit Development**

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

Minor changes, and/or deviations from the Preliminary Development Plan which do not affect the intent or character of the development shall be reviewed by the Land Development Code Administrator and shall be approved only if they are consistent with the original purpose, intent and overall design and integrity of the approved preliminary development plan. Upon approval of the revision, the applicant shall make revisions to the plans and submittals and file the revised plans with the Land Development Code Administrator within thirty (30) days.

Examples of substantial and minor changes are:

Substantial changes:

1. Perimeter changes.
2. Major street relocation.
3. Change in building height, density, land use patterns, or buffers.

Minor Changes:

1. Change in alignment, location, or length of local street.
2. Adjustments or minor shifts in dwelling unit mixes, not resulting in increased overall density.
3. Reorientation or slight shifts in building locations.

#### **I. Planned Unit Development Time Limitations**

If substantial construction, as determined by the Land Development Code Administrator, has not begun within two (2) years after approval of the Final Development Plan, the approval of the Planned Unit Development will lapse. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the City Commission and the applicant of such date. Such notice to the applicant shall be mailed via certified mail return receipt requested. The City Commission may extend the period for beginning construction, at the request of the applicant for a period not to exceed an additional two (2) years, provided the request for extension is made prior to the expiration of the initial approval period. If the Planned Unit Development lapses under this provision, the Land Development Code Administrator shall cause the Planned Unit Development district to be removed from the Zoning Map of the Land Development Code and reinstate the zoning district which was in effect prior to the approval of the Planned Unit Development.

#### **J. Deviation from the Final Development Plan**

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

#### **K. Phasing**

The City Commission may permit or require the phasing of a Planned Unit Development. When provisions for phasing are included in the final Development Plan, each phase of development shall be so planned and so related to previous development, surrounding properties, and available public facilities and services so that a failure to proceed with

subsequent phases of development will have no adverse impact on the Planned Unit Development or surrounding properties.

#### **L. Development Standards for Planned Unit Developments**

1. The minimum size parcel for Planned Unit Development shall be ten (10) acres.
2. Conformance with the Comprehensive Plan. Densities for Planned Unit Developments shall be based upon and be consistent with the Comprehensive Plan. No Final Development Plan may be approved unless it is in conformance with the Comprehensive Plan.
3. Relationship to Zoning District. An approved Planned Unit Development is a separate zoning district in which the Final Development Plan, as approved, establishes the restrictions and regulations according to which the development shall occur. Upon approval, the Zoning Map of the Land Development Code shall be changed to indicate the area as a Planned Unit Development.
4. Residential Density and Housing Types. Any combination of residential density and housing types is permitted for a Planned Unit Development, as long as the overall gross density does not exceed the prescribed total number of dwelling units of the Comprehensive Plan land use classifications contained on the project site.
5. Nonresidential Intensity. Any combination of nonresidential uses within a Planned Unit Development shall not exceed the floor area ratios and minimum ground coverage specified within the Comprehensive Plan and this land development code for each use on the project site.
6. Dimensional and Bulk Restriction. The location of all proposed building sites shall be shown on the Final Development Plan subject to minimum lot sizes, setback lines, lot coverage and floor area specified by the Preliminary Development Plan as approved by the City Commission.
7. Internal Compatibility. All land uses proposed within a Planned Unit Development shall be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility by a Planned Unit Development shall be based on the following factors:
  - a. the existence or absence of and the location of common open spaces and recreational areas;
  - b. the use of existing and proposed landscaping;
  - c. the treatment of pedestrian ways;
  - d. the use of topography, physical environment, and other natural features;

- e. the traffic and pedestrian circulation pattern;
  - f. the use and variety of building setback lines, separations and buffering;
  - g. the use and variety of building groupings;
  - h. the use and variety of building sizes;
  - i. the separation and buffering of parking areas and sections of parking area;
  - j. the variety and design of dwelling types;
  - k. the proposed land uses and the conditions and limitations thereon;
  - l. the form of ownership proposed for various uses; and
  - m. any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any proposed use within the Planned Unit Development.
8. External Compatibility. All land uses proposed within a Planned Unit Development shall be compatible with existing and planned uses of properties surrounding the Planned Unit Development; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a Planned Unit Development should be based on the following factors:
- a. all of these factors listed in this Section, with particular attention to those areas of the Planned Unit Development located on or near its perimeter;
  - b. the uses proposed near the Planned Unit Development perimeter and the conditions and limitations thereon;
  - c. the type, number, and location of surrounding external uses;
  - d. the Comprehensive Plan designation and zoning on surrounding lands; and
  - e. any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of lands surrounding the Planned Unit Development and any existing or planned use of such lands.
9. Intensity of Development. The residential density and intensity of use of a Planned Unit

Development shall (1) be compatible with the physical and environmental characteristics of the site (2) be able to coexist in relative proximity to existing or planned surrounding uses in a stable fashion over time such that neither internal nor surrounding uses are unduly, negatively impacted, directly or indirectly by such densities and intensities of use, and (3) comply with the policies and density limitations set forth in the Comprehensive Plan. Specific densities and intensity of uses within a Planned Unit Development shall be determined based on the following factors:

- a. the locations of various proposed uses within the Planned Unit Development and the degree of compatibility of such uses with each other and with surrounding uses;
  - b. the amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the Planned Unit Development;
  - c. the existing residential density and intensity of use of surrounding lands;
  - d. the availability and location of utility services and public facilities and services;
  - e. the amount and size of common open spaces and recreation areas;
  - f. the existence and treatment of any environmentally sensitive areas on the Planned Unit Development property or surrounding lands;
  - g. the access to and suitability of transportation arteries proposed within the Planned Unit Development and existing external transportation systems and arteries; and
  - h. any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare, and safety.
10. Common Open Space. For all planned unit developments that include residential land uses, at least fifteen (15) percent of the area covered by a Final Development Plan shall be usable, common open space owned and operated by the applicant or dedicated to a homeowner association or similar group. Not more than one-half (1/2) of the total common open space area may be in a flood plain, buffer area, and/or water bodies.
11. Special Provisions. A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.
12. Access and Parking. All streets, thoroughfares, and access ways shall be designed to relate to the traffic circulation plans of the area. Adequate off-street parking shall meet the requirements specified for the uses found in the District Regulations and Sec 6-4 of this land development code.

13. **External Transportation Access.** A Planned Unit Development shall provide direct access to a major street (arterial or collector) unless, due to the size of the Planned Unit Development and the type of uses proposed, it will not adversely affect the traffic on adjoining minor (local) streets.
14. **Internal Transportation Access.** Every dwelling unit or other use permitted in a Planned Unit Development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Private roads shall be constructed according to City specifications as found in the Subdivision Regulations (see Sec. 8.46). If the Planned Unit Development contains private roads, such private roads shall be owned and maintained by the applicant or dedicated to a homeowners association or similar group.
15. **Perimeter Requirements.** Structures, buildings and streets located at the perimeter of the development shall be permanently screened by a landscaped buffer area.
16. **Nonresidential Construction.** No nonresidential use, nor any building devoted primarily to a nonresidential use shall be built or established prior to completion of fifty-one (51) percent of the residential dwelling units it is intended to serve, if any; provided however, this prohibition does not limit or restrict the construction and development of recreational areas or buildings.
17. **Control of Area Following Completion.** After completion of a Planned Unit Development, the use of the land and/or modification or alteration of any buildings or structures within the area covered by the Final Development Plan shall continue to be regulated in accordance with the approved Final Development Plan except as otherwise provided for herein:
  - a. Minor extensions, alterations or modifications of existing buildings or structures may be permitted after review and approval by the Land Development Code Administrator provided they are substantially consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.
  - b. Substantial change in permitted uses, location of buildings, or other specifications of the Final Development Plan may be permitted following public hearing and approval by the City Commission upon receipt of the recommendation of the Planning and Zoning Board, as long as such changes are consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.

**Sec. 4-107. CONSERVATION DISTRICTS**

The following zoning districts are allowed within the CONSERVATION overlay district:

**Sec. 4-108. CON, Conservation District**

- A. **Purpose.** It is the intent of this district to preserve, manage and sustain natural resources; protect natural water recharge and wetland areas; and maintain and enhance the natural balance of ecological functions in the community.

B. **Permitted Uses:**

1. Caretaker and security quarters.

**Secs. 4-109-4-191. Reserved**

## DIVISION 4: MISCELLANEOUS PROVISIONS

### Sec. 4-192. Scope

Provisions set forth in this article apply to the entire corporate area of the City of Starke, Florida, and all zoning districts therein, unless exceptions are specifically provided relating to one or more zoning districts, or except as otherwise provided in this Code.

### Sec. 4-193. Abandoned Vehicles

Within all zoning districts, all vehicles that are inoperative and/or without a valid license plate for a period of thirty (30) days shall be prohibited on any public right-of-way or on private property except within a completely enclosed garage.

### Sec. 4-194. Access Control

A. In order to promote the safety of motorists and pedestrians and to minimize traffic congestions and conflict by reducing the magnitude of and the number of points of contact, the following regulations shall apply:

1. A point of access, that is, a driveway or other opening for vehicles onto a public street, shall not exceed thirty (30) feet in width, except as otherwise provided in this section;
2. The maximum number of points of access permitted onto any one street shall be as follows:

*Lot Width  
Bordering the Street*

*Number of  
Points of Access*

Less than sixty -five (80) feet

One (1)

Sixty-five (80) feet - two hundred  
(200 feet)

Two (2)

Over two hundred (200) feet

Two (2) plus one (1) for each additional  
two hundred (200) feet or fraction thereof

3. In lieu of any two (2) openings permitted on any one street there may be permitted a single point of access up to thirty-five (35) feet in width; however, service stations shall be permitted two (2) openings not to exceed thirty-five (35) feet each in width along any abutting public street, provided that such property abuts such street for a distance of not less than one hundred twenty (120) feet.
  - d. There shall be a minimum distance of fifty (50) feet between any two (2) openings onto the same street.
  - e. The separation between an access point and an intersection shall be as follows:



<i>Functional Class of Roadway</i>	<i>Distance Between Access Points</i>
Major Arterial	300 feet
Minor Arterial	250 feet
Major Collector	185 feet
Minor Collector	140 feet

The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

- f. No curbs shall be cut or altered, and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the building inspector.

**Sec. 4-195. Authority To Enter Upon Private Property**

A duly authorized enforcement official may, in the performance of his functions and duties under the provisions of this Code, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Code.

**Sec. 4-196. Exception to Height Limitation**

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**Sec. 4-197. Fences**

Fences of open or solid face construction of wood, wrought iron or masonry shall be permitted along all lot lines and shall not exceed six (6) feet in height around rear yard lot lines and four (4) feet along all front and side lot lines, except where restricted in this Code. Two (2) feet of ornamental open face construction may be added to fences of solid face construction of wood, wrought iron or masonry. Wire fences with a maximum height of six (6) feet may be permitted along all property lines. In the event the principal building does not abut the rear building line, the six (6) foot fence of solid face construction may be extended up to a line extended from the rear face of the principal building, parallel to the rear face of the principal building.

**Sec. 4-198. Home Occupations**

Home occupations, including any profession, vocation, business, trade, and personal services may be conducted in a residential district only after approval of the Board of Adjustment which shall hold a public hearing on such request, after giving fifteen (15) days notice of the time and place of such hearing. In addition a notice shall be mailed to owners of property within three

hundred (300) feet of the subject property. The Board of Adjustment may then deny or grant approval of such home occupation consistent with the public interest and in accordance with this Code:

1. The home occupation shall be conducted within the principal building and only by a person residing in the building. Not more than one person who is not a resident of the premises shall be employed;
2. No more than twenty (20) percent of the total floor area of a dwelling unit may be devoted to such uses;
3. For the purpose of identification of such use, one non-illuminated wall sign, not exceeding two (2) square feet in any area may be permitted. Such signs shall identify only the name of the profession and the name of the occupant of the premise;
4. No motor, other than electrically operated motors, shall be used in conjunction with such home occupation and the total horsepower of such permitted electrical motors shall not exceed three (3) horsepower, or one horsepower for any single motor;
5. No merchandise or articles of any kind shall be sold or displayed on the premises, or displayed on the premises for sale elsewhere;
6. No merchandise or articles shall be displayed for advertising purposes and no sign or device related to the sale of such merchandise shall be displayed on the premises;
7. No articles or materials used in connection with such home occupation shall be stored other than in the principal building so used;
8. Any home occupation as provided for in this section may be reviewed by the Board of Adjustment at any time after twelve (12) months following the approval of such use, and the board may revoke the permission to continue such home occupation at any time thereafter;
9. No more than one automobile or truck whose size shall not be larger than a stock three-quarter (3/4) ton panel or pickup truck used in conjunction with such home occupation shall be permitted to park on the premises or within view from surrounding properties. Said vehicle may have only two (2) signs not exceeding two (2) square feet in area each, mounted flat against, or painted on, both sides.

**Sec. 4-199. Land and Water Fills, Dredging, Excavation and Mining**

No persons shall engage in the filling of land or water areas, dredging, or the excavation of land or removal of earth and no mining operation shall be undertaken without approval by the City Commission, which shall deny or grant approval only after a public hearing on such request after giving fifteen (15) days notice of the time and place of such hearing. All applications for permits covered by this section shall be referred to the Administrative Official for his recommendation.

**Sec. 4-200. Land subject to flooding.**

No building shall be moved onto or constructed on land subject to flooding in any zone, nor shall any existing building so located be enlarged, repaired, or altered except in accordance with the floodplain regulations in sections 6-61 - 6-75 of this Code.

**Sec. 4-201. Living Units In Zones Other Than Residential**

Dwellings shall not be permitted in any commercial or industrial zone as a principal use. However, living units may be established within the principal building in a commercial or industrial district as accessory to any commercial or industrial use, provided that such living units within any commercial zone shall not be on the ground floor. In the industrial districts, living units shall be permitted as accessory to the permitted use, and single-family dwellings shall be permitted on existing lots of record.

**Sec. 4-202. Minimum Living Area**

No living unit shall be constructed with a living area of less than seven hundred and fifty (750) square feet for single family dwellings and no less than four hundred (400) square feet for multiple-family dwellings. This section shall not apply to mobile homes meeting all other requirements of this Code.

**Sec. 4-203. Moving of Buildings**

Whenever a building is moved from any location to a site within the zoned area of the City of Starke, the building shall immediately be made to conform to all provisions of the city building, plumbing, and electrical codes, if any, and the Zoning Regulations of the City of Starke. The person causing the building to be moved shall secure a building permit as specified in Chapter XX of the Southern Standard Building Code.

**Sec. 4-204 Non-Conformities**

See Article VII.

**Sec. 4-205. Obstruction to Vision at Road Intersections**

In order to minimize accidents caused by obstruction to vision at road intersections, the following regulations shall apply in all districts except B-2 (Community commercial district):

1. Within the area formed by the rights-of-way lines of intersecting roads, and a straight line connecting points on such rights-of-way lines at a distance of twenty-five (25) feet from their points of intersection, such connecting lines extending beyond the points to the curb lines, there shall be a clear space with no obstruction to vision between the height of three (3) feet and a height of eight (8) feet above the average grade of each road as measured at the centerline thereof;
2. The requirements of this section shall not be deemed to prohibit any necessary retaining wall;

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

**Sec. 4-206. Only One Principal Building On A Lot**

Only one single-family, detached structure and its customary accessory structures may after the adoption of this Code be erected on any lot of record within a single-family zoning district.

**Sec. 4-207. Parking, Storage, or Use of Major Recreational Equipment**

A. The following regulations shall apply to all residential zoning districts:

1. Parking is permitted inside any structure, which meets the regulatory requirements of that particular zoning district;
2. Parking is permitted outside any structure in the side or rear yard provided the vehicle is a minimum of two (2) feet from the lot line;
3. Parking is permitted outside any structure in the front if there is no access to either the side yard or rear yard. In addition, no part of the vehicle may extend over a public sidewalk, bike path, or street.

B. The following regulations apply to all zoning districts:

1. Parking of a recreational vehicle is permitted only for storage purposes and such vehicle shall not:
  - a. Be used for storage of goods, materials, or equipment other than those items considered to be part of the vehicle and essential for its immediate use;
  - b. Discharge or discard of any litter, effluent, sewage, or other matter into public right-of-way or upon any public or private property while parked as provided in this section;
  - c. Be occupied or used for living, sleeping, or housekeeping purposes while parked in a residential district.
2. A recreational vehicle may be parked anywhere on the premises during active loading or unloading. The use of electricity or other fuels is permitted when necessary to prepare a recreational vehicle for use.
3. No owner shall allow any recreational vehicle to be parked on public streets longer than eight (8) hours in any twenty-four (24) hour period. However, any motorized recreational vehicle under eighteen (18) feet in length may be permitted to park on city streets in accordance with traffic regulations.

**Sec. 4-208. Performance Standards**

All uses and activities permitted in any district within this Code shall conform to the standards of performance described below:

1. **Fire and explosion hazards.** All activities, including storage, involving flammable and explosive materials or products shall be conducted with the use of adequate safety devices including fire fighting and fire suppression equipment.
2. **Smoke, dust, dirt, visible emissions.** Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code and applicable state law.
3. **Fumes, vapors and gases.** There shall be no emission of any fumes, vapors, or gases of noxious, toxic, or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.
4. **Sewage.** There shall be no discharge at any point of liquid or solid wastes into any public sewage disposal system, which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream or into the ground of any kind or nature which would contaminate any water supply or otherwise cause the emission of dangerous or objectionable vapors. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.
5. **Heat, cold, dampness, or movement of air.** Activities which shall produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.
6. **Noise.** The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.
7. **Odor.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious, or unpleasant, beyond the property line on which the principal use is located. Any process, including the preparation of food, which may involve the creation and emission of any food, or which may involve the creation and emission of odors shall be provided with both a primary and secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system.
8. **Glare.** There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.
9. **Air Quality.** New industrial uses that demonstrate the potential to violate any State or Federal air quality standards shall be fully evaluated at the developer's expense. Prior to

issuing any development order for industrial uses, the City Commission will require the developer to provide all permits related to air emissions which may be required by both the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (DEP) in order to show compliance with relevant state and federal regulations. If the development's emissions are not in compliance with both the EPA's and DEP's air quality standards, the City Commission will require mitigation systems to be implemented as a prerequisite to the approval of a development order.

**Sec. 4-209. Permits in Conflict with these Regulations**

Permits for either the construction of buildings or for the use of buildings which have been issued prior to the adoption of this Code and which are in violation with the regulations of this Code shall be declared void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning. Investment in real property shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation is under way within ninety (90) days after the adoption of this Code, such permit shall become void.

**Sec. 4-210. Permitted Building Area**

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory structures may be erected within any building line established for the principal structure and in required rear yards as may be otherwise provided in this Code.

**Sec. 4-211. Retaining Walls**

Nothing in this Code shall be construed to prohibit the erection of a retaining wall on any property provided that such retaining wall does not affect the natural flow of surface water or create any adverse effect upon adjacent or adjoining properties.

**Sec. 4-212. Subdivision of Lots Resulting in Area Reduction**

No lot shall be subdivided or reduced in area in a manner that would cause any lot to have an area less than that required in the district in which it is located as set forth in this Code, or would reduce the open space or yard areas required by this Code.

**Sec. 4-213. Use of Public Rights-of-Way**

The sale of merchandise from within the limits and confines of all public road or street rights-of-way lying within the territory under the jurisdiction of this Code is prohibited.

**Sec. 4-214. Uses not Expressly Provided For in the Zoning Regulations**

In districts where an application is made for a use not expressly permitted or prohibited, the Administrative Official shall determine which use is most similar or allied to the use requested.

In the event that any applicant or citizen objects to a determination made by the Administrative Official, such person or persons may appeal his case to the Board of Adjustment.

**Sec. 4-215. Yards and Open Spaces**

The minimum yards and other open spaces, required in this Code for each and every building existing at the time of the passage of this Code, or for any building hereafter erected or altered, shall not be encroached upon or considered a yard or open space or satisfy use requirements for any other building.

