ARTICLE 1.

PREAMBLE

Section 1.01.00. Title.

This document shall be referred to as the "Unified Land Development Code of the City of Arcadia" and may be referred to herein as the "Code", the "Land Development Code" and the "LDC".

Section 1.02.00. Authority and Purpose.

This Land Development Code is enacted pursuant to the requirements and authority of 163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and the general powers enumerated in Chapter 166, Florida Statutes (City Government) for the purpose of promoting the general health, safety, and welfare of present and future inhabitants of the City of Arcadia.

Section 1.03.00. Consistency with Comprehensive Plan.

The Unified Land Development Code is and shall remain consistent with the City’s Comprehensive Plan. The Unified Land Development Code shall be amended as necessary, by ordinance, to assure consistency with the City of Arcadia Comprehensive Plan.

Section 1.04.00. Applicability.

Section 1.04.01. General Applicability.

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and maintained, and no existing use, new use or change of use of any building, structure or land, or part thereof, shall be made or continued, except in conformity with the provisions of this Land Development Code.

With the exceptions listed below, all development in Arcadia shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

Section 1.04.02. Exceptions.

A. Previously Issued Development Orders. A development project with an approved site development plan or subdivision plat may proceed under the regulations in effect at the time of approval provided that:

1. The development order has not expired at the time of adoption of this Code or amendment thereto; and
2. Development activity has begun or will begin according to the time limits under which the development was originally approved.

If the development order expires or is otherwise invalidated, any further development activity on the development site shall conform to the requirements of this Code or amendment thereto.

B. 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 provided that:
1. The development permit was issued prior to adoption of this Code and development activity has begun or will begin within six months of the date of issuance of the development permit; and

2. Development activity continues without interruption until the development is complete. If the development permit expires, any further development shall conform to the requirements of this Code or any amendments thereto.

Section 1.05.00. Repeal of Conflicting Local Laws.

Any and all other City ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this Code are hereby repealed. The effects of repeal are provided in Section 1-7 of the City Code of Ordinances.

Section 1.06.00. Interpretation and Conflicting Regulations.

In interpreting and applying this Code, the provisions thereof shall be held to be a minimum requirement for the promotion of the health, safety, morals and general welfare of the city. It is not intended by this Code to interfere with, abrogate or annul any easements, covenants or agreements between parties. Where the regulations of this Code on a stated point are more restrictive than regulations on the same point as contained in any other law or ordinance, the provisions of this Code shall govern, and where the regulations of the other law or ordinance are more restrictive than those of this Code, the other shall govern.

Section 1.07.00. References Throughout this Code.

References throughout this Code to the Florida Statutes, Florida Administrative Code, and any standards established by specific organizations identified in this Code, shall include any amendments and amendments hereafter, including Chapter, Code, and Rule renumbering. References to specific regulating agencies, and organizations which establish standards, shall include any changes in the identifying name of said agencies or organizations. Any references made throughout this Code concerning written comments, copies, applications, and submittals may, at the discretion of the City, include electronic formats.

Section 1.08.00. Essential Services.

Essential services shall be permitted as authorized and regulated by law and ordinances of the City, it being the intention of this Section to exempt such essential services from the application of this Land Development Code.

Section 1.09.00. Penalties for Violation.

A. Any person, or anyone acting in behalf thereof, whom shall violate or fail to comply with any of the provisions of this Code shall upon conviction be punished as provided by Section 1-12 of the City Code of Ordinances.

B. Each day that a violation of this Code is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section.
Section 1.10.00. Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 1.11.00. Enactment and Effective Date.

The City Council has adopted these regulations by Ordinance No. 994, and the regulations shall take effect immediately upon the Ordinance adoption date.
ARTICLE 2.
DEFINITIONS

Section 2.01.00.
Reserved.

Section 2.02.00. List of Definitions.

Definitions, "A."

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, use of building, or
use of land or water that is clearly secondary and incidental to the principal use of a building,
water or land. Such building, structure, or use is located on the same parcel of land with the
principal building or use, and is consistent in use, and in conjunction with, the principal
building, structure or use.

ACCESSORY RETAIL USES: The retail sales of various products (including food) and/or the
provision of personal services (e.g., hair cutting, etc.) within a health care, hotel, office, or
industrial complex for the purpose of serving employees or customers, and is not visible from
public streets. These uses include pharmacies, gift shops, and food service establishments
within hospitals and convenience stores and food service establishments within hotels and
office and industrial complexes.

ACCESSORY USE: A use customarily incidental to the principal use of the property.

ACRES, GROSS: The entire acreage of a site; includes the entire land and water area within
the property boundaries.

ACRES, NET: The portion of a site that can actually be built upon. The following generally are
not included in the net acreage of a site: public or private road rights-of-way, public open
space, lakes and flood ways.

ADULT DAY CARE CENTER: Any building, buildings, or part of a building, whether operated
for profit or not, in which is provided through its ownership or management, for a part of a
day, basic services to three (3) or more persons who are 18 years of age or older, who are not
related to the owner or operator by blood or marriage, and who require such services.
(Section 429.901, F.S.).

ADULT FAMILY CARE HOME: (Pursuant to Section 429.65, F.S.); A full-time, family-type
living arrangement, in a private home, under which a person who owns or rents the home
provides room, board, and personal care, on a 24-hour basis, for no more than five (5)
disabled adults or frail elders who are not relatives. The following family-type living
arrangements are not required to be licensed as an adult family-care home:

A. An arrangement whereby the person who owns or rents the home provides room,
board, and personal services for not more than two adults who do not receive
optional state supplementation under Section 409.212, F.S. The person who
provides the housing, meals, and personal care must own or rent the home and
reside therein.
B. An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.

C. An establishment that is licensed under Florida Statutes as an assisted living facility.

**AGRICULTURAL BUILDING OR STRUCTURE:** Any building or structure accessory to the principal farming, forestry, fishery, animal specialty farm, or hunting, trapping and game propagation use of the land.

**AGRICULTURE:** The use of land for the purpose of growing crops, plants, trees, or other agricultural or forestry products, and other agricultural activities including, aquaculture, horticulture, floriculture, viticulture, forestry, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition. (Section 570.02, F.S.).

**AIRCRAFT ESTABLISHMENT:** An establishment primarily engaged in retail selling of new and/or used aircraft and related new parts accessories directly to ultimate consumers on the premises and not for resale. Aircraft establishments may include repair departments, provided such repair departments are incidental and accessory to the principal retail selling of aircraft and related aircraft accessories.

**ALCOHOL PACKAGE SALES:** A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

**ALLEY:** A minor right-of-way, which normally provides a secondary means of vehicular access to abutting property.

**ALTER OR ALTERATION:** Any change in, addition to, deletion from, or rearrangement of the load bearing members, or the foundation of a structure.

**ALTERATION OF A WATERCOURSE:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ANTENNA:** An external device for sending or receiving electromagnetic signals for radios, televisions or similar devices and which is accessory to the principal use or structure on or about which it is located. This shall include parabolic or dish-shaped antennas but shall not include antennas which are mounted on communication towers.

**ANTIQUE STORE:** A building, or portion of a building, occupied by an establishment primarily engaged in the retail selling of antique furniture, home furnishings and objects of art and related antique accessories directly to ultimate consumers on the premises. Merchandise and goods sold by such establishments are normally not purchased for resale purposes.

**APARTMENT HOTEL:** A multiple dwelling, under resident supervision, which contains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish dining room service.

**APPLIANCE REPAIR:** A facility for the repair of household appliances and home equipment, including, but not limited to, washers, dryers, refrigerators, ovens/ranges and dishwashers.
AQUACULTURE: The cultivation of products associated with, or grown in, water, such as fish farms and fish hatcheries.

AS-BUILT PLANS: Construction plans reflecting the public improvements as they were actually constructed and as they actually exist in the subdivision.

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

ASSISTED LIVING FACILITY: Any building or buildings, section or distinct part of a building, private home, rooming house, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator (Section 429.02, F.S.).

AUTO PARTS SALES: Stores that sell new automobile parts, tires, and accessories and may also include minor parts installation (e.g., mufflers and radiators, quick-lube, etc.). This does not include tire recapping or businesses dealing exclusively in used parts.

AUTO SALVAGE YARD: A commercial business which disassembles inoperable vehicles for the purpose of resale of automobile parts. Not more than three (3) inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

AUTOMOBILE AND TRUCK RENTAL/LEASING ESTABLISHMENTS: An establishment engaged in the renting or leasing of new or used passenger automobiles and trucks and related new parts and accessories. Such establishments may include repair departments provided they are clearly incidental and accessory to the principal use of selling and/or leasing automobiles, trucks and boats.

AUTOMOBILE WRECKING: The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles.

AUTOMOTIVE DEALER ESTABLISHMENT: An establishment primarily engaged in the retail selling of new and/or used automobiles, motorcycles and trucks and related new parts and accessories directly to ultimate consumers on the premises and not for resale. Automotive dealer establishments may include repair departments provided such repair departments are located within a building and are incidental and accessory to the principal retail selling of automobiles and trucks.

AUTOMOTIVE REPAIR AND MAINTENANCE: The repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles, as a primary use, and includes the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

A. MAJOR REPAIR/BODY WORK: Repair facilities dealing with entire vehicles. Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work, including welding. These establishments provide towing, collision repair, other body work, glass replacement, and tire recapping.
B. MINOR MAINTENANCE/REPAIR: Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.). Activities may include maintenance or small-scale mechanical work on motor vehicles including inspection, maintenance, repair or replacement of brake systems, ignition and electrical systems, carburetors and fuel systems, batteries, oil, antifreeze and other fluids, and tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

AUTOMOTIVE SPECIALTY SALES: Premises, or a portion of premises, occupied by an establishment engaged primarily in the retail selling of new and/or used travel trailers, recreational vehicles, mobile homes, and similar automotive product specialties and related new parts and accessories directly to ultimate consumers on the premises and not for resale.

**Definitions, "B."**

BAKERY, INDUSTRIAL: Establishments engaged in manufacturing fresh and frozen bread and other bakery products not for immediate consumption, but for retail to distributors and stores.

BAKERY, RETAIL: A place where products such as bread, cake, and pastries are baked, sold and may be consumed on the premises. Also called “bakeshop”.

BANKS AND FINANCIAL INSTITUTIONS: Includes banks and trust companies; credit agencies; credit unions; lending and thrift institutions; investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies.

BARS, LOUNGES, SALOONS AND TAVERNS: Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises; any food service is subordinate to the sale of alcoholic beverages.

BASE FLOOD: A flood having a 1-percent (1%) chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

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

BASEMENT: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

BATHHOUSE: A building for changing, such as a building near a swimming pool, equipped with showers and locker rooms.

BED AND BREAKFAST: A residential structure containing guest rooms where lodging with breakfast included is provided for compensation, and generally for a stay of a week or less. Bed and Breakfast structures are normally found in established neighborhoods and may be the primary residence of the owner and innkeeper. Residential structures rented out for a season or for longer than a week or two are considered rooming houses.
**BEST MANAGEMENT PRACTICE (BMP):** A practice or combination of practices that are determined to be the most effective and efficient way of accomplishing a task, based on repeatable procedures that have proven themselves over time.

**BODY ART:** The practice of decorating the body, including the most common techniques such as tattooing, body piercing, and body painting.

**BOUNDARY LINE:** “Lot line” shall mean “boundary line.”

**BOTTLE CLUB:** An establishment providing facilities for the consumption of alcoholic beverages by its patrons on the premises (drinking establishment), but not licensed to sell alcoholic beverages, without regard to whether the patrons are required to be members of the club or establishment.

**BUFFER YARD:** An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

**BUILDING:** Any structure which fully encloses space for occupancy by persons or their activities, animals, chattels, or property of any kind.

**BUILDING AREA:** The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building, but not including uncovered entrance platforms, terraces and steps.

**BUILDING FRONTAGE:** The side or wall of a building approximately parallel and nearest to a street. For corner lots, building frontage shall be established by orientation of the frontage of buildings on the property, or of principal entrance points to the premises if building frontage is not clearly indicated. If neither of these methods is distinct, the City Administrator, or his or her designee, shall make a determination.

**BUILDING HEIGHT:** The vertical distance measured from the established mean grade at the center of the front of the building to the highest point of the building, not including those structures specifically permitted to extend beyond the height of the building, or the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. On any site where construction is required to adhere to the base flood elevation, as established by the Federal Emergency Management Agency, the building height is the vertical distance from the first living level or the tidal floodplain, whichever is lower, to the highest point of the building, not including those structures specifically permitted to extend beyond the height of the building.

**BUILDING LINE:** A line drawn parallel to the front lot line and tangent to the nearest part of the principal building and extending from side lot line to side lot line.

**BUILDING SETBACK:** See Setback.

**BUILDING SUPPLY SALES:** Establishments primarily engaged in the retail selling of lumber, building materials, and basic lines of hardware, such as tools, builders’ hardware, paint and glass, electrical supplies, roofing materials, and other equipment and supplies for all types of construction directly to the general public, as well as to contractors, and not for resale. Includes home improvement stores.
**BUSINESS OFFICE:** Offices of individuals, associations or groups that provide business services to individuals, clients, businesses and corporations. Such offices include those in the business of real estate and insurance services; banking, financial, tax, investment and brokerage services; title and abstract companies; advertising, employment, travel, protective and collection agencies; business machine sales; pest control companies; telemarketing offices; cleaning services; customer service centers for corporations such as phone service, utility service, cable television service, credit card customer services; business and management consulting services; and other business, political, labor and union, administrative and business office operations.

