

TOWN OF GREENSBORO LAND DEVELOPMENT CODE

*Adopted by the Town of Greensboro Town Council on
September 14, 2015*

Funding Assistance provided by the Florida Department of Economic
Opportunity, Grant Agreement #P0091.

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LAND DEVELOPMENT CODE

TOWN OF GREENSBORO

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LAND DEVELOPMENT CODE

TOWN OF GREENSBORO

PREFACE

This Land Development Code has been produced to satisfy the requirements of the Community Planning Act, Chapter 163, Part II, Florida Statutes.

These land development regulations are required to be consistent with the Town of Greensboro's comprehensive plan and must be in the form of a "unified" code; all components making up this code must also be internally consistent.

This land development code is a reflection of the legal as well as the rational necessity to guide future growth and development in the Town of Greensboro. A deliberate effort has been made to avoid the development of an extensive set of regulations beyond the scale and complexity of the community, or beyond the limited administrative capability of the Town.

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ARTICLE I

GENERAL PROVISIONS

1.00.00 TITLE

This Code shall be entitled, referred to and cited as the “Greensboro Land Development Code” and may be referred to herein as the “Code.”

1.01.00 AUTHORITY

The Town of Greensboro Land Development Code, together with all future amendments, is enacted pursuant to the authority granted by section §163.3202 of the Florida Statutes, (the Community Planning Act of 2011), the general powers in Chapter 166/125 Florida Statutes (Local Government), and other applicable provisions of law for the purpose of adopting and codifying comprehensive land development regulations for the Town. Whenever any provision of this Code refers to or cites a section of the Florida State Statutes and that section is later amended or superseded, correspondingly the Code shall be deemed amended and reference shall be meant to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.02.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The adoption of a unified land development code implements the goals, policies and objectives of the Comprehensive Plan. Florida law (Section 163.3194 F.S.) requires that all land development regulations be consistent with the comprehensive plan of the enacting local government. A land development regulation “shall be consistent with the comprehensive plan if the land uses, densities or intensities, or other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.”

1.03.00 INCORPORATION BY REFERENCE

1.03.01 Technical and Policy Documents

The following documents have been incorporated by reference throughout this code:

Town of Greensboro Comprehensive Plan

Town of Greensboro Ordinance #84-03 (Subdivision Regulations)

Town of Greensboro Ordinance #2013-04 (Flood Protection Standards)

Standard Building Code
FDOT Generalized LOS Tables
ITE Trip Generation Report
FDOT Manual of Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (also referred to at the “Florida Green Book”)

1.03.02 Official Land Use District Map

- A. Official Land Use District Map – The incorporated areas of Town of Greensboro are hereby divided into zones, or districts, as shown on the Official Land Use District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Town shall use the adopted Future Land Use Map of the Local Government Comprehensive Plan as the Official Land Use District Map. The Official Land Use District Map shall be identified by the signature of the Mayor of Greensboro and attested by the Town clerk, and bearing the seal of Town of Greensboro under the following words: “This is to certify that this is the Official Land Use District Map referred to in Article 1.03.02(a) of the Town of Greensboro Land Development Code, of Florida”, together with the date of the adoption of this Code.
- B. Amendments to Official Land Use District Map – No changes of any nature shall be made in the Official Land Use District Map or matter shown thereon except in conformity with the procedures set forth in Article I-A of this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by this code.

Regardless of the existence of purported copies of the Official Land Use District Map which may from time to time be made or published, the Official Land Use District Map which shall be located in the office of the Town Clerk shall be the final authority as to the current land use district status of land and water areas, buildings, and other structures in the incorporated area of the Town.

- C. Replacement of Official Land Use District Map – In the event that the Official Land Use District Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town of Greensboro Council may by resolution adopt a new Official Land Use District Map which shall supersede the prior Official Land Use District Map. The new Official Land Use District may provide for corrections or drafting or other errors or omissions in the prior Official Land Use District Map, but no such correction shall have the effect of amending the original Official Land Use District Map or any subsequent amendment thereof. The new Official Land Use District Map shall be identified by the signature of the Mayor of Greensboro and attested by the Town Clerk, and bearing the seal of the Town of Greensboro under the following words: “This is to certify that this Official Land Use District Map supersedes and replaces the

Official Land Use District Map adopted (date of adoption of map being replaced) as part of the Code”.

Unless the prior Official Land Use District Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

1.03.03 Land Use Districts Regulations

Districts regulations shall be as set forth in the Land Use Districts regulations which with all explanatory matter is hereby adopted by reference and declared to be a part of this ordinance. The Official district Regulations shall be on file in the office of the Town Clerk.

1.04.00 RULES OF INTERPRETATION

In the interpretation and application of this code all provisions shall be liberally construed in favor of the objectives and purposes of the Town and deemed neither to limit nor repeal any other powers granted under state statutes. The regulations set by this ordinance within each district shall be minimum or maximum limitations, as appropriate to the case and shall apply uniformly to each class or kind of structure or land.

1.04.01 Generally

A presumption is made that a development is consistent with the Town of Greensboro Comprehensive Plan if it meets the requirements of this code.

The impact of a proposed development can be tested against performance criteria and other standards set out in this code. Some such criteria and standards are of a qualitative nature calling for expert and discretionary interpretation and application.

1.04.02 Responsibility for Interpretation

In the event that any question arises concerning the application of these land development regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Mayor of Greensboro, or authorized agents of the Town of Greensboro Council, shall be responsible for interpretation and shall look to the Town Comprehensive Plan for guidance. Responsibility for interpretation by the Town Council shall be limited to standards, regulations, and requirements of this Code. The interpretation of any technical standards of this Code, including those adopted by reference, shall be the responsibility of a qualified person or organization approved by the Town Council, when not in conflict with state or federal law.

1.04.03 Computation of Time

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

1.04.04 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other Town officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates (or consultants) to perform the required act or duty unless the terms of the provision or section specify otherwise.

1.04.05 Terms and Words

For the purpose of this, certain terms or words used herein shall be interpreted as follows:

Words importing the masculine gender shall be construed to include the feminine and neuter.

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory; the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot, parcel, or tract.

The word structure includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

The term “written” or “in writing” shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

The word “year” shall mean a calendar year, unless otherwise indicated.

The word “day” shall mean a working day, unless a calendar day is indicated.

1.04.06 Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Use District Map, the following rules shall apply:

Boundaries indicated as approximately following the center lines of highways, streets, or alleys shall be construed to follow such center lines;

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following town limits and town lines shall be construed as following such town limits and town lines;

Boundaries indicated as approximately following the center lines of streams, canals, ponds, sink holes or other bodies of water shall be construed to follow such center line and to be at the limit of the jurisdiction of the Town, unless otherwise indicated;

Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks;

Boundaries indicated as parallel to or extensions of features indicated in the above sections shall be so construed. Distances not specifically indicated on the Official Land Use District Map shall be determined by the scale of the map;

Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use District Map, or in other circumstances not covered by the above sections, the Local Planning Agency shall interpret the district boundaries;

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Local Planning Agency may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.

1.04.07 Relationship of Specific to General Provisions

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.

1.05.00 ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the Town.

1.06.00 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this 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 shall continue in full force and effect.

1.07.00 EFFECTIVE DATE

These regulations shall be effective on September 14, 2015.

1.08.00 JURISDICTION

This code shall be effective throughout the Town's planning jurisdiction. The Town's planning jurisdiction comprises the area within the boundary of the Town. The provisions of this code shall apply to any and all land, buildings, structures and uses in Town of Greensboro and to any other area provided by law and interlocal government. In addition to other locations required by law, a copy of a map showing the boundaries of the Town's planning jurisdiction shall be available for public inspection in the Town Clerk's Office.

1.09.00 APPLICABILITY

1.09.01 General Applicability

- A. Development activity – No land, building or structure shall be erected, moved, added to, enlarged, altered or maintained after the effective date of this code except in conformity and compliance with the provisions of this code. Except as specifically provided below, the provisions of this code shall apply to all development in the Town, and no development shall be undertaken without prior authorization pursuant to this code.
- B. No building or other structure shall hereafter be erected or altered in an manner contrary to the provisions of these Land Use District regulations, and especially:
 - 1. to exceed the height or bulk;

2. to provide less lot area per dwelling unit or to occupy a smaller lot;
 3. to occupy a greater percentage of lot area;
 4. to have narrower or smaller rear, front or side yards, or other open spaces.
- C. Except as otherwise provided herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase, and the like.
- E. No development or building permit shall be issued, and no site plan or subdivision plan or preliminary or final plat shall be approved, recorded or used to convey property after the effective date of this code except in conformity and compliance with the procedural and substantive provisions of this code.

1.10.00 VESTING

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 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 occupy only in conformance with the requirements of this code or amendment thereto.

B. Previously Approved Developments Activity

Projects that have 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 permit (including building permit) 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. Consistency with Plan - Nothing in this Article shall be construed to authorize development that is inconsistent with the Town Comprehensive Plan.
- D. Lot Sizes - Lot Sizes Smaller than those described in the Table of Dimensional and Density Requirements (Article IV) if platted prior to the effective date of this are vested for density purposes only. Development may proceed on such lots if all other applicable standards of this land development are compiled to.

ARTICLE II - ADMINISTRATION

2.00.00 GENERALLY

2.01.00 BUILDING OFFICIAL

2.02.00 BUILDING INSPECTOR

2.03.00 TOWN COUNCIL

2.04.00 DEFINITIONS

ARTICLE II

ADMINISTRATION

2.00.00 GENERALLY

The following Administrative Official, Building Inspector, and Town Council are authorized to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

Organization – The Town of Greensboro development review and approval system is directed through an Administrative Official assigned by the Town Council. Staff support for the administration of this code shall be provided by the Town Manager, Town Clerk, and County Building Inspector. Final development approval is made by the Town Council. Initial administrative appeals from decisions of the Administrative Official or Building Inspector are handled through the Town Council. Final administrative authority lies with the State Board of Planning and Administrative Hearings or the Circuit/County Court system.

The Administrative Official shall be responsible for prescribed activities pertaining to planning, development review, and land use district enforcement as stated in the provisions of this code and other responsibilities as created by the Town Council. The Building Inspector shall be responsible for issuing building permits upon approval of the proposed project for consistency with this Land Development Code and the Town of Greensboro Comprehensive Plan and for enforcing authorized building activities. Other duties may be assigned to the Building Inspector upon mutual agreement between the Inspector and the Town.

2.01.00 ADMINISTRATIVE OFFICIAL

Authorization – The Administrative Official designated by the Town Council shall perform (or delegate) administrative functions of Town government relating to the administration of this Code.

Planning Duties – The Administrative Official shall perform planning duties as prescribed by this Code. Duties shall include:

1. Review applications for development approval.
2. Determine the completeness of development applications.
3. Conduct pre-application conferences.

4. Schedule applications before the Town Council.
5. Be responsible for investigation, analysis, inspection and review required by this Code for the approval of development proposals.
6. Ensure that proper notice is given prior to all hearings on development applications.
7. Ensure that all time limits prescribed by this Code are met.
8. Monitor the progress of all development applications through the review process and be available to respond to the queries of interested persons.
9. Schedule hearings before the Town Council.

Land Use District Regulation Duties – The Administrative Official shall perform duties pertaining to the regulation of Land Use Districts as prescribed by this Code. Duties shall include:

1. Review applications for Land Use District approval.
2. Determine the completeness of development applications as they pertain to Land Use District issues.
3. Participate in pre-application conferences.
4. Schedule change of Land Use District applications before the Town Council.
5. Review development proposals to ensure adherence to Land Use District requirements including land use activity, setbacks, lot coverage and related requirements.
6. Ensure that proper notice is given prior to all hearings.
7. Ensure that time limits as they pertain to Land Use District issues prescribed by this Code are met.
8. Be responsible for comprehensive planning, programming of capital facilities.
9. Provide staff support for the Town Council.

10. Schedule hearings before the Town Council.
11. Enforce Land Use District requirements of this code.

2.02.00 BUILDING INSPECTOR

Authorization – The Gadsden County Building Inspector is hereby authorized by the Greensboro Town Council to perform building inspection duties within the incorporated area of the Town of Greensboro. The Administrative Official is authorized to provide administrative support and direction to the Building Inspector to enable the Inspector to carry out building inspection activities described herein. The Building Inspector is authorized to carry out other duties as assigned by the Town Council. The Building Inspector designation may be changed as found necessary by the Town Council.

Building Inspector Duties – The duties of the Building Inspector:

1. Review and approve the technical aspects of proposed construction after the proposed project has been reviewed and approved regarding consistency with this land development code and the Comprehensive Plan.
2. To receive applications required by this land development code, issue permits and furnish prescribed certificates.
3. Examine premises for which permits have been issued and make necessary inspections to ensure that the provisions of this code are complied with and that construction is pursued safely.
4. To enforce all laws relating to the construction, alteration, repair, removal, demolitions, equipment, use and occupancy, location and maintenance of buildings and structures, except as may otherwise be provided for in this code.
5. Make investigations in connection with matters referred to in this code and render reports on the same to Town commissioners.
6. Issue such notices or orders as may be necessary to enforce compliance with the law, to remove illegal or unsafe conditions, to secure necessary safeguards during construction or to require proper entrance and exit facilities in existing buildings.

7. Keep and maintain careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued, which records shall be open for inspection by the public at reasonable hours.
8. Refer inquirers regarding appeals to the Building Inspector's decisions to the Town Council.

2.03.00 TOWN COUNCIL

Duties Related to Planning and Development Review and Approval

1. In the absence of a Development Review Committee the Town Council shall act as the committee or create such a committee. This committee will be necessary to review Developments of Regional Impact, Planned Unit Developments, subdivisions, and other developments which may be proposed in the Town.
2. The Council shall create a technical review committee for major developments if such a committee is necessary and appropriate.
3. Shall hear all land use district change requests to ensure compatibility with surrounding neighborhoods and with the Comprehensive Plan and the Future Land Use Map Series.
4. The Town Council may by resolution adopt a new Official Land Use District Map.
5. Shall comprehensively review the land use plan and the Land Use District Map every five years to ensure its relevance to the needs of the Town.
6. Shall notify annually the Florida Department of Transportation of the needs, if any, of the State road system in Greensboro.
7. Shall annually prepare and update a five year priority listing and a budget for Town arterial and collector roads needing improvements or construction.
8. Shall use the Regional Planning Council for intergovernmental dispute resolution.

Duties Related to Appeals

1. The Town Council shall have power to hear and determine appeals if a building permit or any other type of development approval is denied by the Building Inspector or Administrative Official. The Town Council is also authorized to permit exceptions to or variations from the Land Use District regulations or classes of cases or situations and in accordance with principles, conditions and procedures specified in the ordinance.
2. The Town Council shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions.
3. Every order, requirement, decision or determination of the Town Council shall immediately be filed in the office of the Town Clerk and shall be a public record.
4. All decisions of the Town Council shall be final. Further appeals shall be directed to the County/Circuit Court System or State Board of Planning and Administrative Hearings.
5. The Town Council shall adopt rules and regulations it may deem necessary to carry out the provisions of this section. The Mayor may administer oaths and compel the attendance of witnesses.
6. All meetings of the Town Council shall be held at a regularly designated place and shall be open to the public.
7. Errors: The Town Council shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by any administrative official charged with the enforcement of the regulations established by this Ordinance.
8. Variances: If there shall be unreasonable hardship in carrying out the strict letter of this code upon which the order, requirement, or decision was based, the Town Council shall have authority in passing upon such appeal to vary or modify the application, either permanently or for a specified length of time, or the use of land, so that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.
9. Special Exceptions: When in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property not be injured thereby the Town Council may in a specific case, after due notice and public hearing,

determine and vary the application of the regulations of this Ordinance in harmony with their general purposes and intent.

2.04.00 DEFINITIONS

Abut: To physically touch or border upon, or to share a common property line.

Accessory building or use: A subordinate building or portion of the main building not more than two (2) stories in height, the use of which is incident to that of the principal building on the same building lot.

Accessory Sign: A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Accessory building or use: A subordinate building or portion of the main building not more than two (2) stories in height, the use of which is incident to that of the principal building on the same building lot.

Adversely Affected Person: Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Adult Congregate Living Facility (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

Advertising, Business: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Agricultural Activity Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Alley: A required public thoroughfare which affords only a secondary means of access to abutting property, and which is 20 feet or more in width.

Apartment: A suite of one or more rooms which is designed or intended for occupancy by, or which is occupied by one family doing its own cooking therein, or by one person doing his or her own cooking therein.

Apartment house: any building or portion thereof which contains three (3) or more apartments.

Automobile sales or storage yards or lots: An open premises used for the storage or sale of complete and operable automobiles.

Automobile wrecking yard or automobile used parts lot: Any place where three or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition.

Basement: A story partially below grade having at least one half (1/2) of its height below the grade of the lot upon which it is situated. A basement shall be counted as a story if used for dwelling or business purposes.

Billboards or poster panels: Any sign or advertisement used as an outdoor display by the painting, posting or affixing on any surface, of a picture, emblem, words, figures, numbers, or lettering for the purpose of making anything known; such sign or advertisement being remote from the point of sale.

Building: A structure or the shelter, support or enclosure of persons, animals, or chattels. When separated from the ground up without openings, or connections each portion of such building shall be deemed a separate building.

Building height: The vertical distance measured from the level of the established grade opposite the middle of the front of the building, to the highest point of the roof surface if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gabled [gambrel] roof.

Building line: A line between which line and any street line of a district, lot, tract, or parcel of land, no building or part of a building may be erected, altered or extended.

Building line setback: The distance between the building line and the street line in a district. Any dwelling shall be deemed to be a main building on the lot on which the same is situated. Main building

when used with reference to ground coverage shall mean the dimensions of the dwelling with the porches and garages, when same are under one roof.

Building sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of forty-five (45) degrees or steeper.

Bulk plant or station: A place where petroleum products or other flammable liquids are stored for wholesale purposes only, where the total capacity of all storage tanks is more than 12,000 gallons.

Cellar: A room or story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measured.

Club, non-profit: Buildings and facilities owned and operated by a corporation, association, person or persons for a social, education, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercially Developed Parcel: A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Comprehensive plan: Any legally adopted part or element of the Comprehensive Plan as provided in Chapter 163, Florida Statutes.

Concurrency: A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

Conditional-Use Permit: A permit issued by the Town Council that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Council.

Contiguous: Connected to or adjoining.

Crown: The main mass of branching of a plant above the ground.

Cultural Resource: A site, object, structure, building or district listed on the Florida Department of State, Master Site File or the a local register of historic places.

DBH, Diameter at breast height: “Breast height” is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Demolition: The tearing down or razing of a portion of a structure’s external walls consistent with the definitions of the 1988 Standard Building Code, Appendix I, Demolition.

Density or Gross Density: The total number of dwelling units divided by the total site area, less public right-of-way.

Department: Any local government agency lawfully established and charged with carrying out the public duties of a department level authority.

Developer: Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or Development Activity: Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under this Code.
5. Erection of a permanent sign unless expressly exempted by Article VIII of this Code.
6. Alteration of a historic property for which authorization is required under this Code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.
9. Bona-fide agricultural activities are specifically excluded from the definition of development.

Development Approval: For purposes of this Code a development approval is that official Town process which authorizes the commencement of construction or land alteration without need for further application and approval. Development approvals include: all types of land development which in accordance with this plan would permit permanent changes permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Dimensional Nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

District: A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

Drip Line: The outermost perimeter of the crown of a plant as projected vertically to the ground.