**Sec. 4-216. Compatibility Setbacks**

Where a commercial or industrial zoning district abuts a residential zoning district, the side yard adjacent to the residential zoning district shall comply with the minimum side yard requirement of the adjoining residential zoning district. Also, the front yard of the commercial or industrial zoning district shall comply with the minimum front yard requirement of the adjacent residential zoning district for a distance of three hundred (300) feet from the common property line or the termination of the block, whichever is less.

**Sec. 4-217-4-230. Reserved**

## **DIVISION 5: DENSITY INTENSITY BONUSES**

### **Sec. 4-231. Purpose**

The purpose of density/intensity bonuses is to encourage new development and redevelopment that is designed to fulfill various goals, objectives, and policies of the Comprehensive Plan. Meeting specific plan policies will allow the accumulation of bonus points which translate into increased density and reduced parking and dimensional requirements. In exchange for limited additional development rights, developers must provide specific amenities or meet quality development standards listed in section 4-233.

### **Sec. 4-232. Compliance Procedures**

**A. Submittal.** All development proposals requesting density or other bonuses shall provide the following information on an Application for Density/Intensity Bonus, which shall be obtained from and filed with the Administrative Official:

1. The Application for Density/Intensity Bonus for a proposed development shall indicate that the development approval is requested through compliance with the bonus standards.
2. The application shall clearly show the site plan, design features, calculations showing the basis for the requested & density or other bonus, and information for on-site facilities or factors related to the bonus standards involved.

The Administrative Official shall review the application submitted for completeness and may withhold acceptance of an application until it has been submitted complete with all required information.

**B. Points required.** Each of the bonus standards provided in section 4-233 is assigned a point value. Compliance with the standards "earns" points. Credit, in the form of points, will be given for the development based upon the compliance of the proposed development with the standards. The number of points needed to satisfy the requirement for bonus standards and subsequently allow development of a site subject to the bonus standards is as follows:

Five (5) points allow:

1. A one (1) percent increase in multiple-family residential density beyond the maximum permitted in the Zoning District Regulations provided that the increased density does not exceed the maximum density allowed in the applicable residential land use category of the Comprehensive Plan.
2. A one (1) percent decrease in applicable zoning district lot and yard requirements, provided that the reduction will not result in an increase in residential density beyond the maximum density allowed in the applicable residential land use category of the Comprehensive Plan.
3. A one (1) percent reduction in required off-street parking.



Up to fifty (50) points can be accumulated for each of the bonus point categories (B-1, B-2, and B-3). The maximum percentage bonus for any single bonus point category is ten (10) percent.

**C. Where bonuses may be used.** Density and other bonuses may be used in the following land use categories:

R-1C, Single Family, Medium Density

R-1D, Single Family, Mobile Home, Medium Density District

RM-2, Mobile Home Park District

R-2A, Multi-Family Residential District

R-2B Multi-Family Residential District

RP, Residential Professional District

B- Neighborhood Commercial District

B-2 Community Commercial District

B-3 Highway Commercial District BP, Business Professional District

I-1, Light Industrial District

I-2, General Industrial District

PUD, Planned Unit Development District

**D. Approval procedure.** The Administrative Official shall forward all applications to the Zoning Commission, together with his or her written recommendations. The Zoning Commission shall hold a public hearing to consider the Application for Density/Intensity Bonus prior to making a recommendation with respect to such application. Such public hearing shall be held not more than 60 (sixty) days from the date a complete application was filed. The City Commission shall review the application and consider the recommendation of the Zoning-Commission before acting on the application.

**Sec. 4-233. Available Density and Other Bonuses**

**A. Water Conservation.**

1. The appropriate use of only xeric landscaping or low water demanding plants in all required buffers or landscaped areas shall qualify for up to five (5) points based upon the size of the buffering in relation to the property.
2. The use of drip irrigation, fertigation, or other low water use methods shall qualify for three (3) points.
3. The appropriate reuse of treated effluent and/or grey water within a development project shall qualify for one (1) point per acre if used for irrigation, up to a maximum of four (4) points.

- B. Provision of public facilities and services.** Provision of the following public facilities and services shall be eligible for points as indicated in the table below:

<i>Facility/Service</i>	<i>Points</i>
Connection to publicly-owned potable water system	5
Connection to publicly-owned wastewater system	10
Provision of useable open space, in the form of public plazas or parks amounting to at least ten (10) percent of the site (P.U.D.'s - twenty-five (25) percent of the site)	10

**C. Development and/or redevelopment of historic structures.**

1. Development within locally recognized historic structures or districts, where contributing historic structures are restored according to the City's historic preservation guidelines, will qualify for at least fifteen (15) points. In addition, up to eight (8) additional points may be awarded by the Administrative Official for the rehabilitation of significant historic structures. Points will be awarded contingent upon approval of the applicant's Certificate of Appropriateness (COA) for renovation.

- D. Preservation of trees.** One (1) street tree of at least ten (10) feet in height, or large shrub under overhead utility lines, will qualify the development for one (1) point per tree or shrub, up to ten (10) points. Credit will be granted only for plantings in excess of the minimum requirements.

**E. Maximum points available.**

Water Conservation	12
Public Facilities and Services	25
Historic housing	23
Preservation of trees	10
Total	62

**Sec. 234-240. Reserved**

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**Sec. 5-1. Generally**

This article describes the requirements and procedures to ensure that public facilities and services needed to support proposed developments are available concurrently with the development's impacts and are consistent with the adopted level of service standards.

**Sec. 5-2. Applicability**

The terms and provisions of this article apply to all lands and to all development within the city.

**Sec. 5-3. Findings of Fact**

The City Commission finds that:

1. The requirements of this article are necessary for the health, safety, and welfare of the citizens of the City of Starke; and
2. Not all development will cause significant impacts upon the level of service of public facilities to warrant full compliance with concurrency requirements.

**Sec. 5-4. Purpose and Intent**

The provisions of this article shall be implemented to ensure that public facilities are available concurrently with the impact of development.

**Sec. 5-5. Concurrency Certificate Required**

A concurrency certificate shall be required prior to the issuance of any final development order or final development permit.

**Sec. 5-6. Exemptions**

The following are exempt from all concurrency requirements, except that the developer shall submit a concurrency certificate application as provided for in this article:

1. Developments that were issued a development permit prior to the adoption of the Comprehensive Plan;
2. An amendment to a development order that does not result in increased impacts as stated in the concurrency certificate; and
3. Development orders and permits that may be needed for:
  - a. Accessory uses as defined in Article IV of this Code;

- b. Additions or changes to approved existing residential structures which will not result in an increase in dwelling units;
  - c. Changes in use of commercial or industrial structures that do not result in uses of greater intensity.
4. Developments with a vehicular trip rate of ten (10) or less average daily trips (ADT).

**Sec. 5-7. Application Fee**

A non-refundable application fee, as may be set by resolution, shall accompany an application for a concurrency certificate.

**Sec. 5-8. Procedure for Applying for and Issuing a Concurrency Certificate**

- A. **Pre-Application Conference.** Prior to submitting a concurrency certificate application, the developer is encouraged to meet with the Administrative Official to informally discuss the application.
- B. **Application.** Prior to submitting an application for a site plan, final development plan or construction plan approval, the developer shall submit a completed concurrency certificate application, as described in this article, to the Administrative Official.
- 1. All applications shall be in writing and in such form as may be determined by the City Commission.
  - 2. The application shall, at a minimum, include the following:
    - a. Name and address of the owner and agent, along with signatures of the same;
    - b. Address and legal description of the property;
    - c. Detailed description of the proposed type of development;
    - d. When the proposed development will occur and whether the proposed development will be phased;
    - e. Whether the development is exempt from concurrency requirements as provided for in this article;
    - f. Any studies, calculations, or measurements that can be used to determine the impact of the proposed development on public facilities;
    - g. If the developer decides to provide some or all of the needed facilities to satisfy the concurrency requirements, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the

- capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction consistent with calculations of needed capacity.
- C. **Determination of Completeness.** The Administrative Official shall determine that the information on the application is complete or incomplete and notify the developer of any deficiencies.
- D. **Determination of Concurrency.** If the proposed development is not exempt from concurrency requirements, as provided for in this article, the Administrative Official shall prepare an assessment of project-related impacts, as described in this article, and an assessment of public facility capacity, as described in this article. Based on these, the Administrative Official shall determine if available capacity for all public facilities exceeds project-related impacts.
- E. **Notification.** Within thirty (30) days from the date the developer submits a completed concurrency certificate application, the Administrative Official shall either:
1. Issue the concurrency certificate, if the proposed development is exempt from concurrency requirements or if available capacity exceeds the projected impacts for each public facility; or
  2. Notify the developer in writing that a concurrency certificate cannot be issued for the development as proposed, if the project-related impacts exceed the available capacity for one or more public facilities.
- F. **Assessment of Project-Related Impacts and Public Facility Capacity to be Part of Application.** If the proposed development is not exempt from concurrency requirements, as provided for in this article, the Administrative Official shall physically attach the assessment of project-related impacts and assessment of public facility capacity to the concurrency certificate application.

**Sec. 5-9. Level of Service Standards (LOS)**

The following level of service standards, as provided for in the Comprehensive Plan, shall be used to determine whether the proposed development is or will be served by adequate public facilities:

<b>Type of Facility</b>		<b>Level of Service Standard</b>
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**Traffic Circulation**

<b>Area</b>	<b>Roadway Type</b>	<b>Minimum LOS</b>
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Rural	All	C
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Urban	Principal Arterial	D
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Urban	Minor Arterial & Collector	D
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Urban	Constrained & Backlogged	Maintain LOS with up to 10% increase in peak hour service volume or a 10% decrease in average travel speed.
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<b>Wastewater</b>	86 gallons per day per capita (Residential/Small Commercial) 44 gallons per day per capita (Large Commercial/Industrial)
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<b>Type of Facility</b>	<b>Level of Service Standard</b>
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<b>Potable Water</b>	115 gallons per day per capita (Residential/Small Commercial) 82 gallons per day capita (Large Commercial/Industrial)
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<b>Drainage Water Quantity</b>	Peak post-development run-off rates shall not exceed peak pre-development run-off rates 10-year storm run-off
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**Water Quality****Minor Drainage Ways**

(Minor Drainage ways include the “in-pipe” street collection system and catch basins)

**Major Drainage Ways**

(Major Drainage ways includes, canals, retention ponds, detention ponds, outfall structures, and weirs)

25-year storm run-off
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<b>Solid Waste</b>	8.3 pounds per capita per day
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**Park and Recreation Facilities**

Playground	1 per 5,000 population
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Neighborhood Park	1 per 10,000 population
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Community Park	1 per 25,000 population
Children's Play Area	1 per 5,000 population
Playing Fields	1 per 3,000 population
Tennis Courts	1 per 2,000 population
Basketball Courts	1 per 2,000 population
Football/Soccer	1 per 10,000 population
Swimming Pool	1 per 30,000 population
Golf Course	1 per 25,000 population

**Sec. 5-10. Criteria for Satisfaction of Concurrency Requirements**

The following criteria shall be used to determine when concurrency has been satisfied:

**A. Category 1**

1. The facilities needed to meet the adopted level of service standards are in place at the time a development permit is issued; or
2. A development permit is issued subject to the conditions that the facilities needed to meet the adopted level of service standards will be in place when the impacts of development occur; or
3. The facilities needed to meet the adopted level of service standards are under construction when a permit is issued; or
4. The facilities needed to meet the adopted level of service standards are guaranteed in a binding executed agreement between the City of Starke and the developer that includes the provisions of 1, 2, or 3 above.

**B. Category 2**

1. The facilities needed to meet the adopted level of service standards are subject to a binding executed contract which provides for commencement of construction or provision of the required facilities and services within one year of the issuance of the development permit; or
2. The facilities needed to meet the adopted level of service standards are guaranteed in an enforceable development agreement that requires commencement of construction of the required facilities or provision of the required facilities and services within one (1) year of the issuance of the development permit.



**Sec. 5-11. Satisfaction of Concurrency Requirements for Potable Water, Sanitary Sewer, Solid Waste, and Drainage**

For potable water, sanitary sewer, solid waste, and drainage, concurrency shall be met if one of the Category 1 provisions, as listed in section 5-12 of this Code has been satisfied.

**Sec. 5-12. Satisfaction of Concurrency Requirements for Recreation and Open Space**

For recreation and parks, concurrency requirements shall be met if one (1) of the Category 1 or Category 2 provisions, as listed in section 5-12 of this Code has been satisfied.

**Sec. 5-13. Satisfaction of Concurrency Requirements for Roads**

A. For roads, concurrency shall be met if one of the Category 1 or Category 2 provisions, as listed in section 5-12 of this Code has been satisfied; or:

1. Necessary improvements are within the first three (3) years of the city's five (5) year schedule of capital improvements and all of the requirements of Rule 9-J5.5055(3)(c)1-6, F.A.C. are met; or
2. Necessary road improvements are within the first three (3) years of the Florida Department of Transportation's work program; or
3. An enforceable development agreement has been executed that includes the provisions of Rule 9-J 5.5005(3)(c)1-6, F.A.C.

**Sec. 5-14. Remedies for Meeting Concurrency Requirements**

A. If any concurrency requirements cannot be satisfied as specified in this article, the developer may take the following corrective actions:

1. Provide the necessary improvements to maintain the adopted level of service; or
2. Reduce the impact of the proposed project so that concurrency requirements are met.

**Sec. 5-15. Required Action if Development Fails to Meet a Condition of Approval**

If a development fails to meet a condition of approval as specified in sections 5-13 to 5-16, no additional development orders, development permits, or certificates of occupancy may be issued for the development until such time as the conditions of approval have been fully satisfied.

**Sec. 5-16. Development to be Consistent with Terms of Development Order or Development Permit**

A. All development shall be consistent with the terms and conditions of the development order or development permit for which a concurrency certificate was issued.

- B. Any proposed change from the development order or development permit, except for deviations required by governmental action and minor deviations, shall cause the proposed change to be subject to concurrency review and issuance of a concurrency certificate if applicable.
- C. In those portions of the development, which are not affected by the proposed change, development that is unrelated to the change may continue, as approved, during the review of the proposed change in the development order.

**Sec. 5-17. Assessment of Project-Related Impacts**

- A. The assessment of project-related impacts shall be in writing and in such form as determined by the Administrative Official.
- B. The assessment of project-related impacts may be based on any studies, measurements, or calculations prepared by the developer or upon professionally acceptable methods.
- C. The selected methodologies must be clearly described and the data sources must be clearly identified.

**Sec. 5-18. Assessment of Public Facility Capacity**

- A. The assessment of public facility capacity shall be in writing and in such form as determined by the Administrative Official.
- B. The assessment shall, at a minimum, include the following types of information for each public facility:
  - 1. Design capacity;
  - 2. Improvement capacity of new facilities that will become available on or before the date of occupancy of the development, if any, provided that:
    - a. Construction of the new facilities is under way at the time of issuance of the final development order;
    - b. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order; or
    - c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the Capital Improvements Element of the Comprehensive Plan. The

agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

3. Used capacity;
4. Reserve capacity; and
5. Available capacity.

C. In determining the proposed developments' impacts on public facilities, the Administrative Official shall consider its effects on the following:

1. Roads, determined on a case-by-case basis;
2. Sanitary sewer system, treatment plant service area;
3. Solid waste generation, city-wide;
4. Drainage patterns, drainage sub-basin;
5. Potable water demand, treatment plant service area; and
6. Parks and recreation, citywide.

**Sec. 5-19. Expiration of Concurrency Certificate**

- A. If a development fails to commence in good faith within one (1) year from the date the development order is issued, the concurrency certificate shall be null and void.
- B. If a development commences in good faith, but is not completed within one (1) year from the date the development order is issued, the City Commission may grant extensions to the concurrency certificate.

**Sec. 5-20. Assign Ability and Transferability of Concurrency Certificate**

A concurrency certificate shall be assignable within a proposed development, but shall not be assignable or transferable to other development(s).

**Sec. 5-21. Annual Report Required**

By January one (1) of each year, the city shall prepare an annual report that includes, at a minimum, the following:

- A. A summary for each public facility including:
  1. Current capacity used;

2. Reserved capacity;
3. The remaining facility capacity.

B. A summary of building permit activity, indicating:

1. Building permits that expired without commencing construction;
2. Building permits that are active at the time of the report;
3. The quantity of development represented by the outstanding building permits;
4. Building permits that result from final development orders issued prior to the adoption of this Code; and
5. Building permits that result from final development orders issued pursuant to the requirements of this Code.

C. A summary of final development orders issued, indicating:

1. Final development orders expired without subsequent building permits;
2. Final development orders that were completed during the reporting period;
3. Final development orders that are valid at the time of the report; however, no building permit has been issued and no construction activity has occurred; and
4. The phases and quantity of development represented by the outstanding final development orders.

**Sec. 5-22. Procedure for Appeal**

Any administrative decision that is made by any city official in the administration or enforcement of this article may be appealed within thirty (30) days of said decision to the Board of Adjustment as provided for in Article III.

**Sec. 5-23 Proportionate Fair-Share Transportation Program**

**5-23.1 Purpose and Intent**

The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Transportation Program, as required by and in a manner consistent with Section 163.3180(16), Florida Statutes.

### **5-23.2 Applicability**

The Proportionate Fair-Share Transportation Program shall apply to all developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City Concurrency Management System, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the concurrency requirements of this Article of the Land Development Code. The Proportionate Fair-Share Transportation Program does not apply to developments of regional impact using proportionate fair-share under Section 163.3180(12), Florida Statutes, or to developments exempted from concurrency as provided in the Comprehensive Plan and this Article of the Land Development Code, and/or Section 163.3180, Florida Statutes, regarding exceptions and de minimis impacts.

### **5-23.3 General Requirements**

1. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:
  - a. The proposed development is consistent with the Comprehensive Plan and applicable land development regulations, and
  - b. The Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term Concurrency Management System includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the Concurrency Management System. The provisions of paragraph (2) of this General Requirements subsection herein may apply if a project or projects needed to satisfy concurrency are not presently contained within the Capital Improvements Element of the Comprehensive Plan or an adopted long-term schedule of capital improvements for an adopted long-term Concurrency Management System.
2. The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Transportation Program by contributing to an improvement that, upon completion, will satisfy the requirements of the Concurrency Management System, but is not contained in the Five-Year Schedule of Capital Improvements in the Capital Improvements Element or a long-term schedule of capital improvements for an adopted long-term Concurrency Management System, where the following apply:

- a. The City adopts, by resolution, a commitment to add the improvement to the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or long-term schedule of capital improvements for an adopted long-term Concurrency Management System no later than the next regularly scheduled annual Capital Improvements Element update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Local Planning Agency, and determined to be financially feasible pursuant to Section 163.3180(16)(b)1., Florida Statutes, consistent with the Comprehensive Plan, and in compliance with the provisions of this section. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten (10) years to fully mitigate impacts on the transportation facilities.
  - b. If the funds allocated for the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan are insufficient to fully fund construction of a transportation improvement required by the Concurrency Management System, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one (1) or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must be adopted into the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term schedule of capital improvements for an adopted long-term Concurrency Management System at the next regularly scheduled annual Capital Improvements Element of the Comprehensive Plan update.
3. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the Florida Department of Transportation for the state highway system.

#### **5-23.4 Intergovernmental Coordination**

Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan and applicable policies in the North Central Florida Strategic Regional Policy Plan, the City shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the City. An interlocal agreement may be established with other affected jurisdictions for this purpose.