### Definitions, "C."

**CANOPY, TREE:** The area shaded by the crown of mature trees.

**CAR WASHING AND DETAILING:** Premises, or a portion of premises, occupied by an establishment primarily engaged in furnishing car washing, waxing, polishing, and/or similar services, except repairs, intended for and directly incidental to the needs of ultimate consumers on the premises, normally for a fee or charge.

**CARPORT:** An accessory structure of a principal structure, consisting of a roof and support members such as columns or beams open from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles or boats owned and used by the occupants of a building to which it is accessory.

**CEMETERY:** Land used, or intended to be used, to provide burial places or grounds, including columbarium and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.

**CERTIFICATE of APPROPRIATENESS:** The certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district.

**CERTIFICATE OF COMPLETION:** A written certification that the work specified in the permit has been completed according to Code, that all inspections have been approved, and the premises are fit for inhabitancy.

**CERTIFICATE OF OCCUPANCY:** The certificate issued by the City Administrator, or his or her designee, which permits the use of a building in accordance with approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building.

**CERTIFIED SURVEY:** A survey, sketch, plan, map or other exhibit containing a written statement regarding its accuracy or conformity to specified standards, which is certified and signed by the registered surveyor under whose supervision the survey was prepared.

**CHANGE OF OCCUPANCY:** A discontinuance of an existing use and the substitution there for of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use. A change from one kind of retail store to another kind of retail store is not a change of occupancy.
CHILD CARE FACILITY: (Pursuant to Section 402.302, F.S.) Any child care center or child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The term does not include the following:

A. Public schools and nonpublic schools and their integral programs, except as provided in Section 402.3025, F.S.;

B. Summer camps having children in full-time residence;

C. Summer day camps;

D. Bible schools normally conducted during vacation periods; and

E. Operators of transient establishments, as defined in Chapter 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435, F.S.

CLINIC: An establishment operated by one (1) or more persons for the purpose of rendering human health care or services by any lawful practitioner of medical arts as defined under Section 456.001, F.S.; includes medical doctors, osteopaths, chiropractors, optometrists, dentists, etc. Does not provide for overnight accommodations.

CLUB, PRIVATE: Those associations and organizations of a fraternal or social character, not operated or maintained for profit. The term “private club” shall not include casinos, nightclubs, or other institutions operated as a business.

CLUSTER DEVELOPMENT: Generally refers to a development pattern for residential, commercial, industrial, institutional, or combinations of such uses, in which the uses are grouped or “clustered” rather than spread evenly throughout a parcel as a conventional lot-by-lot development, allowing the remaining land to be used for such purposes as recreation, common open space, and preservation of environmentally sensitive features.

COMMERCIAL: Relating to or is connected with any aspect of buying, selling or renting any goods, products, or services.

COMMERCIAL VEHICLE: Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

COMMUNICATION TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers (anchored with guy wires or cables), or monopole towers (free-standing). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and any support structures thereto.

COMMUNITY CENTERS: Structures or buildings used by residents of a community for social, cultural or recreational purposes (the term also includes senior centers). Community centers are typically utilized by civic or non-profit groups, clubs, homeowners associations or other such community group.
COMMUNITY RESIDENTIAL HOME: A dwelling unit, licensed by the state, which serves frail elders, physically disabled or handicapped persons, developmentally disabled persons, non-dangerous mentally ill persons, or children, and provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Homes of six (6) or fewer residents, which otherwise meet the definition of a community residential home, shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances and shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents. (Section 419.001, F.S.).

COMPATIBILITY: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time with no negative impacts directly or indirectly by another use or condition.

COMPREHENSIVE PLAN: The City of Arcadia Comprehensive Plan, as adopted and amended by the City Council pursuant to the requirements of Chapter 163, Part II, F.S. The Comprehensive Plan is the official guide for physical, social, and economic growth of the City and contains maps, data and other descriptive matter for the physical development of the City indicating the general location for major streets, parks, public utilities, land use and other similar information.

CONCEPT PLAN: A plan which describes generally, in narrative and with maps and/or drawings, the layout and vision of a project and its goals and objectives.

CONCURRENCY: The necessary public facilities and services are available to maintain the adopted level of service standards when the impacts of development occur.

CONSTRUCTION AND DEMOLITION DEBRIS: (Section 403.703, F.S.). Discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

A. Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;

B. Except as provided in Section 403.707(9)(j), F.S., yard trash and unpainted, non-treated wood scraps and wood pallets from sources other than construction or demolition projects;

C. Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and
scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and

D. De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

**CONTRACTOR'S SHOPS AND STORAGE YARDS:** Facilities and areas which are customarily used by contractors for storage of supplies, materials or equipment, fabrication, assembly or repair of materials or equipment, or places for vehicular and equipment storage.

**CONVENIENCE STORE:** A retail establishment which sells a general line of goods and products intended for the convenience of surrounding residents.

**CONVENIENCE STORE WITH GAS PUMPS:** A convenience store in conjunction with the sale and dispensing of motor fuels, oils, or automotive accessories; but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

**CORNER LOT:** See "Lot, Corner".

**CORRECTIONAL FACILITY:** A facility for the housing of persons convicted of, or being held for, a crime. Typical uses include prisons (a facility regulated by the State of Florida Department of Corrections which is designed for maximum security to house persons convicted of a crime), community correctional centers, probation and restitution centers, vocational training centers, and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

**CROWN:** Refers to that part of the tree consisting of limbs, branches, twigs and leaves; the top of the tree.

**CUL-DE-SAC:** A minor street intersecting another street at one end and terminated at the other end by a vehicular turnaround.

**CULTURAL FACILITIES:** A building or complex of buildings that houses public or private not-for-profit facilities to provide educational and informational services to the general public including, but not limited to, auditoriums, civic centers or theaters predominantly used for live performances, libraries, historical landmarks, museums, art galleries, arboretum, planetariums, and botanical and zoological gardens.

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**Definitions, "D."**

**DENSITY, GROSS:** A measurement of the number of residential units allowed per acre of land. Gross density shall be calculated as follows: 1) the density allowed per acre, as established by the property’s Future Land Use classification, multiplied by the total property acreage and 2) the total property area divided by the minimum lot size for one dwelling unit, as required by the applicable zoning district for the property. In no case shall the gross density permitted for new developments exceed that specified by the Comprehensive Plan. To calculate the gross density for existing/developed properties the number of dwelling units is divided by the total area of a parcel or project. Gross density is inclusive of all easements, rights-of-way, and water bodies and is always expressed in terms of dwelling units per acre (du/ac).
**DENSITY, NET:** The method of calculation is the same as for gross density except the site area used in the calculation does not include access easements, rights-of-way, land dedicated to and accepted by a public agency, or the surface area of any water body.

**DESIGN FLOOD:** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

**DESIGN FLOOD ELEVATION:** The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

**DEVELOPER:** A person, or his agent, who undertakes the activities covered under this Code.

**DEVELOPMENT APPROVAL CERTIFICATE (DAC):** A document, issued by the enforcing official authorizing buildings, structures or uses, which indicates compliance with all applicable requirements of this Code, as well as other standards and regulations administered by the City. Accordingly, it contains an indication of approval by all relevant City departments, including but not limited to, planning, engineering and fire.

**DEVELOPMENT OR DEVELOPMENT ACTIVITY:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**DORMITORY, FRATERNITY HOUSE, SORORITY HOUSE:** A building in which sleeping rooms are provided for occupancy by, and maintained as a place of residence exclusively for, students affiliated with an academic or professional college or university, with or without meals, and when approved and regulated by such institution. A dormitory, fraternity house or sorority house may include living quarters containing independent cooking facilities designed for the resident manager only.

**DRIP LINE:** An imaginary circle that could be drawn on the soil around a tree directly under the tips of its outermost branches.

**DUPLEX:** See Dwelling, Two-Family.

**DWELLING:** A building containing one of more dwelling units each of which provides shelter, sanitation and the amenities for permanent human habitation. A dwelling does not include hotels, motels, dormitories, fraternity or sorority houses, nursing care homes, travel trailers, recreational vehicles or any temporary lodging, rooming house or structure designed for transient residence.

**DWELLING, GROUP:** A building, or part thereof, in which several unrelated persons or families more or less permanently reside, but in which individual cooking facilities are not
provided for the persons or families. Group dwellings may include a rooming house, fraternity house, sorority house, convent, monastery or private club in which one or more members have a permanent residence. Group dwellings shall not be deemed to include a hotel, motel, or trailer camp.

**DWELLING, MULTIPLE FAMILY:** A building used or designed to be used for three (3) or more dwellings/housekeeping units.

**DWELLING, SINGLE FAMILY:** A building used or designed to be used as a single housekeeping unit.

**DWELLING, TWO-FAMILY:** A building designed and used exclusively by two families living independently in each other in two (2) separate housekeeping units. The dwelling units may be attached side by side or one above the other.

**DWELLING UNIT:** The dwelling accommodations designed for a one-family unit maintaining separate and independent housekeeping, including at least one kitchen. A dwelling unit shall not be construed to mean a sleeping unit.

**DWELLING, ZERO LOT LINE:** A building located on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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**Definitions, "E."**

**EASEMENT:** A grant by a property owner, in the form of a dedication, of the use of his or her land to another party for a specific purpose. The title of the land remains in the name of the property owner, subject to the right of use designated in the reservation of the servitude. The easement may serve public or private utilities, which includes but is not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone lines, whether underground or overhead.

**EDUCATIONAL FACILITY:** Establishments primarily engaged in furnishing academic courses and technical instruction. Educational facilities include the following: nursery schools and kindergartens; elementary, secondary and vocational schools; and junior colleges, universities and professional schools.

**ELECTRIC POWER SUBSTATION:** An assembly of equipment in an electric power system through which electric energy is passed for transmission, transformation, distribution, or switching. Also known as substation.

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

**ENFORCING OFFICIAL:** The officers and employees of the City to whom the duty of enforcing the terms of the Unified Land Development Code is assigned.

**EQUESTRIAN FACILITY, COMMERCIAL:** Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.
EQUESTRIAN FACILITY, PRIVATE STABLE: Stables, corrals, paddocks used by the individual homeowners of corresponding property and their animals.

EQUIPMENT AND MATERIAL STORAGE YARDS: All uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

EQUIPMENT, LIGHT DUTY: Motorized equipment weighing six tons or less.

EQUIPMENT, HEAVY DUTY: Motorized equipment having a gross weight of more than six tons.

EQUIPMENT SALES AND RENTAL: Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for sale or rental, including construction equipment, farming equipment and machinery, and lawn and garden equipment, etc.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for building. Excavations, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection there with, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. (See Also Public Service Structures).

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Definitions, "F."

F.A.C. or FAC: Florida Administrative Code.

FAMILY: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit.

FAMILY DAY CARE HOME: Pursuant to Section 402.302, F.S., a Family Day Care Home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

A. A maximum of four (4) children from birth to 12 months of age.
B. A maximum of three (3) children from birth to 12 months of age, and other children, for a maximum total of six (6) children.

C. A maximum of six (6) preschool children if all are older than 12 months of age.

D. A maximum of ten (10) children if no more than five (5) are preschool age and, of those five (5), no more than two (2) are under 12 months of age.

Pursuant to Section 166.0445, F.S., the operation of a residence as a family day care home, as defined by law, registered or licensed with the Department of Children and Family Services shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of $50, to operate in an area zoned for residential use.

FAMILY FOSTER HOME: A private residence in which children who are unattended by a parent or legal guardian are provided twenty-four (24) hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. The following are not considered a family foster home: a person who cares for a child of a friend for a period not to exceed ninety (90) days; a relative who cares for a child and does not receive reimbursement for such care from the state or federal government; or an adoptive home which has been approved by the state or by a licensed child-placing agency for children placed for adoption. (Section 409.175, F.S.).

FARM EQUIPMENT AND SUPPLY ESTABLISHMENT: An establishment primarily engaged in the retail selling of farm equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies directly to ultimate consumers and not for resale. Farm equipment and supply establishments may include farm equipment repair departments provided such repair departments are incidental and accessory to the principal retail selling of farm equipment and supplies.

FARMERS MARKET: The sale of organic, non-organic, or otherwise locally grown fruits, vegetables, and other agricultural products directly to the consumer by the farmer, typically in an outdoor setting.

FARMING: An establishment primarily having as the principal purpose of business the production for sale of field crops, fruit, tree nuts, vegetables, livestock, livestock products, poultry hatcheries and animal husbandry activities.

FARMING SERVICE ESTABLISHMENT: An establishment in which a person practices a vocation that performs a type of labor, act or work off the premises that primarily results in a variety of farming services such as crop dusting, vegetable and fruit picking, grain cleaning, harvesting, plowing and similar operations on a given farming premises, normally on a contract basis or for a fee or charge.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency, which in addition to carrying out other functions, administers the National Flood Insurance Program.

FLEA MARKET: An assembly of vendors, whether professional or nonprofessional, that offers for sale, trade or barter any goods, regardless whether they are new, used, antique or handmade; and where offered for sale in open air areas, buildings or temporary structures.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]
A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD DAMAGE-RESISTANT MATERIALS:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

**FLOOD HAZARD AREA:** The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

B. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

**FLOODPLAIN ADMINISTRATOR:** The office or position designated and charged with the administration and enforcement of the Flood Plain regulations (may be referred to as the Floodplain Manager).

**FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL:** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with the Flood Plain regulations provided in this Code.

**FLOODWAY:** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**FLOODWAY ENCROACHMENT ANALYSIS:** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**FLOOR AREA:** The total square footage of all stories, including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls.