Duplex: A detached residential building containing two dwelling units.

Dwelling: Any building or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, one-family dwelling: A building containing but one housekeeping unit, and designed or used to house not more than one family in a permanent manner, which may include not more than two boarders or lodgers.

Dwelling, multi-family dwelling: A building designed for, or portion of a building having accommodations for, three or more families being independent of each other, and each having its own kitchen and bath facilities. This term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied.

Dwelling, two-family-dwelling: A building containing two housekeeping units, and designed or used to house two families, living independently of each other, each of which may include not more than two boarders or lodgers.

Dwelling Unit: A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Eave: A roof overhand, ledge, lip or edge. An eave is considered part of a roof and does not perform any function other than that directly related to the roof from which it is a part of.

Erect a Sign: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Family: A group of one or two persons or parents with their direct descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this ordinance. Family does not include a group occupying a club, dormitory, etc.

Filling station: Any building or premises used for the storing, dispensing, servicing, sale or offering for sale at retail of any automobile fuels and lubricants and/or automobile accessories, but not including major repairs.

Frontage: The distance for which property abuts one side of a street, road, or highway, or other public way measured along the dividing line(s) between the property and such road, or highway, or other public way.

Frontage roadway or access street: A roadway contiguous to and generally paralleling an expressway, major street or highway, or through street or highway, and so designed as to intercept, collect and distribute traffic desiring to cross, enter, or leave such facility, and to furnish access to property which otherwise would be isolated as a result of controlled-access features peculiar to topographic conditions.

Garage: A building for the storage or housing of motor driven vehicles.

Garage, private garage: A garage intended for and owned or used by, the members of families resident upon the premises.

Garage, public garage: Any garage not included within the definition of a garage.

Governing body having jurisdiction: The Town Council of Greensboro, Florida.

Gross Density or Density: The total number of dwelling units divided by the total site area, less public right-of-way, expressed in units per acre.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Ground Sign (also referred to as Free Standing Sign): A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Guest house: An accessory building to be used solely by the occupant of the main building for his or her pleasure or recreation or to house non-paying guests.

Guest room: A room which is designed or intended for occupancy by, or which is occupied by, one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

Harmful to Minors: With regard to sign content, any description or representation, in whatever form, that is “harmful to minors”:

1. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for minors, and
2. taken as a whole, lacks serious literary, artistic, political, or scientific value.

High-Volume Traffic Generation: Uses such as gas stations, convenience stores, shopping centers, and hospitals that generate a lot of customer traffic per square foot of floor space.

Historic Site: The location of a significant event, activity, building, structure, or archeological resource listed, or which are eligible for listing, in town, county, state, or federal registers.

Home occupations: any occupation or profession engaged in by any occupant of a dwelling not including the conduct of retail business, or a manufacturing business or a repair business of any kind of the premises. Home occupation shall not include any occupation conducted in any building on the

premises other than the building which is used by the occupant as his or her private dwelling and shall not include clairvoyance, fortune telling, experimentation that involve the use of chemicals or matter or energy that may create or cause to be created noise, noxious odors, or hazards that will endanger the health, safety, or welfare of the community.

Hotel: Any building which sleeping rooms for the temporary occupancy of individuals who are lodged with or without meals, with no provision made for any cooking in any individual room or suite.

Hotel, apartment: Any building which satisfies both the definition of a multiple dwelling house and that of a hotel as defined by this section.

Illuminated Sign: A sign which contains a source of light or which is designed or arranged to reflect light from any source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights or an image.

Impervious Surface (also referred to as non-permeable surface): A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improvement: Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Institution: Any building which satisfies both the definition of a multiple dwelling house and that of a hotel as defined by this section.

Junkyard: Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses, and recycling centers shall be considered junkyards.

Junk Cars (also referred to as abandoned vehicles): The storage or abandonment for a period of two (2) or more months of one or more wrecked or partly dismantled motor vehicles, parts of

dismantled motor vehicles, not capable of or not intended to be restored to highway operating condition.

Labor Camp: A Labor Camp as defined by Part 3, Chapter 100D-25, FAC and is one or more buildings or structures tents, trailers or vehicles or any portion, thereof, together with the land appertaining, thereto, established, operated or used as living quarters for five or more seasonal, temporary or migrant workers whether or not rent is paid or reserved in connection with the use or occupancy of such premises

Land Use District: The Future Land Use Element (FLUE) of the Comprehensive Plan, including the Future Land Use Map (FLUM) categorizes all land within the Town's boundaries into districts. The land use districts defined in the Future Land Use Element and as delineated on the Future Land Use Map are the base determinants of permissible activities on any parcel of land with the town boundaries of Greensboro. The land use districts of this land development code are the same districts shown on the Future Land Use Map, which is the Town of Greensboro Official Land Use District Map. Specific types of land use as well as special conditions and restrictions apply to all development activity within each land use district.

Lodging or boarding house; A building designed or used for the more or less permanent occupancy with or without meals, of more than two lodgers or boarders whether the compensation be paid directly or indirectly.

Lot: A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

Lot line, The legally defined boundary or limit of a parcel of land.

Lot, through lot: A lot whose depth extends between two more or less parallel streets and having frontage on each street.

Lot width: The width of the lot measured at right angles to the mean depth of said lot.

Low-Volume Traffic Generation: Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Manufactured Housing: Manufactured housing has the following features or characteristics. It is:

1. Mass produced in a factory;
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities;
3. Either an independent, individual building or a model for combination with other elements to form a building on the site.

Marquee: A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Minor Replat: The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Mobile Home Park As per Chapter 513, Florida Statutes and Chapter 64E-15, Florida Administrative Code, a “Mobile home park” means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more mobile homes

Motel: Any building containing sleeping rooms for the more or less temporary occupancy of individuals who are lodged with or without meals, and where the design favors a direct vehicular approach to each sleeping or living room. Any building or structure exceeding two and one-half (2 and ½) stories in height shall be classified as a Hotel rather than Motel.

Multi-Family Dwelling: Any residential structure containing more than two (2) independent dwelling units under a common roof system.

Multiple Occupancy Complex: A commercial use, i.e., an use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

The Natural Grade: The slope of the ground adjoining the building.

Non-conforming uses: Any use of a building or of land that does not conform to the regulations for the district in which it is situated, but which was an existing and lawful use prior to the adoption of this ordinance or as amended.

Non-conforming Development: Nonconforming development is development that does not conform to the land use regulations in Article VI and/or the development design and improvement standards in Article IV.

Object: A material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

Occupancy: A commercial use, i.e., any use other than residential or agricultural.

Ordinary Maintenance: Work which may not require a construction permit and that 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 prior condition requirements in the above determination shall be administered by the Department of Building and Standards.

Outdoor Advertising Sign: A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least 20 feet above the ground and which is at least 200 square feet in size.

Owner: 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.

Parcel: 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 any designated portion of a particular site by the Town Council.

Parking lot: A parcel of land devoted to unenclosed parking spaces which may include partially enclosed one-story buildings, and where a charge is made for storage or parking of vehicles.

Parking lot, accessory: An accessory parking lot means a parcel of land used by an individual, partnership, firm or corporation in any commercial or industrial district exclusively for the parking of vehicles of its employees or customers and for which no charge is made.

Parking space: An area of appropriate dimensions of not less than 180 square feet, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for private motor vehicles. Truck loading and unloading space shall not be included in such area. When the application of a unit of measurement or parking spaces to a particular use of structure results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or over shall be counted as one space..

Planned Unit Development (PUD): A development constructed on a tract of land consistent with the requirements of this land development code, including, but not limited to the provisions of 4.15.00 of this Code

Planting strip: The portion of the street between the curb or pavement edge and the property line exclusive of the area occupied by the sidewalk.

Plat: A lot or parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, and including open spaces not less in extent than those required in connection therewith by this Ordinance. A “Lot of Record” is a parcel of land the dimensions of which are shown on a map on file with the Clerk of Circuit Court of Gadsden County, Florida, or in common use by city officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof. All lots shall front on and have ingress and egress by means of a public or private street, road, or highway.

Portable Sign: Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

Protected Tree: Any tree protected from removal or destruction by the provisions of this code.

Recreation Vehicle: A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

Remove, Trees: To relocate, cut down, damage, poison, or in any other manner destroy or cause to be destroyed, a tree.

Roof line: A horizontal line intersecting the highest point or points of a roof.

Roof Sign: A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Sidewalk: That portion of a street or road available exclusively for pedestrian traffic.

Sign: Any words, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from any public street or highway and used to attract attention. This applies to free standing devices or to devices attached to a building or structure.

Sign Face: The part of a sign that is or may be used for copy.

Sign Face Area: The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure: Any construction used or designed to support a sign.

Single-Family Dwelling: A structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code. For regulatory purposes the term is not to be construed as including travel trailers, housing mounted on self-propelled or drawn vehicles, tents, house boats, or other forms of temporary or portable housing. A mobile home is a type of single family dwelling, but is subject to the regulations in this Code that apply to mobile homes.

Site: The location of a significant event or activity such as a development, excavation or building.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout a land use district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote, the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in land use district as a special exception if specific provision for such a special exception is made in this ordinance.

Stable, Horse Stable: A building intended for accommodation of one or more horses or mules.

Story: The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and

ceiling next above it, provided that a cellar shall not be considered a story. Attic space is construed as one-half (1/2) story.

Street: A public thoroughfare, twenty (20) feet or more wide, where public title to land extends between right-of-way lines. Whenever the sense of the law or these regulations so require, the word "Street" shall include avenue, drive, circle, road, highway, or similar terms as they are generally understood.

Street grade: The established grade of the front street or other highway street upon which the lot abuts at the mid-point of the frontage of the lot thereon.

Street line or right-of-way lines: The dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road, or highway; or a private street road, or highway over which two or more abutting owners have an easement of right-of-way.

Street width: The horizontal distance between the side lines of a street, road or highway measured at right angles to the side lines.

Structure: Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground, or the attachment to something having a permanent location of the ground. The term includes tents, bleachers, gasoline pumps, automobile house trailers, advertising signs, billboards, portable vehicles, or structures from which products are vended and similar objects.

Structural alterations: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joints, or roof joists, or exterior supports.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development for purposes other than agricultural. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Temporary: Designed, constructed, and intended to be used on a short-term basis and to be readily removable.

Tree Protection Zone: A circular zone around each protected tree defined as follows:

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

Trailer coach: Any vehicle used, other than towing vehicle or maintained for use, as a conveyance upon highways or streets, so designed and so constructed as to permit occupancy thereof as a temporary or permanent dwelling unit or sleeping place for one or more persons, having no other foundation other than wheels or jacks.

Trailer park: Any site, lot, field, or tract of land upon which two (2) or more trailer coaches are placed, and shall include any building structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such park.

Urban Service Area: Those areas in and around existing communities which are most suitable for urban development and capable of being provided with a full range of urban services. The Urban Service Area for the extension of public water service by the Town (and public sewer service, if available), is a one mile distance from the Town boundaries. The Town will not extend public water services (and public sewer service, if available) beyond this distance without an amendment to its local government comprehensive plan, as per Policy 1.3.4.1 of the Future Land Use Element.

Unit: That part of a multiple occupancy complex housing one occupant.

Variance: A grant of permission by the Town Council that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.

Vehicle Sign: Any sign affixed to a vehicle.

Vehicle Use Area: An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

Yard: An unoccupied area of a lot open and unobstructed from the ground to the sky, except as otherwise provided in this Ordinance.

Yard, front yard: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front lot line.

Yard, rear yard: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear lot line.

Yard, side yard: An open space extending along the side line of a lot between the front yard and the rear yard and of a width measured horizontally at right angles to the side lot line.

ARTICLE III - DEVELOPMENT REVIEW AND RELATED PROCEDURES

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ARTICLE III - DEVELOPMENT REVIEW AND RELATED PROCEDURES

3.00.00 COMPLIANCE REQUIREMENTS

No person shall engage in development activities within the Town unless and until an application for such activities has been submitted and approved and a development permit obtained in accordance with the provisions of this chapter. Violation of this section shall be punished as provided in this code.

3.01.00 COMPLIANCE WITH BUILDING AND LAND USE DISTRICT CODES

There must be compliance with the state building codes before a development permit can be issued. The Building Inspector will determine whether a development activity adheres to the local building regulations. There must also be a compliance with this land use code and all other applicable land development regulations of this land development code before a building permit can be issued.

3.02.00 ENFORCEMENT

Enforcement of building codes – Enforcement of the technical standards of this code shall be the responsibility of the Building Inspector. Proposed development not in conformance with this code shall not be issued a building permit.

Enforcement of Planning Requirements – Enforcement of planning requirements shall be the responsibility of the Administrative Official (the Building Inspector or other qualified persons may enforce planning requirements if designated by the Town Council). Enforcement of planning requirements include the review of proposed subdivision developments and the making of recommendations to the Town Council that such development be approved or disapproved based on whether the proposed development conforms to the requirements of the Local Government Comprehensive Plan and the requirements of this land development code. No building permit shall be issued for development in subdivisions without review and certification that the proposed development meets all applicable subdivision regulations of this code. All other provisions of this code which are not considered building inspection requirements or land use requirements shall be considered a planning requirement.

Enforcement of Land Use Requirements – Enforcement of land use requirements shall be the responsibility of the Administrative Official (the building Inspector or other qualified persons may enforce land use requirements if designated by the Town Council). Enforcement of land use requirements shall include review of all development with the land use provisions of this code. Such review and approval shall be obtained by the applicant prior to the issuance of a building permit or

other final development order. In addition, land use requirements shall be enforced through on-site inspection as construction takes place as well as after construction is complete.

3.03.00 DEVELOPMENT ACTIVITIES THAT REQUIRE A DEVELOPMENT PERMIT

Buildings and structures – In order for any person to have a building or other structure constructed, repaired, erected, moved, added to, demolished, structurally altered, or occupied an appropriate permit or certificate authorizing such activity issued by the Building Inspector pursuant to the provisions of this section must be obtained.

Excavation and land clearing – In order for any person to have land cleared, graded, added to or excavated for the construction or enlargement of a building or structure an appropriate permit or certificate authorizing such activity issued by the building official pursuant to the provisions of this section must be obtained.

Equipment – In order for any person to install, use any major piece of equipment, appliance, electrical wiring or plumbing regulated by this chapter in a building or structure an appropriate permit or certificate authorizing such activity issued by the building official pursuant to the provisions of this section must be obtained.

Septic tanks and wells – In order for any person to install an on-site sewage disposal system or to drill a well, an appropriate permit or certificate authorizing such activity issued by the building official, HRS, and NFWFMD pursuant to the provisions of this section must be obtained.

Signs – In order for any person to erect or construct a sign of any description, (see Article X regarding signs), it is required that prior to having any work begun an appropriate permit or certificate authorizing such activity issued by the building official pursuant to the provisions of this section must be obtained..

3.04.00 PREAPPLICATION CONFERENCE

Any owner(s) of land or owner(s)'s agent of land in the Town who is contemplating engaging in any development activity on land for any lawful purpose may request an informal preapplication conference with the Administrative Official. At such conference the owner or owner's agent may present tentative proposals with a view toward learning what would be required to properly evaluate the proposal within the limits of these regulations. No fee or formal application shall be required for this conference, and no binding determination of the acceptability of the proposal shall be made. On reaching conclusions, informally as required in this section, regarding the general program and objectives, the developer can proceed according to the procedures below. The Administrative Official at this point may state the

permit process required for the development activity, and state whether a Staff Review, Planning Review or Full Review is required, or whether the development activity is subject to a special-use or conditional use permit, and whether plat or subdivision approval is necessary.

3.05.00 APPLICATION CONFERENCE AFTER APPLICATION SUBMITTED

Upon receipt of a formal application for a building, land use, special-use, or conditional-use permit, or plat approval, the Administrative Official shall review the application and confer with the applicant to ensure that all necessary information has been submitted. The application shall be placed on the agenda of the Town Council once the application is as complete as applicant intends. The administrative official should inform both the applicant and the appropriate board of the application's completeness.

3.06.00 CONFIDENTIALITY

No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

3.07.00 EXCEPTIONS TO REQUIREMENTS FOR DEVELOPMENT PERMIT

The following describes situations where the Town will issue a building permit even though the development does not meet the full requirements of this code:

- A. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of a one or two family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The erection of a sign on a previously developed site and independent of any other development activity on the site.

- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. A Minor Replat granted pursuant to the procedures in this Article.
- G. Routine agricultural and forestry activities.

3.08.00 POST PERMIT CHANGES

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the department.

3.09.00 TYPES OF PERMITS AND APPROVALS REQUIRED

In order to engage in a development activity a land use approval is required. After this approval is obtained, one or more of the following permits/approvals are required to engage in further development.

- a. A building permit issued by the Building Inspector.
- b. A special-use permit issued by the Town Council.
- c. A conditional-use permit issued by the Town Council.
- d. A sign permit (a type of building permit) issued by the Building Inspector.
- e. A plat or site plan approval issued by the Administrative Official.

3.10.00 NON-ISSUANCE OF PERMIT

The requested permit shall not be issued if it is concluded by the appropriate body, that:

- 1. The requested permit is not within the Building Inspector's jurisdiction.
- 2. The application is incomplete, or

3. The proposed development will not comply with one or more requirements of this land development code (not including variances granted or for nonconforming situations).

The permit may still be denied if it is concluded that based upon information submitted at the hearing that the development will:

1. Materially endanger the public health or safety, or
2. Substantially injure the value of adjoining or abutting property, or
3. Not be in conformity with the Comprehensive Plan.

3.11.00 SUBMITTAL REQUIREMENTS BASED ON DEVELOPMENT PLAN DESIGNATION.

A three tier approach shall be used in determining the information which must be submitted at the time of application for development as defined by this land development code. The greater the intensity of the proposed project, the greater the requirement for information needed to review the merits of the project. Minor developments shall receive a Staff Review, medium size developments shall receive a Planning Review while major developments shall receive a Full Review.

3.12.00 STAFF REVIEW

A. Types of Development Subject to Staff Review – The following types of development shall be subject to staff review and approval:

1. Construction of a single family detached home or placement of a mobile home.
2. Construction of accessory structures.
3. Construction of an addition to an existing principal or accessory structure.
4. Repairs to an existing principal or accessory structure.
5. Land clearing.
6. Signs, fences, docks, on-site sewage disposal systems, driveways, parking areas, temporary structures.

7. Conversion of agricultural lands and other open space uses to residential.

8. Commercial and office development that proposes a building foot print less than 2,000 square feet in area.

B. Site Plan/Permit Application

1. Application for development approval for development determined to be appropriate for Staff Review shall be made on forms provided by the Administrative Official. Development shall conform to all applicable local, state, and federal regulations. No construction shall begin without a development permit.

Application for development approval shall consist of the following:

- a. Application Form.
- b. Legal description.
- c. Location map.
- d. Sketch plan showing dimensions of the lot or parcel, location of existing and proposed structures, set-backs, parking, and where appropriate, height or size of structures.
- e. Wastewater disposal permit consisting of either a current on-site sewage disposal construction permit or current inspection certificate of an existing system from the Gadsden County Health Department or the Department of Environmental Protection.
- f. When applicable, permits from state and federal agencies including DEP and Army Corps of Engineers for dredge and fill, DEP for stormwater management, DOT for access to state highways, and Board of Trustees of the Internal Improvement Trust Fund for a lease for sovereign submerged lands.
- g. When required, two sets of building plans consisting of specifications and drawings to scale of sufficient clarity and detail to indicate the nature and character of the work.