### **5-23.5 Application Process**

1. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Transportation 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 eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System, then the Florida Department of Transportation will be notified and invited to participate in the pre-application meeting.
3. Eligible applicants shall submit an application to the City that includes an application fee, as established by a fee resolution, as amended, by the City, and the following:
  - a. Name, address and telephone number of owner(s), developer and agent;
  - b. Property location, including parcel identification numbers;
  - c. Legal description and survey of property;
  - d. Project description, including type, intensity and amount of development;
  - e. Phasing schedule, if applicable; and
  - f. Description of requested proportionate fair-share mitigation method(s).
4. The City shall review the application and certify that the application is sufficient and complete within thirty (30) calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Transportation Program as described in this section, then the applicant will be notified in writing of the reasons for such deficiencies within thirty (30) calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within thirty (30) calendar days of receipt of the written notification, then the application will be deemed abandoned. The City Commission may, in its discretion, grant an extension of time not to exceed sixty (60) calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
5. Pursuant to Section 163.3180(16)(e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.
6. When an application is deemed sufficient, complete and eligible, the applicant shall be

advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City and delivered to the appropriate parties for review, including a copy to the Florida Department of Transportation for any proposed proportionate fair-share mitigation on a Strategic Intermodal System facility, no later than sixty (60) calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than fifteen (15) calendar days prior to the City Commission meeting when the agreement will be considered.

7. The City shall notify the applicant regarding the date of the City Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Commission.

### **5-23.6 Determining Proportionate Fair-Share Obligation**

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), Florida Statutes, as follows:  
The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

OR

Proportionate Fair-Share =  $S \left[ \frac{(\text{Development Trips})}{(\text{SV Increase})} \right] \times \text{Cost}$

Where:

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

SV Increase = Service volume increase provided by the eligible improvement to roadway segment "I" per section E;



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

4. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Element of the Comprehensive Plan, or the Florida Department of Transportation Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods.
  - a. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the City Commission. In order to accommodate increases in construction material costs, project costs shall be adjusted by the following inflation factor:

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost\_growth}_{3\text{yr}})^n$$

Where:

$\text{Cost}_n$  = The cost of the improvements in year n;

$\text{Cost}_0$  = The cost of the improvement in the current year;

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

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

The three-year growth rate is determined by the following formula:

$$\text{Cost\_growth}_{3\text{yr}} = [\text{Cost\_growth}_{-1} + \text{Cost\_growth}_{-2} + \text{Cost\_growth}_{-3}] / 3$$

Where:

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

$\text{Cost\_growth}_{-1}$  = The growth rate of costs in the previous year;

$\text{Cost\_growth}_{-2}$  = The growth rate of costs two years prior;

- Cost<sub>growth-3</sub> =        The growth rate of costs three years prior.
- b.     The most recent Florida Department of Transportation *Transportation Costs* report, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted Florida Department of Transportation Work Program shall be determined using this method in coordination with the Florida Department of Transportation.
  5.     If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this section.
  6.     If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at one hundred twenty percent (120%) of the most recent assessed value by the City Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fairshare, public or private partners should contact the Florida Department of Transportation for essential information about compliance with federal law and regulations.

#### **5-23.7            Proportionate Fair-Share Agreements**

1.     Upon execution of a Proportionate Fair-Share Agreement the applicant shall receive City concurrency approval. Should the applicant fail to apply for a development permit within twelve (12) months of the execution of the Proportionate Fair-Share Agreement, then the Proportionate Fair-Share Agreement shall be considered null and void, and the applicant shall be required to reapply.
2.     Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than twelve (12) months after 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 the Determining Proportionate Fair-Share Obligation subsection herein and adjusted accordingly.

- 3 All developer improvements authorized under this section must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any required improvements shall be completed before issuance of building permits.
4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
5. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
6. Applicants may submit a letter to withdraw from the Proportionate Fair-Share Agreement at any time prior to the execution of the Proportionate Fair-Share Agreement. The application fee and any associated advertising costs to the City are non-refundable.

#### **5-23.8 Appropriation of Fair-Share Revenues**

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the Capital Improvements Element of the Comprehensive Plan, or as otherwise established in the terms of the Proportionate Fair-Share Agreement. At the discretion of the City Commission, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the fifty percent (50%) local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.
2. In the event a scheduled facility improvement is removed from the Capital Improvements Element of the Comprehensive Plan, 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 section.

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, and then the City 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 Florida Department of Transportation's Transportation Regional Incentive Program.

Such coordination shall be ratified by the City Commission through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

## ARTICLE VI.

### SUPPLEMENTAL STANDARDS

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## **DIVISION 1: OFF-STREET PARKING AND LOADING STANDARDS**

### **Sec. 6-1. Generally**

Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this article. Changes to, or expansions of, existing parking areas and structures shall also comply with the requirements of this article. It is the intent of this article to provide standards for adequate and safe parking and loading areas.

### **Sec. 6-2. Off-Street Space Requirements for all Districts**

- A. At the time of the erection of any building or structure, or at the time any structure is enlarged or increased in capacity or changed in usage, off-street parking spaces shall be provided as outlined below. Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed.
1. Art gallery, library, museum: one (1) space for each five hundred (500) square feet of gross floor area;
  2. Bus, railroad, or other transportation terminals: one (1) space for each three hundred (300) square feet of gross floor area;
  3. Business, commercial, or personal service establishment not otherwise listed: one (1) space for each two hundred (200) square feet of gross floor area;
  4. Churches and other places of worship, funeral homes, public buildings, theaters, auditoriums, areas and places of assembly: one (1) space for each five (5) seats of maximum seating capacity in the principal area of assembly;
  5. Country clubs; golf clubs, gun clubs, tennis clubs, dance, art and music studios, and other similar semipublic uses: one (1) space for each three hundred (300) square feet of gross floor area;
  6. Community center, recreation facilities: one (1) space for each two hundred (200) square feet of gross floor area, or one (1) space for each three (3) seats, whichever is greater;
  7. Motels: one (1) space for each guest room or one (1) space for each bathroom, whichever is greatest, plus one (1) space for every three (3) employees;
  8. Hospitals and sanitariums: one (1) space for each patient bed;
  9. Hotels: one (1) space for every three (3) bedrooms, plus one (1) additional space for every five (5) employees;
  10. Manufacturing and industrial concerns with retail business on premises: one (1) space for every one hundred and fifty (150) square feet of floor area devoted to retail sales or services;

11. Manufacturing and industrial concerns not catering to the retail trade: one space for every three (3) employees plus one (1) space for each company vehicle operating from the premises;
12. Medical and dental clinics or offices: one (1) space for every one hundred and fifty (150) square feet of gross floor area;
13. Mobile home parks, subdivisions, and mobile homes on individual lots: two (2) spaces per mobile home;
14. Multi-family dwellings: one and one half spaces (1½) per dwelling unit;
15. Nursing homes: one (1) space for every two (2) patient beds;
16. Plant nursery: one space (1) for every two hundred (200) square feet of gross floor area, plus one (1) space for every one thousand (1,000) square feet of lot ground area outside buildings used for any type of sales or display;
17. Professional and business offices, except medical or dental offices or clinics: one (1) space for every two hundred (200) square feet of gross floor area;
18. Radio or television broadcasting office or studio: one (1) space for every four hundred (400) square feet of gross floor area;
19. Restaurants (excluding drive-in establishments), nightclubs, bars or taverns: one (1) space for every four (4) seats, plus one (1) space for every three (3) employees;
20. Retail sales: one (1) space for every one hundred and fifty (150) square feet of retail sales or actual retail use;
21. Rooming houses, boardinghouses, dormitories, fraternities and sororities: one (1) space for every two (2) beds;
22. Schools, elementary and junior high: two (2) spaces for every classroom, office, and kitchen;
23. Schools, senior high: one (1) space for four (4) seats in the main assembly hall, plus two (2) spaces for each classroom;
24. Single- and two-family dwellings: two (2) spaces per dwelling unit;
25. Travel trailer parks and campgrounds: one (1) space for every parking stand;
26. Wholesale and warehouse concerns: one (1) space for every three (3) employees, plus one (1) space for each company vehicle operating from the premises, plus one (1) space for every one hundred fifty (150) square feet devoted to wholesale or retail sales or services.



- B. **Number Required for Uses Not Listed.** The Administrative Official shall determine the number of parking spaces required for uses not specifically listed in the this article based on requirements for similar uses and appropriate traffic engineering and planning data where feasible.
- C. **Reduction for Mixed or Joint Use of Parking Spaces.** The Administrative Official may authorize a reduction in the total number of required parking spaces for two (2) or more uses providing off-street parking when their respective hours of maximum parking need do not normally overlap, provided that:
1. The developer submits sufficient data to demonstrate that hours of maximum parking demand for respective uses do not normally overlap.
  2. The developer submits a legal agreement guaranteeing the joint use of the off-street parking spaces for the duration the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.
- D. **Computation of Parking Spaces**
1. Gross floor will be used when based on the amount of floor area.
  2. The number of employees shall be the largest number of employees at *any* given period.
  3. Calculations resulting in a fraction will be disregarded if the fraction is less than one-half ('h) and rounded to the next higher whole number when greater than one-half ('A).
- E. **Parking Requirements for Handicapped Persons.** Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of section 316.1955 and 316.1956, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with this part, but optional spaces for the handicapped shall be counted.

**Sec. 6-3. Location of Parking Facilities**

- A. Parking spaces shall not be located in the right-of-way of any public road, street, alley or walkway nor shall any portion of any vehicle overhang. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.
- B. Parking spaces for all residential dwellings shall be located on the same lot with the principal building. Residential uses that are co-located with commercial uses in the Community Commercial (B-2) zoning district are required to have one and one-half (1 ½) parking spaces per residential dwelling unit. The required parking spaces cannot be on -street parking. These spaces may be located on a lot within three hundred (300) feet of the principal building that they are intended to serve when practical difficulties prevent them from being placed on the same lot as the principal building they are designed to serve. If the off-street parking area is privately owned, the owner of the off-street parking area shall enter into a written agreement with the City Commission, with enforcement running to the City Commission, guaranteeing the land

comprising the parking area shall never be disposed of except in conjunction with the sale of the principle building or use which the parking area serves so long as the facilities are required; and the owner agrees the agreement shall be voided by the City Commission if other off-street facilities are provided in accordance with this Land Development Code. The owner shall bear the expense of recording said agreement. If the off-street parking area is owned by the City, the owner of the principle building shall enter into a agreement with the City Commission to use the parking spaces needed to serve the principal building.

- C. Parking spaces for all other uses shall be provided on the same lot with the principal building. In cases where off-site parking is requested in order to meet the parking requirements established in section 6-2, it may be located on property that is reasonably accessible along a pedestrian walkway. When parking is provided on a lot reasonably accessible to the principal building, a deed restriction dedicating the off site parking for use in conjunction with the principal use shall be prepared and recorded with the deed of said property. The deed restriction shall specify that the parcel or parcels shall remain as off-site parking for as long as the principal use remains, and shall contain a legal description of the property occupied by the principal use. Evidence of the recording of the deed restrictions shall be provided before any construction permit is issued.
- D. Accessory uses shall not be required to have additional parking spaces other than those required by the principal uses.

#### **Sec. 6-4. Off-Street Parking Requirements**

Any off-street parking lot serving any use other than dwellings of four (4) units per building or less shall meet the following off-street parking lot improvement requirements:

1. **Screening.** The parking area shall be screened with a continuous masonry wall six (6) feet in height where such off-street parking lots abut a single-family residential district. Alternative screening options including an opaque living screen in conjunction with a wrought iron or other decorative metal fencing may be substituted; however, such alternatives shall be approved by the City Commission. Living screens shall comply with landscaping standards in section 6-45.
2. **Surfacing.** For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be constructed of a hard all-weather pavement of asphalt or cement, and shall be so graded and drained to provide for the adequate runoff and disposal of surface water.
3. **Lighting.** Lighting in parking areas shall be designed and installed so as to prevent excessive light or harsh glare from spilling onto adjacent properties and streets.

#### **Sec. 6-5. Design Standards for Off-Street Parking**

- A. **Spaces.** The minimum dimensions of off-street parking spaces shall be:
  1. Off-street parking: Nine (9) feet by eighteen (18) feet.

2. Parallel Parking: Nine (9) feet by twenty (20) feet.

3. Handicapped parking: Shall comply with standards set forth in the "Americans with Disabilities Act" (ADA).

B. **Parking Aisles.** The minimum required dimensions of off-street parking aisles shall be based on the angle of the parking stall to the aisle:

<i>Parking Angle</i>	<i>Width of One-Way Aisle</i>	<i>Width of Two-Way Aisle</i>
30	12 feet	23 feet
45	12 feet	23 feet
60	16 feet	23 feet
90	23 feet	23 feet

C. **Turning and Maneuvering Requirements.** Off-street turning and maneuvering space shall be provided for each lot so that no vehicle shall be required to back onto a public street or alley, with the exception of one and two family structures, townhouses or individual multiple family structures containing up to four (4) units with attached garages or carports.

D. **Setbacks.** Off-street parking areas shall be located a minimum of ten (10) feet from any established right-of-way or property line unless otherwise stated in this Code.

E. **Curbs.** Curbs shall be provided within off-street parking and loading areas to prevent vehicles from encroaching upon public rights-of-way, landscape area, or adjacent property. Curbing shall be installed at least ten (10) feet from any property line.

F. **Parking Islands.** Landscaped or concrete parking islands a minimum width of ten (10) feet shall be used at the ends of each parking row to define parking rows and protect vehicles. The islands shall be curbed and landscaped, or constructed with a masonry material that contrasts to the parking lot surface, i.e.; pavers, brick, stone, colored concrete, or other masonry material. Landscaped islands shall comply with the landscaping requirements of section 6-45.

## Sec. 6-6. Off-Street Loading Requirements

A. Every hospital, institution, commercial, or industrial building, or similar use having a floor area of ten thousand (10,000) square feet or more and requiring a receipt or distribution by vehicle of materials or merchandise, shall have at least one (1) permanent off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof immediately adjacent to the principal building.

B. Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than ten thousand (10,000) square feet shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street, or alley shall not be impaired.

C. Every off-street loading and unloading space shall have direct access to a public street or alley, and shall have the following dimensions:

1. Length; 30 feet
2. Width; 12 feet
3. Height; 14 feet

**Secs. 6-7. - 19. Reserved**

## **DIVISION 2: SIGNS**

**Sec. 6-20 Purpose, intent and scope.**

It is the purpose of this article to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to reach the secondary effects that may adversely impact aesthetics and safety. In order to preserve and promote the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

1. Encourage the effective use of signs as a means of communication in the city;
2. Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
3. Improve pedestrian and traffic safety;
4. Minimize the possible adverse effect of signs on nearby public and private property;
5. Foster the integration of signage with architectural and landscape designs;
6. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
7. Allow signs that are compatible with their surroundings and aid orientation, while

- precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
8. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
  9. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
  10. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
  11. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
  12. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
  13. Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
  14. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
  15. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
  16. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
  17. Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
  18. Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;

19. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks; and
20. Enable the fair and consistent enforcement of these sign regulations.

**Sec 6-21. Definitions**

Words and phrases used in this article are defined in section 1-12 of the City of Starke Land Development Code.

**Sec 6-22. Computation of sign size (area) and sign height.**

The following principles shall control the computation of sign size (area) and sign height:

1. Computation of size (area) of individual signs. The size (area) of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or wall when such wall otherwise meets these or other ordinances or regulations and is clearly incidental to the display itself.
2. Computation of size (area) of multi-faced signs. The sign size (area) for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign size (area) shall be computed by the measurement of one of the sign faces.
3. Computation of sign height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction of the sign or (2) the newly established grade after construction of the sign, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

**Sec 6-23 Prohibited signs.**

The following signs and sign-types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign-type that is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of section 6-24.

1. Billboards.
2. Flashing signs.
3. Animated signs.
4. Revolving or rotating signs.
5. Signs that move, twirl or swing, including multi-prism and tri-vision signs.
6. Portable signs.
7. Roof signs.
8. Abandoned and discontinued signs.
9. Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
10. Signs that have unshielded illuminating devices.
11. Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.
12. Umbrella signs.
13. Except as otherwise provided herein, any attached sign that exceeds 150 square feet in sign area.
14. Any freestanding sign that is higher than twenty-five (25) feet, other than flagpoles as allowed in certain zoning districts pursuant to this article, which have a height limit of thirty-five (35) feet.
15. Any freestanding sign that exceeds 150 square feet in sign area.

16. Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
17. Any sign in or over the public right of way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs, except as may be allowed by city commission resolution that sets forth specific criteria not based on the speaker's viewpoint and not allowing undue discretion on the part of any city official.
18. Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of a traffic control device sign and which is adjacent to the right-of-way of any road, street, or highway.
19. Any sign nailed, fastened, affixed to, or painted on any tree (living or dead), or other vegetation and power poles.
20. Non-governmental signs attached to traffic control devices or utility poles.
21. Any sign prohibited by state or federal law.
22. Pavement markings, except for official traffic control markings and building address markings required by law.
23. Signs made of combustible materials that are attached to or located within twenty (20) feet of fire escapes or firefighting equipment.
24. Freestanding or Ground commercial signs adjacent to residentially zoned land.

**Sec. 6-24 Nonconforming signs.**

- A. Consistent with the public policy to restrict and eventually eliminate nonconforming uses and structures, it is the policy of the city that nonconforming signs shall be brought into conformity or removed as expeditiously as possible while allowing such signs to be maintained in the interim. A nonconforming sign that was lawfully erected may continue to be maintained until:
  1. The nonconforming sign or sign structure meets the definition of an abandoned or discontinued sign or sign structure or is substantially damaged or destroyed
- B. At such time the sign is substantially damaged or destroyed the nonconforming sign must either be:



1. Removed; or
2. Brought into conformity with this article and with any other applicable law or regulation.

**Sec 6-25 Building permits.**

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a building permit from the city in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a building permit shall be paid in accordance with the applicable city fee schedules. The requirement of a building permit under the Florida Building code is separate and independent of the requirement for a sign permit under this article.

**Sec 6-26 Substitution of non-commercial speech for commercial speech.**

Notwithstanding anything contained in this article or code to the contrary, any sign erected pursuant to the provisions of this article or code may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this article and code have been satisfied.

**Sec 6-27 Content neutrality as to sign message or viewpoint.**

Notwithstanding anything in this article or code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content or viewpoint of the message contained on such sign or displayed on such sign structure.

**Sec 6-28 Illegal signs on public property.**

Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

**Sec 6-29 Sign permits.**

- A. Unless exempt from permitting, no permanent sign shall be erected, altered, relocated maintained or displayed until a sign permit is obtained from and the appropriate fee paid. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.
- B. No sign permit shall be issued for the erection of a prohibited sign.
- C. Permits not required for change of sign copy.

No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign.

- D. Sign permit applications.

A sign permit application for permanent and certain temporary signs as may be required by this article, or separate city commission resolution, shall be prepared and submitted. The sign permit application is in addition to any building permit application required by the Florida Building code.

- E. Sign permit application review.

- 1. An applicant shall deliver a sign permit application for a permanent sign to the city manager, or such department as may be designated by the city manager. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this article and any applicable zoning law.
- 2. An approval, with conditions, or disapproval by the city manager or his designee shall be deemed the final decision of the city upon the application.

- F. Sign permit fees.

Before issuance of a permit, the City Manager or his designee shall collect the necessary sign permit fees. The sign permit fees shall be as designated by resolution of the city commission.

**Sec. 6-30 Miscellaneous safety requirements.**

In addition to any requirement of this article, code, or other law or regulatory provision, signs shall be erected and maintained to conform to the following safety requirements.

1. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
2. No sign shall be erected which interferes with any opening required for ventilation.
3. Signs shall maintain a minimum of six (6) feet horizontal and twelve (12) feet vertical clearance from electrical conductors and from all communications equipment or lines located within the city.
4. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
5. No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed so as to impair access to a roof.

**Sec. 6-31 Appellate decisions deemed final, subject to judicial review.**

The appellate decisions of the City Commission shall be deemed final

**Sec. 6-32 Residential and residentially zoned districts.**

The following districts are identified as residential or residentially zoned districts for the purpose of this article: R-1A; R-1B; R-1C; R-1D; RM-1; RM-2; R-2A; R-2B; RP; A and PUD.