**FLOOR AREA RATIO (FAR):** The sum of the floor area, expressed in square footage, of each floor of the building or buildings on a lot, divided by the area (square footage) of that lot, excluding basements and areas devoted to off-street parking or loading.
FLORIDA BUILDING CODE: The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

FOOD AND BEVERAGE MANUFACTURING, PROCESSING AND PACKAGING, HEAVY INDUSTRIAL: Meets the definition of “Food and Beverage Manufacturing, Processing and Packaging, Light Industrial” and allows the uses listed within that definition. In addition, the following uses are also allowed: citrus processing; fats and oil product manufacturing; grain mill products and by-products; meat and poultry canning, curing, and byproduct processing; animal food production.

FOOD AND BEVERAGE MANUFACTURING, PROCESSING AND PACKAGING, LIGHT INDUSTRIAL: Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes bakeries; bottling plants; breweries; candy, sugar and confectionery products manufacturing; catering services separate from stores or restaurants; coffee roasting; dairy products manufacturing; fruit and vegetable canning, preserving, related processing; seafood processing and canning; soft drink production; miscellaneous food item preparation from raw products. This definition does not include bakeries (retail) which sell all products on-site.

FORESTRY: An establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap, Spanish moss and other forest products.

FORESTRY SERVICE ESTABLISHMENT: An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work off the premises that primarily results in services related to timber production, wood technology, forestry economics and marketing, and other forestry services such as a cruising timber, firefighting, reforestation and similar operations on a given forestry premises, normally on a contract basis for a fee or charge.

FOSTER CARE FACILITY: A licensed residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall not be more than three (3) residents (Section 393.063, F.S.).

FRONT YARD: See Yard, Front.

FUNERAL HOME, MORTUARY, AND CREMATORY: An establishment engaged in preparing the dead for burial, conducting funerals and cremating the dead; and includes funeral chapels.

Definitions, "G."

GARAGE APARTMENTS: A dwelling unit above a garage accessory to a principal residential dwelling unit.

GARAGE, COMMUNITY: A building, or part thereof, used for indoor parking of self-propelled private passenger vehicles, for use of residents in the vicinity, and providing only incidental services for such vehicles as are parked therein.

GARAGE, PARKING: A building or structure used for the parking of motor vehicles, in which no service is provided.
GARAGE, PRIVATE: An accessory structure designed or used for parking of self-propelled private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main use. An unattached private garage is to be construed as an accessory building.

GARAGE, PUBLIC: A building or part thereof used for the storage, care and repair of motor vehicles for remuneration, including any sale of motor vehicle accessories, or where motor vehicles are kept for hire.

GARAGE, STORAGE: A building or structure used for storage of motor vehicles, in which only minor incidental service is provided.

GASOLINE SERVICE STATION: An establishment engaged primarily in the retail selling of gasoline and lubricating oils directly to ultimate consumers on the premises and not for resale. Gasoline service stations may include the retail selling of minor automotive accessories or the performing of minor automotive repair work on the premises for a fee or charge provided such activities are incidental and accessory to the principal retail selling of gasoline and lubricating oils. See Automotive Repair and Maintenance, Minor Maintenance/Repair for examples of minor automotive repair work.

GOVERNMENT USES, FACILITIES, AND STRUCTURES: Any land, building, structure, use or activity that is owned and operated by the city, county, state or federal government or legally empowered special governmental district and is necessary to the conduct of government, the furnishing of public services or of an institutional character and over which such governments exercise direct and complete control. Typical uses include government-administration buildings such as auto license tag agencies and offices of state and federal agencies.

GRADE, ESTABLISHED: The average elevation of the public sidewalks around or abutting a site, or, in the absence of sidewalks, the average elevation of the crowns of the public streets abutting the site. The final elevation of the ground following the completion of any site work.

GRADE, FINISHED: The average elevation of the finished ground level at the center of all outside walls of a building.

GRADE, HIGHEST ADJACENT: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

GRADE, LOWEST ADJACENT: The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground adjoining the building.

GROSS FLOOR AREA (GFA): The square footage sum of all floors of a building as measured from the exterior faces of the exterior walls.

GROSS LEASABLE AREA (GLA): The total floor area designed for the tenant's occupancy and exclusive use including basements, mezzanines, or upper floors expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is the space for which tenants pay rent, including sales areas and integral stock areas. GLA does not include gas pump islands or areas.
GROUP HOME FACILITY: A licensed residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least four (4) residents but not more than fifteen (15) residents. (Section 393.063, F.S.).

GUEST HOUSE: A single-family dwelling, which is an accessory use to the principal residence, located on the same lot.

GROUP HOUSING: Two or more buildings for dwelling purposes erected or placed on the same lot.

HAZARDOUS: Those structures, uses, materials or premises that constitute fire, explosion or safety hazards and/or emit any atmosphere or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

HEATING FUEL AND ICE ESTABLISHMENT: An establishment engaged primarily in the retail selling of coal, wood, heating fuel oil, bottled gas and/or ice directly to ultimate consumers and not for resale.

HISTORIC DISTRICT: An area located within the City which is of historic significance and which has been designated as a historic district by the City Council pursuant to Section 11.14.04, or which has been listed in the National Register of Historic Places or such other similar federal or state designation.

HISTORIC SITE: Any parcel of land located within the City which is of historic significance and which has been designated as a historic site by the City Council pursuant to Section 11.14.04, or which has been listed in the National Register of Historic Places or such other similar federal or state designation. Historic sites shall include improved parcels, or parts thereof, on which are situated any historic structures and any abutting improved parcels, or parts thereof, used as and constituting part of the premises on which any historic structures are situated.

HISTORIC STRUCTURE: Any improvement located within the City which is of historic significance and which has been designated as a historic site by the City Council pursuant to Section 11.14.04, or which has been listed in the National Register of Historic Places or such other similar federal or state designation.

HOME OCCUPATION: Occupations or activities which are customarily maintained or conducted within a dwelling. Such activities are incidental to the principal residential use and involve the employment of no more than one person who does not reside on the premises. Such activities occupy no more than 25 percent (25%) of the total floor area of a dwelling.

HORTICULTURE SPECIALTY FARM: An establishment primarily having as the principal purpose of business the production for sale of greenhouse, frame, cloth house, lath house, or outdoor grown horticultural products such as bulbs, florists’ greens, herbs, mushrooms, flower seeds, and sod crops. Horticultural specialty farms may include landscaping service establishments.
**HOSPICE:** A centrally administered corporation providing a continuum of palliative and supportive care for the terminally ill patient and his or her family (Section 400.601, F.S.)

**HOSPICE RESIDENTIAL UNIT:** A homelike living facility, other than a facility licensed under other parts of Chapter 400, F.S. (Nursing Homes and Related Health Care Facilities) or Chapter 395, F.S. (Hospitals), or under Chapter 429, F.S. (Assisted Care Communities), that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence (Section 400.601, F.S.).

**HOSPICE SERVICES:** Items and services furnished to a patient and family by a hospice, or by others under arrangements with such a program, in a place of temporary or permanent residence used as the patient’s home for the purpose of maintaining the patient at home; or, if the patient needs short-term institutionalization, the services shall be furnished in cooperation with those contracted institutions or in the hospice inpatient facility. (Section 400.601, F.S.).

**HOSPITAL:** An establishment engaged in providing health in-patient facilities, in which medical or surgical services are a main function.

**HOTEL:** A building, or portion of a building, containing sleeping units which have no cooking facilities or other amenities for separate and independent housekeeping purposes and are occupied on a daily or short term basis. A hotel may include living quarters containing independent facilities designed for the resident manager only and/or restaurant facilities, meeting rooms and recreation facilities.

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**Definitions, "I."**

**IMPERVIOUS SURFACE:** Those surfaces which have been compacted or covered with a layer of material so that they are highly resistant to infiltration by water including all structures, streets and other areas of concrete, asphalt, compacted clay or other similar surfaces.

**IMPERVIOUS SURFACE RATIO (ISR):** Percentage of impervious surface of a subject site in relation to the total area of the site.

**IMPROVEMENT:** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including without implied limitation streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

**IMPROVEMENT, PUBLIC:** Includes, but not limited to, any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or any other improvements required by the City, or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

**INCOMPATIBLE LAND USES:** Land uses that, if occurring adjacent to one another, have a detrimental effect on one or both of the uses.

**INDOOR:** Refers to that which is within a building.

**INDUSTRIAL USES:** The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.
**INDUSTRY, HEAVY:** A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials; a use engaged in storage or manufacturing processes using flammable or explosive materials; storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; a use engaged in the recycling of recoverable resource materials, such as paper products, glassware, steel, or metal cans reprocessed into new products.

**INDUSTRY, LIGHT:** Those uses which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery or service trucks. A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials.

**INFRASTRUCTURE:** Those man-made structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; bulkheads; seawalls; and roadways, etc.

**INFILL DEVELOPMENT:** The development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

**INOPERABLE VEHICLE:** A motor vehicle that does not have a current state license plate, or a vehicle that is licensed, but is disassembled or wrecked in part or in whole, and is unable to move under its own power.

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**Definitions, "J."**

**JUNK:** Inoperative, dilapidated, abandoned, or wrecked materials, including but not limited to automobiles, trucks, tractors, wagons, boats, and other kinds of vehicles and parts thereof, scrap materials, scrap building material, scrap contractors’ equipment, tanks, casks, cans, barrels, boxed, drums, piping, bottles, glass, old iron, machinery and the like.

**JUNKYARD:** A place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards and yards or places for storage or a handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances, nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations.

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**Definitions, "K."**

**LABORATORY, MEDICAL/DENTAL:** Establishment providing medical (testing and analysis information for patient diagnosis and treatment) or dental laboratory services.
**LAND AREA:** The total land within the property lines.

**LAND USE:** The development that has occurred on land.

**LAND USE INTENSITY:** The overall structural mass and open-space relationship in a developed property. It correlates the amount of floor area, livability space, recreation space and car storage space of a property with the size of its site or land area.

**LANDSCAPING SERVICE ESTABLISHMENT:** An establishment in which a person practices a vocation to perform a type of labor, act or work off the premises that primarily results in horticultural services such as cemetery upkeep, landscape gardening, tree planting and similar operations on given premises, normally on a contract basis or for a fee or charge. Landscaping service establishments do not include horticultural specialty farms.

**LAUNDROMAT, SELF-SERVICE OR COIN-OPERATED:** An establishment designed to provide limited laundry and dry cleaning facilities which are used and operated by ultimate consumers on the premises on a self-service basis for a fee or charge and normally not by employees of the establishment itself.

**LAUNDRY AND DRY CLEANING DROP OFF AND PICK-UP ESTABLISHMENT:** An establishment designed for the convenient and efficient drop off and pick up of laundry or dry cleaning on the premises by persons not employed by the establishment. No actual laundry or dry cleaning service or work is performed on the premises except for the collecting and distributing activities stated in this definition.

**LAUNDRY AND DRY CLEANING PLANT:** An establishment primarily engaged in the commercial operation of mechanical laundries with steam or other power, normally for a fee or charge, including rug cleaning, dry cleaning or dyeing apparel and household fabrics, or establishments supplying laundered linens, work clothing, diapers, baby linens or uniforms on a contract basis when such establishments operate their own laundry facilities on the same premises. The establishment normally involves a substantial amount of equipment and serves a relatively large trade area through direct or indirect pickup and delivery of laundry and dry cleaning articles by personnel employed by the establishment. A laundry plant is an industrial operation, not open to serve the general public, and is regulated by environmental laws that require the safe disposal of contaminated solvents and wash water used in the cleaning process.

**LETTER OF MAP CHANGE (LOMC):** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

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

- **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
**Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**LEVEL OF SERVICE (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

**LIGHT-DUTY TRUCK:** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

C. Available with special features enabling off-street or off-highway operation and use.

**LIVING AREA:** That enclosed area of a dwelling unit which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, and unenclosed and unheated areas.

**LODGES AND RETREATS, PRIVATE:** Non-commercial facilities, such as a company retreat or a fraternal lodge, which are not open to the general public and whose use is limited to the membership, and their guests, of the owning organization. These sites are intended to provide a meeting place and resource-based recreational site for the organization, and typically provide lodging and kitchen facilities, as well as meeting rooms. These facilities may be rented to other similar private organizations.

**LOT:** A tract or parcel of land, under one ownership, occupied by or to be occupied by one principal building and its accessory buildings, including the open spaces and yards required by this Code. A lot is identified as the least fractional part of subdivided lands having limited fixed boundaries, and having an assigned number, letter, or other name through which it may be identified.

**LOT, AREA:** The horizontal plane area contained within the lot lines expressed in square feet or acres exclusive of public or private dedications. No area within the street right-of-way lines shall be considered in determining the lot area. For flag lots, no area of the lot between the front yard setback and the street right-of-way shall be considered in determining the lot area.
LOT, COMMON LINE: A line dividing one lot or parcel from another.

LOT, CORNER: Any lot situated at the intersection of two (2) or more streets. In the case of a corner lot which faces an intersecting street, there shall be a side yard on the side-street side of the corner lot.

LOT, COVERAGE: That percentage of the lot area covered or occupied by buildings or roofed portions of structures.

LOT, DEPTH: The horizontal distance between the front lot line and the rear lot line.

LOT, FLAG: A parcel of land shaped like a flag, where the lot width is less than the minimum frontage requirement stipulated by the zoning district in which the parcel is located and there is a narrow strip extending from the street to the much wider “flag” portion of the lot which lies immediately behind a lot or lots having the required street frontage or lot width.