- h. For those developments located in the 100 year flood plain, a topographic map with 1 foot contour intervals shall be provided.
- i. Statement, with supporting documentation as appropriate, that the proposed development satisfactorily addresses the review criteria contained in this Code.

C. Staff Review Procedures – A building permit or approval for site clearing not an adjunct to construction will only be issued if the proposed development conforms to land use requirements, all other land development requirements of this land development code and the Comprehensive Plan. The following summarizes the permit review and approval process. The example below assumes a septic tank is part of the proposed development. This portion of the development review process would be omitted if the applicant does not include a septic tank as part of the development plan.

1. The applicant obtains a septic tank application from the Administrative Official.
2. The applicant submits the completed application to the Health Department for processing and required field test.
3. The applicant brings the approved Health Department application and a site plan to the Administrative Official. The site plan is reviewed for compliance with land use and density/set back requirements (Article IV and VI.). The site plan is reviewed for other requirements of this code such as adherence with drainage standards and to ensure protection of natural resources.
4. Upon receipt of approval for wastewater facilities, receipt of a signed approval form with site and plot plan from the Administrative Official, preparation of at least two (2) sets of building construction plans and copies of building/construction contracts, the applicant submits the completed application package to Building Inspector for construction plans and licensing review.
5. The Administrative Official and Building Inspector confer on all relevant information submitted by the applicant. If all aspects of the application conform to the requirements of this land development code, the Building Inspector will issue permits.

3.13.00 PLANNING REVIEW

A. Types of Development Subject to Planning Review – The following types of development are subject to planning review and approval:

1. Development within the conservation or environmentally sensitive areas;
2. Commercial and office development that proposes a building foot print over 2,000 square feet in area.
3. All multiple family development, mobile home parks and townhouses exceeding 5 units or 5 acres;
4. Public facilities;
5. Churches, community houses, group homes, foster care facilities licensed or funded by the Florida Department of Health pursuant to Chapter 419, Florida Statutes and facilities serving those with special needs;
6. Parks, recreational vehicle facilities;
7. Subdivisions and planned unit developments shall follow the subdivision review procedures contained in this code.
8. Development which does not apply as eligible for the Staff Review process or the Full Review process.

B. Site Plan Requirements of the Planning Review

a. Application for development approval for development subject to Planning Review shall be made on forms provided by the Administrative Official's Office. Development shall conform to all applicable local, state, and federal regulations. Application for development approval shall consist of the following:

1. Application Form.
2. Location Map.

3. Legal survey prepared, signed, and sealed by a Florida registered land surveyor, indicating legal description and area to the nearest one tenth of an acre.
4. Topographic map with one foot contour intervals. The topographic map may be combined with the survey.
5. Site plan, drawn to appropriate scale, showing the location, dimensions, and intended use of all existing and proposed development in detail sufficient to allow an evaluation of compliance with applicable land development regulations. The site plan shall show: wetlands and flood prone areas; all structures, their setbacks and height; parking; streets; means of ingress and egress; potable water and wastewater disposal facilities; other utilities; fences and walls; signs; sidewalks; number of dwelling units or residential development; square footage of commercial office and development; number of rooms for motel/hotels, number of employees, students, or seats for other development as appropriate; other information as may be required by the Town.
6. Stormwater management plan prepared in compliance with the stormwater management requirements of this code.
7. Wastewater disposal permit consisting of either (a) a current on-site sewage disposal construction permit or current inspection certificate of an existing system from the Gadsden County Health Department or the Department of Environmental Protection.
8. When applicable, permits from state and federal agencies including DEP and Army Corps of Engineers for dredge and fill, and from DER for stormwater management.
9. Statement, with supporting documentation as appropriate, that the proposed development satisfactorily addresses the review criteria contained in this code.
10. As provided for by Policy 4-2.1.3 of the Comprehensive Plan, the Town shall provide for a density bonus for proposed developments that include housing for low, very low and moderate income persons. The developer should provide a statement with supporting documentation as to whether the proposed development should be considered for a density bonus. The Town may grant an increase of up to 10% of the allowable density as a special exception for such projects.

C. Planning Review Procedures

1. The Administrative Official acting in the capacity as the Planning Official shall review the application and accompanying materials for compliance with this ordinance, the comprehensive plan, and other applicable land development regulations. In addition, the Administrative Official shall prepare a statement of findings that the proposed development satisfactorily addresses the review criteria contained in this code. The Administrative Official may request the assistance of other Town Staff, the Building Inspector, the Gadsden County Public Health Official, or other local and state officials in conducting the review. The Administrative Official shall then prepare a report and recommendation for action to the Town Council for consideration at the next regular meeting.
2. The Town Council shall study the application for development approval and the report of the Administrative Official, taking into consideration the requirements of this ordinance, the comprehensive plan, and other applicable land development regulations. The Town Council shall recommend that the application for development approval be approved, be approved with conditions, or disapproved.
3. After action by the Town Council, the Administrative Official shall place the application for development approval on the next regularly scheduled Town Council agenda. The report of the Administrative Official shall be forwarded for the Town Council's consideration. The Town Council, after reviewing the material presented, shall by motion approve, approve with conditions, or disapprove the application for development approval. Approval shall constitute authorization for the developer to apply to the Building Inspector for the issuance of a building permit.

3.14.00 FULL REVIEW

- A. Types of Development Subject to a Full Review – A full review shall be required for the following types of development:
1. Power plants and transmission lines;
 2. Commercial and office development exceeding 10,000 square feet or any office development exceeding 15,000 square feet.
 3. Single family and multiple family development exceeding 25 units or/

and hotel/motel exceeding 25 units;

4. Developments of Regional Impact.
5. Planned Unit Developments and Subdivisions shall follow the Review Procedures for Subdivisions described in the following section.

B. Site Plan Requirements of the Full Review

1. The Full Review process follows the same procedures generally as the Planning Review process described above, including a statement, with supporting documentation as appropriate, that the proposed development satisfactorily addresses the review criteria contained in Article 3.15.00, below. In addition, the full review procedure requires additional intergovernmental review. Also, closer scrutiny of environmental factors may take place. All applications subject to the Full Review process shall submit site plans containing all information required in the Planning Review Process. In addition, after a preapplication conference with the Town, additional site plan information will be required as advised by the Regional Planning Council and other state agencies deemed appropriate by the Town.

C. Full Review Procedures

1. The Administrative Official shall review the application and accompanying materials for compliance with this ordinance, the comprehensive plan, and other applicable land development regulations. The Administrative Official may request the assistance of other Town Staff, the Building Inspector, the Gadsden County Public Health Official, or other local and state officials in conducting the review. The Administrative Official shall then prepare a report and recommendation for action to the Town Council for consideration at the next regular meeting.
2. Prior to the first meeting of the applicant with the Town Council, the Administrative Official shall, if appropriate, contact the following agencies: (1) Regional Planning Council; (2) Florida Fish and Wildlife Conservation Commission; (3) Florida Department of Environmental Protection; (4) Florida Department of Health; (5) Florida Department of Economic Opportunity; (6) Florida Department of Transportation; (7) Adjacent Town and municipal local governments and the Gadsden County School Board. Coordination with the School Board would include consideration of the terms if the Interlocal agreement between the Gadsden County School Board and all Gadsden County local governments.

Other agencies shall be contacted if appropriate. The Regional Planning Council will be requested to review the proposed development for the purpose of determining if there are issues or elements of the proposed development of regional significance or special local concern.

3. The Town Council shall study the application for development approval and the report of the Administrative Official, taking into consideration the requirements of this ordinance, the comprehensive plan, other applicable land development regulations, and intergovernmental comments. After the Town Council has studied the application, the application shall be placed on the agenda of the next regularly scheduled Town Council meeting.
4. The Town Council, after reviewing the material presented, shall by motion approve, approve with conditions, or disapprove the application for development approval. Approval shall constitute authorization for the developer to apply to the building inspector for the issuance of a building permit.
5. The Administrative Official shall ensure that the application for development approval is consistent with all provision of the land development Code, the Town Comprehensive Plan, the Subdivision Regulations, and other applicable land development regulations. The Building inspector shall ensure that technical building standards are met. The Administrative Official, acting as the Official shall be responsible for ensuring compliance with land use requirements.
6. A written staff review checklist and certification attesting to such consistency, signed by the Administrative Official and other Town staff as appropriate, shall accompany all completed permit applications and become part of the permanent file for each development order issued by the Town. At a minimum, the staff review checklist shall certify the proposed development satisfactorily addresses the review criteria contained in Article 3.15.00 of this code.
7. If the application submitted for a development permit is incomplete with respect to the requirements of this ordinance, the Administrative Official may deny the permit or suspend review subject to the receipt of additional information from the applicant or the applicant's authorized agent.

3.15.00 FINDINGS OF COMPLIANCE FOR ALL DEVELOPMENT PROPOSALS

All development proposals, whether approved through the Staff Review, Planning Review or Full Review process shall be approved only after a finding of fact that the proposed development addresses in a satisfactory manner, the following:

1. The location of the proposed development as depicted on the Town land use map complies with the land use district regulations, the comprehensive plan and the Future Land use Map.
2. Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to insure preservation of such lands and facilities for their intended purpose and to insure that such common facilities will not become a future liability for the Town Council.
3. Density and/or purpose of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect thereon and relationship to the County's Comprehensive Plan.
4. Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, minimization of marginal friction with free movement of traffic on adjacent streets, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.
5. Location and relationship of off street parking and off street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscape.
6. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.
7. Manner of stormwater management on the property, with particular reference to the effect of provisions for stormwater management on adjacent and nearby properties and the consequences of such stormwater management on overall public stormwater management capacities.

8. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities.
9. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
10. Recreation facilities and open spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community open spaces and recreational facilities.
11. General amenities and convenience, with particular reference to assuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be in conflict with other development in the area as to cause substantial depreciation of property values.
12. Concurrency requirements as described in article V of this Code.
13. Such other standards as may be imposed by these land development regulations on the particular use or activity involved.
14. Require that all hazardous waste generators properly manage their own wastes, and require that all new hazardous waste generators comply with state/federal regulations pertaining to the use, disposal and storage of hazardous waste.

3.16.00 REVIEW PROCEDURES FOR SUBDIVISIONS

Proposed subdivisions which for any reason will have a regional impact must follow the Full Review development process and the requirements of Chapter 177, Florida Statutes regarding minimum requirements for platting of land. If the subdivision will not have a regional impact, then the Planning Review process is followed in addition to the requirements of Chapter 177 F.S.

3.17.00 ENFORCEMENT OF DEVELOPMENT PERMITS

Types of Deviations

The types of deviations from approved development orders include:

Land use permit deviations where the use, setback, height or size of the planned structure is different from the development plat as approved by the Town. Enforcement of Land use deviations is the responsibility of the Administrative Official.

Building code deviations where the approved building plans deviate from that which was approved by the Building Permit. Enforcement of building code deviations is the responsibility of the Building Inspector.

A sign permit deviation where the sign size location or construction is different from that approved by the Building Permit. Enforcement of sign permit deviations related to technical construction standards is the responsibility of the Building Inspector. Land use deviations are the responsibility of the Administrative Official.

Other permit deviations include those related to land clearing, septic tank siting and construction, drainage or landscaping activities. Enforcement of deviations related to the building code is the responsibility of the Inspector. The responsibility of deviations related to land use lies with the Administrative Official.

Minor Deviations – A minor deviation is a deviation from a Development Plan that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

1. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
2. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit that required by this Code.

Major Deviations – A major deviation is a deviation other than a Minor Deviation, from a Development Plan.

On-Going Inspections

A. Inspection

The Administrative Official and Building Inspector shall implement a procedure for periodic inspection of development work in progress to insure compliance with the authorized activity.

B. Minor Deviations

If the work is found to have one or more Minor Deviations, the applicable official shall amend the Development Permit to conform to actual development. The applicable official may, however, change any Minor Deviation that significantly affects the development's compliance with the purposes of this Code for treatment as a Major Deviation.

C. Major Deviations

1. If the work is found to have one or more Major Deviations, the applicable official shall:
 - a. Place the matter on the next agenda of the Town Council, allowing for adequate notice, and recommend appropriate action for the council to take.
 - b. 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 applicable official determines that work or occupancy may proceed pursuant to the decision of the Town Council.
2. The Town Council shall hold a public hearing on the matter and shall take one of the following actions:
 - a. Order the developer to bring the development into substantial compliance (i.e., having no or only Minor Deviations) within a reasonable period of time.
 - b. Amend the Development Permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process.
 - c. Revoke the relevant Development Permit based on a determination that the development cannot be brought into substantial compliance and that the Development Permit should not be amended to accommodate the deviations.

D. Action of Developer after Revocation of Development Permit

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

Application for Certificate of Occupancy – Upon completion of work authorized by a Development Permit and before the development is occupied, the developer shall apply to the Building Inspector for a

Certificate of Occupancy. The Inspector shall inspect the work and issue the Certificate if found to be in conformity with the Permit.

3.18.00 ENFORCEMENT OF CODE PROVISIONS

Generally

The Town Council shall enforce this Code according to the procedures set forth below which are consistent with Chapter 162, Florida Statutes.

3.19.00 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Town Council may establish a schedule of fees, charges, and expenses and a collection procedure for building permits, amendments, certificates of land use compliance, appeals, and other matters pertaining to this code. The schedule of fees shall be posted in the Town Hall and may be altered or amended only by the Town Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

3.20.00 PROCEDURE FOR APPEALING DECISIONS

3.20.01 Responsibility of Affected Party

The election of remedies, trial do novo, governed by the Florida laws of civil procedure or application for writ of certiorari, shall lie with the adversely affected person.

3.20.02 Appeals from Decisions of the Building Inspector or Administrative Official

Any person aggrieved by any decision of the Building Inspector or Administrative Official may appeal the decision. Appeals are made to the Town Council by filing a notice of appeal within thirty (30) working days of the decision.

3.20.03 Appeals from Decisions of the Town Council

Any person aggrieved by any decision of the Town Council or any other office, department, board, commission or bureau of the Town, may apply to the Circuit Court or to the Florida Department of Planning and Administrative Hearings by filing a notice of appeal with the Town within thirty (30) working days of the decision.

3.20.04 Appeals Regarding Rules of Interpretation

It is the intent of this ordinance that all questions of interpretation shall be first presented to the Administrative Official, and that such questions be presented to the Town Council if the issue is not satisfactory resolved between the administrator or developer, and that recourse from the decisions of the Town Council shall be to the Circuit Court or to the Florida Department of Planning and Administrative Hearings.

3.21.00 NON-CONFORMANCE

With the adoption of this Code many properties that were once in compliance with the code may become in noncompliance because of the provisions of the Code. Hardships may be caused by requiring, for instance, nonconforming uses to become in compliance with the code's development design standards and resource protection standards. The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur.

3.22.00 GENERALLY

Continuation of Nonconforming Situation – With the adoption or amendment of this Code certain nonconforming situations are created and which are permitted to continue in their nonconforming state. These nonconforming uses which are otherwise lawful, and in existence on the date of enactment of this code, are not required to be brought into full compliance as based on the provisions of this article.

Continuation of Nonconforming Project – If a lawful project is in existence on the date of adoption of this Code it may remain in use in its nonconforming state.

3.23.00 REASONS FOR TERMINATION OF NONCONFORMING DEVELOPMENT

3.23.01 Extension or Enlargement of Nonconforming Situation

Nonconforming development must be brought into full compliance with the development criteria of this land development Code. A nonconforming situation shall be considered an extension or an enlargement if the gross floor area of the development is expanded by more than ten (10) percent, or more than four thousand (4000) square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing from the effective date of this Code, shall be combined in determining whether this threshold has been reached.

3.23.02 Repairs, Maintenance, Renovation and Reconstruction of a Nonconforming Situation

Minor repairs and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, which is work estimated to cost more than 25 percent of the value of the structure to be renovated may be done only after receiving a special exception from the Town Council and following the building permit procedures of this Code. Reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity resulting in a cost of reconstruction that is fifty (50) percent or more of the fair market value of the structure before the calamity may proceed only after obtaining a special exception from the Town Council. This special exception will authorize the developer to obtain all necessary permits. 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.

3.23.03 Abandonment and Discontinuance of Nonconforming Situations

When a nonconforming situation is abandoned or discontinued ceased for a continuous twelve (12) months with no intention to reinstate the nonconforming use, the property henceforth may be used only for conforming purposes.

3.24.00 SPECIFICALLY

3.24.01 Nonconforming Stormwater Management Requirements

An existing development that does not comply with the stormwater management requirements of this Code must be brought into full compliance when the use of the development is intensified, resulting in an increase in stormwater runoff or added concentration of pollution in the runoff.

3.24.02 Undeveloped Nonconforming Lots

Upon the adoption or amendment of this Code, when certain lots land use designation is changed from one use to another, the undeveloped lots shall take on the new use bringing the lot(s) into conformance.

3.24.03 Lot Dimensional Nonconformity

- a. When a lot is smaller than the required minimum lot size for its designated land use and conforms with all of the regulations applicable to its intended use, then the lot may be used just as its land use designation permits. However if it is too small to fill the requirements for septic systems by HRS, then it shall be undevelopable until a sewage system is available for the lot.
- b. Adjacent nonconforming undeveloped lots under single ownership shall be combined to form conforming lots. The owner or successors in ownership may not take advantage of the provisions of this section.

3.24.04 Nonconforming Signs, Amortization

- a. All nonconforming signs with a replacement cost of less than \$100.00, and all Prohibited Signs of this Code, shall be removed or made to conform within one year of the enactment of this Code.
- b. All other nonconforming signs shall be removed or altered to be conforming within seven (7) years of the effective date of this code.
- c. Any owner of a sign who requests an amortization period longer than one year or seven years shall, within one (1) year from the date of enactment of these regulations, file with the Administrative Official a statement setting forth the cost of the sign, the date of erection, or the cost and date of most recent renovation, and a written agreement to remove the sign at or before the expiration of the amortization period applicable to the sign.

The Town Council may grant a variance from the terms of the foregoing amortization schedule for up to three (3) additional years where it finds such additional period of time is necessary in order to avoid unnecessary hardship not caused by the petitioner, and such variance is not contrary to the public interest. Multiple three-year extensions may be granted where warranted, but may only be granted every three year period.

3.24.05 Nonconforming Signs, Continuation

Subject to the limitation imposed by the amortization schedule above a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be:

1. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
2. Structurally altered to prolong the life of the sign, except to meet safety requirements.
3. Altered in any manner that increases the degree of nonconformity.
4. Expanded.
5. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Administrative Official.

3.24.06 Reserved

3.24.07 Nonconforming Parking and Loading Requirements

Full compliance with the requirements of this Code shall be required where the seating capacity or other factor controlling the number of parking or loading spaces required by this Code is increased by ten (10) percent or more.

3.25.00 VARIANCES

3.25.01 Granting

The Town Council may grant a variance from the strict application of any provision of this Code, except provisions in Articles VI (Land Use) and V (Concurrency), if the following procedures are followed and findings made.

Variances as Part of Development Activity – Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application process. The variance shall be granted or denied in conjunction with the application for development, meaning if the variance is denied then so too is the development. When a variance is requested it is the responsibility of the party requesting the variance to attend the Town Council hearing regarding the variance. If after two (2) hearings the party does not attend, the issue will be dropped from the council's agenda and the party will not be able to reapply for the action requested for a period of three (3) months.