1. Single-family residential subdivisions, planned unit developments, mobile home parks, multi-family including apartments, duplex, condominium. Townhouse or other similar development with one single primary structure, and development with two (2) or more primary structures: One (1) wall and ground sign only for each point of access to the project from an existing public street.
  - a. Maximum sign area: Wall signs: Eighteen (18) square feet. Ground sign: thirty-two (32) square feet. Wall signs may not project more than eighteen (18) inches from a wall. Any wall sign that projects more than two and one-half (2.5) inches from a wall shall be mounted so that the bottom of the sign is not closer than nine (9) feet to the ground at grade level.
  - b. Maximum sign height: Six (6) feet.

- c. Minimum setback from property line: Five (5) feet, and shall not obstruct vision between the height of three (3) feet and eight (8) feet above the crown grade of the nearest right-of-way and/or driveway.
- 4. Ground signs in residential zoning districts shall be located in a landscaped island or lawn area protected from vehicular contact and shall not encroach into any corner sight visibility triangle.
- 5. On a parcel with an apartment building or condominium complex, one (1) permanent wall, window or monument sign may be allowed for each such building or complex; however, such sign shall not exceed:
  - a. Three (3) feet in height; and
  - b. Six (6) square feet in size (area).

**Sec. 6-33 Commercial and Industrial zoned districts:**

The following sign-types shall be allowed for each lot or parcel with a non-residential use:

- 1. Ground signs.
  - a. Individual building with one tenant: One (1) freestanding, two faced sign per building having a maximum sign area of one hundred twenty (120) square feet. Permanent ground signs must be landscaped at their base.
  - b. Multi-use Complex or Multi-tenant Complex and Shopping Centers: One (1) freestanding, two-faced sign for main entry having a maximum sign area of one hundred twenty (120) square feet. One (1) additional freestanding sign having a maximum sign area of thirty two (32) square feet is permitted for additional main entryways with frontage along a street providing that there is a minimum separation of one hundred (100) feet between signs. The ground sign may include the name of the center only, the name of the center and the major tenants, or a grouped directory of all tenants of the center at the discretion of the property owner or their representative. The support components of a tenant directory sign must have coordinated graphics.
  - c. Maximum sign height: Ground signs shall not exceed twenty (20) feet in height. Wall signs shall not be any higher than the highest point of the building.
  - d. Minimum setback from property line: Five (5) feet, and shall not obstruct vision between the height of three (3) feet and eight (8) feet above the crown grade of the nearest right-of-way and/or driveway.

2. Fascia or wall signs.
  - a. Individual building with one tenant: Two (2) signs per business having a maximum sign area of thirty two (32) square feet.
  - b. Multi-use Complex or Multi-tenant Complex and Shopping Centers: Each tenant shall be entitled to a total of one (1) sign per business and may select only one of the following options: one (1) wall sign, one (1) projecting sign, or one (1) permanent window sign not to exceed thirty two (32) square feet.
  - c. Wall signs may not project more than eighteen (18) inches from a wall. Any wall sign that projects more than two and one-half (2.5) inches from a wall shall be mounted so that the bottom of the sign is not closer than nine (9) feet to the ground at grade level.
3. Supplementary window or door signs. No permanent window or door sign that is visible from any public or private street shall occupy more than twenty (20) percent of the window or door surface. No permit is required.
4. Each restaurant shall be allowed two (2) attached menu display signs of no more than thirty two (32) square feet of sign face area, located at the entrance, or service window of a restaurant, and two (2) freestanding drive-through menu signs not to exceed forty eight (48) square feet.
5. In any commercial or industrial district, a canopy or awning sign may be permitted in lieu of a wall or window sign at an individual, single-occupant, premises. Such canopy or awning and signage square footage combined shall not exceed the total permissible square footage for a wall or window sign. The height of the canopy or awning shall not exceed sixteen (16) feet (first floor) or twenty-five (25) feet (second floor) or the height of the structure on which it is attached, whichever is less and not to exceed thirty two (32) square feet.
6. Four (4) permanent directory signs shall be allowed on each parcel or lot. Each sign shall not exceed six (6) feet in height and shall not exceed eighteen (18) square feet in area.

**Sec. 6-34. Reserved**

## DIVISION 3: SITE CLEARING, TREE PRESERVATION AND LANDSCAPE STANDARDS

### Sec. 6-41. Generally

- A. The purpose and intent of this article is to promote the health, safety, welfare; and general well being of existing and future residents of the City of Starke through the establishment of minimum standards for the preservation of natural plant communities, the practice of landscaping, and the protection of trees on public and private property within Starke. The specific objectives of this article are as follows:
1. To promote and improve the aesthetic integration of natural and manmade environments in order to reduce the harmful effects of development and land use on vegetation, and thereby improve the quality of life through the abatement of noise, glare, dust, and air pollution;
  2. To promote the conservation of energy through the preservation and planting of trees, thereby reducing heat gain in or on buildings or paved areas by shading and by removal of heat from the air through evapo-transpiration; and
  3. To promote the conservation of limited fresh-water resources by encouraging the preservation and planting of natural or uncultivated areas and by increasing permeable areas which contribute to groundwater recharge and storm water run-off retardation.

### Sec. 6-42. Applicability

This article shall apply to all development within Starke unless specifically exempted by the provisions of this article. The provisions of this article shall also apply to the expansion of any existing development, including all land in government use, when the value of the total expansion is equal to fifty (50) percent of the assessed value of the existing use, according to the Bradford County Property Appraiser, or when total square footage of a structure is increased by fifty (50) percent or more.

### Sec. 6-43. Exemptions

The following development shall be exempt from the standards of this article.

1. **Vehicular Use Areas Within or on Top of a Building.** Vehicular use areas exclusively within or parking areas entirely within or on top of, a building shall be exempt from the provisions of this article.
2. **Bona Fide Agricultural Production.** Bona fide agricultural production activities shall be exempt from the provisions of this article.

**Sec. 6-44. Site Clearing and Tree Protection Standards**

- A. Site Clearing and Tree Protection Requirements.** No person, directly or indirectly, shall engage in site clearing or cut down, remove, damage or destroy, or authorize the removal, damage or destruction of any protected tree as defined in this Code or shall commit or authorize any act which physically causes the clearing of a site or destruction of any protected tree, such as damage inflicted upon the root system by heavy equipment or by changes to the existing grade, without first having obtained a site clearing and tree removal permit pursuant to section 6-44(D).
- B. Exemptions to Site Clearing and Tree Protection Standards.** The following are exempt from the site clearing and tree protection requirements.
1. Any species or sub-species of trees commonly referred to as pine or palm trees that are not protected trees under this article;
  2. Any tree located in botanical gardens or in state approved or government nurseries and groves which are grown for sale or public purpose.
  3. Any tree that poses imminent danger to the public health, welfare, or safety; any tree that is diseased or weakened by age, weather, storm, fire, or act of God; or any tree which is likely to cause injury or damage to persons, buildings, or other improvements. The Administrative Official shall require a written certification of the need to remove such a tree or trees from a person having the expertise to provide the same prior to authorizing such removal.
- C. Temporary Suspension of Site Clearing and Tree Protection Requirements.** During a period of emergency, such as a hurricane, flood, or other natural disaster, the requirements of this article may be temporarily waived by the Administrative Official, so that private or public work to restore the city will in no way be hampered.
- D. Site Clearing and Tree Removal Permits.** Prior to the issuance of any permit for construction, improvement, paving, or surfacing under the provisions of this Code, an application for a site clearing and tree removal permit must be submitted for approval to the Administrative Official pursuant to the procedures and standards of this article.
1. **Application Contents.** The plans submitted with the site clearing and tree removal permit application shall include the following information:
    - a. A survey showing the location and identification by common name and DBH of protected trees to be removed, relocated, or retained, including any trees being preserved for credit under the provisions of section 6-49(F), and a listing of protected trees by type and size so as to provide a summary of the removal and replacement proposal. Inclusion of the botanical names of the protected trees on the survey is desirable, but is not required.
    - b. In preserve areas where groups of trees are to remain and no soil is to be disturbed, the trees may be identified by general species.

- c. A statement explaining why any protected trees are to be removed or relocated.
  - d. The plans submitted with the site clearing and tree removal permit application shall overlay the development plan and show the location of sources of water within seventy-five (75) feet of any planting areas.
2. **Inspections.** Compliance with the intent of this article shall be verified by inspections prior to development plan approval, during construction, and following installation of landscaping.
3. **Standards for Issuance of Permits.** The issuance of a site clearing and tree removal permit by the Administrative Official shall be based on the consideration of the following standards.
- a. The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services or which pose a safety hazard to buildings;
  - b. The necessity to remove diseased trees or trees weakened by age, weather, storm, fire, or acts of God or which are likely to cause injury or damage to people, buildings, or other improvements on a lot or parcel of land;
  - c. The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams, or rivers through runoff or erosion;
  - d. The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees or natural landscape areas which are proposed to be cleared;
  - e. The topography of the site and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface water;
  - f. The necessity to remove trees in order to construct proposed improvements to allow access around the proposed structure for construction equipment, access to the building site for construction equipment, or essential grade changes;
  - g. The land use and natural vegetative ground coverage of surrounding property;
  - h. The extent of any damage or hardship to the applicant resulting from a denial of the requested permit;
  - i. The species and size of the trees proposed for removal, and whether the trees to be removed include exceptional specimen trees.



**E. Tree Removal and Trimming on Public Property**

1. **Permits Required.** Any person who intends to remove, prune, or otherwise disturb any protected tree on a public easement or right-of-way shall first obtain a permit from the Administrative Official. All work shall be conducted in strict accordance with the National Arborist Association Pruning Standards for Shade Trees and the American National Standards for Tree Care Operations (ANSI #Z133.1).
2. **Annual Permits.** Any department or division of the City of Starke or any independent authority or agency of the city, and any provider or utility service may obtain an annual permit to trim or remove protected trees for maintenance purposes, for the installation of new facilities, or to maintain a proper clearance on existing facilities upon the submission of an operational manual, including procedures and/or standards subject to the approval of the Administrative Official.

**F. Replacement of Protected Trees.** Protected trees which are identified for removal on a site clearing and tree removal permit application shall be replaced with new planted trees or transplanted trees (replacement trees). The following standards shall govern the replacement of protected trees:

1. **Tree Replacement Formula.** The total caliper inches of replacement trees required to be planted shall equal one-third (1/3) the total DBH inches of the protected trees removed.
2. **Replacement Credit for Preserved Trees.** Existing protected trees may be used to satisfy the tree replacement requirements of this section and the landscape requirements of section 6-45, provided that the protected trees satisfy the following conditions.
  - a. All trees shall be protected in accordance with tree and landscape protection standards of section 6-45 and shall be healthy and free of damage and insect infestations potentially lethal to the tree.
  - b. One (1) inch of DBH of protected trees is retained for each one (1) inch of DBH of protected tree moved. If the replacement tree dies within twelve (12) months after planting, it shall be replaced.
3. **Replacement Tree Species and Size.** Replacement trees shall meet the tree and landscape material standards of section 6-45. If multi-trunk trees are used as replacement trees, the total caliper of the two (2) largest trunks shall equal the replacement caliper.
4. **Dead, Diseased, and Deteriorated Trees.** No replacement will be required for removed protected trees which are determined to be dead or deteriorated as a result of age, insects, disease, storm, fire, lightning, or other natural acts. Written notification of such determination by a certified tree expert must be provided prior to any action.

**G. Protection of Trees During Construction.** All protected trees, preserved under story vegetation, and trees retained for tree credit pursuant to this section, shall be protected from injury during any land clearing and construction process in the following manner:

1. Temporary barriers shall be constructed to prevent disturbance of the soil a minimum of six (6) feet from the trunk at any point or an area equal to fifty (50) percent of the area within the drip line. The barriers shall remain in place throughout construction.
2. The developer shall not cause or allow the cleaning of equipment, storage, or disposal of materials or waste materials such as paints, solvents, asphalt, concrete, mortar, or any other material that may endanger the health of trees or vegetation within the drip line of protected trees.
3. The protected area shall be maintained at its original grade with no trenching or cutting of any roots, and there shall be no storage of fill or compaction of soil. In no event shall motorized vehicles or equipment be allowed to park on or traverse that area within the drip line of protected trees, nor shall any dirt or other materials be stored within the barriers.
4. No attachment, wires (other than protective guy wires), signs or permits shall be fastened to a tree.
5. Developers shall post signs governing tree removal. The sign shall be not less than two (2) feet by two (2) feet in size and shall contain the following

### **PROTECTED TREES**

**ALL TREES MARKED TO BE SAVED ARE PROTECTED BY THE CITY OF STARKE LAND DEVELOPMENT CODE. ANY PERSON DAMAGING ANY MARKED TREES WILL BE SUBJECT UP TO A FINE OF UP TO \$250.00 PER DAY AND A STOP WORK ORDER.**

6. Standards for protection of trees on disturbed sites are contained in the publication: *Tree Protection Manual for Builders and Developers*, published by the Florida Department of Agriculture and Consumer Services (February 1986) and available through the Florida Department of Agriculture, Division of Forestry.

#### **Sec. 6-45. Landscape Standards**

The following landscape standards shall apply to all development. They may be used to satisfy, in whole or in part, the landscape requirements for off-street parking and vehicular use area landscape buffers (section 6-45(D) ), the landscape requirements for the interior of parking and vehicular use areas (section 6-45(C)), and any of the other special landscape requirements of this Code.

- A. **Minimum Areas to be Landscaped.** Multifamily residential, mobile home park, office, commercial, industrial or public land uses shall provide a minimum of ten (10) percent of the gross land area to landscape development.

#### **B. Off-Street Parking and Vehicular Use Area Landscape Buffers**

1. **Landscape Buffers Adjacent to Public Rights-Of-Way.** A landscaped area at least ten (10) feet in width shall be located between off-street parking areas and abutting rights-of-way. Wheel stops or curbing shall be used to assure that the landscape strip is not overhung by car bumpers. This landscaped area shall include one (1) shade tree for every twenty-five (25) linear feet of frontage. In addition, a hedge of at least two (2) feet in height upon planting shall be placed three (3) feet on center along the parking lot side of the landscaped strip. If a barrier of non-living material is used in-lieu of a hedge to satisfy the landscape buffer requirements of section 6-45 (D)(1), such barrier shall not exceed four (4) feet in height. One (1) shrub or vine for every three (3) linear feet of barrier shall be planted abutting all barriers. Required shrubs or vines may be clustered rather than spaced evenly. Required shrubs or vines shall be planted along the street side of such barrier within the required landscape buffer. The remainder of the required landscape buffer shall be landscaped with grass, ground cover, or other landscape treatment. Turf grasses shall not comprise more than forty (40%) percent of the pervious area.
  2. **Landscape Buffers Adjacent to Residential Uses.** When multi-family or nonresidential off-street parking areas or other vehicular use areas abut single-family residential uses or properties, that portion of such area not entirely screened by an intervening structure shall be separated by a landscaped buffer at least seven (7) feet in width. The landscape buffer shall contain an eighty-five (85) percent opaque screen composed of either living plant materials or durable non-living materials, such as fences or walls. Required screens or barriers shall have a minimum height of six (6) feet and shall be located on the parking lot side of the landscape buffer. When located on side lot lines, such screen shall be reduced to four (4) feet in height within ten (10) feet of its intersection within the street right-of-way line.
    - a. Visual barriers - All living plant materials within landscape buffers adjacent to residential uses shall be planted in a manner which will form a visual barrier with a minimum height of at least thirty (30) inches upon planting. Such barriers shall attain the required height of six (6) feet within twenty-four (24) months under normal growing conditions. A barrier shall be accented with one (1) shrub or vine for every three (3) linear feet of barrier and shall be planted on the residential side of the barrier.
    - b. Trees - A minimum of one (1) tree shall be planted for every twenty-five (25) linear feet of landscape buffer adjacent to a residential use. Each such tree shall be planted in at least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. Grouping of trees in larger, naturally landscaped island is encouraged.
- C. **Interior Landscaping of Parking and Vehicular Use Areas.** Off-street parking and vehicular use areas containing more than ten (10) parking spaces or more than two thousand (2,000) square feet of surface area shall provide pervious interior landscape area equal to at least ten (10) percent of the total paved area.
1. **Landscape Islands.** Each separate interior landscaped area shall contain a minimum of one hundred (100) square feet of area and shall be at least eight (8) feet in width. A minimum of one (1) shade tree shall be planted for every one hundred (100) square feet of interior landscaping. The remainder of the required landscape area shall be planted with shrubs, ground cover, or other approved tree and landscape materials.

2. **Curbing and Wheel Stops.** All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.
3. **Location of Landscape Areas.** Interior landscape areas shall be located in a manner which will divide or interrupt the broad expanse of paving within parking and vehicular use of areas. Landscaped areas shall subdivide parking areas into parking bays.
4. **Modification of Interior Landscape Requirements.** In vehicular use areas where the strict application of this subsection would seriously limit the function of said area, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping which is relocated shall be in addition to the perimeter landscaping requirements.

#### D. Compatibility Landscape Buffers

1. **Applicability.** A landscape buffer shall be required to be installed in the following areas.
  - a. Protection of single-family uses - A landscape buffer shall be installed adjacent to the property line of a mobile home park, multi-family, commercial, or industrial site where the property line abuts an R-1A, R-2A or R1-C zoning district or a developed single-family or two-family dwelling unit when the uses are not separated by an intervening street or alley.
2. **Landscape Buffer Standards.** A landscape buffer shall be a minimum width of seven (7) feet. Plant materials should reach a minimum height of six (6) feet at maturity and provide an opaque screen for a visual barrier.
  - a. Hedges and living barriers - If a hedge is planted as a screen, plantings shall be of a size and type which will ensure complete visual screening for a height of six (6) feet within twenty-four (24) months of the date of planting.
  - b. Non-living barriers - If a non-living barrier is used to satisfy the screening requirements of this subsection, a minimum of one (1) shrub or vine shall be installed for every five (5) linear feet of barrier and shall be planted on the residential or street side of the barrier.

#### E. Tree and Landscape Material Standards

1. **Tree and Plant Quality.** Plant materials used to satisfy the provisions of this section shall conform to or exceed the minimum standards for Florida Number 1, as- provided in the most current edition of Grades and Standards for Nursery Plants, Parts I and II, prepared by the State of Florida Department of Agriculture and Consumer Services. Another accepted standard may be used if it equals or exceeds the quality of Florida Number 1.

Trees and plant materials used in landscape design pursuant to this section shall, to the greatest extent possible, be drought tolerant; appropriate for the ecological setting in which they are to be planted; have non-invasive growth habits; encourage low-maintenance and high-quality landscape design; be commercially available; and be otherwise consistent with

the purpose and intent of this section.

2. **Tree and Plant Species List.** A list of suitable tree species is contained in the booklet entitled Recommended Trees for Home Planting in Your Area - Florida Division of Forestry Districts- 1-9, published by the Florida Department of Agriculture, Division of Forestry, January 1984, which is available for inspection in the office of the Administrative Official.
3. **Tree Crown.** Trees used to satisfy the requirements of this section shall be species having an average mature spread of crown of fifteen (15) feet or more. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping trees to create the equivalent of a fifteen (15) foot crown spread.
4. **Tree Diameter and Height.** All newly planted trees used to satisfy the requirements of this section shall have a minimum two (2) inch DBH and a minimum height of eight (8) feet immediately upon planting.
5. **Palm Trees.** Each group of three (3) palms shall be considered one (1) tree of the purpose of this Code. In the case of species and palms, which characteristically grow in clumps, each clump shall be considered to be one (1) tree. Palm trees used to satisfy the requirements of this section shall have a minimum height of eight (8) feet from ground level to base of palm fronds.
6. **Shrubs and Hedges.** Shrubs required for screening off-street parking areas from adjacent properties shall be no less than three (3) gallon container grown. Material shall be of a variety, which has a minimum mature height between three (3) to twelve (12) feet. Hedges, when required, shall be planted and maintained to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting. All other shrubs and dwarf shrubs used as an accent ground cover may vary in size depending on the type of plant material and the desired effect.
7. **Vines.** Vines shall be evergreen and shall have a minimum of four (4) stems, twenty-four (24) inches in height immediately after planting and may be used in conjunction with fences, screens, or swales to meet physical barrier requirements as specified.
8. **Mulch.** Mulch shall be temporarily applied to areas not immediately covered by ground cover. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate, such as preservation areas. Where mulch is intended to be installed permanently, it shall be renewed and maintained as required.
9. **Ground Cover.** Ground cover used in lieu of grass shall be planted to present a finished appearance and reasonably complete coverage within three (3) months after planting. Low maintenance ground cover materials are encouraged in lieu of grasses.
10. **Grass.** Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion. Where seed is sown during its dormant season, a winter grass shall be sown for immediate effect and protection until coverage is achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease.