LOT, FRONT LINE: The lot line abutting a street right-of-way line.

LOT, FRONTAGE: The front of an interior lot shall be construed to be the portion nearest the street. For corner lots, lot frontage shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the City Administrator, or his or her designee, shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater traffic flow.

LOT, INTERIOR: A lot other than a corner lot with frontage on one street only.

LOT, LINE: The boundary, established by ownership, dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land.

LOT, REAR LINE: The lot line opposite the front lot line.

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on a major traffic street and a minor street and with no vehicular access from the major traffic street.

LOT, SIDE LINE: Lot lines other than the front or rear lot lines.

LOT, THROUGH (DOUBLE FRONTAGE): An interior lot which has street frontages at opposite boundaries of the lot, excluding alleys. Both street lines shall be deemed front lot lines.

LOT, WIDTH: The horizontal distance between the side lot lines measured along the front building setback line of the lot as determined by the prescribed front yard requirements of the zoning district, or at the front lot line where no front setback is required.

LOT OF RECORD: A lot which is part of a subdivision or a parcel recorded by metes and bounds, which is recorded in the office of the Clerk of the Circuit Court of Desoto County.
LOWEST FLOOR: The floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

MAINTENANCE AND REPAIR, SMALL EQUIPMENT: Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, re-upholstery and furniture repairs, leather goods, lock, gun, and musical instrument repairs, radio and television repair; conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

MANUFACTURED BUILDING OR MODULAR BUILDING: A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term also includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance Florida state law. This definition does not apply to mobile homes. (FS 553.36).

MANUFACTURED HOME: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING OF FINISHED PRODUCTS: Includes small-scale production of finished goods and products, such as, carpentry shops, cabinet making, upholsterers, furniture lamination, decorative and ornamental fencing or ironworks, canvas awnings and boat accessories, and similar activities.

MANUFACTURING OF RAW MATERIALS: General, large-scale production of goods and products from raw materials, to either a finished product or intermediate product such as, but not limited to, lumber and wood products and building materials for uses such as pallets, skids, milling operations, and trusses and beams; and machinery and equipment production for the manufacturing and assembling of other products such as construction equipment, conveyors, cranes, die casting, dies, dredging, engines and turbines, farming and gardening, food products manufacturing, gear cutting, heating, ventilation, air conditioning, , industrial trucks and tractors, industrial furnaces and ovens, industrial molds, laundry and dry cleaning, materials handling, mining, oil field equipment, paper manufacturing, passenger and freight elevators, pistons, printing, pumps, refrigeration equipment, textile manufacturing.
**MARINE ESTABLISHMENT:** An establishment primarily engaged in the retail selling of new and/or used boats and motorboats and related new parts and accessories directly to ultimate consumers on the premises and not for resale. Marine establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of boats and related marine accessories.

**MATURE CROWN SPREAD:** Refers to the crown diameter of a mature tree. See also "Crown" and "Drip Line".

**MEDICAL/HEALTH CARE OFFICE:** A use providing consultation, diagnosis, therapeutic, preventive or corrective personal treatment services by doctors, dentists, medical and dental laboratories and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Florida.

**MINING:** The extraction of minerals occurring naturally, such as coal, ores, petroleum and natural gas. Mining also includes quarrying, well operation, crushing, screening, washing, flotation and similar preparation needed in conjunction with mining activities to render the material marketable.

**MOBILE HOME:** A residential structure that is transportable in one or more sections, and which is 8 feet or more in width, over 35 feet in length with the hitch, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure (Section 513.01, F.S.). Pursuant to Section 553.36, F.S., a mobile home shall be constructed to U.S. Department of Housing and Urban Development (HUD) standards and must bear the HUD label. Upon installation, a mobile home's wheels and axles may be removed, but the integral chassis must stay in place. The term "mobile home" does not include travel trailers, recreational vehicles.

**MOBILE HOME PARK:** 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 (5) or more mobile homes (Section 513.01, F.S.).

**MOBILE HOME SUBDIVISION:** A platted residential subdivision in which mobile homes and accessory residential structures are installed around any common set of amenities, including private internal roads, a clubhouse or recreation facility, and common open space.

**MODEL HOME:** A residential structure used for demonstration or sales purposes within a residential development under active development, open to the public for sales purposes, showing the design, structure and appearance of homes in the development.

**MOTEL:** A building, or portion of a building, containing sleeping units which may or may not have cooking facilities but do not have the other amenities for separate and independent housekeeping purposes and are occupied on a daily or short-term basis. A motel may include living quarters containing individual cooking facilities designed for the resident manager only and/or restaurant facilities, meeting rooms and recreation facilities.

**MOVIE THEATER:** An establishment primarily engaged in the commercial exhibition of motion pictures, normally open to the general public for a fee or charge.
NIGHT CLUBS AND DANCE HALLS: Any establishment dispensing alcoholic beverages for on-site consumption and where a room, place, or space is designated for music, dancing, or live entertainment. Alcohol consumption and entertainment are the primary use.

NONCONFORMING: A lot, use of land, building, use of buildings, or use of buildings and land in combination which lawfully existed prior to the enactment of this Code, but which fails by reason of such enactment to conform to the regulations of the zoning district in which it is located.

NONCONFORMING, LOT: Any lot which does not meet the minimum dimensions, area, or other regulations of the zoning district in which it is located.

NONCONFORMING, LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Desoto County, or a parcel recorded by metes and bounds, which was in existence prior to the time of the adoption of this Code and which fails to meet the requirements for area, width, and/or depth for any permitted use within the zoning district in which it is located.

NONCONFORMING, STRUCTURE: A structure which was lawfully established in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance no longer conforms to the setback, height, maximum lot coverage, or other building development requirements.

NONCONFORMING, USE OF BUILDING OR STRUCTURE: The use of any building or structure, other than a use specifically permitted in the district in which the lot or parcel of land is located, existing at the effective date of the ordinance from which this Code is derived, or the effective date of any amendment thereto.

NONCONFORMING, USE OF LAND: The use of any land, other than a use specifically permitted in the zoning district in which the lot or parcel of land is located, existing at the effective date of the ordinance from which this Code is derived, or the effective date of any amendment thereto.

NONHAZARDOUS: Those structures, uses, materials or premises that do not constitute a fire, explosion or safety hazard and/or do not emit any atmospheric or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

NURSERIES AND GARDEN CENTERS, COMMERCIAL RETAIL: Land or structures used to display flowers, shrubs, trees, plants, and garden accessories, such as tools, pots, garden ornaments, fertilizers, mulch, and similar accessories, primarily for retail sale to the public. May also sell by mail.

NURSERIES AND GREENHOUSES, NON-COMMERCIAL: Land or greenhouse engaged in the production and non-retail sale/lease of ornamental plants and nursery products, such as bulbs, flowers, shrubbery, trees, fruits and vegetables which are grown on the premises.

NURSERIES, WHOLESALE: Nurseries which sell nursery goods in large quantities for resale by a retailer. May also sell by mail.
**NURSERY SCHOOL OR PRESCHOOL:** A school for children who are not old enough to attend kindergarten.

**NURSING HOME FACILITY:** Any facility which provides nursing services, as defined in Chapter 464, F.S., and which is licensed according to Chapter 400, F.S. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services; but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services (Section 400.021, F.S.).

**Definitions, "O."**

**OCCUPIED:** Includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OFFICE PARK:** A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

**OFFICE SUPPLY STORE:** Establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) selling a combination of new office equipment, furniture, and supplies; and (3) selling new office equipment, furniture, and supplies in combination with selling new computers.

**OPEN SPACE (PERMEABLE):** Any portion of a lot or parcel not required, designated, or encumbered by either principal or accessory uses, buildings and structures and other site uses, such as traffic circulation or parking. Such open area may be landscaped or retained in the natural state and may be suitable for passive recreation or conservation uses; however, no improvements or alterations shall be permitted which would hinder the area's natural percolation of rainwater or stormwater runoff.

**OUTDOOR:** Refers to that which is not within a building.

**OUTDOOR ADVERTISING SERVICE ESTABLISHMENT:** An establishment primarily engaged in the maintenance, distribution and erection of display boards, posters and painted and electric spectacular displays on panels, bulletins and frames principally outdoors and off the premises, normally on a contract basis or for a fee or charge and not for resale.

**OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than twenty-four (24) hours.

**Definitions, "P."**

**PACKAGE DELIVERY SERVICE:** A retail service that offers consumers and small businesses a wide range of products and services in a single location, including domestic and international shipping, packaging, printing, mailbox services, postal services, moving supplies and other business services.
**PARK TRAILER:** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.].

**PARKING:** The temporary, transient storage of private passenger motor vehicles used for personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or any other purpose other than specified in this definition.

**PARKING SPACE, OFF-STREET:** An area specifically and permanently designated for the off-street parking or storage of vehicles. Such parking spaces shall meet the minimum dimensional requirements of this Code and no part of such parking space or spaces shall exist upon any public right-of-way.

**PATIO HOME:** A single family detached or semi-detached unit built on a small single-family lot usually enclosed by walls which provide privacy. If the walls are ignored, its layout may be similar to either the zero lot-line house or duplex (twin house); thus, it may be built either as a detached or semi-detached dwelling.

**PAVEMENT:** A hard, stabilized surface of impervious or permeable material that will bear travel. Includes the term “paved area” and “paved surface”.

**PERMEABLE PAVEMENT:** A range of materials and techniques for paving roads, parking lots, driveways and walkways, which allows water to percolate through the paving material to the soil below.

**PERMITTED USE:** A use permitted as a matter of right in accordance with zoning district regulations.

**PERSONAL SERVICES:** Those business activities usually conducted in a commercial zoning district customarily providing services rather than goods to individuals. Such uses include beauty salons (including tanning, nails and ear piercing) and barbershops; seamstress/tailor, garment alteration and related minor pressing services; laundry and dry cleaning pickup and drop-off services; self-service or coin-operated laundromat services; shoe shining, shoe repair and hat cleaning services; fitness and weight loss centers, daytime spas, watch, clock and jewelry repair services, commercial photographic services, and other similar, compatible or ancillary uses.

**PET SERVICES:** Pet grooming, pet supplies, pet stores, pet boarding, tropical fish sales and supplies. Pet services are divided into two (2) categories: those that have outdoor facilities for large animals and/or for boarding; and those that do not.

**PLACES OF WORSHIP:** Buildings occupied by non-profit religious organizations or groups operated for the sole purpose of worship and related activities, and any use customarily accessory thereto.

**PLAT:** A map, drawn to scale, which depicts the division of land into lots, blocks, parcels tracts or portions thereof in compliance with the requirements of Chapter 177, F.S., as amended or as hereafter amended, and may include the term “replat”, “amended plat”, or “revised plat”.

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Definitions
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PLAT, FINAL: A complete and exact subdivision plat, prepared for official recording as required by Statute and Ordinance to identify and define property rights, dedications and public improvements.

PLAT, FINAL APPROVAL: The official action of the City on a final plat which incorporates all features and provisions of.

PLAT, PRELIMINARY A subdivision plan, in lesser detail than a final plat, which shows the approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plat.

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

PREMISES: Any lot or other tract of land under one ownership and all the structures on it.

PRINCIPAL BUILDING/STRUCTURE/USE: A building, structure, or use, in which is conducted the predominant or primary function or activity of the lot upon which it is located.

PRINTING AND PUBLISHING: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

PROFESSIONAL OFFICE AND SERVICES: A use providing professional or consulting services in the fields of law, architecture, design, engineering and surveying, planning, accounting and similar professions.

PROPERTY LINE: See Lot Line.

PUBLIC NOTICE and DUE PUBLIC NOTICE: The legal advertisement given of an action or proposed action of a governing body as set forth in these regulations or applicable Statutes of the State of Florida. As used in connection with the phrase "public hearing" or "hearings with due public notice,"

PUBLIC OFFICE: A building occupied by the city, county, state or federal government or legally empowered special governmental district in which public officials and employees direct the administrative and executive functions and affairs of government.

PUBLIC SERVICE STRUCTURE: Any structure, excluding buildings for general administrative, executive, studio, warehousing or storage functions or general maintenance operations, that is necessary for the operation and maintenance of a utility that is regulated or controlled by the city, county, state or federal government or legally empowered special governmental district, but not owned and operated by such government. Public service structures include the following: railroad tracks and related appurtenances; telephone and telegraph transmission lines, towers and related appurtenances; radio broadcasting, television transmission towers and related appurtenances; and electric, gas, petroleum and steam, water or sanitary sewer distribution and collection mains, lines and related appurtenances transmission lines, pipes, towers, transformers, meters, substations and related appurtenances.
PUBLIC TRANSPORTATION TERMINAL: An establishment engaged in passenger transportation by railway, highway, water, or air, or furnishing services related to transportation, including maintenance facilities and/or freight transportation provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal passenger transportation services. Includes buses and taxi stands.

PUBLIC USE: The use of any land, water, or building by a municipality, public body or Board, Commission, or authority, County, State, or the Federal government, or any agency thereof for a public service or purpose.

PUBLIC UTILITY: A business that furnishes an everyday necessity to the public at large. Public utilities provide water, sewer, electricity, natural gas, telephone service, and other essentials including generating and switching stations and transit. Public utilities may be publicly or privately owned; many are operated as private businesses.

Definitions, "Q."

Definitions, "R."

RECREATION, PASSIVE: Recreational uses where very minimum alteration of vegetation, topography or other native feature is necessary for the enjoyment of the site amenities. Activities which are considered passive include, but are not limited to, hiking, bicycling, nature observation, camping, picnicking, non-motorized recreation and sports, and archaeological or historic preservation.