3.26.00 VARIANCES RELATING TO SETBACKS

The Administrative Official may approve a variance pertaining to set backs without a meeting of the Town Council if the variance requested is 10 percent or less of the required set back.

3.26.01 Determination

The granting of variances shall be determined based on whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Town Council shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

3.26.02 Variances for Duplexes, On Single Family Lots

When a variance is granted allowing two units on a lot when otherwise only one unit is allowed, the variance is granted under the conditions as described in Article IV.

3.26.03 Required Findings

It is required that the Town Council not vary the requirements of any provision of this Code and to grant a variance it must make a positive finding, based on substantial competent evidence, on each of the following:

1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed variance will not substantially diminish essential character of, the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

3.26.04 Imposition of Conditions

In granting a development approval involving a variance, the Town Council may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to minimize the injurious effect of the variance, for example an architectural condition.

3.26.05 Variance to Flood Damage Prevention Regulations

In reference to variances requested for properties in the flood zone, the Town Council shall not grant any variance that will result in an increase in the elevation of the Base Flood, create additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances. Before granting a variance, the Town Council 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 and the effect of that damage on 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 dependent facility.
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. 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.
10. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.

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 all variances in a biennial report to the Town Council.

Historic Properties – Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on, the National Register of Historic Places, a local register of historic places, if so maintained, or the State Inventory of Historic Places (Master Site File). The special variance shall be the minimum necessary to protect the historic character and design of the structure.

ARTICLE IV - DESIGN AND IMPROVEMENT STANDARDS, INCLUDING SUBDIVISIONS

4.00.00 GENERAL PROVISIONS

4.01.00 PURPOSE

- 4.01.01 Responsibility for Improvements
- 4.01.02 Principles of Development Design

4.02.00 DIMENSIONAL AND DENSITY REGULATIONS

- 4.02.01 Minimum Lot Size Requirements for All Developments
- 4.02.02 Minimum Lot Widths
- 4.02.03 impervious Surface Coverage Generally

4.03.00 CLUSTERING

- 4.03.01 Purpose
- 4.03.02 Procedure

4.04.00 VESTING

4.05.00 BUFFERING

4.06.00 UTILITIES

- 4.06.01 Utility Ownership and Easement Rights

4.07.00 DESIGN STANDARDS

- 4.07.01 Compliance with Standard Building Code
- 4.07.02 Utilities Underground

4.08.00 WATER

4.09.00 SEWER

4.10.00 ELECTRICITY

4.11.00 TELEPHONE

4.12.00 CABLE TELEVISION SERVICE

4.13.00 ILLUMINATION

- 4.14.00 FIRE HYDRANTS
- 4.15.00 PLANNED UNIT DEVELOPMENTS

ARTICLE IV

DESIGN AND IMPROVEMENT STANDARDS

4.00.00 GENERAL PROVISIONS

4.01.00 PURPOSE

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the Town of Greensboro.

4.01.01 Responsibility for Improvements

All improvement required by this Article shall be designed, installed, and paid for by the Developer.

4.01.02 Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Articles VI and VII of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

4.02.00 DIMENSIONAL AND DENSITY REGULATIONS

4.02.01 Minimum Lot Size Requirements for All Developments

All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside.

Specific Requirements for Residential Development Using Septic Systems

All proposed development in areas that are not served by a central water and central sewer shall conform to the following Florida Department of Health minimum lot areas:

Type of Development	Water/Sewer System	Lot Area
Residential	Individual wells Septic tanks	½ acre per unit
Residential	Individual wells Aerobic septic	½ acre per unit
Residential	Central water Septic tanks	1/3 acre per unit
Non-residential	individual wells Septic tanks	½ acre

4.02.02 minimum Lot Widths

- (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that: 1) Could be used for purposes that are permissible in that zoning district, and 2) Could satisfy any applicable setback requirements for that district.
- (b) This Article describes the minimum lot widths required by zone. The minimum lot width for all development that is served with public water and septic tank shall be 75 feet.
- (c) No lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback.

Minimum Setbacks on Side and Rear Yards

If the distance from the exterior wall to the property line is less than the feet specified by this Article, the applicant must show evidence of a maintenance easement granted by adjacent property owners. No structure shall be allowed on any easement without first obtaining a variance in accordance with the provisions of this land development code.

The minimum distance between adjacent buildings shall be ten (10) feet. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

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

Minimum Setbacks for Buildings Exceeding 25 Feet in Height

When a building exceeds twenty-five (25) feet in height, the minimum distance from an adjacent building or property line shall be increased by two (2) feet for each story above two (2).

4.02.03 Impervious Surface Coverage Generally

Impervious surface on a development site shall not exceed the ratios provided by this Article.

Ratio Calculation

The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area. Water bodies are impervious and shall be included as such in the impervious surface ratio calculation.

Treatment of Cluster Development

Because the impervious surface ratio is calculated for the gross site, cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space. The Development Review Board may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

Alternative Paving Materials

If porous paving materials are used in accord with the Standard Building Code, D.O.T. standards and other technical documents adopted in this land development code by reference, then the area covered with porous paving materials shall not be counted as impervious surface.

TABLE OF IMPERVIOUS SURFACE RATIOS

Land Use District	Maximum Impervious Surface Ratio
Residential, Single and Multi-Family	0.50
Residential, Mobile and Modular Park	0.30
Commercial	-.80
Industrial	.80
Planned Unit Development	0.85
Public/Institutional	0.50
Agricultural	N/A
Open Space – Recreational	0.20
Conservation, Category 1 (Flood Prone Area)	0.20
Conservation, Category 2 (Wetlands Area)	0.20

4.02.04 RESIDENTIAL DIMENSIONAL AND DENSITY REQUIREMENTS

Public Water & Public Sewer	Mobile Homes & Single Family	Townhouses Apartments and Duplexes
Lot Area	9,312 sq. ft. (1/5 acre)	9,313 sq. ft. (1/5 acre)
Lot Width	75 ft., minimum	75 ft. minimum

Well and Septic Tank		
Lot Area	21,780 sq. ft. (1/2 acre)	N/A
Lot Width	80 ft., minimum	N/A

Public Water and Septic Tank		
Lot Area	21,780 sq. ft. (1/3 acre)	N/A
Lot Width	80 ft., minimum	N/A

All Residential		
Living Area	600 sq. ft. minimum	480 sq. ft. minimum
Set Backs: (setbacks apply to both residential and commercial development)		
Front Yard	25 ft. minimum	25 ft. minimum
Rear yard	10 ft. minimum	10 ft. minimum
Side Yard	20 feet combined, minimum setback 10 feet from property line	20 ft. combined but not less than 7 ft. from one side, 13 ft. from opposite side
Height	35 ft. maximum	35 ft. maximum

LAND USE/INTENSITY BY TYPE OF LAND USE

Zoning District	Density/Intensity	Definition as per Comp Plan	Comprehensive Plan Policy
Industrial	≤ 80% impervious surface ratio	% of site that can be covered with impervious surface.	Existing Plan Policy Policy 1-3.5.2
Agriculture (Agriculture land within the town limits prior to the 2010 annexation)	Up to 3 units per acre	Low Density	Existing Plan Policy Policy 1-3.5.1 and 1-3.5.2
Agriculture (Agriculture land within the 844.17 acres that was annexed in 2010)	<u>Up to 1 unit per 5 acres</u>	<u>Very Low Density</u>	<u>EAR Based Plan Amendment</u> <u>Policy 1-3.5.2</u>
Conservation (Flood Plains)	Up to 1 unit per 5 acres	Very Low Density	Existing Plan Policy (Policy 3-2.3.4)
Conservation (Wetlands)	Up to 1 unit per 5 acres for existing lots of record with no adjacent upland.	Very Low Density	Existing Plan Policy (Policy 3-2.3.4)
Public / Institutional	NA	NA	NA
Open Space / Recreation	≤ 20% impervious surface ratio	% of site that can be covered with impervious surface.)	Existing Plan Policy (Policy 1-3.5.2)
Rural Residential	<u>Up to 1 unit per acre</u>	Low Density	<u>EAR Based Plan Amendment</u> <u>(Policy 1-1.1.8)</u>
Residential – with onsite well and septic tank	<u>Up to 2 units per acre</u>	Low Density	Existing Plan Policy (Policy 1-1.1.4)
Residential – with public water and septic tank	<u>Up to 3 units per acre</u>	Low Density	Existing Plan Policy (Policy 1-1.1.4)
Residential – with public sewer and public water	<u>Up to 5 units per acre</u>	Medium Density Note: No land uses in Town have public sewer and public water - so this would involve a zoning change	<u>EAR Based Plan Amendment</u> <u>(Policy 1-1.1.4)</u>
Commercial	≤ 80% impervious surface ratio	% of site that can be covered by the building foot print and pavement (impervious surface)	Existing Plan Policy (Policy 1-1.3.4)
Mixed Use Residential – with onsite well and septic tank	<u>Up to 2 units per acre</u>	<u>Low Density</u>	<u>EAR Based Plan Amendment</u> <u>(Policy 1-1.1.10)</u>
Mixed Use Residential – with public water and septic tank	<u>Up to 3 units per acre</u>	<u>Medium Density</u>	<u>EAR Based Plan Amendment</u> <u>(Policy 1-1.1.10)</u>
Mixed Use Residential – with public sewer and public water	<u>Up to 12 units per acre</u>	<u>Very High Density</u>	<u>EAR Based Plan Amendment</u> <u>(Policy 1-1.1.10)</u>
Mixed Use – Commercial and Residential	<u>≤ 80% impervious surface ratio</u>	<u>% of site that can be covered by the building foot print and pavement (impervious surface)</u>	<u>EAR Based Plan Amendment</u> <u>(Policy 1-1.1.10)</u>

4.03.00 CLUSTERING

4.03.01 PURPOSE

Cluster zoning is used to create a zone or area where small-scale farming and open space can be preserved while providing housing.

4.03.02 PROCEDURE

The density or intensity of a use that would have been allowed on a site designated as a Protected Environmentally Sensitive Area in the absence of the application of this Code may be used by “clustering” the development within non-sensitive areas within the project site. Development on parcels containing Protected Environmentally Sensitive Areas may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those non-environmentally sensitive portions of the site. The clustered development shall meet all applicable provisions of this Code including those in the environmentally sensitive land regulations relating to development activities adjacent to environmentally sensitive areas.

4.04.00 VESTING

Lot sizes smaller than those described in the Table of Dimensional and Density Requirements (previous page) if platted prior to the effective date of this Code are vested for density purposes only. Development may proceed on such lots if set back provisions and DOH Standards regarding water well and septic tank usage are complied with.

4.05.00 BUFFERING

Buffering requirements are contained in Article VII (Resource Protection Standards).

4.06.00 UTILITIES

4.06.01 Utility Ownership and Easement Rights

Whenever a developer installs or causes the installation of water, sewer, electrical power, telephone, cable television service, illumination, fire hydrants, and dumpsters and intends that such facilities shall be owned, operated, or maintained by a public utility or other public or private entity, the necessary ownership or easement rights must be established to enable the utility or entity to operate and maintain such facilities.

4.07.00 DESIGN STANDARDS

4.07.01 Compliance with Standard Building Code

All utilities regulated by this Code shall meet or exceed the minimum standards contained in the Standard Building Code.

4.08.00 WATER

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Whenever it is possible and practicable to connect a lot with a community water line by running a connection line not more than 200 feet from the lot to such line, then connection shall be made for the use proposed on the lot.

When it is not possible to simply connect a lot to the community water supply system then the developer must submit detailed drawings and other pertinent information as may be required by the appropriate required agency which will be responsible for certifying that the system will comply with all applicable federal, state, local, and health regulations before the Town will issue a building permit.

4.09.00 SEWER

Every Principal use and every lot within a subdivision shall be served by a sewage disposal system that can accommodate the needs of the use or subdivision lot and complies with all applicable health regulations.

Where the connection to an existing community sewer line by running a connecting line no more than 200 feet from the lot to such line is possible and practicable then no use requiring sewage system disposal shall be allowed until connection is made to such line.

In situations where there is no existing community sewer line within 200 feet of the lot, a septic system may be installed based on the requirements of the public health department. A permit by the public health department must be obtained before the septic system is installed. In situations where this is not feasible, but an alternative sewage system will be used, then the developer must obtain any appropriate permits from the appropriate agency for the sewage system. This includes submitting to the appropriate agency detailed drawings and other appropriate information of the sewage disposal system in order to determine compliance with applicable regulations. The County Building Inspector

will provide direction to the applicant concerning the permitting process as well as appropriate agencies.

4.10.00 ELECTRICITY

Every principal use and every lot within a development shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. If the use can be served by a simple connection to a power line located on the lot then no additional certification is necessary.

If the use requires a substantial internal distribution located then the electric utility service provider must review the development plans and certify that it can provide the service to meet the needs of the use. (Usually required for large developments such as apartment complexes, shopping centers, and subdivisions.)

4.11.00 TELEPHONE

Every principal use and every lot within a development shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within the subdivision.

If the use is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), such connection should be encouraged and granted.

If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

4.13.00 ILLUMINATION

All streets, driveways, sidewalks, bikeways, parking lots, entrances and exits, and other common areas and facilities in developments, such as subdivisions, unsubdivided developments, apartments, and nonresidential buildings shall provide illumination to ensure the security of property and safety of persons.

4.14.00 FIRE HYDRANTS

Fire hydrants serving development shall be of a design approved by the Town fire chief.

4.15.00 PLANNED UNIT DEVELOPMENTS

The Town adopts the following design criteria for mixed use Planned Unit Developments (PUDs) to be located in the residential land use category. The following development standards shall be used to review applications for new Planned Unit Developments in Greensboro.

-Up to 25% of the PUD may be used for commercial activities. PUDs shall be allowed a density bonus of 25% above the density that otherwise would be allowed for residential uses, provided the density conforms to Dept. of Health requirements.

-The PUD is a floating overlay zone that is, PUDs can be potentially allowed anywhere within the residential land use category.

☐Commercial development within the PUD shall maintain an impervious surface ratio not to exceed 80% commercial density and shall conform to Dept. of Health standards.

☐Commercial development shall not exceed a height of fifty (50) feet.

☐PUDs shall be adequately buffered from adjacent land uses by trees shrubs and fences to reduce potential unacceptable levels of noise and air pollution.

-Access to roads shall conform to F.D.O.T. recommended access management standards as described in the current edition of "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways" and "Standard Specifications for Road and Bridge Construction, (Green Book)".

ARTICLE V - CONSISTENCY AND CONCURRENCY DETERMINATIONS

5.00.00 GENERALLY

- 5.00.01 Purpose
- 5.00.01 Definition of Concurrency

5.01.00 DETERMINATION OF CONCURRENCY

- 5.01.01 Generally
- 5.01.02 Adopted Levels of Service Shall Not Be Degraded
- 5.01.03 Generally: Determination of Available Capacity
- 5.01.04 Burden of Showing Compliance on Developer
- 5.01.05 Initial Determination of Concurrency

5.02.00 SPECIFICALLY: DETERMINATION OF AVAILABLE CAPACITY

- 5.02.01 Potable Water
- 5.02.02 Sanitary Sewer Facilities
- 5.02.03 Transportation System
- 5.02.04 Drainage System
- 5.02.05 Solid Waste
- 5.02.06 Recreation
- 5.02.07 Annual Report

ARTICLE V

CONSISTENCY AND

CONCURRENCY DETERMINATIONS

5.00.00 GENERALLY

5.00.01 Purpose

It is the purpose of this Article to describe the requirements and procedures for determination of consistency of proposed development projects with the Town of Greensboro Comprehensive Plan, including meeting the concurrency requirements of the plan.

5.00.01 Definition of Concurrency

Concurrency is a term referring to the process whereby development is approved only if the development proposal demonstrates that adequate public facilities will be available to serve the development once it is completed. Development proposals which cannot demonstrate that adequate public facilities will be available to serve the completed development as defined by Level of Service Standards (LOS) will not be issued a building permit.

5.01.00 DETERMINATION OF CONCURRENCY

5.01.01 Generally

The determination of concurrency shall be based upon the Town of Greensboro Comprehensive Plan, especially the Capital Improvements element and adopted level of service standards. To ensure concurrency the issuance of a development permit will be contingent on whether or not a degradation of the adopted levels of service for specified public facilities and services will occur. This article also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards. A development is determined to meet concurrency requirements based on one of the following scenarios:

The necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place where the impacts of the development occur; or the necessary facilities are under construction at the time a permit is issued; or the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Chapter 9J-5.0055 (2) (a) (1-3), Florida Administrative Code, as amended. An enforceable development agreement may include, but is not

limited to development agreements pursuant to Chapter 163.3220, Florida Statutes, as amended or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

These minimum requirements shall be ensured as follows:

Building Permits

The issuance of a building permit has more of an immediate impact on the level of service for public facilities than may be the case with the issuance of other types of development orders. Therefore, building permits shall be issued only when the necessary facilities and services are in place. The determination of the existence of the necessary facilities and services in place shall be made by using the estimates made by the Planning Commission as part of their most recent monitoring and evaluation of the Capital Improvements Element. Such determination shall be made by the Administrator as part of the Planning review process. For roads, this determination shall apply to the adopted level of service standards for roads within Greensboro's jurisdiction.

Other Types of Development Orders. Other types of development orders include, but are not limited to approval of subdivisions, zoning and re-zoning approvals, special permits and site plan approvals. These other types of development orders have less immediate impact on public facilities and services than the issuance of a building permit. Therefore, subject to the Planning Commission determining that the necessary facilities or services are in place and are maintaining the adopted level of service, the following concurrency management requirements shall apply for the issuance of such development orders.

- a. Provisions shall be included within the development order which shall require the construction of additional public facility capacity, where public facilities, due to the impacts of the development proposal do not meet the adopted level of service; or
- b. To require the necessary public facilities be constructed by the developer and at the developer's expense, or by the public or private entity having jurisdictional authority over the facility to the level of service identified and within conformance with the 5-Year Schedule of Improvements found within Greensboro's Comprehensive Plan Capital Improvements Element.

In such cases where there are competing applications for public facility capacity, the following order of priority shall apply:

1. Issuance of a building permit based upon previously approved development orders permitting redevelopment;

2. Issuance of a building permit based upon previously approved development orders permitting new development;
3. Issuance of new development orders permitting redevelopment;
4. Issuance of new development orders permitting new development.

Amendments to the Comprehensive Plan can be made twice each year and as otherwise permitted as small scale developments. In addition, changes can be made to the Capital Improvements Element by ordinance if the changes are limited to the technical matters listed in Chapter 163, Part II, Florida Statutes.

No development order shall be issued which would require the Town Council to delay or suspend construction of any of the capital improvements on the 5-Year Schedule of the Capital Improvements Element.

If by issuance of a development order a substitution of a comparable project on the 5-Year Schedule is proposed, the applicant may request the Town of Greensboro to consider an amendment to the 5-Year Schedule in one of the twice annual amendment reviews.

The result of any development not meeting adopted level of service standards for public facilities shall be cessation of the affected development or the reduction of the standard for level of service (which requires an amendment to the Comprehensive Plan).

5.01.02 Adopted Levels of Service Shall Not Be Degraded

General rule

All applications for development permits shall demonstrate that the proposed development does not degrade adopted levels of service in the Town.

Exception

Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.