11. **Earthwork.** Earth berms shall be of variable height and slope. Swales and ponds shall be permitted for on-site retention of storm water provided they are approved by the Administrative Official.

F. **Maintenance of Landscaped Areas.** Maintenance and upkeep of all landscaping and landscaped areas required by this section shall be the responsibility, jointly and severally, of owners, tenants, or agents, if any. Landscaping and landscaped areas shall present a neat, healthy, and orderly appearance and shall be kept free from refuse and debris. Dead or dying plant material shall be removed and replaced by materials meeting the requirements of the original landscaping plan as approved.

G. **Irrigation.** Adequate irrigation of landscaped areas shall be provided for the first full growing season and continue thereafter as necessary to maintain required vegetation in good and healthy condition. Irrigation systems shall conform to the following standards.

1. All landscaped areas shall be provided with a readily available water supply with at least one (1) outlet within seventy-five (75) feet of the plants to be maintained. The use of non-potable water for irrigation purposes shall be encouraged.
2. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones or to water impervious areas.
3. No irrigation system shall be installed or maintained abutting any public street, which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
4. The use of grey or re-used water and irrigation quality effluent shall be encouraged as a means of irrigation wherever possible.
5. No irrigation system shall be required for an area set aside for native vegetation.

H. **Landscaping Near Corners and Intersections** - Trees and landscaping shall comply with the corner sight visibility triangle requirement (see section 1-12(A)(125)) in addition to the following requirements.

1. When a driveway or access way intersects a public right-of-way, clear unobstructed cross-visibility shall be provided within the sight triangle formed by such intersection. The sight triangle shall be measured from the point of intersection, ten (10) feet along the driveway and then ten (10) feet along the right-of-way, with the third side being a line connecting the two (2) points. Cross-visibility within the sight triangle shall be unobstructed between the height of two and one-half (2.5) feet and eight (8.0) feet measured from the top of the nearest curb or edge of the roadway, whichever is closer to the visibility triangle. Trees within such areas shall have their limbs and foliage trimmed in a manner that no limb or foliage will extend into the cross-visibility area.
2. To ensure proper visibility at the intersection of driveways with public rights-of-way, only properly trimmed trees as previously stated, ground cover type plants or dwarf plants which

do not exceed twenty-four (24) inches in height, utility poles, street lights and sign standards or supports shall be allowed within the sight visibility triangle.

**Secs. 6-46. - 50. Reserved**

**DIVISION 4: STORMWATER MANAGEMENT AND EROSION CONTROL**

**Sec. 6-51. Generally**

All improvements shall include comprehensive storm drainage facilities for positive drainage. Storm drainage plans and specifications shall be prepared by an engineer. Storm drainage elements shall meet or exceed current minimum standards established by the City Commission, and shall include surface flow over pavements, piped flow of collected run-off, and/or intercepted groundwater. Open swales, ditches, or other waterways shall require complete engineering design data pertinent to their design and their effect within the particular drainage basin to establish their adequacy for approval by the City Commission.

**Sec. 6-52. Design and Performance Standards**

- A. The general design and performance requirements of this section shall meet all of the standards of the following documents, which are incorporated by reference and shall be applied unless stricter standards are stated herein as part of the Land Development Code.
  - 1. Drainage Manual, Florida Department of Transportation.
  - 2. Suwannee River Water Management District (SRWMD) standards, as defined in the SRWMD "Surface water Management Permitting Manual" (January 1, 1990).
  - 3. Chapter 17-25, Florida Administrative Code, Rules of the Department of Environmental Protection.
  - 4. National Pollution Discharge System rules of the U.S. Environmental Protection Agency.
- B. Innovative approaches to storm water management shall be encouraged and the concurrent control of erosion, sedimentation, and flooding shall be mandatory. The Administrative Official reserves authority in approving alternate methods of meeting the objectives of these guidelines and regulations on a demonstration by the applicant that equivalent similar results can be achieved by the proposed alternate method.
- C. All storm water management systems constructed or reconstructed under development orders issued by the City of Starke shall be in accordance with the following:
  - 1. Major drainage ways, which include canals, retention ponds, detention ponds, outfall structures, and weirs shall be designed and constructed to accommodate a 25-year, 24-hour frequency storm runoff.

2. Minor drainage ways, which include the "in-pipe" street collection system and catch basins shall be designed and constructed to accommodate a 10-year, 24-hour frequency storm rates.
3. In existing developed areas where storm water facilities are retrofitted, and in which standard treatment methods are impractical, appropriate Best Management Practices, as described in the Florida Land Development Manual: A guide to Sound Land and Water Management (DER, 1988), shall be utilized.
4. Storm water discharge facilities shall be designed so as to not to degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-302, Florida Administrative Code.
5. Post-development run-off rates shall not exceed pre-development run-off water.
6. Storm water treatment shall be provided for a volume equivalent to either retention or detention with filtration of the run-off from the first one inch of rainfall; or as an option, for facilities with a drainage area of less than 100 acres, the first one-half inch of runoff pursuant to Chapter 17-25, Florida Administrative Code. No discharge from any storm water facility shall cause or contribute to a violation of water quality standards as provided in section 17.302 of the Florida Administrative Code.

**Sec. 6-53. Required Improvements**

- A. Storm water management systems shall be required to provide retention of run-off volumes such that the peak discharge from the developed site shall not exceed the equivalent peak discharge from the natural or undeveloped site.
- B. The City Commission may require any water retention areas to be fenced and screened by trees or shrubbery.
- C. In areas where high groundwater or other conditions exist and it is deemed necessary by the City Commission, subsurface drainage facilities (under drains) shall be installed.
- D. The City Commission may require the developer to maintain any natural watercourse.

**Sec. 6-54. Dedication of Drainage Easements**

- A. Where a development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose as determined by the City Commission.
- B. Other easements may be required for drainage purposes of such size and location as may be determined by the City Commission.



**Sec. 6-55. Low-Lying Areas**

- A. Areas to be used for water retention purposes shall be covered by a restricted easement which shall not allow any structure to be built in the water retention area which could be damaged by rising water or modify the area to affect its retention capacity.
- B. Low-lying lands along watercourses subject to flooding, as defined on the Federal Insurance Administration's Flood Hazard boundary Maps, whether or not included in areas for dedication, may be required to be retained in their natural state as drainage ways and/or retention areas. Such land or lands subject to periodic flooding from the 100-year flood shall not be utilized for computing the area requirement, as stipulated in the Zoning District Regulations, of any lot.

**Sec. 6-56. Permits Required**

Prior to the issuance of a building permit for new development and redevelopment, the developer shall be required to submit those approvals required from outside agencies prior to issuance of local development permits. These outside permits include, but are not limited to, use of conservation areas, storm water management facilities and dredge and fill.

**Secs. 6-57 - 60. Reserved****DIVISION 5: FLOOD HAZARD AREAS****Sec. 6-61. Statutory Authorization, Findings of Fact, Purpose, and Objectives**

- A. **Statutory Authorization.** The Legislature of the State of Florida has authorized and delegated in Chapter 166, Florida Statutes, the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Commission does hereby adopt the following floodplain management regulations.
- B. **Findings of Fact**
  - 1. The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. The provisions contained in this Division, including definitions, general provisions, administration, provisions for flood hazard reduction and variance procedures, only apply to the floodplain management regulations of said Division and do not apply to any other division of this land development code.
  - 2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

- C. **Statement of Purpose.** It is the purpose of this Division to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Restrict or prohibit uses which are dangerous to life, health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended life span;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
  4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- D. **Objectives.** The objectives of this Division are to:
1. Protect human life, health and to eliminate or minimize property damage;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;
  6. Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
  7. Ensure that potential homebuyers are notified that property is in a flood hazard area.

## **Sec. 6-62 Definitions**

Unless specifically defined below, words or phrases used in this Division shall be interpreted so as to give them the meaning they have in common usage and to give this Division its most reasonable application.

Accessory structure (Appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this Division or a request for a variance.

Area of special flood hazard is the land in the floodplain within the City subject to a one-percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" and the "regulatory flood"). Base flood is the term used throughout this Division.

Base Flood Elevation means the water-surface elevation associated with the base flood.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building – see Structure.

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations which produce, use or store hazardous materials or hazardous waste.

Datum means reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means, for the purposes of floodplain management, structures for which "the start of construction" commenced before the data of the initial Flood Insurance Rate Map

(FIRM). Existing construction, means for the purposes of determining rates structures for which the “start of construction” commenced before November 15, 1989. This term may also be referred to as “existing structures”.

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 the effective date of the floodplain management regulations adopted by a community.

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).

Flood or flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Boundary and Floodway Map (FBFM) means an official map of the City on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

Flood Hazard Boundary Map (FHBM) means an official map of the City, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood Insurance Rate Map (FIRM) means an official map of the City, issued by the Federal Emergency Management Agency, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official hydraulic and hydrologic report provided by the Federal Emergency Management Agency. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related

erosion hazards. The study may also contain flood profiles, as well as the Flood Insurance Rate Map, Flood Hazard Boundary Map (where applicable), and other related data and information.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Administrator means the individual appointed to administer and enforce the floodplain management regulations of the community.

Floodplain management regulations means this division and other land development code regulations, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other 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 a designated height.

Floodway fringe means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage bridge or culvert openings and hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally dependent use means a use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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

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

Historic Structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By the approved Florida program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior.

Lowest adjacent grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this Division.

Manufactured home means a building, 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. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2), or more manufactured home lots for rent or sale.

Market value means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Division, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

National Geodetic Vertical Datum (NGVD) of 1929 means a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction means, for floodplain management purposes, any structure for which the “start of construction” commenced on or after the effective date of the initial floodplain management code, ordinance, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of this division or November 15, 1989, whichever is later.

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 November 15, 1989.

North American Vertical Datum (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Program deficiency means a defect in the community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public safety and nuisance means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle that is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other 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 a designated height.

Remedy a deficiency or violation means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Division or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss means flood related damage sustained by a structure on two (2) separate occasions during a ten (10) - year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds twenty five (25) percent of the market value of the structure before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area means the same as area of special flood hazard.

Start of construction, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For 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.

Structure means for floodplain management purposes a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (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 cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alterations of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this Division.



Violation means the failure of a structure or other development to be fully compliant with the requirements of this Division. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Division is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### Sec. 6-63 General Provisions

- A. **Lands to Which This Article Applies.** This Division shall apply to all areas of special flood hazard within the City.
- B. **Basis for Establishing The Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study for the City dated November 15, 1989 with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Division. The Flood Insurance Study and Flood Insurance Rate Map are on file at the office of the City Clerk.
- C. **Designation of Floodplain Administrator.** The City hereby appoints the City Operations Manager or his/her designee to administer and implement the provisions of this Division and is herein referred to as the Floodplain Administrator.
- D. **Establishment of Development Permit.** A development permit shall be required in conformance with the provisions of this Division prior to the commencement of any development activities.
- E. **Compliance.** No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Division and other applicable regulations.
- F. **Abrogation and Greater Restrictions.** This Division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- G. **Interpretation.** In the interpretation and application of this Division all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the City Commission; and
  - 3. Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.

- H. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Division is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Division or any administrative decision lawfully made there under.
- I. **Penalties for Violation.** Violation of the provisions of this Division or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates this Division or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than five hundred dollars (\$500), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Code Enforcement Officer from taking such other lawful actions as is necessary to prevent or remedy any violation.

#### **Sec. 6-64 Administration**

- A. **Permit Procedures.** Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. Application Stage:
    - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
    - b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
    - c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 6-64.A (2) and Section 6-65.B (2);
    - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
  2. Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the National Geodetic Vertical Datum or North

Atlantic Vertical Datum elevation of the lowest floor or flood-proofed elevation, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

**B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties of the Floodplain Administrator shall include, but are not be limited to:

1. Review permits to assure sites are reasonably safe from flooding;
2. Review all development permits to assure that the permit requirements of this Division have been satisfied;
3. Advise permittee that additional Federal, State of Florida, or local permits may be required, and if such additional permits are necessary, especially as it relates to Sections 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, Florida Statutes, require that copies of such permits be provided and maintained on file with the development permit;
4. Notify adjacent communities, the state land planning agency, Division of Emergency Management, the Suwannee River Water Management District, the Federal Emergency Management Agency and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
5. Notify the Federal Emergency Management Agency within six (6) months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and floodplain management requirements will be based on current data;
6. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
7. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new or substantially improved buildings, in accordance with Section 6-65.B (1) and (2);
8. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 6-65.B (2);

9. Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Section 6-65.B (2) of this Division;
10. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Division;
11. When base flood elevation data or floodway data have not been provided in accordance with Section 6-63.B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Section 6-65.B;
12. Coordinate all change requests to the Flood Insurance Study, Flood Insurance Rate Map and Flood Boundary Floodway Map with the requester, State of Florida, and Federal Emergency Management Agency; and
13. Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and flood-proofing elevations for new construction and substantial improvements in accordance with Sections 6-65.B (1) and (2), respectively.

**Sec. 6-65. Provisions for Flood Hazard Reduction.**

- A. **General Standards.** In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:
  1. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
  3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance;

4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Division shall meet the requirements of “new construction” as contained in this Division;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Division, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;
11. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:
  - a. Suwannee River Water Management District: in accordance with Section 373.036, Florida Statutes, Section (2)(a) – Flood Protection and Floodplain Management.
  - b. State land planning agency: in accordance with Section 380.05, Florida Statutes Areas of Critical State Concern, and Chapter 553, Part IV, Florida Statutes, Florida Building Code.
  - c. Florida Department of Health: in accordance with Section 381.0065, Florida Statutes, Onsite Sewage Treatment and Disposal Systems.
  - d. Florida Department of Environmental Protection, Coastal Construction Control Line: in accordance with Section 161.053, Florida Statutes, Coastal Construction and Excavation.
12. Standards for Subdivision Proposals and other Proposed Development (including manufactured homes):
  - a. All subdivision proposals shall be consistent with the need to minimize flood damage;

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
    - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - 13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
  - 14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood evaluations, the entire structure shall meet the standards for the most hazardous flood hazards risk zone and the highest base flood elevation.
- B. **Specific Standards.** In all A-Zones where base flood elevation data have been provided (Zones AE), as set forth in Section 6-63.B, the following provisions shall apply:
- 1. **Residential Construction.** All new construction or substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of Section 6-65.B (3).
  - 2. **Non-Residential Construction.** All new construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. All buildings located in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the Federal Emergency Management Agency Flood Proofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.
  - 3. **Enclosure Below the Lowest Floor.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
    - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- b. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - c. The bottom of all openings shall be no higher than one (1) foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade);
  - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions;
  - e. Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
  - f. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
4. Standards for Manufactured Homes and Recreational Vehicles
- a. All manufactured homes that are placed, or substantially improved within Zones AE, on sites
    - (i) outside of an existing manufactured home park or subdivision,
    - (ii) in a new manufactured home park or subdivision,
    - (iii) in an expansion to an existing manufactured home park or subdivision, or
    - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - b. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision, that are not subject to the provisions of paragraph 4 (a) of this Section, must be elevated so that either:
    - (i) The lowest floor of the manufactured home is elevated to no lower than one (1) foot above the base flood elevation, or
    - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than thirty six (36) inches forty eight (48) inches if one (1) foot of freeboard adopted) in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
  - c. All recreational vehicles placed on sites within Zones AE must either:
    - (i) Be on the site for fewer than one hundred eighty(180) consecutive days,

- (ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
  - (iii) Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with Section 6-65.B, paragraphs (4) (a) and (b) of this Article.
- 5. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures within zone AE.
- 6. Standards for streams with established Base Flood Elevations, but without Regulatory Floodways located within the areas of special flood hazard established in Section 6-63.B, where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE), the following additional provisions shall also apply.
  - a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
  - b. Development activities which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the developer or applicant first applies, with the community's endorsement, for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.
- 7. Standards for Waterways with Established Based Elevations and Floodways. Located within areas of special flood hazard established in Section 6-63.B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:
  - a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.
  - b. Development activities including new construction and substantial improvements within the regulatory floodway that increase the base flood elevation may be allowed, provided that the developer or applicant first applies, with the community's endorsement, for a conditional Flood Insurance Rate Map



revision, and receives the approval of the Federal Emergency Management Agency.

- c. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Section 6-65.B (7) (a).

C. **Specific Standards for A-Zones Without Base Flood Elevations and Regulatory Floodways.** Located within the areas of special flood hazard established in Section 6-63.B, where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

1. Require standards of Section 6-65.A.
2. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this Division. When such data is utilized, provisions of Section 6-65.B shall apply. The Floodplain Administrator shall:
  - a. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures;
  - b. Obtain, if the structure has been flood-proofed in accordance with the requirements of Section 6-65.B (2), the elevation in relation to the mean sea level to which the structure has been flood proofed; and
  - c. Maintain a record of all such information.
3. Notify, in riverine situations, adjacent communities, the State of Florida, the state land planning agency, National Flood Insurance Program Coordinating Office, and the Suwannee River Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to Federal Emergency Management Agency.
4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
5. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.
6. When the data is not available from any source as in paragraph (2) of this Section, the lowest floor of the structure shall be elevated to no lower than two (2) feet above the highest adjacent grade.

7. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

**Sec. 6-66 Variance Procedures.**

- A. **Designation of Variance and Appeals Board.** The City Commission shall hear and decide appeals and requests for variances from the requirements of this Division.
- B. **Duties of Variance and Appeals Board.** The City Commission shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Division. Any person aggrieved by the decision of the City Commission may appeal such decision to the Circuit Court.
- C. **Variance Procedures.** In acting upon such applications, the City Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Division, and:
  1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger of life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. 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, and streets and bridges.
- D. **Conditions for Variances.**
  1. Variances shall only be issued when there is:
    - a. A showing of good and sufficient cause;

- b. A determination that failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 2. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this Division.
- 3. Variances shall not be granted after-the-fact.
- 4. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's National Flood Insurance Program Biennial Report or upon request to Federal Emergency Management Agency and the state land planning agency, National Flood Insurance Program Coordinating Office.
- E. **Variance Notification.** Any applicant to whom a variance is granted shall be given written notice over the signature of a City Official that:
  - 1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage, and
  - 2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. **Historic Structures.** Variances may be issued for the repair or rehabilitation of "historic" structures meeting the definition in this Division, upon a determination that the proposed repair or rehabilitation will not preclude the continued designation of the structure as a "historic" structure.
- G. **Structures in Regulatory Floodway.** Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

**Secs. 6-67-75. Reserved**

## DIVISION 6: WETLANDS

### Sec. 6-76. Generally

This article establishes standards for the protection of wetland areas.

### Sec. 6-77. Definitions

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

1. **Wetland Protection Zone** includes the most landward extent of the following:
  - a. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection as authorized by section 403 of the Florida Statutes.
  - b. Areas within the jurisdiction of the U. S. Army Corps of Engineers as authorized by section 404, Clean Water Act or section 10, Rivers and Harbors Act.
  - c. Areas within the jurisdiction of the Suwannee Rivers Water Management District pursuant to Chapter 40 (B), Florida Administrative Code.
2. High Water Mark to be considered the top of bank on either side of Alligator Creek. Where both top of banks are not definitive, said high water mark shall be defined as the annual average high water mark for the creek based upon available governmental monitoring and recording information.

### Sec. 6-78. Development Activities Within Wetland Protection Zones

Except as expressly provided herein, no development activity shall be undertaken in a wetland protection zone, except as provided for in this article. Septic tanks shall not be permitted adjacent to or within fifty (50) feet of a wetland protection zone.