RECREATION USES, INDOOR, COMMERCIAL: This category includes, but is not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theaters, theaters and auditoriums, and indoor skating rinks.

RECREATION USES, INDOOR, PUBLIC: Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or recreation centers, gymnasiums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional indoor recreation.

RECREATION USES, OUTDOOR, COMMERCIAL: This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), golf courses, marinas, outdoor theaters (or amphitheaters), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses.

RECREATION USES, OUTDOOR, PUBLIC: Outdoor recreation uses include but are not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), miniature golf courses, golf driving ranges, outdoor nature areas, parks (public or private), picnic areas, playgrounds, outdoor swimming pools and springs, tennis courts, tot lots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters and firing ranges.

RECREATION VEHICLE (RV) CAMPGROUNDS: A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.
RECREATION VEHICLE (RV) PARKS: 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 (5) or more recreational vehicles or tents; the term also includes buildings and sites set aside for group camping and similar recreational facilities. The terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park" (Section 513.01, F.S.).

RECREATIONAL VEHICLE: A vehicle, including a park trailer, which is: [Defined in section 320.01, F.S.)

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

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

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

RECYCLING CENTER, INDOOR: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

RECYCLING CENTER, OUTDOOR: A collection point for small recyclable items and materials, such as cans, bottles, newspapers, secondhand goods and used motor oil. Activities of a recycling collection center are limited to sorting, compacting and transferring.

RECYCLED MATERIALS PROCESSING FACILITY: A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding.

RESEARCH, DEVELOPMENT AND TESTING LABORATORY: An establishment primarily engaged in research, development and testing on a commercial basis, normally on a contract basis for a fee or charge, or nonprofit organizations primarily engaged in research and the dissemination of information for the public health or welfare.

RESTAURANT, DRIVE-IN/DRIVE-THRU/WALK-UP: Any restaurant serving food and/or nonalcoholic beverages to persons in vehicles for consumption in the vehicle or on the premises, including outdoor eating areas, and/or at walk-up windows. Services by carhops to persons in vehicles on the premises shall cause a restaurant to be classified and regulated as this type restaurant. For purposes of this definition, fast food chains or operations shall also be considered as drive-in restaurants.

RESTAURANT, SIT DOWN/TABLE-SERVICE: A retail service establishment wherein the entire business activity, or substantially most of the business activity, consists of the sale of food to patrons seated at tables, booths and/or counter stools for consumption within the building; includes cafeterias, delicatessens, sports bars, cafés and bistros.
RESTAURANT, TAKE OUT & SHORT ORDER: A retail service establishment with full kitchen facilities whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed. This may be a total counter stool operation, or with any combination of counter stool and/or tables and booths; service may be provided to persons in vehicles, or at walk-up windows in combination with indoor seating.

RETAIL SALES: Stores and shops selling multiple lines of merchandise such as: art galleries, artists’ supplies, antique shop, bicycles, clothing and accessories, collectibles (cards, coins, comics, stamps, etc.), department stores, drug and discount stores, dry goods, fabrics and sewing supplies, houseplant stores (indoor sales, only; outdoor sales are “Plant Nurseries”), furniture, home furnishings and equipment, general stores, gift and souvenir shops, hardware, hobby materials, luggage and leather goods, office supply store, restaurant and equipment supplies, linens, jewelry store, musical instruments, parts and accessories, newstands, home electronics/appliance store, orthopedic supplies, pet supplies, religious goods, sporting goods and equipment, toys and games, video/DVD store, and variety stores.

RIGHT-OF-WAY: Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard or drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

ROAD: The paved portion of the street, including public and private streets or roads, available for vehicular traffic.

ROADWAY FUNCTIONAL CLASSIFICATION: The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include arterial roads, collector roads and local roads.

ROOM: An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, service porches and the like.

ROOMING HOUSE: A building or portion of a building, in which sleeping rooms are provided for occupancy by non-transient persons with or without meals for compensation on a prearranged weekly or monthly basis. A rooming house may include living quarters containing independent cooking facilities designed for the resident manager only.

SECONDHAND/CONSIGNMENT STORE: An establishment primarily engaged in the retail selling of used merchandise and goods directly to ultimate consumers on the premises and not for resale. Secondhand stores may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of used merchandise and goods. The type of merchandise and goods sold at retail by secondhand stores includes clothing, furniture, books and similar miscellaneous used merchandise and goods.

SETBACK: The required minimum distance between the front, rear, or side property lines and the front, rear, or side lines of a building or structure as measured from any vertical wall or support of the building, or any projection thereof, excluding projections specifically permitted. When two (2) or more lots under one (1) ownership are used for a single permitted principle use, the exterior property lines of the lots so grouped shall be used for determining setback when the interior common lot line is straddled by the principal structure.
SHOPPING CENTER: A group of commercial establishments built primarily for retailing purposes on common property, planned, developed, owned or managed as a unit with common off-street parking provided on the same site.

SIGHT DISTANCE: The minimum extent of unobstructed vision (in a horizontal plane) along a street located at any given point on the street.

SINGLE FAMILY DWELLING: See Dwellings, Single Family.

SITE: Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which is in one (1) ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

SITE PLAN REVIEW: The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of the Land Development Code, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

SLEEPING ROOM: A single room rented for living purposes but without cooking facilities or other amenities for separate and independent housekeeping. A sleeping room shall not be construed to mean a dwelling or sleeping unit.

SLEEPING UNIT: A single room or suite intended for occupancy by transient persons who are lodged with or without meals for compensation. A sleeping unit shall not be construed to mean a dwelling unit.

SPECIAL APPROVAL USE: A use which is generally considered to be appropriate for any zoning district that permits that particular use by special use approval, but by its nature, may need to be more closely examined for compatibility at a particular location. Such uses may be approved with conditions.

SPECIAL FLOOD HAZARD AREA: An area in the floodplain subject to a 1 percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

SPECIAL NEEDS HOUSING: Facilities that provide twenty-four (24) hour care, services and housing in an institutional or residential setting for adults and/or children with conditions, disabilities or circumstances that qualify them for short or long-term housing and care. Such facilities include, but are not limited to adult family-care home, assisted living facility, family foster home, foster care facility, group home facility, hospice residential unit, nursing home facility, and other similar facilities and homes; all of which are defined elsewhere in this Article.

START OF CONSTRUCTION: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or
sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.

**STREET:** Any public or private right-of-way set aside for public travel and access to abutting property. The word "street" shall also include the words "road," "avenue," "lane," "boulevard," "thoroughfare," "highway," "place," "way," "drive," "terrace", "circle", "court", "terrace", "parkway", for such purposes.

**A. Parkway, Freeway and Interstate:** Highway type arterial streets designed primarily for major through traffic with full control of access and grade separations at all intersections.

**B. Arterial Street:** A street or highway designed or utilized primarily for high vehicular speeds and heavy volumes of traffic traveling considerable distances.

**C.**

**D. Arterial Street, Major:** A street indicated in the City Comprehensive Plan as a major thoroughfare having a right-of-way width consistent with the provisions set forth in Article 6, Section 6.02.03, Street Design Standards, **Right-of-Way Requirements.**

**E. Arterial Street, Minor:** A street indicated in the City Comprehensive Plan as a thoroughfare having a right-of-way width consistent with the provisions set forth in Article 6, Section 6.02.03, Street Design Standards, **Right-of-Way Requirements.**

**F. Collector Street:** A street which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street of a residential development and streets for circulation within such a development.

**G. Collector Street, Major:** A street which carries, or will carry, medium volumes of traffic primarily from minor collector streets to arterial streets.

**H. Collector Street, Minor:** A street which carries, or will carry, medium volumes of traffic primarily from minor streets to major collector streets.

**I. Marginal Access Street:** A minor street which is parallel to and adjacent to arterial streets, highways or expressways, which provides access to abutting property and protection from through traffic by reducing the number of access points to the arterial streets.

**J. Minor Street:** A street used primarily for access to abutting properties, and not for through traffic; carries limited volumes of traffic.

**STREET LINE:** The line between a street and abutting property.

**STRUCTURAL ALTERATION:** Any change, except for repair or replacement, in supporting members of a building or structure such as bearing walls, columns, beams or girders.
STRUCTURE: Anything constructed, installed, or portable, the use of which requires a location on or attachment to a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, docks, advertising signs, billboards, swimming pools, gazebos, poles, pipelines, gas or liquid tank, transmission lines, tracks, or other manmade facilities or infrastructure.

SUBDIVIDE: Also referred to as “to plat”. To divide or subdivide lands into lots, blocks, parcels, tracts, sites, or other divisions, and to record the subdivision or plat in the Office of the Clerk of the Circuit Court of Desoto County.

SUBDIVISION: The division of land into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent (50%) of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

B. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

SURFACED IN A STABLE MANNER: Surfaced in a manner approved by the administrative official or other designated official; however, such pavement shall be of a stable type and shall be designed to carry the anticipated traffic loads of the premises and use served. Loose aggregate will not be considered a completed surface.

SWFWMD: Southwest Florida Water Management District.

SWITCHING STATION: A particular type of substation where energy is routed either from different sources or to different customers. For example, a switching station near an energy generating facility may be able to switch some or all of its energy flow from one region to another as needed. A switching station near a city, on the other hand, might allow the city to switch between different energy providers if one provider goes offline or routes their energy to a different customer. Switching stations often contain circuit breakers and other automated mechanisms that switch or divide their output between different distribution lines when system faults occur or when the system shuts down transmission altogether in the event of a serious problem.
25-YEAR FREQUENCY, 24-HOUR DURATION STORM EVENT: A storm event and associated rainfall during a continuous twenty-four (24) hour period that may be expected to occur once every twenty-five (25) years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

TENT: A collapsible, movable, structure where the roof and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material, and the structure is held up by poles and kept in place by ropes and pegs. Tents serve as a shelter and may be open-air, consisting of a roof top and supports, or they may consist of a roof top with supports and walls.

TIRE AND AUTOMOTIVE ACCESSORY ESTABLISHMENT: An establishment engaged primarily in the retail selling of automobile tires, batteries and other new automobile parts and accessories directly to ultimate consumers on the premises and not for resale. Tire and automotive accessory establishments may include installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal retail selling of tires and automotive accessories.

TOWNHOUSE: A building or structure designed for and/or containing one (1) dwelling unit and or intended for occupancy by not more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from the foundation to the roof and providing two (2) direct means of access from the outside.

TRANSFER OF DEVELOPMENT RIGHTS: A governmentally recognized right to use or develop land at a certain density, or intensity, or for a particular purpose, which is severed from the realty and placed on some other property.

TRAVEL TRAILER: A vehicular portable structure, towed behind a road vehicle, designed for temporary living and sleeping purposes primarily for travel, recreational and vacation uses, which:

A. Is identified by the manufacturer as a travel trailer;
B. Is not more than eight feet in body width;
C. Is of any weight provided its body length does not exceed 29 feet; or
D. Is of any length provided its gross weight, factory equipped for use, does not exceed 4,500 pounds.

TRAVEL TRAILER PARK: A tract of land prepared and approved according to the procedures of this chapter to accommodate travel trailers.

TRUCK AND MOTOR FREIGHT TERMINAL/TRANSPORTATION ESTABLISHMENT: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation; furnishes services incidental to air, motor freight, and rail transportation. An establishment engaged in furnishing local or long distance trucking, transfer and draying services with or without the storage of merchandise, products or materials, normally for a fee or charge, including maintenance facilities provided such maintenance facilities are incidental to the principal trucking and freight handling services.
A. **Light Motor Freight Transportation Establishment:** Those motor freight transportation establishments which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials.

B. **Heavy Motor Freight Transportation Establishment:** Those motor freight transportation establishments which are hazardous although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met, and/or those motor freight transportation establishments whose premises contain outdoor or open storage or aboveground tank storage of merchandise, products or materials.

**TRUCK GARDEN:** A farm that grows produce or flowers to sell locally. Because production is relatively low-volume, sales are often through local fresh produce outlets, such as on-farm stands, farmers' markets, community-supported agriculture subscriptions, restaurants and independent produce stores. Also called "market garden".

**TRUCK STOP:** Any facility offering fuel for sale for commercial vehicles, trucks and automobiles and constructed and designed for the maneuverability and fueling of tractor trailer vehicles; has the capacity to fuel three (3) or more tractor trailer vehicles at the same time and parking facilities for three (3) or more vehicles. The facility may include provisions for one (1) or more of the following: (a) sleeping accommodations for commercial vehicle or truck crews; (b) sale of parts and accessories for commercial vehicles or trucks; (c) a restaurant; or (d) truck parking or storage area.

### Definitions, "U."

**USE:** The term "use" broadly refers to the activities which take place on any land or premises, and also refers to the structures located thereon and designed for those activities.

**USE, NONRESIDENTIAL:** A use permitted in a specific residential zoning district, which is not residential in character.

**USE OF LAND:** Includes use of the water surface and land under water to the extent covered by zoning districts, and over which the city has jurisdiction.

**USE, PRINCIPAL OR MAIN:** The primary use of the lot as distinguished from secondary or accessory uses. There may be more than one principal or main use on the lot.

**USE, RESIDENTIAL:** A use for living of persons, not institutional in character, such as a one-family, two-family or multiple dwelling, rooming house, villa, or guest house.

**UTILITIES:** Includes, but is not limited to water, electric, gas, sanitary sewer, storm drainage, telephone and television systems.