5.01.03 Generally: Determination of Available Capacity

For purposes of these regulations the available capacity of a public facility shall be determined by the following two step process:

A. Step One: Adding Together All Public Facility Capacity

1. The total capacity of existing facilities operating at the required level of service; plus
2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development equals the total available public facility capacity. The capacity of new facilities may be counted only if one or more of the following is shown:
 - a. Construction of the new facilities is under way at the time of issuance of the building permit.
 - 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 certificate of occupancy.
 - 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 Greensboro Comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

B. Step Two: Subtracting Existing and Planned Demand from the Total Available Public Facility Capacity

Once the total available public facility capacity is determined, the next step is to subtract all existing and planned demand from that capacity. Demand for public facilities is referred to as both of the following:

1. The demand for the service or facility created by existing development as documented in the Town Comprehensive Plan; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

5.01.04 Burden of Showing Compliance on Developer

The burden of showing compliance with these level of service requirements shall be upon the developer. In order to be approved, applications for development approval shall provide sufficient information showing compliance with these standards.

5.01.05 Initial Determination of Concurrency

The initial determination of concurrency occurs during the preliminary review of the development plan, and shall include compliance with the level of service standards adopted by the Town.

5.02.00 SPECIFICALLY: DETERMINATION OF AVAILABLE CAPACITY

5.02.01 Potable Water

Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the Town Comprehensive Plan:

Minimum design flow	90 gpd/p
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It is required that new developments connect to available public water supply as soon as such service is available.

The design and construction of proposed package water facilities shall meet specified engineering standards, including water conservation designs.

Submittals:

1. If required, the developer shall submit permits issued by the Northwest Florida Water Management District consistent with 40-2, F.A.C.
2. Water use permits issued by the Gadsden County Health Department.

5.02.02 Sanitary Sewer Facilities

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for wastewater treatment as established in the Sanitary Sewer Sub-element of the Town Comprehensive Plan:

LOS

Sanitary Sewer Facilities	N/A
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Developers proposing individual on-site wastewater treatment systems shall obtain permits for such systems from the Florida Department of Health (DOH) and Florida Department of Environmental Protection (DEP), as applicable.

New developments shall connect to available public wastewater facilities as soon as such service is available.

Design and construction of proposed wastewater facilities shall meet applicable Town and state engineering standards.

Submittals

- 1. DOH permits as required by 64e-6 F.A.C.
- 2. If required: DEP permits consistent with 62-620.910 F.A.C. regarding wastewater facilities.

5.02.03 Transportation System

A. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Transportation Circulation Element of the Town Comprehensive Plan:

Type of Facility	Peak Hour Level of Service
Principle Arterials	C
Minor Arterials	C
Major Collectors	C
Minor Collectors	C

Submittals

At its option the Town Council may require the developer to use either Option #1 or Option #2 to determine traffic concurrency for a proposed development:

Option #1:

No submittals required. The Comprehensive Plan indicates that traffic levels of service will not be degraded through the planning period.

Option #2

For Larger developments which may have a significant impact on traffic, the following written procedures are used to determine concurrency.

1. Estimate the existing capacity of the impacted road at the existing level of service using the most recent FDOT Generalized Level of Service Standards for Rural Areas. The Town of Greensboro Comprehensive Plan provides existing levels of service, capacities and demand for roads within the Town as does the Florida Department of Transportation (Maps and Publications Section, Tallahassee).
2. Estimate the number of trips to be generated by the proposed project based on the most recent edition of the ITE Trip Generation Report or other appropriate data sources as provided by the developer.
3. Sum the existing traffic demand plus the demand which will result from the proposed development. This sum will be the “new traffic demand”.
4. If the “new traffic demand” exceeds the available roadway capacity needed to maintain the adopted level of service, then the proposed development will not meet the concurrency requirement and a building permit cannot be issued.

5.02.04 Drainage System

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the Drainage Sub-element of the Town Comprehensive Plan:

Drainage Facilities LOS

To protect ground and surface water, development and redevelopment of the types and sizes specified by Chapter 62-346, F.A.C. (F.A.C.) shall be required to build a retention pond (or ponds) to manage stormwater runoff. Design and Construction Standards for the pond(s) are specified in Chapter 62-346, F.A.C.. In addition, the developer must maintain water quality standards in accordance with Chapter 62-346, F.A.C. (see the following page for design and performance standards). These requirements as adopted by Greensboro are referred to as the level of Service Standard for drainage.

Design and Performance Standards

The following design and performance standards are established for the purpose of determining compliance with this chapter; however, in some instances they may not.

No discharge from a stormwater discharge facility shall cause or contribute to a violation of water quality standards in waters of the state. Unless the applicant provides reasonable assurance that the discharge will not cause or contribute to a violation of water quality standards in waters of the state, the Department may require more stringent design and performance standards than are otherwise required by this chapter.

1. Detention basins shall again provide the capacity for the specified treatment volume of stormwater within 72 hours following a storm event.
2. Filtration systems shall have pore spaces large enough to provide sufficient flow capacity so that the permeability of the filter is equal to or greater than the surrounding soil. The design shall ensure that the particles within the filter do not move. When sand or other fine textured aggregate other than natural soil are used for filtration, the filter material should be of a quality sufficient to satisfy the following requirements.
 - a. Washed (less than 1 percent silt, clay and organic matter) unless filter cloth is used which is suitable to retain the silt, clay and organic matter within the filter;
 - b. Uniformity coefficient 1.5 or greater; and
 - c. Effective grain size of 0.20 to 0.55 millimeters in diameter. These criteria are not intended to preclude the use of multilayered filters nor the use of materials to increase ion exchange, precipitation, or pollutant absorption capacity of the filter.
3. Filtration systems shall be designed with a safety factor of at least two unless the engineer affirmatively demonstrates based on plans, test results, calculations or other information that a lower safety factor is appropriate for the specific site conditions. Examples of how to apply this factor include but are not limited to reducing the design percolation rate by half, doubling the length of underdrain, or designing for the required drawdown within 36 hours.
4. Retention basins shall again provide the capacity for the given volume of stormwater within 72 hours following the storm event. The additional storage volume must be provided by a

decrease of stored water caused only by percolation through soil, evaporation or evapotranspiration.

5. Unless applicable local regulations are more restrictive, for purposes of public safety, permanently wet retention and detention basins shall either be fenced or otherwise restricted from public access or contain side slopes that are no steeper than 4:1 (horizontal:vertical) out to a depth of two feet below the control elevation. All side slopes shall be stabilized by either vegetation or other materials to minimize erosion and subsequent sedimentation of the basins.
6. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediment on-site. These management practices shall be designed by an engineer or other competent professional experienced in the fields of soil conservation or sediment control according to specific site conditions and shall be shown or noted on the plans of the stormwater management system. The engineer or designer shall furnish the contractor with information pertaining to the construction, operation and maintenance of the erosion and sediment control practices.
7. Stormwater discharge facilities which receive stormwater from areas which are a potential source of oil and grease contamination in concentrations exceeding applicable water quality standards shall include a baffle, skimmer, grease trap or other mechanism suitable for preventing oil and grease from leaving the stormwater discharge facility in concentrations that would cause or contribute to violations of applicable water quality standards in the receiving waters.

Submittals for Drainage

1. If required, FDOT permits for drainage connections consistent with 14-86, F.A.C.
2. If required, FDEP permits for drainage systems consistent with Chapter 62-346, F.A.C.
3. If neither a FDOT permit or FDEP permit is required, submit other documentation to demonstrate that the development will maintain adopted level of service standards for drainage.

5.02.05 Solid Waste

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the solid waste as established in the Solid Waste Sub-element of the Town Comprehensive Plan:

LOS

Solid Waste Facilities 3.5 lbs. per capita/per day

Submittals

None (the comprehensive plan indicates that all solid waste needs of the town can be accommodated by county landfills through the year 2025).

5.02.06 Recreation

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the Recreation and Open Space element of the Town Comprehensive Plan:

Type of Park Facility	Level of Service	Population Served
Town Park	one acre	1000

Submittals

None. (The comprehensive plan indicates that all recreation needs of the Town can be accommodated by the Town through the year 2025.)

5.02.07 Schools

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for schools as established in the School Facilities Element of the Town of Greensboro Local Government Comprehensive Plan:

TYPE OF SCHOOL	LEVEL OF SERVICE
Elementary	100% of DOE permanent capacity (FISH)
Middle	100% of DOE permanent capacity (FISH)
K-8	100% of DOE permanent capacity (FISH)
High	100% of DOE permanent capacity (FISH)
Special Purpose	100% of DOE permanent capacity (FISH)

*See School Facilities Element for a detailed explanation of level of service standards for schools

Submittals

None. (The comprehensive plan indicates that the school facility needs of the Town can be accommodated through the year 2025.)

5.02.08 Annual Report

A. Contents

The Town shall prepare an Annual Report that includes:

1. A summary of actual and pending development activity as of the date of the report, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.

B. Use of the Annual Report

The Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing building permits during the twelve (12) months following completion of the annual report.

ARTICLE VI - USE OF LAND AND WATER

6.00.00 GENERALLY

6.00.01 Purpose

6.01.00 DESIGNATION OF LAND USE DISTRICTS

6.01.01 Generally

6.01.02 Specifically

6.02.00 LAND USE DISTRICTS

6.03.00 ACCESSORY USES AND STRUCTURES

6.03.01 Accessory Apartments

6.03.02 Home Occupations

6.03.03 General Standards and Requirements

6.03.04 Storage Buildings, Utility Buildings, Greenhouses

6.03.05 Swimming Pools, Hot Tubs, and Similar Structures

6.03.06 Satellite Dish Antenna

ARTICLE VI

USE OF LAND AND WATER

6.00.00 GENERALLY

6.00.01 Purpose

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts in the Future Land Use Element of the Town Comprehensive Plan. A strategy employing performance based standards to all new development and redevelopment will be utilized by the Planning Board in determining development approval. The specific standards that must be met for development approval will be identified within the appropriate land use district. Furthermore, these regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the Town as expressed in the Town Comprehensive Plan.

6.01.00 DESIGNATION OF LAND USE DISTRICTS

6.01.01 Generally

Land use districts for the Town are established in the Comprehensive Plan, Future Land Use Element, including a map series (Official Land Use District Map). The land use districts and classifications defined in the Future Land Use Element of the Town Comprehensive Plan and delineated on the Official Land Use District Map shall be the determinants of permissible activity on any parcel in the jurisdiction. Refer to the Future Land Use Element of the Comprehensive Plan for the definitions of each use category.

6.01.02 Specifically

The Town is hereby divided into the following land use districts and categories:

District Symbol	Land Use District
R	Residential, Single and Multi-Family
RM	Residential, Mobile and Modular Park
C	Commercial
I	Industrial
PUD	Planned Unit Development

P	Public/Institutional
A	Agricultural
OR	Open Space-Recreational
CS-1	Conservation, Category 1 (Flood Prone Area)
CS-2	Conservation, Category 2 (Wetlands Area)
RR	Rural Residential
MU	Mixed Use (Commercial and Residential)

6.02.00 LAND USE DISTRICTS

Residential Districts

Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Residential, Single and Multi-Family Districts

This district is designed to accommodate single and multi-family detached residential uses at medium densities in areas served by public water. Two-family and multi-family residences are allowed in this district only in the context of planned unit developments. Some types of mobile and modular homes are allowed to be used for single-family residential in this district. Also, commercial development is allowed as a special exemption, if properly setback and buffered. All mobile and modular homes in this district must adhere to minimum design performance standards established by the Planning Board.

Design Standards

- a) The unit shall comply with the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards and the Florida Manufactured Building Act;

- b) The minimum horizontal dimension of the main body, as assembled on the site shall not be less than fourteen (14) feet, as measured across the narrowest portion (unless the unit is considered exempt, as outlined below);
- c) The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and the minimum distance from eave to ridge is one-half (1/2) the minimum horizontal dimension. The eave must extend at least two (2) inches from the main body of the structure;
- d) The roofing material used shall be similar in texture, color and appearance to that of detached single-family dwelling units in the same character district in which it is to be located; and,
- e) The materials used for the exterior finish and skirting shall be similar in texture, color, and materials to detached single-family dwelling units in the same character district in which it is to be located, and are applied in such a manner as to make the manufactured housing unit similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel. All units shall be required to employ skirting around the base at ground level.

Exemptions

Manufactured housing units located in the mobile home park district designed exclusively for manufactured housing are exempt from the requirements of the single-family district.

Residential, Mobile and Modular Park District

It is the intent of these regulations that adequate provision be made for mobile and modular housing in the Town. It is further the intent to declare that the use of this type of housing for dwelling purposes be located in the mobile home park district identified in the future land use map, except as set forth specifically in these Land Use District regulations. Furthermore, any person desiring to site a manufactured housing unit shall comply with the requirements of the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards and the Florida Manufactured Building Act. Units located in the Mobile and Modular Park District shall have a minimum width of twelve (12) feet and shall be required to have skirting around the base of the structure. All units with an age of greater than ten (10) years from the date of manufacture shall be prohibited from locating within this district after the adoption of this Code. Existing units greater than ten (10) years of age that predate the adoption of this Code shall not be affected by this provision.

Residential Densities

Residential development shall be allowed at the following densities (and as consistent with Section

- a. Very low density 1 residential unit per 5 acres;
- b. Low density residential 0-3 residential units per gross acre;
- c. Medium density residential 3.1 to 5 residential units per gross acre.

No more than 20% of the Town's total residential land use area may be developed for commercial use, excluding commercial development contained in PUD's.

The location of group homes, foster care facilities licensed or funded by the Florida Department of Health pursuant to Chapter 419, Florida Statutes, or housing for those with special needs for up to six residents will be allowed, consistent with the guidelines of the Department of Housing and Urban Development for these facilities.

Residential Low Density

Elementary and middle schools shall be permitted in Low Density Residential Districts

Residential Medium Density

High schools shall be permitted in Medium Density Residential Districts,

Residential High Density

High schools shall be permitted in High Density Residential Districts

Commercial District

This district is designed to accommodate a wide variety of commercial activities that will result in the most intensive and attractive use of the Town's commercial district. The allocation of land resources shall consider the space requirements of commercial activities and the nominal fiscal and environmental impacts on the Town. Development intensity shall not exceed a Floor Area Ratio, (FAR) of 80% and/or a height of 50 feet.

Industrial District

This district is hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. The allocation of land for industrial developments shall reflect the locational characteristics and space requirements of the particular industrial activity and the potential fiscal and environmental impact on the Town. High schools shall be permitted in Industrial Districts.

Planned Unit Development (PUD) District

This overlay district is specifically established to promote innovative development concepts including mixed use developments. Mixed use planned unit developments shall adhere to the provisions set forth in Article IV – Design and Improvement Standards, Including Subdivisions.

Public/Institutional District

This district is hereby established primarily to ensure that all land designated as public/institutional land use contain sufficient acreage and be properly developed to accommodate the public/institutional needs of the Town.

Elementary and middle schools shall be permitted in Public/Institutional Districts. Where possible, public schools shall be collocated with other public facilities as permitted land uses. To the maximum extent possible, new public facilities shall be located, designed and constructed on or adjacent to library, community centers, parks and/or recreational facilities.

Agricultural District

The areas indicated for agricultural land on the future land use map represent the areas of the Town where agricultural land uses shall be directed. Agricultural land, as the need arises, shall be allowed to convert to other land uses. The future land use map will then be modified to reflect the change in land use.

A residential density of up to 1 dwelling per 5 acres shall be allowed in agriculture land within the area annexed to the Town in 2010. Agriculture land within the Town prior to the 2010 annexation shall be allowed a residential density of up to 3 dwellings per acre.

Agriculture-Silviculture

Elementary and middle schools shall be permitted.

Agriculture-Farmland

Elementary and middle schools shall be permitted.

Open Space/Recreational District

This district is established to protect the recreational areas of the Town as indicated on the future land use map from incompatible land use.

Conservation Districts

The floodplain and floodway conservation districts are hereby established as “overlay” districts, meaning that these districts are overlaid upon other districts and the land so encumbered may be used

in a manner permitted in the underlying district only if and to the extent such use is permitted in the applicable overlay district. The areas indicated on the future land use map as conservation areas are wetlands, and shall be protected and conserved by prohibiting development in such areas if the developer owns adjacent land more suitable for development. The construction of public schools shall be prohibited in Conservation land use categories or in other designated environmentally sensitive areas.

Conservation, Category 1 (Flood Prone Area District)

The Conservation Area, Category 1 land use designation includes flood prone areas. Limited development is allowed in flood prone areas. Development restrictions include allowing only one residential dwelling per five acres within flood prone areas. As an alternative, the developer may construct one industrial or commercial building with a maximum floor area of 3,000 square feet which shall not exceed a floor area ratio of 30%. In addition, all development must conform to Federal Emergency Management Agency (FEMA) construction guidelines. No storage or use of hazardous materials is allowed in this land use designation. Additional resource protection and drainage standards as described in this Comprehensive Plan also apply. In accordance with the Town's adopted Flood Ordinance (Ordinance Number 2013-04), developers proposing to fill in flood prone areas shall be required to build compensating flood storage areas to replace the volume provided by the natural flood prone area destroyed by the development.

Conservation, Category 2 (Wetlands Area District)

The Conservation Area, Category 2 land use designation includes wetlands as defined by the Northwest Florida Water management District and the Florida Department of Environmental Protection. No development is allowed within wetland areas. Exceptions to this rule include lots of record which are located within wetlands in which the owner owns no contiguous parcels of land. These areas are allowed to develop in accordance with the DOH and DEP standards and the policies described for the Category 1 land use designation also apply to development in Category 2 areas, if such standards are more restrictive than DOH or DEP policies. Development within wetland areas that may be allowed as an exception shall be restricted to one unit per five acres if permitted by State and Federal regulations. As an alternative, a transfer of density from the wetland area to other properties is permitted equal to one residential unit per 5 acres.

Developers of land which contain both upland and wetland shall comply with the development standards of this code. Development on the upland portions of the property will have buffers erected to protect the wetland area from impacts of development.

RURAL RESIDENTIAL (RR)

The Rural Residential category represents those areas that are suitable for development at low densities and/or intensities. Residential development density is based upon a minimum lot size of one acre per dwelling unit. Clustering of residential units is encouraged, provided gross acreage does not exceed one dwelling unit per acre.

Minimum Lot Sizes and Setbacks:

Minimum lot sizes and setbacks shall conform to the dimensional and density requirements of Section 4.03. 04 of this Land Development Code.

Allowed Uses:

Single Family Residential

Agricultural

Passive Recreation

Conservation

Religious Facilities

Schools

Fire Stations

Mobile Homes

Neighborhood Commercial

Office

Planned Unit Development

Parks

Utility Services and Substation

Cemetery

Supportive Housing Residence (Americans with Disabilities Act)

Conditional Uses:

Day care/Special care facility (child or adult), private schools, kennel/cattery, plant nursery and fruit and vegetable stand, private golf course, riding stable, outdoor theater w/ more than 250 seats, telecommunications tower.

Mixed Use Commercial/Residential (MU) District

The provisions of the Mixed Use Commercial/Residential (MU) District permits, rather than mandates, a mix of commercial and residential uses within the same site of development area. The standards encourage increased flexibility for mixed use development.

Definitions

“Mixed-use Building” is defined as a building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses.