- A. Site plans for new development shall identify the location and extent of wetlands located on the property; and
- B. Site plans shall include measures to assure that normal flows and quality of water will be provided to maintain wetlands after development; or
- C. Every effort shall be made to achieve a goal of no net loss of wetland area while still providing for reasonable use of the property impacted by the presence of wetlands. After ensuring that an unavoidable loss of wetlands has been reduced to the lowest amount of impact possible through reduction in the intensity or density of the proposed use, or the transfer or relocation of structures within the site; or the clustering of development on uplands or through other proven land planning techniques, the city shall permit compensatory mitigation, preferably on the same site. Compensatory mitigation shall require that the amount of wetlands purchased, created, enhanced, or restored shall be done on a one to one ratio unless a greater ratio is required by other agencies. The wetlands purchased, created, enhanced, or restored, at a minimum, shall be of sufficient size

to assure that the amount of wetlands lost will be completely and successfully replaced. No subdivision of land will be permitted unless all of the new parcels created contain sufficient upland area to accommodate a development having the maximum intensity or density allowed.

- D. To the maximum extent possible, all wetland mitigation shall be performed "on-site".
- E. Whenever feasible, developments near wetlands or conservation areas shall place proposed open areas within their project immediately adjacent to the wetland protection zones.

**Sec. 6-79. - 80. Reserved**

## **DIVISION 7: PROTECTION OF POTABLE WATER WELLFIELDS**

**Sec. 6-81. Generally**

This chapter establishes regulations for controlling development activities surrounding wellheads.

**Sec. 6-82. Findings of Fact**

The City Commission finds that a clean source of potable water is vital for the continued welfare for citizens and visitors to the City of Starke.

**Sec. 6-83. Purpose and Intent**

The provisions of this part shall be implemented to achieve the following intentions and purposes of the City Commission:

- A. To safeguard the health, safety, and welfare by ensuring the protection of the principal source of water from potential contamination; and
- B. To control development adjacent to designated wellheads to protect water supplies from potential contamination.

**Sec. 6-84. Definitions**

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

1. *Protect wellhead* means those wellheads with a permitted capacity of 100,000 GPD or more.
2. *Wellhead protection zone* means all land within a twenty-five (25) foot radius of an existing or designated protected wellhead.
3. *Wellhead buffer zone* means all land within a two hundred (200) foot radius of an existing or designated protected wellhead.

**Sec. 6-85. Development Activities Within Wellhead Protection Zones**

No development activities shall take place in the wellhead protection zone.

**Sec. 6-86. Development Activities Within Wellhead Buffer Zones**

The following land uses are prohibited within wellhead buffer zones unless special mitigating construction practices and procedures, as determined by the Administrative Official, are provided to safeguard the health, safety and welfare of the environment.

- A. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Chapter 442, Florida Statutes);
- B. Activities that require the storage, use, handling, production or transportation of restricted substances including, but not limited to, agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes;
- C. Wastewater treatment plants, percolation ponds, and similar facilities; and
- D. Excavation of waterways or drainage facilities which intersect the water table.

**Sec. 67 - 89. Reserved****DIVISION 8: ALLIGATOR CREEK BUFFER****Sec. 6-90. Generally**

This division establishes a 50-foot buffer on either side of Alligator Creek.

**Sec. 6-91 Definition**

The Alligator Creek Buffer includes all lands lying 50 feet landward of the high water mark of Alligator Creek.

**Sec. 6-92 Location of High Water Mark**

The High Water Mark to be considered the top of bank on either side of Alligator Creek, where said bank is definitive and can be identified and technically located in the field by a registered professional surveyor. Where both top of banks are not definitive, said high water mark shall be defined as the annual average high water mark for the creek based upon available governmental monitoring and recording information as extrapolated for the subject locations. When only one top of bank is definitive, an extension of the nearest downstream creek width, from top of bank to top of bank, shall be utilized to determine the opposite top of bank at the subject location.

**Sec. 6-93 Prohibition of Structures and Other Development Activities within the 50 foot buffer.**

No new development shall be allowed within the 50 foot buffer of Alligator Creek.

No new development shall be allowed within the 50 foot buffer with said development designated as any residential, commercial, industrial, institutional and business development, requiring a site plan or plat review, and reviewed and approved after the effective date of this section. Prior development within the buffer shall be allowed and may be improved upon as long as the development type and character remain the same as prior to the effective date of this section.

**Sec. 6-94 Exceptions to the Restriction on New Development within the 50 foot buffer of Alligator Creek.**

- a. The 50 foot buffer development restrictions do not apply to new or existing aerial, or subsurface crossings of the buffer nor to existing at grade crossings of the buffer for infrastructure improvements, subject to the designation by the City that said infrastructure improvements are in the best interest of the general public.
- b. The 50 foot buffer development restrictions do not apply to passive(pervious and /or vegetated) recreational and park uses; such as elevated boardwalks, recreational trails or walkways, ball field outfields, or soccer fields.

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## NONCONFORMING LOTS, STRUCTURES, and USES

### Sec. 7-1. Generally

Within the districts established by this Code or within districts established by future amendment to this Code, there exist lots, structures, uses, and signs which were lawful before the adoption of this Code, or amendment, but which would be prohibited, regulated, or restricted under the provisions of this Code or amendment. This part prescribes how these nonconformities may be continued or made to comply with this Code and amendment to it.

### Sec. 7-2. Purpose and Intent

The provisions of this part shall be implemented to achieve the following purposes and intentions of the City Commission:

1. To permit, but not encourage, nonconformities to continue until such time as they are removed, discontinued, changed, or enlarged;
2. To enforce the provisions of the Code when a nonconformity is removed, discontinued, changed, extended, or enlarged.

### Sec. 7-3. Nonconforming Lots of Record

#### A. Nonconforming Lot

1. **Remedies.** Where two (2) or more nonconforming lots with continuous frontage are under the same ownership, or where a nonconforming lot has a continuous frontage with a larger tract under the same ownership, such lot or lots shall be combined to form one or more building sites meeting the lot requirements of the district in which they are located.
2. **Dwellings on Nonconforming Lots.** A building permit may be issued for a single-family dwelling on any nonconforming lot, excluding substandard lots, provided that the remedies set forth in this section cannot be complied with, that such use is permitted, and that the regulations of the district in which the lot is located are met.
3. **Dwellings on Substandard Lots.** The Board of Adjustment may authorize the issuance of a building permit for a single-family dwelling on a substandard lot, only after it has been determined that remedies as set forth in this article cannot be complied with. The Board of Adjustment may also grant such variances on lot and building requirements in cases of hardship, so as not to create any condition detrimental to the public health, safety, and welfare.

### Sec. 7-4. Nonconforming Uses of Land

A nonconforming use of land may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased, or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Code.
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located, and continuance of the use after such period is specifically prohibited.
4. All nonconforming use of land without principal buildings, including open storage, building supplies, vehicle, implement and machinery storage, either on the lot or on another lot with a plant, factory, or sales facility, signs, billboards, junkyards and commercial animal yards, and similar uses shall comply with these regulations pertaining to uses permitted within three (3) years from the effective date of this Code.

**Sec. 7-5. Nonconforming Structures**

A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way to increase its nonconformity.
2. Should such a structure be substantially destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Code.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Should such structure be damaged by fire or other means but not substantially destroyed, and not be substantially repaired or reconstructed, or used as before the time of damage within twelve (12) months of the date of such damage, it shall not be reconstructed except in conformity with this Code.

**Sec. 7-6. Nonconforming Uses of Structures**

A nonconforming use of a structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming use of structures may not be re-established as a nonconforming use after any damage to the structure has occurred when damages exceed two-thirds of the fair market value, as determined by the property appraiser of Bradford County, Florida prior to the time destruction has occurred. A structure, in which a nonconforming use occurs, may be maintained and repaired, but shall not be structurally added onto or altered to further the nonconformance; however, an existing nonconforming building or structure may be added

onto or altered provided that such additions or alterations and use are in compliance with the zoning regulations of this Code.

2. No nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which they are located.
5. Where a nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**Sec. 7-7. Repairs and Maintenance**

Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof.

# ARTICLE VIII.

## SUBDIVISION REGULATIONS

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**DIVISION 1:  
SHORT TITLE, POLICY, PURPOSES, AND  
RELATIONSHIP TO THE COMPREHENSIVE PLAN**

**Sec. 8-1. Title**

The rules and regulations hereby adopted shall hereafter be known and cited as the "Subdivision Regulations for the City of Starke, Florida".

**Sec. 8-2. Policy**

- A. It is hereby declared to be the policy of the City Commission to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City of Starke pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.
1. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and public improvements such as schools, parks, recreation facilities, transportation facilities, and other improvements.
  2. The existing and proposed improvements shall conform to and be consistent with the Comprehensive Plan, and it is intended that these subdivision regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, the Zoning Regulations, and the Comprehensive Plan.
- B. In order to accomplish the goal and objectives listed above, the City Commission has prepared these Subdivision Regulations. These Subdivision Regulations are based on, related to, and are a means of implementing the Comprehensive Plan as required by the "Local Government Comprehensive Planning Act of 1975" (Chapter 163.3161-163.3211 Florida Statutes, as amended). All regulations are consistent with the Comprehensive Plan in that they tend to further the goals, objectives, policies, and development patterns portrayed on the land use maps of the Comprehensive Plan.

**Sec. 8-3. Purpose**

Land subdivision is the first step in community development. Once land has been subdivided into streets, lots, and blocks, and publicly recorded, the correction of defects is costly and difficult. Subdivided land sooner or later becomes a public responsibility in that roads, drainage, and utilities must be maintained and various customary municipal services must be provided. The welfare of the entire city is directly affected by land subdivision. It is in the interest of all taxpayers and citizens, the developer, and future residents that subdivisions be conceived, designed, and developed in accordance with sound practice and appropriate standards.

1. **Basic Goal.** It is the intent of these Subdivision Regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the City of Starke's residents.
2. **Objectives.** To achieve this end, these regulations are designed to accomplish the following objectives;
  - a. Aid in the coordination of land development in accordance with orderly physical patterns;
  - b. Discourage haphazard, premature, or scattered land development;
  - c. Insure safe and convenient traffic control;
  - d. Encourage development of an economically stable and healthful community;
  - e. Insure adequate utilities;
  - f. Prevent periodic and seasonal flooding by providing adequate protective flood control and drainage facilities;
  - g. Provide public open spaces and/or parks for recreation;
  - h. Insure land subdivision with installation of adequate and necessary physical improvements;
  - i. Insure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the subdivider of adequate and necessary physical improvements;
  - j. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; and
  - k. Serve as one of the several instruments for implementing for the Comprehensive Plan;

**Secs. 8-4 - 10. Reserved**

## **DIVISION 2. GENERAL PROVISIONS**

### **Sec. 8-11. Conditions**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the City of Starke. The subdivider has the duty of complying with reasonable conditions established by the City Commission for the design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the area and to ensure the safety and general welfare of future property owners in the subdivision and of the community at large.



**Sec. 8-12. Character of the Land**

Land which the City Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the sub-divider and approved by the City Commission to solve the problems created by the unsuitable land conditions.

**Sec. 8-13. Jurisdiction**

- A. These Subdivision Regulations shall apply to all subdivisions of land, as defined herein, located within the entire corporate area of the City of Starke, Florida.
- B. No land shall be subdivided within any area subject to these Subdivision Regulations until:
  - 1. The subdivider or his agent has obtained approval of the final plat by the City Commission; and
  - 2. The approved final plat is recorded with the County Clerk.

**Sec. 8-14. Issuance of Building Permits**

Building permits may be issued for the erection of structures within the subdivision when either:

- 1. All required improvements have been installed; or
- 2. A surety bond has been furnished in accordance with sections 3-11-3-20.

**Sec. 8-15. Maintenance**

Nothing in these Subdivision Regulations shall be construed as meaning that the City Commission shall take over for maintenance any road, street, utilities, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the City Commission's requirements and accepted for maintenance by specific action of the City Commission.

**Sec. 8-16. Plats Straddling Municipal Boundaries**

Whenever access to the subdivision is required across land in an unincorporated area, the City Commission may request assurance from the County Attorney that access has been legally established, and that the access road has been adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

**Sec. 8-17. Subdivision of Land**

- A. **Procedure for Subdivision.** Any change to a map of an approved or recorded subdivision plat that affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the City Commission by the same procedure, rules, and regulations as for a subdivision.
- B. **Procedure for Subdivisions Where Future Subdivision is Indicated.** Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be subdivided further into smaller building sites, the City Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be a requirement for approval of the plat.

**Sec. 8-18. Subdivision by Metes and Bounds**

The subdivision of any lot or parcel of land by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Subdivision Regulations.

**Sec. 8-19. Subdivision Name**

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat within the county so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his successors in title. The name of the subdivision shall be accurately shown in the dedication. The City Commission shall have final authority to approve the name of the subdivision.

**Sec. 8-20. Vacation and Annulment of Plats**

The vacation and annulment of plats shall be accomplished according to Chapter 177, Florida Statutes, as amended. In addition, the City Commission 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 of any such streets or other parcels, when the plat of such subdivision was recorded as provided by law not less than five years before the date of such action. Such action shall be based on a finding by the City Commission that the proposed vacation and reversion to acreage of subdivided land conforms to the Comprehensive Plan 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 City Commission shall hold a public hearing thereon, after due public notice.

No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access to such parcel nor of reasonable access

there from to existing facilities to which such parcel theretofore had access; provided, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, either by the City Commission or by the owner filing a plat, the City Commission shall conduct proceedings for amendment of the zoning regulations as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.

**Sec. 8-21. Variances**

- A. **General.** Where the Board of Adjustment finds that compliance with these Subdivision Regulations would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, it may grant a variance from these Subdivision Regulations so that substantial justice may be done and the public interest secured; provided, that the public interest is protected and the development is in keeping with the general spirit and intent of these Subdivision Regulations. No such variance may be granted if it would have the effect of nullifying the intent and purpose of these Subdivision Regulations.
- B. **Conditions.** In granting variances and/or modifications the Board of Adjustment may require such conditions that substantially secure the objectives of the standards or requirements so varied or modified.
- C. **Procedures.** Variances may be granted upon the written request of the subdivider setting forth the reasons for each variance. A petition for any such variance shall be submitted in writing by the subdivider to the Administrative Official for the consideration of the Board of Adjustment.
  - 1. The Board of Adjustment shall handle such matters in a public session as part of a previously prepared agenda. The Board of Adjustment shall submit its report and recommendations to the City Commission.
  - 2. Within a reasonable time after receiving the Board of Adjustment report and recommendations, the City Commission shall by majority vote either approve, approve with conditions, or deny the request. Such matters shall be handled in a public session as part of a previously prepared agenda.

**Secs. 8-22 - 29. Reserved**

### **DIVISION 3: PROCEDURES FOR SITE PLAN, PLAT AND CONSTRUCTION PLAN APPROVAL**

#### **Sec. 8-30. Generally**

- A. **Site Plans and Plat Approval Required.** Whenever any subdivision of land is proposed, the subdividing owner, or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

1. Obtain site plan and preliminary plat approval;
2. Obtain construction plan approval; and
3. Obtain final plat approval.

All plats shall be prepared by a registered surveyor and construction plans and specifications for required improvements shall be prepared by a registered engineer. The subdivider shall present a letter to the City Commission certifying that he has employed a registered surveyor to prepare the plats and if construction plans are required, a registered engineer.

#### **Sec. 8-31. Procedure for Obtaining Site Plan and Plat Approval**

- A. **Pre-Application Conference.** The applicant is encouraged to meet with the Administrative Official and other departments or agencies as the case may require, to discuss basic site plan requirements and consider preliminary features of the site and proposed development. This will also allow the applicant to become familiar with the requirements of these Subdivision Regulations, applicable Zoning Regulations, and any other provisions of the Comprehensive Plan affecting the proposed development.
- B. **Application.** The application packet shall consist of three (3) copies of the following elements: an application form, a narrative statement describing the general character of the intended development; a site plan (refer to section 8-32(C)(1-19) for site plan requirements); and a preliminary plat (refer to section 8-32(D)(1-18) for plat requirements). The application packet shall be submitted to the Administrative Official.
- C. **Site Plan Requirements.** The site plan shall be in conformity with and compatible to, the character of the surrounding property; and shall not substantially interfere with the safety, light, air, and convenience of the surrounding private and public property. The site plan map shall be drawn clearly and legibly at a scale of at least 1" = 100' using a sheet size of 18" x 26". The site plan map shall include but is not limited to the following:
1. Proposed name of development;
  2. Name, address, and telephone number of the owner, agent for the owner, and designer of the proposed development;

3. Date, north arrow, appropriate graphic scale and space for revision dates;
4. Boundary line of the tract, by bearing and distance, drawn by a heavy line;
5. Names of owners of adjoining land with their approximate acreage or, if developed, names of abutting subdivisions;
6. Present zoning for the subject site;
7. The site's relationship to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties;
8. Location of all property lines, existing rights-of-way approaches, sidewalks, curbs, and gutters;
9. Location and dimensions of all existing and proposed utility poles and guidelines, fire hydrants, meters, water, sewer lines, and easements;
10. Any wells, septic tanks, or septic drain fields on the property or within two-hundred (200) feet of the property boundary;
11. Location and dimensions of all existing and proposed parking areas and loading areas;
12. Location, size, and design of landscaped areas (including any existing trees);
13. Location and size of any lakes, ponds, canals, or other waters and waterways;
14. All structures and major features including actual dimensions of setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures;
15. Layout including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and any land to be used for purposes other than single-family dwellings;
16. A site summary to include:
  - a. Tabulation of gross acreage;
  - b. Tabulation of density;
  - c. Number of units proposed;
  - d. Location and average percent of total open space and recreation areas;
  - e. Percent of lot covered by structures;

- f. Floor area of dwelling units;
  - g. Number of proposed parking spaces (refer to section 6-1 of this Code);
  - 17. Location of all trash receptacles;
  - 18. The location of wetland protection zones as established by this Code;
  - 19. The 100-year flood elevation, minimum required floor elevation, and boundaries of the 100-year floodplain for all parts of the proposed development;
- D. **Plat Requirements.** The name of the subdivision shall be shown in bold legible letters, as stated in Chapter 177, Florida Statutes, as amended; the name of the subdivision shall be shown on each sheet included. Every subdivision's name shall have legible lettering of the same size and type, including the words "section", "unit", "replat", "amended", etc. The plat shall be drawn clearly and legibly in ink at a scale of at least 1"=100' using a sheet size of 18"x 26". The plat shall include but is not limited to the following:
- 1. Proposed name of development;
  - 2. Name, address, and telephone number of the owner, agent for the owner, and designer of the proposed development;
  - 3. Date, north arrow, appropriate graphic scale and space for revision dates;
  - 4. Vicinity map showing location with respect to major roads and landmarks and total acreage of the subdivision with total number of lots. The vicinity map shall be drawn to show clearly the information required, but at a scale not less than one inch to two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map;
  - 5. Boundary information meeting the requirements for minimum survey standards as set forth by the Florida Society of Professional Land Surveyors;
  - 6. Legal description of the tract;
  - 7. Location of streams, lakes and swamps, and land subject to the 100-year flood as defined by the Federal Insurance Administration's Flood Hazard Boundary Maps;
  - 8. Accurate description of the subdivision's bearing and distance to permanent points on the nearest existing street lines or other permanent monuments (not less than three);
  - 9. Municipal and County lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
  - 10. The closest land lot corner shall be accurately tied to the lines of the subdivision by distance and angles;

11. Location, dimensions, and purposes of any land reserved or dedicated for public use;
12. Exact locations, width, and names of all streets within and immediately adjoining the new subdivision;
13. Street right-of-way lines showing deflection angles of intersection, radii, and lines of tangents;
14. Lot lines shall be shown with dimensions to the nearest 1/100th foot and bearings to the nearest ten seconds;
15. Lots numbered in numerical order and blocks lettered alphabetically;
16. Accurate location and description of monuments and markers;
17. Minimum building front yard setback lines;
18. Reference to recorded subdivision plats of adjoining platted land shall be shown by recorded names, plat book, and page number or shown as unplatted;
19. A Standard Dedication (available from the office of the Administrative Official) of all streets, drainage easements, and other rights-of-way to the public by the owners of the property. If the property is encumbered by a mortgage, the owner of the mortgage shall join in the dedication or in some other manner subordinate the mortgage's interest to the dedication of public right-of-way.