### Definitions, "V."

**VARIANCE:** A grant of relief by the Board of Adjustment from the strict terms of the Unified Land Development Code regulations pertaining to structure height, lot width and depth, area of structures, size of yards and open spaces, or other dimensional requirements, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of
the applicant, the literal enforcement of the Code would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts.

**VEHICULAR USE AREA:** All paved areas, including impervious and hard surface, and stabilized permeable pavement, which provide site access, traffic circulation and areas for vehicular parking, loading and unloading.

**VETERINARIAN AND ANIMAL HOSPITAL SERVICE ESTABLISHMENT:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work that primarily results in the medicine, dentistry, or surgery or animal hospitals, and similar veterinary services, normally for a fee or charge. Veterinarian and animal hospital service establishments do not include animal specialty farms.

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<th>Definitions, &quot;W.&quot;</th>
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**WALKWAY:** A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

**WAREHOUSE:** A building used solely for the purpose of storage or distribution of goods, wares, merchandise or other articles.

**WAREHOUSE, MINI:** A building or group of buildings that contain individual compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible to the lessees through individual doors (also known as self storage facilities).

**WASTEWATER DISPOSAL FACILITY:** The land, building, and apparatus employed in the treatment of sewage by chemical precipitation or filtration, bacterial action, or some other method.

**WASTEWATER FACILITIES (aka "Sanitary Sewer Facilities"):** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

**WASTEWATER LIFT STATION (aka “Sewer Lift Stations” or “Pump Stations”):** Used to help transport liquid wastewater from homes and businesses across the City to a treatment plant for processing and cleaning. Sewer pipes are generally gravity driven and wastewater flows slowly downhill until it reaches a certain low point. The "lift" stations then push the wastewater back uphill to a high point where gravity can once again take over the process thereby transporting the liquid to a treatment plant.

**WATERCOURSE:** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**WHOLESALE, STORAGE AND DISTRIBUTION ESTABLISHMENT:** An establishment primarily engaged in the nonretail selling of merchandise, products or materials in bulk quantities directly to persons who intend resale of the merchandise, products or materials so bought or handled; or where merchandise, products or materials are stored or held primarily for safekeeping until later disposal or distribution, usually for a fee or charge, or delivery departments or warehouses operated by business concerns for their own use. The type of non-retail sales and functions provided by wholesale and storage establishments include the
following: wholesaling and warehousing, open and tank storage, and other non-retail sales and functions of a similar nature.

Definitions, "X."

Definitions, "Y."

YARD: The open space surrounding the principal building on any lot, unoccupied and unobstructed by a portion of that building from the ground to the sky except where specifically permitted by this Code. Yards are further defined as follows:

A. FRONT YARD: A space, extending along the full width of the lot or parcel measured from the nearest wall or other vertical portion of the structure, or building setback line, whichever is closest, to the front line of the lot or parcel. See “Lot, Corner” and/or “Lot, Frontage”.

B. REAR YARD: That portion of the yard extending the full width of the lot and measured between the rear lot line and the parallel line to the nearest part of the principal building.

C. SIDE YARD: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines to the principal building.

YARD, REQUIRED: The minimum yard required by this Code. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard.

Definitions, "Z."

ZERO LOT LINE DEVELOPMENT: A development concept in which a single family detached unit may be sited on at least one (1) lot line, eliminating that yard, while retaining the other required yards. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

ZONING DISTRICT: An area identified on the Zoning Map of the City of Arcadia, Florida, assigned a zoning classification as indicated on such map, consisting of one (1) of several zoning classifications as set forth and established in Article 4 of this Code, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. Reference to the word “district” or “zone” shall mean Zoning District.

ZONING MAP: The official Zoning Map of the City of Arcadia, Florida, and as amended.
ARTICLE 3.
GENERAL REQUIREMENTS AND NONCONFORMITIES

Section 3.01.00. Use of Land and Buildings.
No building or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved or altered except in conformity with the regulations specified in the Unified Land Development Code and the zoning district in which it is located.

Section 3.02.00. Lot Size.
For the purpose of building, no lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area or other requirements of this Code are not maintained. This shall not apply when a portion of a lot is acquired for public use. Where the front, rear or side of a lot is not reduced by a voluntary dedication or eminent domain action, the setback requirements of this Code shall apply.

Section 3.03.00. Lots of Record.
A. A lot of record is a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat, either prior to the effective date of this Code or after the effective date of this Code.

B. If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this Code and such lots individually are less than the lot width requirements for the district in which they are located, such groups of lots shall be combined and considered a single lot or shall be grouped into several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this Code.

Section 3.04.00. Nonconformities.
Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Unified Land Development Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section. Any additions, extensions or alterations to nonconforming buildings, structures, and lots, shall comply with all applicable Code provisions.

Section 3.04.01. Nonconforming Uses and Structures.
Nonconforming uses and structures shall not be:

A. Enlarged, increased or expanded to occupy a greater land or floor area than that allowed at the effective date of this Code, or amendment to this Code, whichever date created the nonconformity.

B. Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code.
C. Re-established if 50% or more of the assessed value of the structure, as established by the Desoto County Property Appraiser, is destroyed.

D. Re-established if the use is discontinued for one hundred eighty (180) consecutive days, unless granted Special Approval by the City, consistent with Section 3.04.03 B.

In addition:

E. Repairs, maintenance and alterations and improvements of a structure housing a nonconforming use may be carried out in anyone year in an amount not to exceed twenty-five percent (25%) of the assessed value of the structure for that year.

F. Nothing in this Article shall prevent compliance with applicable laws or ordinances relative to the safety and sanitation of a building occupied by a nonconforming use.

Section 3.04.02. Extension of Nonconforming Use.

The nonconforming use of a building may be extended throughout any part of a building clearly designed for such use but not so used at the effective date of this Land Development Code. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building or any additional building on the same lot not used for such nonconforming use at the effective date of this Land Development Code. The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this Land Development Code.

Section 3.04.03. Change of Nonconforming Use.

Any change of a nonconforming use shall be to a conforming use, except as provided as follows:

A. There may be change of tenancy, ownership or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use except as may be permitted by this Section.

B. A nonconforming use may be replaced by a new or different nonconforming use if the City grants Special Approval for such use. The new or different nonconforming use shall be no more detrimental to the surrounding neighborhood than the old use, and approval shall be in accord with the spirit and purpose of this Code.

C. A nonconforming use of a building, structure, or land, once changed to a conforming use, shall not be permitted to revert to a nonconforming use.

Section 3.04.04. Unlawful Use Not Authorized.

Nothing in this Article shall be interpreted as authorization for or approval of the continuation of the use of a structure or premises in violation of any ordinance in effect at the effective date of this Code.
Section 3.04.05. Applicability of Article to Nonconformities Created by Change in Regulations.

These provisions shall apply to buildings, structures, land, premises or uses which hereafter become nonconforming due to a change or reclassification of a district or become nonconforming due to a change in district regulations. Where a period of time is specified in this Article for the removal or discontinuance of nonconforming buildings, structures or uses, such period shall be computed from the effective date of registered mail notification of the owner of the property of such reclassification or change.

Section 3.04.06. Nonconforming Lots of Record.

Lots not meeting the standards established in the Code for minimum width, depth and area, but recorded in the public records of Desoto County prior to the date of adoption of this Code or amendment thereto, may be used for building purposes with the following provisions:

A. Contiguous lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable zoning district, shall be considered a single lot for development purposes.

B. Nonconforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Board of Adjustment.

C. All development that is allowed on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

Section 3.04.07. Use of Nonconforming Lot for Single-Family Dwelling.

The requirements of this Code as to minimum lot area or width shall not be construed to prevent the use for a single-family dwelling, in any district in which such use is permitted, of any lot or parcel of land if such lot or parcel of land was held in separate ownership at the effective date of this Code, and the owner did not at that date, nor did the present owner at any time, own any contiguous property abutting on the same street.

Section 3.05.00. Moving of Buildings.

No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Code.

Section 3.06.00. Temporary Construction Trailers.

Temporary buildings used solely in conjunction with construction work may be permitted in any zoning district but shall be removed immediately upon completion of construction. The temporary structure shall not be installed prior to issuance of a building permit.

A. The City Administrator, or his or her designee, may authorize the use of a temporary structure at a construction site upon approval of a development plan and compliance with all applicable laws, rules and regulations of the State of Florida and the adopted codes of the City of Arcadia.
B. Such structure shall only be used as a construction coordination office, for the storage of tools and supplies used for the construction and development approved for the site, or a use directly related thereto.

C. The applicant shall designate the exact location of the temporary structure on the development plan, and shall place it only in the approved location.

D. If a manufactured home is to be used, the wheels and axles shall not be removed.

Section 3.07.00 Temporary Mobile or Manufactured Home or Recreational Vehicle for Use During Construction or Disaster Relief.

The use of a mobile or manufactured home or recreational vehicle as a temporary residence during construction of a permanent residence or in the case of a disaster situation such as fire, flood or hurricane, may be authorized under the following conditions:

A. The lot or building site is large enough to accommodate the temporary residence and the construction of the permanent residence.

B. The temporary unit shall be located in the side or rear yard, at least ten feet (10') from any other existing or planned structure, and meet the zoning setbacks for a principal building.

C. The applicant has received approval of a building permit for construction of a single family residence on the property;

D. The temporary residence shall be connected to a public sewer system or, upon approval of the City Administrator, or his or her designee, have received a septic tank permit from the Desoto County Health Department;

E. Recreational Vehicles (RV) used as temporary residences, under the provisions of this Section, shall properly dispose of all waste from gray and black water holding tanks at an approved RV dump station or dump point off site.

F. If a manufactured home is to be used, the wheels and axles shall not be removed.

G. The temporary residence shall be removed from the building site within 30 days of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first; and

H. With the exception of providing for disaster relief, at the City’s discretion, this administrative approval may not be renewed or granted a second time for the same building site.

Section 3.08.00. Continued Use of Existing Single Family Home During Construction of a Replacement Single Family Home.

The City Administrator, or his or her designee, may authorize the continued use of an existing single family home during the construction of a new replacement single family home with the following conditions:
A. The lot or building site is large enough to accommodate the existing single family home and the construction of the replacement home while meeting all development standards for the zoning district as provided in Article 5.

B. The property owner must provide a notarized letter explaining the reason why the existing home should remain during construction and the owner's intent to move into the new construction and have the existing house demolished within 30 days after the final Certificate of Occupancy on the new construction is issued;

C. Demolition of the existing single family structure must occur within 30 days after issuance of the Certificate of Occupancy.

Section 3.09.00. Model Homes and Temporary Sales Offices.

Model homes and temporary sales offices may be permitted within residential subdivisions subsequent to preliminary subdivision plat approval consistent with the following:

A. Each subdivision shall be allowed at least one (1) model home.

B. The total number of model homes permitted within a subdivision shall not exceed ten percent (10%) of the total number of lots within the subdivision.

C. The developer shall obtain site plan approval and a building permit from the City prior to starting construction of any model homes.

D. All model homes shall meet all lot area and building setback requirements for the zoning district in which the subdivision is being platted. Failure of a model home to comply with the required setbacks shall result in a refusal to issue a certificate of occupancy for that home.

E. Fire hydrants and a stabilized road base shall be constructed and approved for use prior to the issuance of any building permits for model homes. The developer shall be responsible for maintaining the stabilized road base in a manner that allows for the safe passage of fire/rescue equipment. Should the road surface be found in an unsafe condition, the City Administrator, or his or her designee, shall issue a "Stop Work" order on all model homes under construction until such time the roadway is brought back to a safe condition.

F. Should the fire hydrants and a stabilized road base not be in place, model homes may be constructed according to standards established in the latest edition of NFPA (National Fire Protection Association) Publication 1141, *Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas*, and as may be amended.

G. To receive/seek final subdivision approval, a scaled drawing of the subdivision showing the locations of all model homes, shall be submitted to the City Administrator, or his or her designee.

H. No model home shall be occupied for residential purposes until the final subdivision plat has been approved by the City and recorded with the Clerk of the Courts.

I. Model homes may be used as temporary sales offices for the subdivision in which they are located. Model homes and temporary sales offices may continue operating until all lots or houses within that subdivision are sold.
J. Signs used for model homes and temporary sales offices shall conform to any applicable requirements set forth in Article 8 of this Code. All signs shall be reviewed for placement, design, and duration by the City Administrator, or his or her designee. The sign area shall not exceed thirty-two (32) square feet.

**Section 3.10.00. Storage of Building Materials or Construction Equipment in Residential Districts.**

No land which is zoned residential shall be used for the storage of building materials or construction equipment except when incidental to construction operations for which a building permit is in effect.

**Section 3.11.00. Storage of Flammable Liquids.**

The storage of flammable liquids in aboveground storage tanks, having a capacity in excess of 300 gallons, is hereby declared to be unlawful and is prohibited, except within the M-1, Light Industrial district and the M-2, Heavy Industrial district, and except those installations approved under the safety code of the state fire marshal's office.

**Section 3.12.00. Parking of Trucks and Commercial Vehicles.**

A. Parking Restrictions.

1. In residentially zoned areas, trucks and commercial vehicles with a rated capacity over 1½ tons shall not be parked on private or public lands. Public lands include street rights-of-way.

2. Trucks and commercial vehicles over 1½ tons in rated capacity may be parked in designated truck and commercial vehicle parking areas located in C-1, M-1, and M-2 zoning districts.

3. The City Council may designate truck and commercial vehicle parking areas within the city.

4. Parking of trucks and commercial vehicles over 1½ tons is prohibited in areas of the City not specifically posted "Truck and Commercial Vehicle Parking Permitted."