Allowed Uses

Allowed uses include residential, commercial, and light industrial development.
Uses that are allowed in the Mixed Use zoning district are shown in the following table:

Use Category Mixed Use Commercial/Residential	
P= Permitted C= Conditional use N= Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	C
Dwelling Units located above the ground floor	P
Detached House	C
Multifamily (3+ units) Residential	C
Single-Room Occupancy	C
Townhouse	C
Group Living	
Assisted Living	P
Group Home	P
Nursing Home and Residential Care Facilities	C
Temporary Overnight Shelter	C
Transitional Residences	C
Transitional Shelters	C
PUBLIC	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
School	C
Hospital	N
Social and Fraternal Lodge or Clubs	P
Parks and Recreation (including passive recreation)	P
Postal Services	P
Public Safety Services	P
Religious Assembly	P
Utilities and Services, Minor	P
Utilities and Services, Major	C
COMMERCIAL	
Animal Services	
Shelter/Boarding Kennel	C

P= Permitted C = Conditional use N = Not allowed	
Sales and Grooming	P
Veterinary	P
Drive-through Facility	C
Eating and Drinking Establishments	
Restaurant	P
Financial Services	P
Retail Sales, General	P
Museum and Art galleries	P
Studios (photography, dance, etc.)	
Food and Beverage Retail Sales	P
Gas Stations	P
Lodging	
Small (1–16 guest rooms)	P
Large (17+ guest rooms)	C
Medical and Dental Services, laboratories and clinics, mortuaries.	P
Office	P
Parking, Commercial (Non-accessory)	C
Personal Service, including health clubs, gyms, hair salons	P
Indoor amusements (bowling, billiards, theaters)	P
Repair Service, Consumer, including bicycles	P
Residential Storage Warehouse	N
Vehicle Sales, Service, and Repair	N
INDUSTRIAL	
Light industrial such as fabrication and assembly	C
OTHER	
Wireless Communication Facilities	
Co-located	P
Freestanding (Towers)	C
Other uses, which in the opinion of the Town Council are of a similar and compatible nature to those uses described in this district.	

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Commercial Establishment Size Limits

- 1. The gross floor area of commercial establishments in the MUC district shall not exceed 25,000 square feet.
- 2. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 - a. At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - b. at least 20 percent of the lot area on lots with 50 feet of street frontage or more.

Density and Floor Area Ratio

Consistent with Policy 1-1.1.10 of the Town of Greensboro Comprehensive Plan and Section 4.02.04, density and floor area ratios shall not exceed the following:

<u>Mixed Use Residential – with onsite well and septic tank</u>	<u>Up to 2 units per acre</u>	<u>Low Density</u>
<u>Mixed Use Residential – with public water and septic tank</u>	<u>Up to 3 units per acre</u>	<u>Medium Density</u>
<u>Mixed Use Residential – with public sewer and public water</u>	<u>Up to 12 units per acre</u>	<u>Very High Density</u>
<u>Mixed Use – Commercial and Residential</u>	<u>< 80% impervious surface ratio</u>	<u>% of site that can be covered by the building foot print and pavement (impervious surface)</u>

Setbacks

Setbacks shall conform to the setback requirements found in Section 4.02.04 of this Code.

Building Height

The maximum building height shall be 50 feet for all buildings.

Landscape Areas

Landscaped areas and street trees shall be required based on the landscape requirements related to commercial land use districts contained in Section 7.06.00 of this Land Development Code. Creative design and spacing is encouraged. Landscape areas may be crossed by driveways.

Off-Street Parking

Off-street parking is not required for nonresidential uses in MU districts unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the ground floor, based on appropriate commercial land use district parking standards.

Doors and Entrances

Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances.

Vehicle Interconnection and Driveway Access

In order to disperse traffic, promote safety and reduce trip length, streets shall be interconnected with each other and with streets on abutting properties.

Urban Services Area

Urban services will not be provided outside a one mile distance from Greensboro Town limits without a Comprehensive Plan amendment. An exception to this policy will be extensions required to connect to regional water or sewer network provided by a neighboring provider as outlined in the Gadsden County Water / Wastewater Report.

6.03.00 ACCESSORY USES AND STRUCTURES

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

ACCESSORY USES

6.03.01 Accessory Apartments

A. Purpose

The purpose of this section is to provide for inexpensive housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.

B. Standards

Accessory apartments may be allowed in single-family homes provided that all of the following requirements shall be met:

1. No more than one (1) accessory apartment shall be permitted on any residential lot.
2. Any accessory apartment shall be located within the principal structure. (Note: The principal structure shall be construed to mean the dwelling unit or house located on the lot, and not any other accessory structure.) An accessory apartment shall be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.
3. An accessory apartment shall not exceed 25 percent of the gross floor area of the principal structure within which it is located.
4. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.

6.03.02 Home Occupations

A home occupation shall be allowed in a bona-fide dwelling unit, subject to the following requirements:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- D. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
- F, No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical

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

- G. Fabrication of articles, including retail sales of such items, commonly classified under the terms arts and handicrafts including retail sales of such items may be deemed a home occupation, subject to the other terms and conditions of this definition. This use will be allowed as long as the provisions stated in point “D” have been adhered to.
- H. The giving of individual instruction (tutoring) to one person at a time such as an art or piano teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed above shall be allowed.
- I. A home occupation shall be subject to all applicable Town occupational licensing requirements, fees, and other business taxes.

ACCESSORY STRUCTURES

6.03.03 General Standards and Requirements

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

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required easement, buffer, landscape area, or minimum building setback area.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. Accessory structures shall be shown on any site plan with full supporting documentation as required in Article IV of this Code.

6.03.04 Storage Buildings, Utility Buildings, Greenhouses

- A. Accessory buildings used for agricultural and industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located only in areas zoned for agricultural or industrial use. In addition, within such districts storage facilities of potentially harmful chemicals shall have a minimum of 100 feet from all abutting property lines and the street. Examples of potentially harmful chemicals include batteries, oil, gas, and noxious and flammable liquids, materials, and metals. In cases where the accessory building is located adjacent to a body of water, either a pond, lake, river, stream, or canal, the storage facilities shall be a minimum of 100 feet from the body of water.
- B. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, from property lines.
- C. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.
- D. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

6.03.05 Swimming Pools, Hot Tubs, and Similar Structures

- A. Swimming pools shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
- C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.

- D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
- E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

ARTICLE VII - RESOURCE PROTECTION STANDARDS

7.00.00 PLANNING COMMISSION DESIGNATED AS THE HISTORIC PRESERVATION AGENCY

7.00.01 Duties

7.01.00 DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS

7.02.00 ENVIRONMENTALLY SENSITIVE LANDS

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7.02.02 Creation of Protected Environmentally Sensitive Zones

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7.02.04 Development Activities within Protected
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7.03.01 Generally

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7.04.00 TREES

7.04.01 Removal of Trees

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7.05.00 SCREENING AND BUFFERING

7.05.01 Required Screening and Buffering

7.05.02 Width of Buffer/Screening Zones

7.05.03 Screening Requirements for Abutting Thoroughfare

7.05.04 Minimum Requirements for Residential Uses

7.06.00 LANDSCAPING

7.06.01 Design Principles

7.06.02 Protection of Plants

7.06.03 Landscape Materials

7.06.04 Approved Plants

7.06.05 Prohibited Plants

7.06.06 Irrigation

ARTICLE VII

RESOURCE PROTECTION STANDARDS

7.00.00 PLANNING COMMISSION DESIGNATED AS THE HISTORIC PRESERVATION AGENCY

The Town Planning Commission shall serve as the Town Historic Preservation Agency to meet the requirements and carry out the responsibilities of this Article.

7.00.01 Duties

The agency shall take action necessary and appropriate to accomplish the purposes of this Article.

1. Surveying and inventorying of historic buildings and areas and archeological sites and the plan for their preservation.
2. Recommending the designation of historic districts and individual landmarks and landmark sites.
3. Regulating alterations, demolitions, relocations, and new construction to designated property.
4. Adopting guidelines for changes to designated property.
5. Working with and advising the federal, state, and other appropriate governmental agencies and other agencies or boards of local government.
6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation.
7. Undertaking educational programs which contribute to the awareness of the preservation of historic sites and structures.

7.01.00 DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS

A. Creation

A Local Register of Historic Places is hereby created as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The Local Register will be kept by the Administrative Official.

B. Initiation of Placement on the Local Register

Placement of sites, buildings, structures, objects or districts on the Local Register may be initiated by the Planning 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.

C. 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.

A written request shall be completed by the applicant and returned to the Town Manager. The request shall include:

- (1) A written description of the architectural, historical, or archeological significance of the proposed historic site or district;
- (2) Date of construction of the structures on the property and the names of the former owners;
- (3) Photographs of the property; and
- (4) Legal description and map of the property to be designated as a landmark, landmark site, or historic district.

On applications for the description of historic districts, the applicant shall submit (1) evidence of the approval of the district from two-thirds (2/3) of the property owners; and (2) a written description of the boundaries of the district. The Administrative Official shall determine when an application is complete and may request additional information when such designation shall be considered as applications for amendment of the Historical Resources Map of the Town's Comprehensive Plan and amendment to the Official Zoning Map.

Upon receipt and determination that an application is complete the application, including necessary documentation, shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall make a recommendation on the proposal.

The Planning Commission's recommendation shall be sent to the Town Council. The Town Council then handles the recommendation as any other rezoning/amendment to the Comprehensive Plan.

D. Criteria for Listing on the Local Register

1. A site, building, or district must meet the following criteria before it may be listed on the Local Register:
 - a. 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.
 - b. 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.

E. Effect of Listing on Local Register

1. The Planning 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.
2. 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 Standard Building Code as recommended by the Florida Department of State, Division of Historic Resources.
3. A property owner with a designated historic property wishing to receive modified enforcement of the building code shall present to the building inspector a request indicating which portion of the code should be enforced in a modified manner as it pertains to the property in question. In addition, the property owner shall provide appropriate documentation showing that if the modification is granted, the property will remain safe, sanitary and not a public health hazard.

7.02.00 ENVIRONMENTALLY SENSITIVE LANDS

7.02.01 General Provisions

A. Relationship to Other Requirements Relating to the Protection of Environmentally Sensitive Lands

In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.

B. Conservation Element Incorporated by Reference

The Conservation Element of the Town Comprehensive Plan as from time to time amended is hereby incorporated by reference into this Code.

C. Compliance When Subdividing Land

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these protection of environmentally sensitive lands regulations.

7.02.02 Creation of Protected Environmentally Sensitive Zones

A. Wetlands Protection Zone.

1. There is hereby created a “Wetlands Protection Zone” in which special restrictions on development apply.
2. The boundaries of this zone shall be 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 Northwest Florida Water Management District.

7.02.03 Determination of Boundaries

The developer shall indicate on a preliminary site plan the location of the proposed development if it appears to be within the boundaries of a Protected Environmentally Sensitive Zone. The developer shall refer to the Conservation Element of the Greensboro Comprehensive Plan for information regarding the boundaries of Protected Environmentally Sensitive Zones. The site plan shall be submitted to the Administrative Official as part of the Planning Review Process contained in Article IV of this Code. The Administrative Official shall review the information and determine whether the submitted information is accurate. The Administrative Official shall make this accuracy determination within ten (10) working days of receiving the site plan from the developer.

7.02.04 Development Activities within Protected Environmentally Sensitive Zones

A. Generally

Except as expressly provided herein, no development activity shall be undertaken in a Protected Environmentally Sensitive Zone.

B. Activities Presumed to Have an Insignificant Adverse Effect on Protected Environmentally Sensitive Zones

2. The following uses and activities are presumed to have an insignificant adverse effect on wetlands protection zones:
 - a. Scenic, historic, wildlife, or scientific preserves.
 - b. Minor maintenance or emergency repair to existing structures or improved areas.
 - c. Cleared walking trails having no structural components.
 - d. Timber catwalks and docks four (4) feet or less in width.
 - f. Cultivating agricultural or horticultural products that occur naturally on the site.
 - h. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function.
 - i. Developing a “Wetlands Storm Water Discharge Facility” or “Treatment Wetland” in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative Code.

7.02.05 Prohibited On-Going Activities

The following standards apply to post-development activities taking place within any Protected Environmentally Sensitive Zone.

A. Point Source and Nonpoint Source Discharges

Point Source Pollution refers to pollution that is discharged through a pipe, ditch, or smokestack that originates from a stationary or fixed location, such as municipal water-treatment plants, factories, confined animal feedlots, or combined sewers.

Non-Point Source Pollution refers to pollution that is discharged over a wide land area, not from one specific location. These are forms of diffuse pollution caused by sediment, nutrients, organic and toxic substances originating from land-use activities, which are carried to lakes and streams by surface runoff. Non-point source pollution is contamination that occurs when rainwater or irrigation washes off plowed fields, city streets, or suburban backyards. As this runoff moves across the land surface, it picks up soil particles and pollutants, such as nutrients and pesticides."

Absent an amendment to the development order, point source and nonpoint source discharges shall continue to meet the standards applicable to the original development.

B. Clearing

Absent an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.

C. Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes

1. Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. The Town Council may require outdoor storage of certain toxic substances.

2. Storage or disposal of all types of wastes is prohibited on shorelines.

D. Prohibited Uses

The long-term storage of equipment or materials, and the disposal of wastes shall be prohibited.

E. Fertilizers, Herbicides, or Pesticides

1. Fertilizers, herbicides, or pesticides shall not be applied in a Protected Environmentally Sensitive Zone except for projects conducted under the authority of Sections 373.451-373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and governmental authorized mosquito control programs. Forestry management in wetland areas are permitted subject to provisions in the best management practices manual and as permitted by DER.

7.03.00 HABITAT OF ENDANGERED OR THREATENED SPECIES

7.03.01 Generally

A. Purpose and Intent

It is the purpose of this part to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the Town.

B. Applicability

Areas subject to the standards of this Part shall be those identified in the Conservation Element of the Greensboro Comprehensive Plan as habitat for rare and endangered species, threatened species, or species of special concern.

C. Mitigation Plan

A mitigation plan will be developed to protect the habitats of rare and endangered species, threatened species, or species of special concern. Developers will be required to consult the Florida Natural Areas Inventory prior to undertaking development in areas of native vegetation to check for the presence of endangered and threatened species.

7.03.02 Conformance with Federal Regulations Regarding Protection of Flora and Fauna

No building or other land development permit for development in Protected Environmentally Sensitive Areas will be issued by any agency of the Town of Greensboro until the applicant provides evidence that the requirements of the (Florida) Endangered and Threatened Species Act and the (Federal) Endangered and Threatened Species Act of 1973), as amended, have been or will be complied with by the applicant. Exceptions to this requirement include proposed development of a single family residential unit, or other land uses allowed under Section 16.01.03, B. of this code (Activities Presumed To Have an Insignificant Adverse Effect on Protected Environmentally Sensitive Zones).

7.04.00 TREES

PROTECTION

Trees that are protected in Greensboro are those with a diameter at breast height (DBH) of forty six (46) inches or greater. The DBH is the diameter of the tree trunk at 54 inches above the ground. In the case of a tree with multiple branch stems at 54 inches above the ground, the trunk diameter shall be measured at that point below where the branching occurs.

PURPOSE

It is the purpose of this article to protect large trees because of their value to the environment. Trees prevent soil erosion, purify air, produce oxygen, provide shade, provide habitat for animals, purify groundwater, produce food, and etc. Trees add to property value and aesthetically enhance communities because of their beauty and the above stated values. In the process of development activities the intent of this article is to minimize the number of trees that are removed during development activities.

Utility Operations

Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the Town Manager thirty (30) days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

Rights of Way

The clearing of a path for existing or new roadway rights of way, provided that the rights of way are for roadways that are built or will be built in conformance with Town standards. To qualify for the exception for new roadways, the developer must post a bond, letter of credit, cash, or other security guaranteeing the repair or replacement of the roadways in accordance with this land development code. The width of the path shall not exceed the right of way width standards for each type of roadway established in this land development code.

Bona-fide Agricultural Activities

All bona-fide agricultural activities including commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part.

Emergencies

During emergencies caused by a hurricane or other disaster, the Town Council may suspend these tree protection regulations.

7.04.01 Removal of Trees

Conditions for Permit to Remove Protected Trees

Design

1. To minimize the removal of protected trees, the developer must demonstrate in the design plans of the site that measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized have been taken. If it is necessary to remove a protected tree a permit shall be granted if the developer can demonstrate that the removal is due to one of the following conditions:
 - a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
 - b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
 - c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
 - d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
 - e. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
 - f. Any law or regulation requires the removal.

7.04.02 Protection of Trees during Development Activities

Generally

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

- a. Mechanical injuries to roots, trunk, and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;

- d. Injuries by excavations; and
- e. Injuries by paving.

7.04.03 Preservation of Protected Trees as Grounds for Variance from Other Requirements of This Code

The preservation of any protected tree may be considered as a factor in rendering a decision upon an application for a variance from the literal application of other requirements of this Code.

7.05.00 SCREENING AND BUFFERING

7.05.01 Required Screening and Buffering

Every incompatible development shall provide screening and/or buffering in order to reduce between adjacent properties the negative effects of noise, dust, glare, and unattractive views of streets or railroads and promote separation of spaces, privacy, and attractiveness. Where adjacent parcels have incompatible uses or differing zoning districts a buffer zone and/or screening is required along the parcel boundaries. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

7.05.02 Width of Buffer/Screening Zones

All agricultural uses are required to provide a buffer zone of 50 feet from any adjacent nonagricultural uses. Under a special exception the buffer can be reduced if the Planning Commission determines that the health or nuisance factors will not adversely affect the adjacent nonagricultural use.

Unless otherwise stated, the width of the zones between any two parcels is the same as the setback requirements for the parcel and therefore the sum of the setbacks is the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.

7.05.03 Screening Requirements for Abutting Thoroughfare

Abutting Thoroughfare Proposed Use	Abutting Thoroughfare		
	Arterial	Collector	Local
Agriculture	N*	N	N
Conservation	N	N	N
Residential	S	S	B
Commercial	S	S	B
Industrial	S	S	S

*"N" = No buffer required.

S = Semi-Opaque
B = Broken

An Semi-Opaque screen is a screen opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 6feet. It is intended to partially block visual contact between uses and to create a sense of separation of spaces. It may be composed of a wall, fence, planted or native vegetation as long as it does not obstruct the viewing of traffic flow.

A broken screen is composed of intermittent visual obstructions from the ground to a height of at least 6 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, planted or native vegetation as long as it does not obstruct the viewing of traffic flow.

7.05.04 Minimum Requirements for Residential Uses

The minimum required screening or buffering between all residential uses is broken. The minimum required buffering or screening between residential and all other types of uses is opaque.

	Residential	Commercial	Industrial	Agricultural
Residential	N	S	S	N
Commercial	S	S	S	N
Industrial	S	S	S	N
Agricultural	N	N	N	N

Mixed Use Developments

Buffering for mixed used developments shall be based on the more intense use in the building or cluster of buildings.

Street Trees

The developer shall plant, within five (5) feet of the right of way of each street within a residential development, one shade tree for every fifty (50) linear feet of right of way. Except where property on one side of the right of way is not owned by the developer, the trees shall be planted alternately on either side of the street. Existing trees and native tree species that need less water and maintenance are preferred. Shade/canopy trees shall have a minimum height of six (6) feet when planted.

Required Use Areas

Excluding residential land use zones, no accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

7.06.00 LANDSCAPING

7.06.01 Design Principles

All landscaped areas required by this Code should conform to the following general design principles:

1. Landscaping shall integrate the proposed development into existing site features.
2. The drainage systems and internal circulation systems for vehicles and pedestrians shall be integrated into the landscaping plan.