The preliminary plat shall have an inscription stating "NOT FOR FINAL RECORDING". (This is not required for a final plat.)

E. **Support Documentation.** Additional support documents may be required with the submission of the site plan and /or the preliminary plat, including:

1. A soil survey map of the site (current U. S. Soil Conservation Service maps are acceptable);
2. Subsurface conditions of the tract showing: subsurface soil, rock and groundwater conditions; locations and results of soil percolation tests; and location and extent of much pockets;
3. Existing and proposed covenants and restrictions;
4. Historic and archaeological sites. The location of any historic and archaeological resources on the site and the manner they will be protected;
5. Drainage plan. The drainage of the property shall be in conformity with the standards established in Sections 6-51 - 6-60 and must not alter the established drainage so as to adversely affect the public land or adjoining property or water quality standards of the State

of Florida. The drainage plan can be submitted on a separate sheet and shall include the following:

- a. One (1) foot interval contours based upon coast and geodetic datum;
  - b. Proposed finished elevation of each building site and first floor level;
  - c. All existing and proposed drainage facilities with size and grades;
  - d. Proposed orderly disposal of surface water runoff;
  - e. Centerline elevations along adjacent streets.
6. Any other information that may be considered necessary by either the sub-divider, the Planning and Zoning Board, or the City Commission for full and proper consideration of the proposed subdivision.
- F. **Qualifications for Review.** No site plan or preliminary plat shall be accepted for review which does not contain all information stated above.
- G. **Development Review.** The application packet shall be forwarded to the County Health Department, Administrative Official and/or other appropriate departments or agencies as the case may require for review and comment. The applicant shall have the opportunity to respond to department comments and resubmit an amended plan to the Administrative Official prior to review by the City Commission.
- H. **City Commission Approval.** The City Commission shall consider approval, approval with conditions, or disapproval of the application at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the application subject to conditions or disapproving shall be stated in writing to the sub-divider. Reference should be made to the specific sections of these Subdivision Regulations, the Comprehensive Plan, the Zoning Regulations, or other ordinances or regulations with which the site plan and/or preliminary plat do not comply.
1. The action of the City Commission shall be noted on two (2) copies of the site plan and preliminary plat with any conditions. One copy shall be returned to the sub-divider and the other retained in the office of the Administrative Official.
  2. Approval of the site plan shall not constitute approval of the final plat. Approval of the site plan shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. Approval of the preliminary plat shall be valid for a period of twenty-four (24) months, but may be extended by a request from the sub-divider and approval of the City Commission for a period not to exceed an additional twelve (12) months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the sub-divider must re-submit the site plan and preliminary plat and follow the procedures for approval of the site plan and preliminary plat.



- I. For all subdivisions that are presumed to be developments of regional impact as provided in Chapter 380, Florida Statutes, as amended, and Chapter 22, Florida Administrative Code, a copy of the preliminary plan and a completed application for development approval shall be submitted to the City Commission, the regional planning agency, and the state land planning agency. A development order shall be issued by the City Commission prior to the review and approval of construction plans as provided in section 8-35 of these Subdivision Regulations.

**Sec. 8-32. Construction Plans Procedure**

- A. **Required Materials for Submission.** Three (3) sets of construction plans and necessary supporting material shall be submitted to the Administrative Official either at the time of submission of the site plan and preliminary plat or following approval by the City Commission of the site plan and preliminary plat.
- B. **Construction Plan Specifications.** Construction plans shall be drawn to a scale of at least 1"= 200' using a sheet size of 18" x 26" and shall consist of the following:
  1. Proposed name of development;
  2. Name, address, and telephone number of the owner, agent for the owner, and designer of the proposed development;
  3. Date, north arrow, appropriate graphic scale and space for revision dates;
  4. Vicinity map showing location with respect to major roads and landmarks and total acreage of the subdivision with total number of lots. The vicinity map shall be drawn to show clearly the information required, but at a scale not less than one inch to two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map;
  5. Site plan;
  6. A topographic map of the subdivision with a maximum contour interval of one (1) foot where overall slopes are zero percent to two percent, two (2) feet where slopes are greater than two (2) percent, but less than ten (10) percent, and five (5) feet where slopes are or exceed ten percent, based on U.S. Coast and Geodetic Datum;
  7. A contour drainage map of the basins within the proposed subdivision, with the size of each basin shown in acres. The outlines and sizes, in acres, of all existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration. Each drainage area shall be clearly delineated. Flow paths shall be indicated throughout, including any final outfall from the subdivision and basins. Existing and proposed structures affecting the drainage shall be shown. The subdivider shall submit all drainage calculations adequate to substantiate the drainage design;
  8. Plans showing proposed design features and typical sections of canals, swales, and all other open channels, storm sewers, all drainage structures, and other proposed subdivision improvements;

9. Plans and profiles of all proposed streets and curbs. Where proposed streets intersect existing streets, elevations and other pertinent details shall be shown for existing streets for a minimum distance of three hundred (300) feet from the point of intersection;
  10. Plans of any proposed water distribution system and sanitary sewer collection system showing pipe sizes and location of valves, pumping stations and fire hydrants, where the installation of such facilities is required by these Subdivision Regulations; and
  11. Other information on the construction plans as may be required by the City Commission.
- B. **Construction Plan Review.** The Administrative Official shall transmit copies of the construction plan materials to other appropriate departments or agencies as the case may require for review and comment. The Administrative Official shall evaluate the comments from the appropriate departments or agencies and notify of the status of the construction plans.
- C. **Approval.** Following review by these agencies, the Administrative Official shall approve, approve subject to conditions, or disapprove the construction plans. The reasons for approving with conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these Subdivision Regulations, the Comprehensive Plan, the Zoning Regulations, or other ordinances or regulations with which the construction plan does not comply.
1. Approval of the site plan, preliminary plat by the City Commission is and approval of the construction plans by the Administrative Official is authorization for the subdivider to proceed with site development and the installation of improvements in accordance with the approved construction plans, subject to the approval of other agencies having authority. In the event minor changes or deviations from the approved construction plans are necessary due to requirements caused by actual construction or other necessary causes, the Administrative Official shall authorize such minor changes or deviations. If minor changes or deviations are authorized, the developer shall submit new construction plan materials as specified herein.

**Sec. 8-33. Final Plat Procedure**

- A. **Application.** Following approval of the site plan, preliminary plat and construction plans and while the preliminary plat approval is in effect, the developer shall submit the three (3) copies of the application form and a final plat (see section 8-32(D)(1 -18) for plat requirements) for approval to the Administrative Official, including a copy of any conditions imposed at the time of conditional approval of the preliminary plat or of the construction plans with the submittal. Also, the final plat shall conform to all applicable provisions of Chapter 177, Florida Statutes, as amended.
- B. **Development Review.** The Administrative Official shall transmit copies of the final plat and materials to the County Health Department and other appropriate departments or agencies as the case may require for review and comment. The Administrative Official shall evaluate the comments from the appropriate departments and agencies and notify the developer of the status

of the final plat.

- C. **City Commission Approval.** Following review by these agencies, the City Commission shall consider and take action on the final plat at its next regularly scheduled meeting as part of a previously prepared agenda. The final plat shall essentially conform to the preliminary plan as approved and, at the option of the developer, may constitute only that portion of the approved preliminary plan which he proposes to record at the time; provided however, that such portion conforms to all requirements of these Subdivision Regulations. Approval by the City Commission shall not be shown on the final plat unless all requirements of these Subdivision Regulations have been met and the following conditions have been complied with:
1. Upon completion of the improvements, the City Commission or its authorized representative has inspected the construction work to determine that the work has been completed in a satisfactory manner and complies with the requirements of these Subdivision Regulations or a surety device has been posted which meets the requirements of section 8-34(D).
  2. Upon completion of improvements in the subdivision, the developer has submitted three (3) blue line sets and one reproducible set of blueprints showing "as-built" improvements;
  3. Certificate of the Surveyor (available from the office of the Administrative Official) has been executed; and
  4. Certificate of the Developer's Engineer (available from the office of the Administrative Official) has been executed or a Certificate of Estimated Cost (available from the office of the Administrative Official) has been completed and a surety has been provided by the developer to satisfy the requirements of section 8-34(D).
  5. Title Certification and Real Estate Taxes. Certification by a title opinion of an attorney-at-law licensed in Florida or a certification by an abstractor that title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as it is shown on the plat and, if the plat does not contain a dedication, that the developer has apparent record title to the land. The title opinion or certification shall also show all mortgages not satisfied or released of record in accordance with Chapter 177.041, Florida Statutes, as amended, and include a certificate from the developer's attorney, abstract company, or the Tax Collector that all taxes due and payable at or prior to the time the application for final approval or acceptance is filed have been paid.
- D. **Bonding in Lieu of Completed Improvements.** A final plat shall neither be approved by the City Commission nor accepted for filing until the improvements required by these Subdivision Regulations have been constructed in a satisfactory manner or, in lieu of such construction, the posting of a surety device. Such surety, in the form of a surety bond, performance bond escrow agreement, or other collateral (the form of which is to be approved by the attorney for the City of Starke) shall be filed with the City Commission. Such surety shall guarantee that all work required will be completed in full accordance with the final plat and all conditions attached thereto, copies of which shall be attached to and constitute a part of the bond agreement. The bond shall be in an amount equal to one hundred (100) percent of the cost of all required improvements. During the process of construction, the City Commission may reduce the dollar

amount of the bond on the basis of work completed. The City, after sixty (60) days written notice to the developer, shall have the right to bring action or suit on the surety bond for the completion of the improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by the final plat or any extensions by the City Commission.

- E. **Recording of Final Plat.** Upon final plat approval by the City Commission, the developer shall submit the original and three (3) copies of the approved final plat to the Administrative Official. Upon execution, the developer shall, within sixty (60) days, take the signed original and one (1) signed copy of the approval final plat to the Clerk of the Court of the County for recording. The developer shall pay all recording costs. Two (2) signed copies of the final plat shall be filed in the office of the Administrative Official. Failure of the developer to meet the sixty (60) day requirement mentioned above shall have the effect of canceling the City Commission's approval of the final plat.

**Secs. 8-34 - 39. Reserved**

**DIVISION 4: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

**Sec. 8-40. General Improvements**

- A. Land subdivision is the first step in community development. Once land has been subdivided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivided land is a public responsibility in that roads, drainage and utilities must be installed, maintained and various customary municipal services must be provided.
- B. The intent and purpose of the Land Development Code and Land Development Design Standard is to provide for the harmonious development of the City; to secure a coordinated layout and adequate provision for traffic within subdivisions and with other existing or planned streets; and to secure adequate provision for transportation, potable water, flood prevention, drainage, sewers, other sanitary facilities, environmental protection and City services. Natural areas, wetlands, and native vegetative areas with native habitat should be considered in the overall final design so as to minimize degradation of these areas.
- C. In addition to the minimum requirements for construction of road, drainage and utility improvements, these codes and standards requires that good design be practiced in all aspects of subdivision planning including the conservation of valuable and scenic natural features maintenance of adequate open space for public use. Land development design practices shall be adapted to the peculiarities and opportunities of the site and shall utilize innovative design concepts. Size, shape and orientation of lots and blocks should be carefully considered relative to its future use.
- D. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
1. All applicable statutory provisions;

2. The Zoning Regulations, Building Code, and other applicable locally adopted regulations;
3. The Comprehensive Plan and development policies in effect at the time of submission;
4. Rules and regulations of the Florida Department of Health and Rehabilitative Services, the Public Service Commission, Florida Department of Environmental Protection, and/or other appropriate State and Federal agencies;
5. Rules and regulations of the Florida Department of Transportation if the subdivision or any lot contained therein abuts a State highway or connecting street; and
6. All other local, State, and Federal laws and regulations.

**Sec. 8-41. Maintenance and Repair of Required Improvements**

The developer shall maintain and repair all improvements required by the Land Development Code and Land Development Design Standards in the subdivision for a period of one year after its completion and acceptance. A final plat shall neither be approved by the City Commission nor accepted for filing until the developer posts a maintenance bond to cover at least ten (10) percent of the estimated cost of all required improvements. If any of the required improvements become defective within one year after completion, such defect shall be remedied and corrected at the developer's expense.

**Sec. 8-42. Monuments**

- A. Permanent reference monuments (PRM's) shall be located as indicated on the final plat and as required by Chapter 177, Florida Statutes.
- B. Lot corners shall be monumented by the surveyor of record. The location of PRM's shall be indicated on the final plat.
- C. Iron pipes, iron pins and PRM's shall be of the size, material and length specified by the Florida Board of Surveyors and Mappers pursuant to chapter 472 of the Florida Statutes.
- D. Lots corners shall be monumented with iron pipes, iron pins or PRM's.
- E. Permanent reference monuments and permanent control points (PCP) shall be set in accordance with chapter 177.091, Florida Statutes, except that monuments, including lot corners, must be placed before the developer is released from his surety. If no surety bond or personal bond secured by a letter of credit is posted, monuments including lot corners must be placed prior to acceptance for ownership and maintenance. PRM and PCP disturbed or destroyed during construction shall be accurately witnessed and replaced at the developer's expense upon the completion of construction. The City may accept a certification from the developer's surveyor that the requirements of this section have been satisfied.

**Sec. 8-43. Lot Improvements**

- A. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites.
- B. Lot dimensions shall conform to the requirements of the Zoning Code and shall meet the following additional requirements:
  - 1. Residential lots proposed with individual wells and/or septic tank disposal field shall conform to the standards of the Health, Welfare and Bio-Environmental Services Department and the State Department of Health and Rehabilitative Services and Comprehensive Plan.
  - 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for facilities required by the type of use and development contemplated.
- C. Corner lots for residential use shall have extra width, greater than a corresponding interior lot, to accommodate the required building setbacks from an orientation to both streets.
- D. The subdivision shall provide each lot with satisfactory and permanent access to a public street or approved private street.

**Sec. 8-44. Use of Subdivided Lots**

The proposed use of lots within any subdivision shall comply with the permitted uses for the zoning district within which the proposed subdivision is located.

**Sec. 8-45. Streets****A. General Requirements**

- 1. The arrangements, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, where applicable, and shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets. All streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these Subdivision Regulations and city specifications. The City Commission may approve private streets when constructed to city specifications and when adequate provision for initial installation and future private maintenance is made for such streets.
- 2. All work performed under these Subdivision Regulations concerning road right-of-way clearing and grubbing, earthwork, stabilizing, and construction of a base and surface course shall meet the minimum requirements of the Florida Department of Transportation Standard

Specifications for Road and Bridge Construction, latest edition and amendments, where applicable unless stated otherwise herein. These specifications are intended to govern the equipment, materials, construction methods, and quality control of the work, unless otherwise provided herein. The provisions of those specifications pertaining to basis of payment are not applicable to these Subdivision Regulations.

## **B. Design Standards**

### **1. Topography and Arrangement**

- a. Streets shall be related appropriately to the topography. A combination of steep grades and curves shall be avoided.
- b. Local streets shall be laid out to discourage use by through-traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- c. The use of innovative street design shall be encouraged where the design will result in a more desirable layout.
- d. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City Commission such extension is not necessary or desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.
- e. In commercial and industrial development, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading, and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

### **2. Blocks**

The lengths, widths and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions.
- c. Needs for convenient access, circulation, control and safety of street and pedestrian traffic and fire protection.
- d. Limitations and opportunities of topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties surrounding the subdivision.

- e. Block lengths shall not exceed one thousand, five hundred (1,500) feet between intersecting streets, except that the Administrative Official may approve blocks of greater length.
- f. On-grade pedestrian crosswalks shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Wheelchair ramps shall be provided at intersections or crosswalks as required by State law.

3. **Access to Public Rights-Of-Way**

The City of Starke shall establish, control, and limit points of access (ingress and egress) from City roadways to ensure the efficiency of the roadway network and provide safety to the general public. The standards set forth in the City of Starke's Land Development Design Standards are consistent with the Florida Department of Transportation (FDOT) "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), FDOT "Roadway and Traffic Design Standards" (Standards) and the United States Department of Transportation "Manual on Uniform Traffic Devices" (MUTCD) unless specifically revised.

See the City of Starke's Land Development Design Standards for specific design criteria for driveway connection and spacing requirements

4. **Street Names.** The numbers and names of all streets and avenues within the subdivision shall be set forth upon the official map of the city.

5. **Road and Street Signs**

- a. Road signs are traffic control signs such as stop signs and speed limit signs. The developer shall deposit with the City Commission at the time of final plat approval the sum of fifty (50) dollars for each road sign required by the City Commission.
- b. Street name signs are signs within a subdivision which identify street names. The developer shall pay the City for the cost of street name signs and the City shall install street name signs at all intersections.

6. **Street Lights.** The developer shall provide street lighting in the subdivision in accordance with Land Development Design Standards.

7. **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to such street from property adjacent to the proposed subdivision.

8. **Construction of Roads.** The arrangement of streets shall provide for the continuation of arterial and/or collector streets between the proposed subdivision and adjacent properties when such continuation is necessary to the convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance



with the Comprehensive Plan. See Land Development Design Standards for specific construction design criteria and details for roadways.

9. **Stub Street (a Street Planned for Future Continuation).** If the property adjacent to the proposed subdivision is undeveloped and the street must temporarily be a stub street, the street right-of-way shall be extended to the property line of the proposed subdivision. All stub streets which are two hundred and fifty (250) feet or less shall have a temporary T- or L-shaped turnabout, while stub streets which are greater than two hundred and fifty (250) feet shall have a temporary cul-de-sac turnabout.

There shall be a notation on the final plat indicating that land used for a temporary T- or L-shaped cul-de-sac or turnabout which is outside the normal street right-of-way shall revert to abutters whenever the street is continued. The developer of the adjoining area shall pay the cost of restoring any stub street to its original design cross-section and extending the street. The length of temporary stub streets shall be in accordance with the design standards of the City of Starke.

10. **Dead-End Streets.** Dead-end streets are not permitted in any proposed subdivision under these Subdivision Regulations. For purposes of these Subdivision Regulations, stub streets (streets planned for future continuation) are not to be considered dead-end streets.
11. **Cul-De-Sac Streets.** Cul-de-sacs shall be provided with a turn-a-round having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. Cul-de-sacs shall have a maximum length of one thousand two hundred (1,200) feet including the turn-around. Longer cul-de-sacs may be permitted because of unusual topographic or other physical conditions, provided no more than thirty (30) residential units shall front on any cul-de-sac which exceeds one thousand two hundred (1,200) feet in length.

## 12. Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique street should be curved at a right angle for a minimum of one hundred (100) feet approaching an intersection. Not more than two streets shall intersect at any one point unless specifically approved by the City Commission.
- b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be permitted (see City of Starke Land Development Design Standards). Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.
- c. The minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet, and a minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall

have the corners cut-off in accordance with standard engineering practice to permit safe vehicular movement.

### 13. Streets, Curbs and Gutters; Sidewalks

- a. Streets and public ways shall be cleared and graded, including side slopes to the specified grade. If required to prevent erosion or excessive washing of the shoulders, protective measures shall be taken by the developer as required by the Administrative Official.
- b. Streets shall be paved and standard curb and gutter installed to meet the specifications of the Land Development Design Standards.
- c. Sidewalks shall be provided in most developments to provide safe pedestrian travel. The following table outlines general sidewalk requirements. Variances from the general requirements may be granted by the Administrative Official. The Administrative Official may require a transportation study to substantiate variances from the general requirements. Sidewalks shall be a minimum of four feet wide and shall be constructed in accordance with the Land Development Design Standards.
- d. The City shall require new dedicated streets serving non-residential areas to include five (5) foot sidewalks within the dedicated right-of-way or an approved alternative pedestrian circulation system, unless determined by the Administrative Official that such need does not exist.