B. Penalty; Enforcement.

1. The penalty for violation of any provision of this section shall be in accordance with Municipal Code Section 1-12.

2. In addition to the penalty provided for in Municipal Code Section 1-12, violators of any provision of this Section will on the first offense be issued a written warning.

3. For the second offense located on the same property, the violator will be issued a notice to appear in the County court.

4. For the third offense located on the same property, in addition to the penalty provided for in Municipal Code Section 1-12, the vehicle in violation will be towed at the owner's expense. At the direction of the City, a licensed wrecker company will be called to tow the vehicle in violation to the wrecker company storage lot. The owner of the vehicle in violation must pay all tow fees.

5. The enforcing official may invoke any or all provisions of this Section as needed to achieve compliance.
6. Any law enforcement officer in this state duly sworn to enforce the laws of the state may enforce this section.

Section 3.13.00.  Recreational Vehicle Use for Living or Sleeping Purposes.

Unless otherwise provided in this Article, it shall be unlawful for any person, whether owner, relative, friend or otherwise, to use any recreational vehicle for living, habitation or sleeping purposes, including but not limited to making any temporary or permanent electrical, plumbing, water or other utility hookup, while such vehicle is located and situated on property in the city.

Section 3.14.00.  Use of Tent as Dwelling.

No tents shall be erected, used or maintained for living quarters except for camping or recreational activities.
ARTICLE 4.
ZONING DISTRICTS AND LAND USES

Section 4.01.00. Purpose.
The Arcadia Comprehensive Plan establishes various future land use classifications and contains a Future Land Use Map indicating the location of lands to which each of the classifications applies. This Unified Land Development Code establishes zoning districts to implement the Comprehensive Plan through detailed regulations and design standards that apply generally to residential, commercial, industrial, public, recreation and conservation land uses.

The purpose of this Article is to set forth the general provisions concerning the use of land, buildings and structures. The provisions herein regulate land use, density and intensity, establish zoning districts that identify the location of land uses in the City, and provide for a map locating the zoning districts in the City.

Section 4.02.00. Establishment of Zoning Districts.
The City hereby establishes the zoning districts listed in this Article in order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land uses within the City. Each zoning district established herein is consistent with the Arcadia Comprehensive Plan, particularly with the goals, objectives, policies and map of the Future Land Use Element.

The future land use designation of the property shall be the first consideration when designating a specific zoning classification on a parcel or parcels of land. However, a property owner shall not necessarily be entitled nor be automatically permitted the most dense or intense (highest and best) use or zoning for his or her property. The appropriate zoning district among the range of eligible zoning districts within a specific future land use classification shall be decided on a case by case basis dependent upon the location and characteristics of the subject property and upon determining that such zoning would promote the public health, safety, general welfare, convenience, aesthetics and economic order.

Section 4.03.00. Official Zoning Map and District Boundaries.

A. District Boundaries and Map Adoption. The zoning districts listed in this Article and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City and made a part thereof, such maps being designated as the "Official Zoning Map, City of Arcadia, Florida." This map or maps and all notations, references, and other information properly inscribed thereon are hereby adopted. Said map shall be retained in the Office of the City Clerk.

The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).

B. Map Amendment. No changes or amendments to the Official Zoning Map shall be made except in compliance and conformity with all procedures set forth in the Unified Land Development Code. If changes or amendments are made to district boundaries or other...
subject matter portrayed on the Official Zoning Map, such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The City Administrator, or his or her designee, shall be responsible for assuring that the physical updating and amendment of the Official Zoning Map is carried out within fifteen (15) working days of Council action.

When any Official Zoning Map is replaced, the prior Map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

Section 4.04.00. Zoning Interpretations.

A. Interpretation of District Boundaries.

The following rules shall be used to interpret the exact location of the zoning boundaries shown on the zoning district map:

1. CENTERLINES: Where a zoning district boundary follows a street, highway, alley, or railroad, the centerline of the street, highway, alley, or railroad right-of-way is the boundary of the zoning district.

2. LOT, SECTION AND TRACT LINES. Where a zoning district boundary approximately follows a lot or property line, platted lot lines, section or tract lines, that line is the boundary of the zoning district.

3. SHORELINES. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the zoning district.

4. MAP SCALE. Where a zoning district boundary does not clearly follow any of the features mentioned in this Section, its exact location on the ground shall be determined by measurement according to the map scale.

5. UNCERTAINTIES. In any case where the exact location of a zoning district boundary is not clear, the City Administrator, or his or her designee, shall interpret the intent of the Official Zoning Map as to the location of district boundaries.

B. Zoning of Water Areas.

The water surface and the land under the water surface of all rivers, ponds, lakes and other water areas in the city not otherwise zoned are hereby placed in the same zoning district as the land which it abuts as shown on the zoning district maps. Where the zoning districts shown on the zoning district maps are different on opposite sides of the water area, then the kind of zoning district on each side shall extend to the centerline or midpoint of the water area.

C. Zoning of Vacated Streets and Alleys.

Where a street or alley shown on a zoning district map is hereafter officially vacated by replatting or other means, the land formerly in such street or alley right-of-way shall be included within the zoning district of the adjoining property up to the centerline of the vacated street or alley. If such street or alley was a district boundary between two or more different zoning districts, the new district boundary shall be the former centerline of such vacated street or alley.
D. **Zoning of Railroad Rights-of-Way.**

Where not otherwise indicated on zoning district maps or zoning district descriptions, railroad rights-of-way are hereby placed in the same zoning district as indicated or specified for abutting property, except that, where the zoning districts are different on opposite sides of a railroad right-of-way, the railroad right-of-way is hereby placed in the more restricted district of the two zoning districts abutting the right-of-way.

E. **Status of Annexed Land.**

In accordance with Florida Statutes, Chapter 171.062, if the area annexed was subject to a DeSoto County Land Use Plan, and County zoning, land development, or subdivision regulations, these regulations shall remain in full force and effect until the City adopts a Comprehensive Plan amendment that includes the annexed area.

**Section 4.05.00. Land Use Classifications and Zoning Districts.**

The purpose of these provisions is to classify land uses into specially defined types on the basis of common functional characteristics and land use compatibility. All land use activities are classified into future land use categories with corresponding zoning districts.

**Section 4.06.00. Description of Zoning Districts.**

This Section contains a description of each of the zoning districts established by the City and identifies the following:

A. The intended purpose of each zoning district; and

B. Specific provisions that apply within a particular zoning district.

Specific development standards for each zoning district are provided in Article 5, "Density, Dimensional and Setback Standards". Development design standards are provided in Article 6, "Development Design and Improvement Standards".
Zoning districts within the City are grouped as follows:

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<td>R-4</td>
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<td>MHP</td>
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<tr>
<th>Mixed Use Zoning Districts</th>
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<td>RPB</td>
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<th>Professional Office Zoning Districts</th>
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<tr>
<th>Business Commercial Zoning Districts</th>
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<td>B-1A</td>
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<td>B-2</td>
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<td>B-3</td>
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<td>C-1</td>
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<th>Industrial Zoning Districts</th>
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<th>Other Zoning Districts</th>
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<td>PUD</td>
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<td>ROS</td>
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<td>CON</td>
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**Section 4.06.01. Residential Zoning Districts.**

**Section 4.06.01.01. R-1A, Single Family Residential District.**

*Future Land Use Classification: Low Density Residential.*

The purpose of this district is to provide areas for low density single family residential development. The minimum lot area for this zoning district is 10,000 square feet.

**Section 4.06.01.02. R-1B Single Family Residential District.**

*Future Land Use Classification: Low Density Residential.*

The purpose of this district is to provide areas for low density single family residential development. The minimum lot area for this zoning district is 7,500 square feet.
Section 4.06.01.03.  R-1C, Single Family Residential District.

Future Land Use Classification: Low Density Residential.

This district is designed to primarily permit the continued development of already platted single-family residential areas and is not intended to be utilized extensively for future development. The minimum lot area for this zoning district is 5,000 square feet.

Section 4.06.01.04.  R-2A and R-2B, Single Family and Two Family, Residential Districts.

Future Land Use Classification: Low Density Residential, Medium Density Residential.

The purpose of these districts is to provide areas for residential development consisting of both single family and two family dwellings. The minimum lot area for the R-2A zoning district is 8,000 square feet; the minimum lot area for the R-2B zoning district is 6,000 square feet.

Section 4.06.01.05.  R-3, Single Family, Two Family, and Multiple Family Residential District.

Future Land Use Classification: Low Density Residential, Medium Density Residential.

The purpose of this district is to provide areas for single-lot principal building residential development consisting of both single family, two family, and multiple family dwellings. Minimum lot area is determined by housing type; such standards are provided in Article 5.

Section 4.06.01.06.  R-4, Single Family, Two Family, and Multiple Family Residential District.

Future Land Use Classification: Low Density Residential, Medium Density Residential, High Density Residential.

The purpose of this district is to provide areas for higher density single-lot principal building residential development consisting of single family, two family, and multiple family dwellings. Minimum lot area is determined by housing type; such standards are provided in Article 5.

Section 4.06.01.07.  MHP, Mobile Home Park District.

Future Land Use Classification: Medium Density Residential.

The Mobile Home Park District is established for the purpose of providing a district for manufactured or mobile homes in approved parks and subdivisions, occupied as single-family dwellings, with the intent of creating an environment of a residential character, permitting only those uses, activities and services which are compatible with the residential environment. Clubhouses, swimming pools, laundry and similar facilities are permitted on parcels retained by the developer or dedicated to and maintained by a homeowners association for
exclusive use by manufactured or mobile home park residents. This is not a commercial district.

Section 4.06.02. Mixed Use Zoning Districts.

Section 4.06.02.01. RPB, Residential, Professional, and Business District.

Future Land Use Classification: Low Density Residential, Medium Density Residential, High Density Residential, Mixed Use Business.

This district is designed to provide areas where single-family and multi-family residences, professional offices and business services may coexist in harmony pursuant to the conditions, requirements and limitations governing this classification.

Section 4.06.03. Professional Office Zoning Districts.

Section 4.06.03.01. P-1, Professional Office District.

Future Land Use Classification: Business.

The purpose of this district is to encourage the compatible development of major professional and related office uses in areas which are suitable for such activities. An example of the compatible grouping of professional offices would include such relationships as legal offices near governmental buildings or physicians and paramedical offices near hospitals or clinics.

Section 4.06.04. Business Commercial Zoning Districts.

Section 4.06.04.01. B-1, Neighborhood Commercial Business District.

Future Land Use Classification: Business.

The purpose of the B-1 district is primarily to meet the shopping and limited service needs of local neighborhoods.

Section 4.06.04.02. B-1A, Planned Business Center District.

The B-1A zoning district is no longer available for new development, or as a zoning category for which properties may be rezoned. As such, the provisions of this Section shall only apply to those properties zoned B-1A prior to the effective date of this Unified Land Development Code.

A. Uses permitted in the B-1A district shall be the same as those permitted in the B-1 zoning district.

B. The B-1A zoning district is a “planned business center” and as such, major modifications to developed properties in the B-1A district shall require rezoning the property to a Planned Unit Development (PUD), consistent with Article 7 of this Code.
C. Development of unimproved properties within the B-1A zoning district shall require the property to be rezoned to a zoning district in effect with this Land Development Code.

**Section 4.06.04.03.  B-2, Central Business District.**

*Future Land Use Classification: Business.*

The B-2, Central Business District (CBD), is intended to apply to the heart of the downtown business section which serves all portions of the city and the metropolitan area. The businesses and services of the CBD include many of those supplied in other types of business districts, and in addition thereto many services and facilities not available elsewhere. High land values, limitations of space and public convenience and welfare justify a greater intensity of use than in other business areas.

**Section 4.06.04.04.  B-3, General Business Commercial District.**

*Future Land Use Classification: Business.*

The B-3, General Business Commercial district, is intended to apply to business establishments, primarily not of a neighborhood or community service type, which may properly be located to serve large regions of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

**Section 4.06.04.05.  C-1, Commercial District.**

*Future Land Use Classification: Business.*

The C-1, Commercial District is generally intended for certain repair and other services, wholesale, storage and warehouse uses and sales of large or heavy machinery and equipment. It serves large sections of the City and County or metropolitan area rather than nearby residential areas.

**Section 4.06.05.  Industrial Zoning Districts.**

**Section 4.06.05.01.  M-1, Light Industrial District.**

*Future Land Use Classification: Industrial.*

The M-1, Light Industrial district, is intended primarily for the manufacture of small articles and non-objectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent residential or business property.

**Section 4.06.05.02.  M-2, Heavy Industrial District.**

*Future Land Use Classification: Industrial.*

The M-2, Heavy Industrial district, is intended primarily for those manufacturing activities which may unavoidably create some undesirable effects and which are not compatible with residential or business areas.
Section 4.06.06. PUD, Planned Unit Development District.

*Future Land Use Classification: All classifications, except Conservation.*

Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted. The PUD district is established to provide for well-planned and/or orderly mixed-use development in any area of the City, except Conservation districts. The process for obtaining PUD zoning, and PUD development requirements, are provided in Article 7 of this Code.

Section 4.06.07. PBG, Public Buildings and Grounds District.

*Future Land Use Classification: Public Buildings and Grounds.*

The purpose of this district is to establish locations for existing and future publicly owned properties such as local, state, and federal government buildings and facilities, and locations for existing and future privately owned facilities that provide or serve a public benefit.

Section 4.06.08. ROS, Recreation and Open Space District.