3. Landscaping shall be used to minimize potential erosion and aid in soil stabilization.
4. No development plan shall be denied solely on the basis of the design principles in this section.
5. Soil conservation measures be taken during land clearing and construction activities to ensure that soil erosion and silt movement are kept to a minimum.

7.06.02 Protection of Plants

All plants shall be healthy and free of diseases and pests, and shall be selected from the list of approved species below. Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this requires that some or all of the landscaping be planted at a time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued. All required plants shall be maintained in a healthy, pest-free condition. Within six (6) months of a determination by the planning department that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

1. Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.
2. The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.

7.06.03 Landscape Materials

Use of Native Plants

The use of existing native vegetation in screening and buffer zones is preferred.

7.06.04 Approved Plants (reserved)

7.06.05 Prohibited Plants (reserved)

7.06.06 Irrigation (reserved)

ARTICLE VIII - WATER RESOURCE PROTECTION STANDARDS

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ARTICLE VIII

WATER RESOURCE PROTECTION STANDARDS

8.00.00 GROUNDWATER AQUIFER RECHARGE

For the purposes of these land development regulations, groundwater aquifer recharge areas shall be as defined within Article VIII herein and as described in the Town's Comprehensive Plan. Regulations will be consistent with regulations and resource management plans of the Northwest Florida Water Management District for the protection and recharge of the underground water aquifer.

The Town will support Water Management District efforts to implement water reuse activities (such as using treated waste water for irrigation purposes) by providing information when requested. Water conservation efforts will be supported by encouraging the use of low water use plumbing fixtures and odd-even watering days.

8.00.01 Stormwater Management Practices

Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter 17.28, Florida Administrative Code, as amended. The site and development plan shall clearly indicate that the proposed stormwater disposal methods meet requirements established in Article VIII herein.

8.00.02 Well Construction, Modification, or Closure

All matters concerning wells shall be as permitted and supervised by the NFWMD and the Florida Department of Health.

8.00.03 reserved

8.00.04 Abandoned Wells

Abandoned wells shall be closed in accordance with the criteria established by Chapter 17.28, Florida Administrative Code, as amended. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter rule 17.28, Florida Administrative Code, as amended.

800.05 Discharge of Regulated Material

No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Article II of these land development regulations (or as listed in Chapter 442, Florida Statutes, as

amended), to the soils, groundwater, or surface water of any Groundwater Aquifer Recharge Area. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system, within any prime natural groundwater recharge area.

8.00.06 Landfill and Storage Facilities

Landfill and storage facilities for hazardous/toxic wastes shall also require approval as a special exception by the Town Council as required by these land development regulations.

8.01.00 WELLFIELD PROTECTION

8.01.01 Wellfield Management Zone

The wellfield protection area shall be established as a minimum of five-hundred (500) feet around wellheads with a permitted capacity of one hundred thousand (100,000) gallons per day or more and a minimum of fifty (50) feet around wellheads with a permitted capacity of less than one hundred thousand (100,000) gallons per day. All provisions of this section dealing with well head protection are intended to be consistent with the DEP Wellhead Protection Rule, Chapter 62-521, F.A.C., which establishes a 500-foot radius circular Wellhead Protection Area around all wells which serve community and non-transient non-community public water systems. Conflicts between this code and the DEP Wellhead Protection Rule shall be resolved in favor of the Wellhead Protection Rule. The following standards shall apply when determining the granting of development permits for structures or uses within the Well Field Management Zone.

8.01.02 New Wells

No new wells shall be permitted by the Town without first obtaining a permit from the NFWFMD and FDEP, as applicable. Well construction in a surficial intermediate, or Floridan Aquifer System shall be in accordance with the DEP Wellhead Protection Rule and the applicable Water Management District rule as described in the above Section.

8.01.03 Landfills Prohibited

New sanitary landfills, as defined by Chapter 62-521, F.A.C., as amended shall be prohibited within Well Field Management Zones are prohibited.

8.01.04 Limitation of Septic Tanks

. Septic tank installation is prohibited within 500 feet of publically owned potable water wells within the town limits. For septic tanks proposed in any other location, the siting requirements of the Florida Department shall be adhered to

8.01.05 Sanitary Sewer Plants Prohibited

New domestic and/or industrial waste water treatment facilities shall be prohibited within Well Field Management Zones. Activities that require the storage, use, handling, production or transportation of restricted substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc. shall also be prohibited.

8.01.06 Storage of Regulated Materials within Well Protection Zones

No new uses of land shall be permitted which require or involve storage, use or manufacture of regulated materials. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Ch. 442, F.S.) shall also be prohibited.

8.01.07 Discharge Prohibited

No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2 of these land development regulations, or within Chapter 442, Florida Statutes, as amended, to the soils, groundwater, or surface water of any Wellfield Management Zone.

8.01.08 Transportation of Regulated Materials

No transportation of regulated materials shall be allowed in the Well Field Management Zone, except local traffic serving facilities within the Well Field Management Zone.

8.01.09 Materials Exemptions

The Town Council, after the request has been heard and a recommendation provided to the Town Council by the Planning Commission, may exempt any material from the requirements of these land development regulations if, in the opinion of the Town Council, it has been demonstrated that the material, in the quantity and/or solution handled or the conditions under which it is stored, does not present a significant actual or potential hazard to the contamination of groundwater in case of a discharge.

8.01.10 Temporary Storage Permit

A temporary permit approval shall be required for the temporary storage of regulated materials in containers or tanks exceeding fifty (50) gallons aggregate volume for use in normal agricultural or forestry practices and in construction activities within the Well Field Management Zone. The temporary permit procedure shall consist of application to the Planning Commission for the proposed activity requiring temporary hazardous material storage. The application shall be made on Town forms and shall include details of the proposed activity, a schedule of activity, types and quantities of regulated materials to be stored and a plan for monitoring and remedial action, where necessary, as determined by the Town Council. Following a recommendation of the Planning Commission on the application for temporary permit, the Town Council shall approve, approved with conditions, or deny the application.

If the applicant chooses to appeal a decision by the Town Council, procedures set forth in Article III of this code shall be followed.

8.02.00 FLOODPLAINS

8.02.01 Permissible Uses within Floodways

No permit to make use of land within floodway may be issued unless the proposed use is listed as permissible both in Article VI, Use of Land and Water and in the following list:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses.
2. Ground-level loading areas, parking areas, rotary aircraft ports, and other similar ground-level area uses.
3. Lawns, gardens, play areas, and other similar uses.
4. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and other similar public and private uses.

8.02.01 Statutory Authorization

The legislature has in Florida Statutes, chapter 125, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council does ordain the following floodplain regulations.

8.02.03 Land to Which Article Applies

This article shall apply to all areas of special flood hazard within the jurisdiction of the Town as shown on the most current version of the Federal Emergency Management Administration Flood Plain Maps.

8.02.04 Intent

It is the intent to establish an overlay land use management district on the Future Land Use Map of the Comprehensive Plan to designate areas subject to intermediate to severe periodic inundation, and within such areas to regulate and restrict uses in such a manner as to protect life and property, prevent or minimize damage, and reduce public costs for flood control and rescue and relief efforts occasioned by unwise use or occupancy of such areas.

8.02.05 Determination of Flood Overlay District

Flood plain areas for the Town of Greensboro shall be established in accordance with the following criteria. Floodways and flood plains of all lakes, streams, creeks or rivers in the Town of Greensboro shall be considered to extend from the normal banks of said waterways to the upper limit of a water elevation line for a 100 year frequency flood. This upper limit of a water elevation line shall be determined by the applicable Flood Insurance Rate Map (FIRM) of the National Flood Insurance Program (NFIP), as referenced in the Town's flood protection ordinance (Ordinance Number 2013-04). .

8.03.00 STORMWATER MANAGEMENT

8.03.01 Best Management Practices

All drainage systems are required to use Best Management Practices (BMP) to control runoff, maintain or improve water quality and groundwater recharge, minimize erosion, and to promote water conservation. Where appropriate, the latest edition of the Florida Department of Transportation (D.O.T.) Standard Specifications for Road and Bridge Construction may be utilized. In no case shall design standards be used that are in conflict with or contrary to the drainage provisions and intent of this land development code.

New roadways proposed by developers shall be constructed by the developer complete with stormwater management controls as regulated by the Northwest Florida Water Management District and the Florida Department of Environmental Protection as stipulated in Chapter 62.346 F.A.C.

These drainage provisions are intended to be consistent with the rules of the Northwest Florida Water Management District. Conflicts between this code and the Water Management Rules shall be resolved in favor of the Water Management Rules.

8.03.02 Exemptions

The following development activities are exempt from these land development regulations, except that steps to control erosion and sedimentation must be taken for all development.

1. The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture provided no obstruction or impoundment of surface water will take place. Also, the construction, maintenance, and operation of self-contained agricultural drainage systems provided adjacent properties will not be impacted and sound engineering practices are followed.

2. Facilities for agricultural lands, provided those facilities are part of a Water Management District approved conservation plan. However, if the conservation plan is not implemented according to its terms, this exemption shall be void.
3. Facilities for silvicultural lands, provided that the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual (1979), as amended, published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry.
4. The construction, alteration, or maintenance of a single-family dwelling, duplex, triplex or quadruplex of agricultural building, of less than ten (10) acres total land areas and provided the total impervious area is less than two (2) acres (i.e., dwelling unit, barn, driveways, etc.).
5. The connection of a stormwater management system to an existing permitted stormwater management system that has been designed to accommodate the proposed system.
6. The placement of culverts whose sole purpose is to convey sheet flow when an existing stormwater management facility is being repaired or maintained provided the culvert is not placed in a stream or wetland.
7. Existing stormwater management systems that are operated and maintained properly and pose no threat to public health and safety.
8. Connections to existing stormwater management systems that are owned, operated, and maintained by a public entity provided, the proposed connections comply with a stormwater management plan compatible with the Water Management District requirements.
9. Any development within a subdivision if each of the following conditions have been met:
 - a. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 - b. The development is conducted in accordance with the stormwater management provisions submitted with the construction plan.

10. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes, or other hazards. A report of the emergency action shall be made to the Town Council and Water Management District as soon as practicable.

8.03.03 Protection and Utilization of Natural Drainage Systems

No drainage project which would eliminate or endanger the effective functioning of a wetland system will be approved. To the maximum extent practicable, all new developments and special districts shall create drainage systems that will integrate with the natural storage areas such as ponds, lakes, canals, creeks, streams and rivers. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized. Natural surface waters shall not be used as sediment traps during or after development. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters. Where possible, lot boundaries shall coincide with natural and preexisting man-made drainage ways to avoid the creation of lots that can built upon only by altering natural drainage ways.

8.03.04 Stormwater Management Requirements

All developments shall be constructed and maintained to avoid burdening adjacent properties with surface waters.

Performance Standards

While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first of stormwater runoff shall be treated in an off line retention system or according to other best management practices.

The proposed development or redevelopment activity shall not violate the water quality standards as set forth in Chapter 62-346, Florida Administrative Code.

Design Standards

To comply with the foregoing performance standards the proposed stormwater management system shall conform to the following design standards. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands. The proposed stormwater management shall be designed to function properly or a minimum twenty (20) year life. The design and construction of the proposed stormwater management system shall be certified as meeting the

requirements of this Code by a professional engineer registered in the state of Florida. No surface water may be channeled or directed into a sanitary sewer.

Detention and Retention Systems

All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way. Detention and retention systems shall be designed to comply with BMP and/or D.O.T. design standards if such standards do not conflict with the provisions or intent of this Code. The banks of detention and retention areas shall be sloped, not to exceed a 3 to 1 ratio. Also, the banks of the detention/retention areas shall accommodate or be planted with appropriate vegetation. The detention/ retention systems shall be fenced if under normal circumstances they contain water greater than three feet in depth.

Compatibility

The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.

Irrigation Systems

Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.

8.03.06 Cash in Lieu of On-Site Treatment of Stormwater Generally

Payment of cash in lieu of providing on-site treatment of stormwater may be accepted by the Town if the two conditions below are met.

Conditions

The development site is within the area covered by a functioning regional stormwater management facility permitted by the Department of Protections or Northwest Florida Water Management District.

The Town Manager, with the written concurrence of the consulting Town Engineer, determines that the regional stormwater management facility is sufficient in size and capacity to accept the projected additional stormwater runoff without impairing its capacity to perform its current and projected functions for other areas.

Determination and Payment of Cash in Lieu

The amount of the cash in lieu payment shall be set, and the payment shall be made, according to the following provisions.

The developer shall supply calculations, certified by a registered professional engineer, of anticipated additional post-development stormwater runoff.

A drainage payment to be determined by the Town on a per cubic foot/second (C.F.S.) basis of said additional stormwater runoff shall be paid by the developer to the Town upon final approval of the development plan.

The amount of the payment shall be held in trust by the Town and shall be used only for land acquisition and/or improvements for stormwater management purposes, and shall be applied only within the same drainage basin as the site for which it was collected.

8.03.07 Dedication or Maintenance of Stormwater Management systems

A. Dedication

If a stormwater management system approved under this Code will function as an integral part of the Town-maintained system, as determined by the consulting Town Engineer, the facilities should be dedicated to the Town.

B. Maintenance by an Acceptable Entity

All stormwater management systems that are not dedicated to the town shall be operated and maintained by one of the following entities:

- a. A local governmental unit including a county, municipality, or Municipal Service Taxing Unit, special district or other governmental unit.
- b. An active water control district created pursuant to Chapter 298 Florida Statutes or drainage district created by special act, or Community Development District created pursuant to Chapter 190 Florida Statutes, or Special Assessment District created pursuant to Chapter 170 Florida Statutes.
- c. A state or federal agency.
- d. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
- e. The property owner or developer if:

- (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs 1-4 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- f. For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
 - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the town affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 - (2) The Association has sufficient powers reflected in its organizational or operational documents to:
 - (a) Operate and maintain the stormwater management system as permitted by the Town.
 - (b) Establish rules and regulations.
 - (c) Assess members.
 - (d) Contract for services.
 - (e) Exist perpetually, with the Articles of Incorporation providing that if the Association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.
- g. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

8.03.08 Phased Developments

In phased developments the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this Code.

If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

ARTICLE IX - TRAFFIC CIRCULATION

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ARTICLE IX

TRAFFIC CIRCULATION

9.00.00 STREETS

9.00.01 Compliance with Technical Construction Standards Incorporated by Reference

All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards of this code including those incorporated by reference (see Article I).

9.01.00 STREET CLASSIFICATION

9.01.01 Streets Created in New Subdivisions

In all new subdivisions, or in the creation of any new streets, streets that are dedicated to public use shall be classified as provided based on the following:

1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in the terms of the number of trips per day;
2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
3. When a street continues an existing street that previously terminated outside of a subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.

9.01.02 Street Classification System

The classification of a newly created roadway shall be determined by defining road function and average daily traffic (ADT), which is calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.

The four classifications of roadways in the Town road network are arterial, collectors, local streets, and private roads. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part And to the Florida Department of Transportation Rule 14-96 and 14-97, F.A.C. which are hereby adopted by reference as the Access Management Rules and permitting process for State Roads.

A. Arterial Roads

Minor arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to forty-five (45) miles per hour. These roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses.

B. Collector Roads

Collectors are the second classification of roadways. These are designed to gather traffic from local and private roads, connecting traffic either to arterial or to some center of commerce or government. Collectors are of two types, major and minor, determined by their role within the overall traffic circulation plan. Maintenance and construction responsibilities are divided between the State and the Town, depending upon the particular roadway. Collector roads may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, major collectors, minor arterial, or arterial and may access to any lower order street. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have an ADT of no greater than seven thousand (7,000) nor less than three thousand (3,000). Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets.

C. Local Streets

Local streets are the third classification of roadways. They are designed for intra-neighborhood travel, generally connecting to collectors or arterial. They are often built by private parties as part of a development in accordance with subdivision codes, and maintained by the Town, after dedicated. Under special circumstances a new local street may be classified and designed as either an alley, marginal access street, or divided street.

D. Private Roads

Private roads are often built by private parties within private subdivisions. The use of private roads is prohibited within the Town of Greensboro.

9.02.00 COMPREHENSIVE PLAN TRAFFIC CIRCULATION MAP

The Comprehensive Plan Traffic Circulation Map and any amendments thereto, adopted by the Town as a part of the Comprehensive Plan, is hereby made a part of this Code. The map shall be an aid in all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

9.03.00 STREET CLASSIFICATION STANDARDS

The following table specifies street pavement and right-of-way widths for arterial, collector, local and private streets. These requirements should be read in conjunction with the foregoing street type descriptions.

STREET TYPE	MINIMUM RIGHT OF WAY WIDTH	MINIMUM STREET PAVEMENT WIDTH	THE MINIMUM WIDTHS FOR RIGHT OF WAY AND STREET PAVEMENT ARE CONDITIONAL
Local Street	50 feet	Minimum street pavement widths shall be as recommended by the technical documents adopted by reference in Section 1.03.01 of this Code, including the FDOT Manual of Minimum Standards for Design, Construction and Maintenance for Streets and Highways (also referred to at the “Florida Green Book”)	The Town Council may require larger minimum right of way and street pavement widths depending on future land use considerations and recommendations from FDOT.
Collector	60 feet		
Arterial	60 feet		

Right-of-Way Widths

Right-of-way width requirements for road construction shall be as specified in Article IX of this Code. The right-of-way shall be measured from lot line to lot line.

Future Rights-of-Way

Future right-of-way requirements are identified in the Transportation Circulation Element of the Town Comprehensive Plan. Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.

Protection and Use of Rights-of-Way

No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the Town.

Exceptions

Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications of this code and other applicable Town regulations. Sidewalks and bicycle ways shall be placed within the right-of-way.

Vacations of Rights-of-Ways

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

1. The requested vacation is consistent with the Transportation Circulation Element of the Town Comprehensive Plan.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
3. The vacation would not jeopardize the current or future location of any utility.
4. The proposed vacation is not detrimental to the public interest.

9.04.00 DESIGN STANDARDS

9.04.01 General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to the technical standards incorporated herein by reference (see section 1.03.01). Streets, after one year, shall be dedicated to the Town upon completion, inspection, and acceptance by the Town.
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
3. Streets shall be laid out to avoid environmentally sensitive areas.
4. Private streets are not allowed within developments that will remain under common ownership.
5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land unless cul-de-sacs used in street design.
7. Residential streets shall be arranged to discourage through traffic.
8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.
10. No two streets may intersect with any other street on the same side at a distance of less than 300 feet measured from centerline to centerline of the intersecting street. When the

intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

9.04.02 Paving Widths

Paving width for each street classification shall be as provided in this Code.

Curbing Requirement

1. Curbing may be required by the Planning Board for the purposes of drainage, safety, and delineation and protection of pavement edge along streets in the following cases:
 - a. Along designated parking lanes.
 - b. Where the surface drainage plan requires curbing to channel stormwater.
 - c. Where narrow lots averaging less than 75 feet in width take direct access from a street upon which no on-street parking is allowed.

9.04.03 Shoulders

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by Article 1.03.01 of this code. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on residential access and residential subcollector streets only where necessary for stormwater management or road stabilization.
2. All residential collector streets shall provide two 4-foot wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.
3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

9.04.04 Acceleration, Deceleration, and Turning Lanes

- 1. Deceleration or turning lanes may be required by the Town along existing and proposed streets as determined by a traffic impact study required where the Town can justify the need.
- 2. The lane shall provide the full required lane width for its full length. It shall not be tapered.
- c. The minimum lane length shall be as follows:

Design Speed of Road	Minimum Deceleration Lane Length
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

- 3. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the minimum standards recommended by the FDOT. Where needed, a paved taper shall be provided for right hand turns.