Type of Development	Sidewalk Requirements	Requirements
1. Residential:		
a. Collector		Both sides
b. Local		One side (note i)
c. Cul-de-sac (note ii):		
-more than 15 lots		One side
-15 lots or less		None
2. Commercial/light industrial:		
a. Collector		Both sides
b. Local		One side
c. Cul-de-sac		One side
3. Heavy industrial		One side (note iii)

NOTES: i. Where sidewalks are required on one side of the street, they should be placed on the side intersecting the most number of side streets unless otherwise justified.

- ii. The number of lots on a cul-de-sac should include only those lots fronting on the cul-de-sac. Corner lots fronting the local street should not be included in the count. Corner lots fronting the cul-de-sac should be included in the count.
- iii. Safe and exclusive pedestrian access shall be provided between individual building lots and to all existing bus stops and identified future bus stops.
- iv. Curb cut ramps are required at intersections where one or more of the right-of-way of the intersecting streets contains sidewalks and where roadway lane widths do not exceed twelve (12) feet unless authorized by the City Traffic Engineer.

#### **14. Right-Of-Way Easements**

- a. Where necessary to safety and convenience, pedestrian and service easements or rights-of-way may be provided.
- b. Easements required by these regulations within proposed subdivisions shall be provided at no expense to the City.

#### **15. Clearing and Grading of Rights-Of-Ways.** The developer shall be required to clear rights-of-way in accordance with the Land Development Code and to make grades, including grades for streets, alleys and drainage, consistent to grades of the approved construction plans. Debris shall be removed from rights-of way.

#### **16. Culverts**

- a. Culverts shall meet the standards specified in the Land Development Design Standards. Culverts shall be of a size to provide adequate drainage opening and of sufficient length to extend beyond the shoulder lines of the road.
- b. Locations of culverts, with construction data and full specifications, shall be shown as an exhibit and approval of acceptance of the final plat shall not be accomplished unless the exhibit is approved in accordance with the Land Development Design Standards.

#### **E. Dedication of Drainage Easements**

See Section 6-54.

#### **F. Low-Lying Areas**

See Section 6-55.

### **Sec. 8-46. Sanitary Sewer**

- A. Where a publicly-owned sanitary sewer system is within one hundred (100) feet of the property line, the developer shall provide sanitary sewer services to each lot within the subdivision. All

sewer lines serving lots within the subdivision should be designed to operate on a gravity flow basis wherever possible. All sewer lines shall be installed by the developer prior to the paving of the street.

- B. Where lots cannot be served by the extension of an existing publicly-owned sanitary sewer as determined by the City Commission, an alternate method of sewage disposal for each lot may be used in compliance with all applicable standards of the County Health Department, the Public Service Commission, and the Florida Department of Environmental Protection. Alternative methods of sewage disposal shall be installed as to simplify later connections to a publicly-owned sanitary sewer system as service becomes available.
- C. The developer must furnish written proof to the Administrative Official which shows that provisions for sanitary sewage disposal of the entire subdivision meet with the approval of the County Health Department. Construction plan approval shall not be given until this condition has been met.
- D. Costs of installing sanitary sewer facilities shall be the responsibility of the developer. Where the developer is required by the Administrative Official to install larger lines or facilities than necessary to serve a development in order to provide for future development, the differences in costs between installing facilities adequate for the subdivision and the oversize lines shall be the responsibility of the City. When future development utilizes the facilities, the City may assess the cost to the developer proportionate to their respective use of the facilities

**Sec. 8-47. Water Supply**

- A. Where a publicly owned water supply is within one hundred (100) feet of the property line, the developer shall provide a system of water mains and connect the system to such supply. All waterlines shall be installed by the developer prior to the paving of the street.
- B. Where there is no public water supply available within a reasonable distance as determined by the City Commission, an alternate supply may be used when in compliance with all applicable standards of the County Health Department, the Public Service Commission, and the Florida Department of Environmental Protection.
- C. The water system shall be sized to meet maximum day domestic requirements at residual pressures not less than thirty (30) pounds per square inch at all points in the system in addition to fire flows of at least five hundred (500) gallons per minute in single-family residential subdivisions and at least one thousand five hundred (1,500) gallons per minute from at least two (2) fire hydrants in commercial, industrial, institutional, and multiple family residential areas at a residual pressure of at least twenty (20) pounds per square inch at the hydrant.
- D. Water lines serving fire hydrants in residential subdivisions shall consist of mains at least six (6) inches in diameter arranged so that they form a good gridiron of looped distribution. Single main extension supplying a looped gridiron or long lengths of dead-end main serving more than one (1) fire hydrant shall not be less than eight (8) inches in diameter.
- E. Fire hydrants in proposed single-family residential unit developments shall be not more than six

hundred (600) feet apart when measured along streets or acceptable driveways, except in a cul-de-sac or dead-end street where a fire hydrant shall be located not more than six hundred (600) feet from the center of the turn-around. Fire hydrants in commercial, industrial, institutional, and multi-family residential developments shall be placed within two hundred and fifty (250) feet of each structure and shall be no more than five hundred (500) feet apart. Fire hydrant spacing shall be measured along streets or acceptable driveways.

- F. Installation of water systems shall be in accordance with the Land Development Design Standards and as required by the Administrative Official. Meter boxes for public water service or meter boxes for private water service systems which are placed within City-owned rights-of-way shall be located in accordance with the design standards.
- G. Costs of installing water facilities (including fire hydrants, meter boxes and meter box tops) shall be the responsibility of the developer. Where the developer is required by the Administrative Official to install larger lines or facilities than necessary to serve his development in order to provide for future development, the differences in costs between installing facilities adequate for the subdivision and the oversize lines shall be the responsibility of the City. When future development utilizes the facilities, the City may assess the cost to the developer proportionate to their respective use of the facilities.
- H. The responsibility for maintenance of the fire hydrants in good working condition shall be that of the water utility serving the water system.

**Sec. 8-48. Utilities**

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, and shall be at least fifteen (15) feet wide, as centered as near as practical between lots, and shall extend from street to street.
- B. Utility lines, including, but not limited to, those of franchised utilities, electric power and light, telephone, cable television, water, sewer, and gas shall be installed below grade unless the City Commission determines that soil, topographical, or any other compelling conditions make the underground installation of such utility lines unreasonable or impracticable.
- C. The underground installation of incidental appurtenances such as transformer boxes, pedestal-mounted terminal boxes, meter boxes for electricity, or similar service hardware necessary for the provision of electric and communication utilities shall not be required. Below ground level installation shall not be required of such electric and communication major feeder lines which serve more than one residential subdivision.
- D. The placement and installation of all utility lines shall be in conformance with construction procedures. The developer shall make the necessary cost and other arrangements, including easements, for such underground installation with each of the persons, firms, or corporations furnishing utility services involved.
- E. In subdivisions of less than twelve (12) lots, or where the density of development is less than one (1) dwelling unit per acre, the City Commission may waive the requirement for underground

installation if the service to an adjacent area is overhead and no further development of the proposed subdivisions is contemplated.

- F. This section shall not apply to subsequent subdivision of developed areas, if substantial changes in utility lines or accessory installation are not required.

**Secs. 8-49 - 59. Reserved**

## **DIVISION 5: ADMINISTRATION AND ENFORCEMENT**

### **Sec. 8-60. Administration**

The Administrative Official, as designated by the City Commission, shall administer and enforce these Subdivision Regulations. The Administrative Official is authorized to act through aides and assistants, and in the performance of his duties may request the assistance of any officer or agency of the City of Starke.

### **Sec. 8-61. Amendments**

For the purpose of protecting the public health, safety, and general welfare, the City Commission may from time to time amend the provisions imposed by these Subdivision Regulations.

### **Sec. 8-62. Appeals**

See Article III of this Code.

### **Sec. 8-63. Covenants or Other Private Agreements or Restrictions**

No person or agency, in the capacity of administering or enforcing these Subdivision Regulations, shall be responsible for enforcing any covenant or other private agreement or restriction.

### **Sec. 8-64. Denial of Building Permit**

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Subdivision Regulations.

### **Sec. 8-65. Schedule of Fees and Charges**

The City Commission shall establish a schedule of fees and charges for the cost incurred in plan reviews, legal advertising, and other services and activities necessary to the administration of these Subdivision Regulations.

**Secs. 8-66 - 69. Reserved**

## **DIVISION 6: LEGAL STATUS**

### **Sec. 8-70. Interpretation**

These Subdivision Regulations shall be considered to be minimum requirements for the promotion of the general health, safety, and welfare of the people of the City of Starke. It is not the intent of these Subdivision Regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, where these Subdivision Regulations impose greater restrictions than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, these Subdivision Regulations shall control.

### **Sec. 8-71. Severability**

If any section, part of a section, paragraph, sentence, clause, phrase, or word of these Subdivision Regulations is for any reason held or declared to be unconstitutional, inoperative, or void, such holdings of invalidity shall not affect the remaining portions of these Subdivision Regulations, and it shall be construed to have been the legislative intent to pass these Subdivision Regulations without such unconstitutional, invalid, or inoperative part therein, and the remainder of these Subdivision Regulations after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if these Subdivision Regulations or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property, or circumstances.

### **Sec. 8-72. Conflicting Ordinances Repealed**

All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

### **Sec. 8-73. Previously Approved Subdivisions**

Subdivision for which preliminary plan or final plats have been approved prior to the effective date of these Subdivision Regulations may be developed and completed according to the pre-existing requirements. However, preliminary plan or final plats which have been approved prior to the effective date of these Subdivision Regulations shall not be substantially changed or amended after the effective date of these Subdivision Regulations except to conform with the Subdivision Regulations established herein.

### **Secs. 8-74 - 79. Reserved**

## **DIVISION 7: VIOLATIONS AND PENALTIES**

### **Sec. 8-80. Violations and Penalties**

It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by references to exhibition of or other use of a plat of a subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and without having recorded the approved subdivision plat as required. If such unlawful use can be made of a plat before it is, properly approved and recorded, the owner or agent of the owner of such land shall be guilty of a misdemeanor of the first degree, punishable as provided in Chapter 775, Florida Statutes, as amended.

A violation of these Subdivision Regulations shall be deemed a second-degree misdemeanor. Any person who violates any of the provisions of these Subdivision Regulations shall upon conviction be subject to a fine not exceeding five hundred (500) dollars or imprisonment for a term not exceeding sixty (60) days, or both. Each day such offense continues, after written notice, shall be deemed a separate offense.

The developer, engineer, surveyor, architect, contractor, agent, or other person, firm, or corporation who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City of Starke from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Secs. 8-81 - 89. Reserved**



**ARTICLE IX.****CULTURAL RESOURCES****TABLE OF CONTENTS**

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**Sec. 9-1. Purpose**

The purpose of this article is to describe special development restrictions on sites, buildings, structures, objects, and/or districts designated by the City Commission as significant cultural resources.

**Sec. 9-2. Local Register of Cultural and Historic Places Created**

A Local Register of Cultural and Historic Places is hereby created as a means of identifying and classifying historic and/or-architecturally significant sites, buildings, structures, objects or districts. The Local Register shall be maintained by the Administrative Official.

**Sec. 9-3. Initiation of Placement on the Local Register**

Placement of sites, buildings, structures, objects or districts on the Local Register may be initiated by the City of Starke Commission or the Zoning Commission. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.

**Sec. 9-4. Placement on the Local Register**

The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the Local Register:

1. A nomination form, available from the Administrative Official, shall be completed by the applicant and returned to the Administrative Official.
2. Upon receipt of a completed nomination form, including necessary. documentation, the Administrative Official shall place the nomination on the agenda of the next regularly scheduled meeting of the Zoning Commission. If the next regularly scheduled meeting of the Commission is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the subsequent regularly scheduled meeting.
3. Adequate notice of the Zoning Commission's consideration of the nomination shall be provided to the public at large, and to the owner(s) of the nominated property(ies), at least fifteen (15) days in advance of the meeting at which the nomination will be considered by the commission.
4. The Commission shall, within ninety (90) days from the date of the meeting at which the nomination is first on the Commission's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the Local Register. The recommendation shall also include any owner's objection to the listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing to the historical significance of the district.

5. The nomination form shall then be handled as any other rezoning request.

**Sec. 9-5. Criteria for Listing on the Local Register**

- A. A site, building, or district must meet the following criteria before it may be listed on the Local Register:
  1. The site, building, or district possesses integrity of location, design setting, materials, workmanship, feeling and association; and
  2. The site, building or district is associated with events that are significant to local, state, or national history; or the district site, building, structure, or object embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- B. A site or building located in a Local Register of historic places district shall be designated as contributing to that district according to the following criteria:
  1. The property is one which, by its location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.
  2. A property should not be considered contributing if the property's integrity of location, design, setting materials, workmanship, feeling and association have been so altered that the overall integrity of the property has been irretrievably lost.
  3. Structures that have been built within the past fifty (50) years shall not be considered to contribute to the significance of a district, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than fifty (50) years old.

**Sec. 9-6. Effect of Listing on Local Register**

- A. The City Commission may issue an official certificate of historic significance to the owner of properties listed individually on the Local Register or judged as contributing to the character of a district listed on the Local Register. The Administrative Official is authorized to issue and place official signs denoting the geographic boundaries of each district listed on the Local Register.
- B. Structures and buildings listed individually on the Local Register or judged as contributing to the character of a district listed on the Local Register shall be deemed historic and entitled to modified enforcement of the Zoning Regulations, Subdivision Regulations and the Southern Standard Building Code.
- C. No demolition, alteration, relocation, or construction activities may take place except as provided below.

**Sec. 9-7. Certificates of Appropriateness****A. When Required**

1. A Certificate of Appropriateness must be obtained before making certain alterations, described below as regulated work items, to contributing structures and structures listed individually on the Local Register.
2. For each of the regulated work items listed below, the following applies:
  - a. Ordinary Maintenance: If the work constitutes "ordinary maintenance" as defined in this Code, the work may be done without a Certificate of Appropriateness.
  - b. Staff Approval: If the work is not "ordinary maintenance," but will result in the "original appearance" as defined in this Code, the Certificate of Appropriateness may be issued by the Administrative Official for the city.
  - c. Commission Approval: If the -work is not "ordinary maintenance" and will not result in the "original appearance," a Certificate of Appropriateness must be obtained from the Zoning Commission before the work may be done.
3. The following are regulated work items:
  - a. Installation or removal of metal awnings or metal canopies;
  - b. Installation of all decks above the first-floor level and/or on the front of the structure;
  - c. Installation of an exterior door or door frame, or the infill of an existing exterior door opening;
  - d. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening;
  - e. The installation or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing;
  - f. The installation or removal of all fire escapes, exterior stairs, or ramps for the handicapped;
  - g. Painting unpainted masonry including stone, brick, terra-cotta, and concrete;
  - h. Installation or removal of railings or other wood, wrought iron, or masonry detailing;
  - i. Abrasive cleaning of exterior walls;
  - j. Installation of new roofing materials, or removal of existing roofing materials;

- k. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied;
  - l. Installation of new exterior siding materials, or removal of existing exterior siding materials;
  - m. Installation or removal of exterior skylights;
  - n. Installation of exterior screen windows or exterior screen doors; and
  - o. Installation of an exterior window or window frame, or the infill of an existing exterior window opening.
- 2. A Certificate of Appropriateness must be obtained from the City Commission to erect a new building or parking lot within a district listed on the Local Register.
  - 3. A Certificate of Appropriateness must be obtained from the City Commission to demolish a building, structure, or object listed individually on the Local Register, or designated as contributing to a district listed on the Local Register.
  - 4. A Certificate of Appropriateness must be obtained from the City Commission to relocate a building, structure, or object listed individually on the Local Register, or designated as contributing to a district listed on the Local Register.

#### **B. Criteria for Issuing**

- 1. The decision on all Certificates of Appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
  - a. Height -- Height shall be visually compatible with adjacent buildings.
  - b. Proportion of building, structure or object's front facade -- The width of the building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
  - c. Proportion of openings within the facility -- The relationship of the width of the windows in a building, structure, or object shall be visually compatible with buildings and places to which the building, structure, or object is visually related.
  - d. Rhythm of solids to voids in front facades -- The relationship of solids to voids in the front facade of a building, structure, or object shall be visually compatible with buildings and places to which it is visually related.
  - e. Rhythm of buildings, structures, or objects on streets -- The relationship of the buildings, structures, or objects to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.

- f. Rhythm of entrance and/or porch projection -- The relationship of entrances and projections to sidewalks of a building, structure, or object shall be visually compatible to the buildings and places to which it is visually related.
  - g. Relationship of materials, texture, and color -- The relationship of materials, texture, and color of the facade of a building, structure, or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
  - h. Roof shapes -- The roof shape of the building, structure, or object shall be visually compatible with the buildings to which it is visually related.
  - i. Walls of continuity -- Appurtenances of a building, structure, or object such as walls, fences, landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to insure visual compatibility of the building, structure, or object to the building and places to which it is visually related.
  - j. Scale of a building -- The size of the building, structure, or object, the building mass of the building, structure or object in relation to open space, the windows, door openings, porches, and balconies shall be visually compatible with the buildings and places to which it is visually related.
  - k. Directional expression of front elevation -- A building, structure, or object shall be visually compatible with the buildings and places to which it is visually related in its directional character.
2. In addition to the guidelines provided in paragraph one (1) above, issuance of Certificates of Appropriateness for relocations shall be guided by the following factors:
- a. The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
  - b. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
  - c. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
  - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, or object.
3. Issuance of Certificates of Appropriateness for demolitions shall be guided by the following factors:
- a. The historic or architectural significance of the building, structure, or object;
  - b. The importance of the building, structure, or object to the ambience of a district;

- c. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;
- d. Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
- e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding;
- f. Whether reasonable measures can be taken to save the building, structure, or object from collapse; and
- g. Whether the building, structure, or object is capable of earning reasonable economic return on its value.

### **C. Procedure**

1. A person wishing to undertake any of the actions specified in subsection 9-7(A) shall file an application for a certificate of appropriateness, and supporting documents, with the Administrative Official.
2. The prospective applicant shall confer with the Administrative Official concerning the nature of the proposed action and requirements related to it. The Administrative Official shall advise the applicant of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such advice shall not preclude the Zoning Commission from requiring additional material prior to making its determination in the case. Following the conference with the Administrative Official, a duly noticed pre-application conference shall be held with the Zoning Commission if requested by the applicant.
3. Upon receipt of a completed application and all required submittals and fees, the Administrative Official shall place the application on the next regularly scheduled meeting of the Zoning Commission allowing for notice as required herein. Applications for certificates of appropriateness may be heard at specially called meetings of the Zoning Commission provided all notice requirements are met. Upon mutual agreement between the applicant and the Administrative Official, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.
4. At least fifteen (15) days, but not more than thirty (30) days, prior to the meeting at which the application is to be heard, the Administrative Official shall give the following notice:
  - a. Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests with the Administrative Official.
  - b. One advertised notice in a newspaper of general circulation.

5. The hearing shall be held at the time and place indicated in the notice. The decision of the Zoning Commission shall be made at the hearing.
6. The Zoning Commission shall use the criteria set forth in subsection 9-7(B) of this article to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the Zoning Commission shall take one of the following actions:
  - a. Grant the certificate of appropriateness with an immediate effective date;
  - b. Grant the certificate of appropriateness with special modifications and conditions;
  - c. Deny the certificate of appropriateness.
7. The Zoning Commission shall make written findings and conclusions that specifically relate to the criteria for granting certificates of appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means.
8. The Administrative Official shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the Zoning Commission, and the findings and conclusions of the Zoning Commission. All records shall be filed with the Administrative Official.
9. Any person aggrieved by a decision reached by the Zoning Commission may appeal the decision to the City Commission.
10. No work for which a certificate of appropriateness is required may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.