9.04.05 Cul-de-sacs Turnarounds

An unobstructed twelve (12) foot wide moving lane shall be the method of access for every permanent cul-de-sac. The diameter of the cul-de-sac turnaround shall be 96 feet, consistent with the Appendix D of the International Fire Code, 2012 edition.

9.04.06 Stub Streets

- 1. Residential access and sub collector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.
- 2. Residential collector and higher order stub streets may be permitted or required by the Town provided that the future extension of the street is deemed desirable by the Town.
- 3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

9.04.07 Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.
2. The clear visibility triangle shall be formed by connecting a point on each street center line, to be located at a distance of ten (10) feet from the intersection of the street center lines, and a third line connecting the two points.

9.04.08 Signage and Signalization

The developer shall deposit with the Town sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the Town, based upon Town or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

Street Trees

- A. Street trees shall be provided in accordance with the standards established in this code.
- B. No development shall be approved without reserving an easement authorizing the Town to plant shade trees within five (5) feet of the required right-of-way boundary. No street shall be accepted for dedication until the easement required by this subsection has been provided.

Blocks

- A. Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.
- B. The lengths, widths, and shapes of blocks shall be consistent with adjacent areas. In no case shall block lengths in residential areas exceed two thousand two hundred (2,200) feet nor be less than four hundred (300) feet in length.

9.05.00 PEDESTRIAN ACCESS AND BIKEWAYS

Planning Board may require the following:

1. Projects abutting collector or arterial facilities shall provide pedestrian access adjacent to the collector or arterial roadway. Location of pedestrian access shall be consistent with planned roadway improvements.
2. Pedestrian access ways shall be provided on both sides of all residential streets where the average lot width at the street is sixty (60) feet or less.
3. Pedestrian access ways shall be provided on one side of all residential streets where the average lot width at the street is greater than sixty (60) feet but less than one hundred fifty (150) feet.
4. Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for pedestrian access and bikeways within the rights-of-way.
5. Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
6. Pedestrian-ways or crosswalks, not less than ten (10) feet wide with pedestrian access meeting the requirements of this Code, may be required by the Town to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

9.06.00 DESIGN AND CONSTRUCTION STANDARDS

Design and construction of pedestrian access ways, bikeways, or other footpaths shall conform to the requirements contained in Article 1.03.01 of this Code.

9.07.00 ACCESS

All proposed development shall meet the following standards for vehicular access and circulation:

9.07.01 Number of Vehicular Access Points

1. All projects shall have access to a public right-of-way. The number of vehicular access points shall be as follows:

Type of Development Type of Development	Number of Access Point	Preferred Type of Access	
Residential, 75 units	1	Local or Collector	Minor
Residential, 75+ units	2	Minor Collector	
Non-residential, 300 Required parking spaces	1	Collector	
Non-residential, 300-999 Required parking spaces	2	Major Collector or Arterial	
Non-residential, 1,000+ Required parking spaces	2 or more	Major Collector or Arterial	

2. Notwithstanding the provisions in paragraph one above:
- a. A non-residential development, or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one (1) access shall be onto an arterial.
 - b. Schools may have one additional access, provided that the additional access drive is limited to school bus use only.

9.07.02 Separation of Vehicular Access Points

1. The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

Functional Class of Roadway	Distance between Access Points
Major Arterial	300 Feet
Minor Arterial	250 Feet
Major Collector	185 Feet
Minor Collector	140 Feet

2. 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.

9.07.03 Alternative Designs

Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved.

9.07.04 Access to Residential Lots

1. Access to non-residential uses shall not be through an area designed, approved, or developed for residential use.
2. All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code except that rural residential subdivisions of one (1) unit per twenty (20) acres or lower density may take access from a private graded road.
3. Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential sub collector street.

9.08.00 OFF-STREET PARKING

9.08.01 Generally

All developments in all land use districts within the Town shall provide, pursuant to the requirements of this Code, a sufficient number of off-street parking spaces to accommodate the number of vehicles that normally frequent the development.

9.09.00 COMPUTATION

9.09.01 Fractions

When determination of the number of off-street spaces required by this Code results in a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

9.09.02 Required Space Based on Gross Floor Area

Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

9.09.03 Special Parking Spaces Handicapped Parking Spaces

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 Sections 316.1955,

The Town Council shall authorize a reduction in the total number of required parking spaces for two or more uses jointly provided off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
2. The developer submits a legal agreement approved by the Town guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provision of this Code.

9.09.05

The requirements of this Part assume an average percentage of gross leasable building to total gross building area (approximately 85%) . If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the Town Council may reduce the parking requirements if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
2. The developer submits a legal agreement approved by the Town guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or

until the required parking is provided elsewhere in accordance with the provisions of this Code.

9.09.06 Historic Preservation Exemption

The preservation of any property that has been placed on the local register of historic places, or that is located in a historic district and contributes to the historic character of the district, shall be grounds for a grant, by the Town Council, of a reduction *in, or* complete exemption from, the parking requirements of this article. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a severe parking shortage or severe traffic congestion will result.

9.09.07 Parking Standards

1. *Residential uses.* As to individual two-, three-, and four-unit residential structures on a single lot, for each dwelling unit or any building hereafter erected for dwelling purposes, there shall be provided on the same lot therewith, or on a lot contiguous thereto, not less than 1.25 off-street parking spaces per unit. Any structure or development with five or more units, shall provide parking spaces according to the following schedule:

One bedroom: At least one parking space for each dwelling unit with one bedroom or less;

Two bedrooms or more: At least 1.25 parking spaces for each unit.

Single-family units shall have at least one parking space per unit.

2. *Hotels, motels, and lodging or boarding houses.* There shall be provided a minimum of one parking space for each guestroom, plus one additional space for each five guestrooms.
3. *Hospitals.* [For] hospitals, including sanitariums, orphanages, convalescent homes and homes for the aged, there shall be at least one off-street parking space for each 400 square feet of floor area.
4. *Places of assembly.* [For] places of assembly, including theaters, clubs, churches, schools, auditoriums, mortuaries and other similar places, there shall be at least one off-street parking space for every 300 square feet of floor area.
5. *Restaurants.* Restaurants, including nightclubs, diners, lunch counters, drive-ins, and all other similar dining establishments shall have at least one off-street parking space for every 350 square feet of floor area.

6. *Retail establishments.* For retail establishments, there shall be at least one off-street parking space for every 400 square feet of floor area.
7. *Office buildings.* Office buildings, including governmental and professional buildings shall have at least one off-street parking space for each 400 square feet of floor area.
8. *Medical and dental clinics.* For medical and dental clinics, there shall be at least one parking space for each 450 square feet of gross floor area.
9. *Wholesale/warehouse establishments.* For wholesale/warehouse establishments, there shall be at least one off-street parking space for each 1,500 square feet of floor area. These establishments shall not have a principal office on the premises.
10. *Industrial plants.* For industrial plants, there shall be at least one off- parking space for every 500 square feet of floor area. An industrial plant is a structure with a principal office on the premises (as opposed to section "i" above).
11. *Uses not indicated.* For uses not indicated, parking shall be as required by the closest similar use above, as interpreted by the town.
12. *Compact car parking.* Ten percent of all required parking may be for compact cars, if clearly marked "FOR COMPACT CARS ONLY." A minimum of five parking spaces is needed before this allowance may be granted. Ninety-degree parking for compact cars shall be at least eight feet by 17 feet; otherwise, the above sizes shall be met.

9.10.00 OFF-STREET LOADING AND UNLOADING AREAS

9.10.01 Generally

Whenever the normal operation of any development requires that people, goods, merchandise, or equipment be routinely delivered, shipped, or picked up from that development, off-street loading and unloading area must be provided to accommodate the activities in a safe and convenient manner.

9.10.02 Spaces Required

The loading and unloading area shall be of sufficient size to accommodate the numbers and types of vehicles that are likely to use the area. All required off-street loading spaces shall be located on the same lot as the use served. The table below specifies the number and size of the spaces, however the Town Council may require more or less loading and unloading spaces.

Gross Leasable Area of Building	Number of Spaces
1,000 – 19,999	1
20,000 – 79,999	2
30,000 – 127,999	3
128,000 – 191,000	4
192,000 – 255,000	5
256,000 – 319,999	6
320,000 – 391,000	7

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

Minimum dimensions of spaces shall be 12 feet x 55 feet with an overhead clearance of 14 feet from street grade.

9.10.03 Adjustments to Requirements

The Administrative Official may require that a study be done to determine the actual number of loading spaces needed for a proposed use. The Administrative Official shall recommend the need for a study when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed.

9.10.04 Alternation of Conforming Development Demand for Parking or Loading

The number of off-street parking or loading spaces may be reduced if the Town Council finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with this Code after the reduction.

9.10.05 Increased Demand for Parking or Loading

The number of off-street parking or loading spaces must be increased to meet the requirements of this Code if the Town Council finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this Code causes the site not to conform with this Code.

9.10.06 Design Standards for Off-Street Parking and Loading Areas

A. Location

1. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.
2. The Town Council may approve off-site parking facilities as part of the parking required by this Code if:
 - a. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
 - (1) Proximity of the off-site spaces to the use that they will serve.
 - (2) Ease of pedestrian access to the off-site parking spaces.
 - (3) Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
 - b. The location of the off-site parking spaces will not create unreasonable:
 - (1) Hazards to pedestrians.
 - (2) Hazards to vehicular traffic.
 - (3) Traffic congestion.
 - (4) Interference with access to other parking spaces in the vicinity.
 - (5) Detriment to any nearby use.
 - c. The developer supplies a written agreement, approved in form by the Town Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

3. All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

Resident parking: 200 feet
Visitor parking: 250 feet

Distances shall be measured from a dwelling unit’s entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

B. Size

1. Standard and compact parking spaces shall be sized according to Standard engineering practices.
2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty-two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.
3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
4. A standard motorcycle parking space shall be four and one quarter (4 ¼) feet wide and nine and one-quarter (9 ½) feet long.
5. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
6. Spaces for handicapped parking shall be a minimum of twelve (12) feet wide as specified in Section 316.1955, Florida Statutes.

For public buildings the number of parking spaces for disabled persons shall be set forth in the following table:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
101 to 150	4
151 to 200	5
201 to 300	6
301 to 400	7
401 to 500	8
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000.

C. Layout

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking, loading and unloading areas shall be designed to be safe and convenient.
2. No area that is for loading and unloading may be used to fulfill the requirements for off-street parking, nor shall any off-street parking space be used to satisfy the requirements for loading and unloading.

9.10.07 Nonconforming Unloading and Loading Areas

Whenever a building on a lot constructed before the effective date of this code changes its use to one where the loading and unloading requirements cannot be met because there is not sufficient area available on the lot then the developer need comply only to the extent possible with this section.

ARTICLE X - SIGNS

OUTLINE

- 10.00.00 GENERAL PROVISIONS
 - 10.00.01 Relationship to Building and Electrical Codes
 - 10.00.02 No Defense to Nuisance Action
 - 10.00.03 Maintenance
- 10.01.00 REGULATIONS
 - 10.01.01 Signs Excluded from Regulations
 - 10.01.02 Signs Requiring a Permit
 - 10.01.03 Number and Surface Area of Signs
 - 10.01.04 Prohibited Signs
 - 10.01.05 Sign Limitations by District

ARTICLE X

SIGNS

10.00.01 Relationship to Building and Electrical Codes

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the Town. Wherever there is inconsistency between these regulations and the building and electrical code, the more stringent requirement shall apply.

10.00.02 No Defense to Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

10.00.03 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the town, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

10.01.00 REGULATIONS

10.01.01 Signs Excluded from Regulations

The following signs are exempt from regulation under this chapter.

- a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;
- b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- c) Legal notices: identification, informational, or directional signs erected or required by governmental bodies;

- d) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;
- e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

10.01.02 Signs Requiring a Permit

- (a) Except as otherwise provided by this code, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
- (b) If plans submitted for a zoning permit, special-use permit, or conditional-use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then issuance of the requested zoning, special-use, or conditional-use permit shall constitute approval of the proposed sign or signs.
- (c) Signs not approved as provided in Subsection (a) or)b) or exempted under these provisions may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the administrator.

10.01.03 Number and Surface Area of Signs

- (a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface of display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (b) The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations or regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

10.01.04 Prohibited Signs

Generally

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this code.

Specifically

The following signs are expressly prohibited unless exempted by this code.

- a) Signs that are in violation of the building code or electrical code adopted by the Town.
- b) Any sign that, in the opinion of the Building Inspector, does or will constitute a safety hazard.
- c) Blank temporary signs.

10.01.05 Sign Limitations by District

RESIDENTIAL DISTRICTS

LIMITATIONS ON SIGN / NO SIGN INTENDED TO BE READ FROM OFF THE PREMISES SHALL BE PERMITTED EXCEPT:

One permanent identification sign, not exceeding 32 square feet in area, erected at each principal entrance of a planned unit development.

One permanent sign, not exceeding six (6) square feet in area erected in front of the residential dwelling to advertise a Home Occupation.

AGRICULTURE

LIMITATIONS ON SIGN / NO SIGN INTENDED TO BE READ FROM OFF THE PREMISES SHALL BE PERMITTED EXCEPT:

- 1. On a lot containing permitted or permissible nonresidential use, on-site identification and directional signs provided (a) no such use shall display more than two such signs for identification purposes at entranceway, each sign not to exceed 20 square feet in area.
- 2. Roadside stands: two temporary ground business signs, each not to exceed 6 square feet in area.

The above signs may be erected subject to the following general limitations:

- (a) No permitted signs may be animated, flashing, or roof signs.
- (b) Neon signs and strip lighting are prohibited.
- (c) No sign shall be located within 20 ft. of any adjacent property line.

Signs for uses permissible by special exception, other than those specified, shall be determined by general rule or by findings in the particular case by the Town Council.

COMMERCIAL

LIMITATIONS ON SIGNS / NO SIGN INTENDED TO BE READ FROM OFF THE PREMISES SHALL BE PERMITTED EXCEPT:

On-site signs shall be limited as to number and area as follows, except for signs advertising property for sale, rent or lease, which shall be regulated as not to exceed one sign, and not to exceed 20 square feet of surface area, for each 10 lineal feet of lot adjoining a public street.

Signs shall be mounted on the main building or an accessory building and shall not exceed more than 3 feet above the roof or beyond the sides of the building, provided that not more than one identification sign may be mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the side or an adjacent streets.

ARTICLE XI - OPERATIONAL PERFORMANCE STANDARDS

- 11.00.00 generally
 - 11.00.01 Purpose and Intent
 - 11.00.01 Applicability

- 11.01.00 NOISE
 - 11.01.01 Instrumentation
 - 11.01.02 Exemptions
 - 11.01.03 Notice of Violation
 - 11.01.04 Pre-Existing Uses Not in Conformance

- 11.02.00 VIBRATION

- 11.03.00 AIR POLLUTION

- 11.04.00 ODOR

- 11.05.00 FIRE AND EXPLOSIVE HAZARDS

- 11.06.00 ELECTROMAGNETIC INTERFERENCE

- 11.07.00 MINING

ARTICLE XI - OPERATIONAL PERFORMANCE STANDARDS

1.00.00 GENERALLY

11.00.01 Purpose and Intent

It is the purpose o this section to provide appropriate standards relating to the operation of certain activities throughout the Town. Such operations may create or maintain such excessive noise, vibration, air pollution, water pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest, and promote the public health and welfare.

11.00.01 Applicability

These standards shall apply to all lands within the Town jurisdiction.

11.01.00 NOISE

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body

11.01.01 Instrumentation

Instrumentation used in making sound level measurements shall meet the following requirements:

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below.

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit dBA
Residential	7 a.m. – 10 p.m.	60
	10 p.m. – 7 a.m.	55
Commercial	7 a.m. – 10 p.m.	65
	10 p.m. – 7 a.m.	60
Manufacturing, Industrial or Agricultural	At All Times	75

11.01.02 Exemptions

The following activities or sources are exempt from these noise standards:

- A. Activities covered by the following: stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.
- B. The unamplified human voice.
- C. Railway locomotives and cars.
- D. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona-fide agricultural operation.
- e. Aircraft operations.
- F. Construction or routine maintenance of public service utilities.
- G. Houses of worship bells or chimes.
- H. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

11.01.03 Notice of Violation

Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this Code shall be cause for a notice of violation to be issued by the Director of Panning.

11.01.04 Pre-Existing uses Not in Conformance

Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

11.02.00 VIBRATION

A. Industrial

In industrial districts, impact vibrations from any use, at any point beyond district boundaries, shall not exceed the levels set forth in Paragraph C below.

B. All Other Districts

In all other districts, impact vibrations from any use shall not exceed, at any point beyond the property lines of the use, the levels set forth in Paragraph C below.

C. Maximum Permissible Vibration
Reserved

11.03.00 AIR POLLUTION

A. Standard

To protect and enhance the air quality of the Town, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Protection (Florida Administrative Code, Chapter 17-21). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Protection.

B. Testing

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Protection and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

11.04.00 ODOR Reserved

11.05.00 FIRE AND EXPLOSIVE HAZARDS

A. Standards

In all districts in which the storage, use, or manufacture of flammable or explosive materials is permitted, the following standards shall apply:

1. Storage and utilization of solid materials or products which are incombustible, or which in themselves support combustion and are consumed slowly as they burn, is permitted.
2. Storage, utilization, or manufacture of solid materials or products including free burning and intense burning is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having noncombustible walls and protected throughout by an automatic fire extinguishing system. The requirements for an automatic fire extinguishing system may be waived by the Director of Planning in those cases where the introduction of water to a burning substance would cause additional hazard.
3. Outdoor storage of coal and other solid fuels is permitted provided storage is in conformance with the "Fire Protection Handbook" 1986 Edition, printed by the National Fire Protection Association.
4. Storage, utilization or manufacture of flammable and combustible liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with National Fire Code #30, exclusive of storage of finished products in original sealed containers which shall be unrestricted.
5. The following classifications of liquids are unrestricted, provided that storage, handling, and use shall be in accordance with National Fire Protection Association, "Flammable and Combustible Liquids" Code.

CLASSIFICATION OF LIQUIDS

Class I	Shall include those having flash points below 100 degrees Fahrenheit (37.8 degrees Celsius) and may be subdivided as follows:
Class I-A	Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point below 100 degrees Fahrenheit (37.8 degrees Celsius).
Class I-B	Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point at or above 100 degrees Fahrenheit (37.8 degrees Celsius).
Class I-C	Shall include those having flash points at or above 73 degrees Fahrenheit (22.8 degrees Celsius) and below 100 degrees Fahrenheit (37.8 degrees Celsius).

- Class II Shall include those having flash points at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius).
- Class III Shall include those having flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and below 200 degrees Fahrenheit (93.4 degrees Celsius).
- Class III-B Shall include those having flash points at or above 200 degrees Fahrenheit (93.4 degrees Celsius).

11.06.00 ELECTROMAGNETIC INTERFERENCE

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

11.07.00 MINING

This category has also been established to address any surface mining, rock quarries and extraction activities. Mining for extraction of minerals shall be prohibited without a Comprehensive Plan amendment.