*Future Land Use Classification: Recreation and Open Space.*

The purpose of the ROS district is to establish locations for publicly-owned recreation facilities, and properties reserved for open space. Accessory uses that are secondary and incidental to principal uses are permitted and may include bathhouses, restrooms, pavilions, and boat docks.

Section 4.06.09. CON, Conservation District.

*Future Land Use Classification: Conservation.*

The purpose of the CON district is to preserve the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas. Accessory uses that are secondary and incidental to principal uses are permitted and may include restrooms, pavilions, boardwalks, and pedestrian/bicycle paths.

Section 4.07.00. Special Needs Homes and Facilities.

Special Needs Homes and Facilities is a general category of uses that include a range of facilities and homes identified in the Florida Statutes as providing for the shelter and care of individuals with common needs. The homes and facilities are divided into two (2) groups that have similar characteristics:

A. Family Care Homes

B. Care Facilities

Family care homes are permitted in all residential zoning districts by Statute. Care facilities, such as nursing homes, assisted living facilities, and child care facilities may be regulated as to
location and conditions of operation by the local government. Article 2 of this Code defines each type of family home and care facility.

Section 4.08.00. Family Care Homes.

Adult family care homes, family day care homes, and family foster homes are permitted in residential zoning districts, in homes occupied by the family which provide the care. Pursuant to Florida Statutes, these types of family care homes are not subject to local zoning laws because they are owner-occupied and because only a small number of persons can be cared for in each home. These uses are included in Table 4.10.01 of this Article.

Community residential homes with six or fewer residents, which otherwise meet the definition of a community residential home, are deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances and are allowed in a single-family or multifamily zoning district without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing home with six or fewer residents. (Section 419.001, F.S.).

Licensing, registration, occupancy and other matters are regulated under specific provisions of the Florida Administrative Code and Florida Statutes. No sign indicating the purpose or nature of the facility shall be permitted.

Any violation of applicable State statute or regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use.

Section 4.09.00. Care Facilities.

Care facilities may provide short-term or up to 24-hour care. These facilities provide for adults or children, elderly and the infirm and are subject to local zoning laws. They are generally most appropriately located in commercial areas, but may, with Special Approval, be located in residential districts. They are licensed or registered by the State of Florida according to separate and specific provisions of the Florida Administrative Code and Florida Statutes. These facilities are included in Table 4.10.01 of this Article.

Any violation of applicable State Statute or regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use.

Section 4.10.00. Zoning Districts and Allowed Land Uses.

Land uses allowed within each zoning district are provided in Table 4.10.01.

A. Permitted Uses.

Permitted uses are designated by the letter "P".

B. Special Approval Uses.

Uses that require Special Approval are designated by an "S". Special Approval uses are generally considered to be appropriate for any zoning district that permits that particular use by Special Approval; however such uses by their nature may need to be more closely examined for compatibility at a particular location. Article 11 provides the process for the review of Special Approval requests. Special Approval uses require Planning and Zoning Board review with final approval by the City Council.
C. **Site Development Plans.**

All *Permitted* ("P") and *Special Approval* ("S") uses, excluding single family and duplex development on individual lots, require the submittal of a site development plan. Additional site development plan regulations are contained in Article 10 of this Code.

D. **Interpretation of Uses.**

1. The City Administrator, or his or her designee, shall determine if a use that is not listed in Table 4.10.01, “Land Uses and Zoning Districts”, can reasonably be interpreted to fit into a similar use category.

2. The City Administrator, or his or her designee, may determine a use is similar if it is materially the same general type of use as that permitted by this Code based on characteristics, use patterns, and land use and traffic impacts.

3. Should the City Administrator, or his or her designee, determine that a similar use exists, the regulations which govern that similar use, shall also apply to the proposed non-listed use.

4. Should the City Administrator, or his or her designee, determine that a materially similar use does not exist, the matter may be referred to the Planning and Zoning Board and City Council for their consideration to amend the Land Development Code in order to establish a specific listing for the use in question.

E. **Mining Activities.**

Mining activities are prohibited within the City of Arcadia.
## Table 4.10.01
Land Uses and Zoning Districts

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2A</th>
<th>R-2B</th>
<th>R-3</th>
<th>R-4</th>
<th>MHP</th>
<th>RPB</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>C-1</th>
<th>M-1</th>
<th>M-2</th>
<th>ROS</th>
<th>CON</th>
<th>PBG</th>
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<tbody>
<tr>
<td>Single Family Detached Dwellings</td>
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<td>Apartments</td>
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<td>Caretaker or Watchman’s Dwelling</td>
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<td>Dormitories</td>
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<td>Garage Apartment</td>
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<td>Guest House (Accessory to the Principal Dwelling)</td>
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<td>Manufactured or Mobile Home Park &amp; Subdivision</td>
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<td>Rooming House (up to 4 rented sleeping units)</td>
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<tr>
<td>Rooming House (5 or more rented sleeping units)</td>
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<td>Townhouse</td>
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<td>Triplex, Three Family</td>
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<tr>
<td>Groves, Truck Gardens, Nurseries and Greenhouses; no Retail on Premises</td>
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<td>Community Garage</td>
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<tr>
<td>Non-Commercial, Accessory to a Permitted Use, Located on a Separate Lot from the Lot Occupied by the Main Use (does not include buses)</td>
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<tr>
<td>Parking Lot on a Residential Zoned Lot Contiguous to a B-1, B-2, B-3 Zoned Lot</td>
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</tbody>
</table>

P = Permitted Use  S=Special Approval
### Table 4.10.01
**Land Uses and Zoning Districts**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2A</th>
<th>R-2B</th>
<th>R-3</th>
<th>R-4</th>
<th>MHP</th>
<th>RPB</th>
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<th>B-1</th>
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<th>C-1</th>
<th>M-1</th>
<th>M-2</th>
<th>ROS</th>
<th>CON</th>
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<tbody>
<tr>
<td><strong>GROUP CARE FACILITIES</strong></td>
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**OFFICE/FINANCIAL/MEDICAL FACILITIES**

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P = Permitted Use                        
S = Special Approval
### Table 4.10.01
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P = Permitted Use  S = Special Approval
### Table 4.10.01

**Land Uses and Zoning Districts**

#### LIGHT INDUSTRIAL

| LAND USE                                      | R-1A | R-1B | R-1C | R-2A | R-2B | R-3 | R-4 | MHP | RPB | P-1 | B-1 | B-2 | B-3 | C-1 | M-1 | M-2 | ROS | CON | PBG |
|----------------------------------------------|------|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Airports/Aviation Uses                       |      | S    | P    | P    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Food & Beverage Manufacturing, Processing & Packaging |      | P    | P    | P    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Laundry & Dry Cleaning Plant                 |      | P    | P    |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Manufacturing of Finished Products           |      | P    | P    | P    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Movie Studio                                 |      | P    | P    |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Printing/Publishing                          |      | P    | P    | P    | P    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Public Transportation Terminal               |      | S    | S    | S    | S    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Recycled Materials Processing Facility       |      | P    | P    |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Truck & Motor Freight Terminals              |      |      |      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Light Motor Freight                          |      | P    | P    |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Heavy Motor Freight                          |      | S    | S    | P    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Warehousing                                  |      | S    | P    |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |

#### HEAVY INDUSTRIAL

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### Table 4.10.01

**Educational Facilities**

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### Cultural Facilities and Places of Public Assembly

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### Recreation/Conservation Uses

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<th>LAND USE</th>
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<th>R-1B</th>
<th>R-1C</th>
<th>R-2A</th>
<th>R-2B</th>
<th>R-3</th>
<th>R-4</th>
<th>MHP</th>
<th>RPB</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>C-1</th>
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<td>Equestrian Facility/Commercial</td>
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<td>Recreation - Indoor Public</td>
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<tr>
<td>Recreation – Outdoor Public</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
</tbody>
</table>

**P = Permitted Use**  **S = Special Approval**
Section 4.11.00. Accessory Uses and Structures.

A. Residential Zoning Districts.

Accessory uses and structures are allowed in residential zoning districts, consistent with the definition of "Accessory Building, Structure, or Use" provided in Article 2, so long as the accessory use or structure is located on the same lot and does not involve the conduct of any business, trade, occupation or profession unless otherwise provided in this Code.

B. All Other Zoning Districts.

Accessory uses and structures are allowed in all other zoning districts, consistent with the definition of "Accessory Building, Structure, or Use" provided in Article 2, any specific accessory use provisions provided in Table 4.10.01, specific accessory building and structure development standards provided in Article 5, and all other applicable requirements.

Section 4.12.00. Change of Use.

A use is established when land has been declared to be usable, or permitted, for a particular use or activity, as identified within each zoning district. A “change of use” is a change from one permitted land use to another permitted land use.

A change of use may require more restrictive development standards than those required of the original permitted use. Such conditions for which this may occur include, but are not limited to, the following:

- The new use is completely different in character than the present use;
- The new use is regulated in a different manner than the present use; and/or
- There is an intensification of use from the present use.

The City Administrator, or his or her designee, shall determine when DRC review is required for a change of use.

Section 4.13.00. Home Occupations.

A. Generally.

Home based occupations may be conducted in all residential and residential mixed use zoning districts under the following provisions:

1. No home occupation shall occupy more than twenty-five percent (25%) of the total floor area of the residence.

2. Such use shall involve the employment of no more than one (1) person who does not reside on the premises.

3. The permit shall only be valid for the original applicant and is not transferable to any successor owner or tenant of the property, or to another address or occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.

4. A non-illuminated name plate, not exceeding four (4) square feet in area, may be displayed provided the name is affixed flat against the exterior surface at a position not more than two (2) feet distance from the main entrance to the residence.
5. There shall be no display of goods or advertising visible from the street.

6. A home occupation shall be conducted within the principal dwelling. A home occupation may also be permitted in an accessory residential dwelling unit, which is clearly subordinate to the principal residential dwelling on the lot.

7. The home occupation shall be clearly incidental and subordinate to the use of the home for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.

8. The home occupation shall not generate traffic in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit.

9. No home occupation shall involve chemicals, matter or energy that may create or cause to be created noise, noxious odors, vibration, glare, fumes, odors, electrical interference or hazards dangerous to the public health, safety and welfare.

10. Woodworking is allowed as a home-based occupation provided it adheres to the following regulations:
   a. The use does not utilize electrical powered machines in excess of five (5) horsepower;
   b. The use does not employ more than 240 volts single-phase current with a maximum of 200 amp bus;
   c. All machinery is housed and operated within an enclosed structure not to exceed two thousand (2,000) square feet;
   d. Noise levels do not exceed 55 decibels when measured at the property line of any abutting landowner; and
   e. No wood treatment process is allowed.

11. All home occupation practitioners shall obtain a business tax receipt.

B. Approval Process.

A home occupation shall be approved administratively by the City Administrator, or his or her designee under a business tax receipt application. The application shall, at a minimum, contain the following information:

1. Name of applicant/business owner.
2. Name of property owner (if different from applicant).
4. Street address of home occupation.
5. Business phone number.
6. Legal description of the property, or tax identification number of the property obtained from the Property Appraiser’s office.

7. Complete written description of the activity proposed as a home occupation.

C. This Section shall not affect any existing home occupations operating under a valid permit from the City in accordance with existing ordinances.


A. A bed and breakfast inn is a residential structure containing guest rooms where lodging with breakfast is provided for compensation, generally for a stay of a one week or less.

B. Bed and breakfast structures are normally found in established neighborhoods and may be the primary residence of the owner and innkeeper.

C. Parking requirements are provided in Article 6, “Development Design and Improvement Standards.” Signage requirements are provided in Article 8, “Signs.”
ARTICLE 5.
DENSITY, DIMENSIONAL AND SETBACK REGULATIONS

Section 5.01.00.  Purpose.

The purpose of this Article is to set forth the general provisions which regulate land use density and intensity, lot and setback requirements, and principal and accessory building, structure height and bulk regulations.

Section 5.02.00.  Measuring Setbacks.

Setbacks for all principal and accessory structures shall be measured perpendicular, from the closest point of the front, sides, and rear of a building or structure, to the respective property line.

Section 5.03.00.  Yards.

Where a yard is required in this Code, such yard may be used for walkways, parking of passenger cars, driveways and landscaping, but not for any other use or purpose, provided that a required street yard shall not be used for parking, and that all code and other applicable requirements are met.

Section 5.04.00.  Double Frontage Lots.

Where a lot is bounded on two opposite sides by streets, front yards, when required, shall be provided on both streets, and accessory buildings shall not be located in either front yard.

(Code 1986, § 31-13)

Section 5.05.00.  Street Frontage.

Except as may be permitted by other provisions of this Code, no lot shall contain any building used in whole or in part for dwelling purposes unless such lot abuts for at least twenty-five feet (25') on a paved street, and there shall not be more than one single-family dwelling for such minimum frontage.

Section 5.06.00.  Reduction of Required Area.

Unless otherwise provided in this Code, no lot, yard, setback, clearance, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this Code; and if already less than the minimum required by this Code for a new building or use, such area or dimension shall not be further reduced. No part of a required yard, setback, clearance, parking area, or other space provided about or for any building, structure or use for the purpose of complying with the provisions of this Code shall be included as part of a yard, setback, clearance, parking area or other space required under this Code for another building, structure, or use, unless specifically permitted under this Code.

Section 5.07.00.  Yard Encroachments.

Every part of every required yard shall be open and unobstructed from the ground to the sky except as follows or as otherwise permitted in this Code:

A.  Sills or belt courses may project not over twelve inches (12") into a required yard.

B.  Cornices, eaves or gutters may project to a distance not over one-third (1/3) of the required yard with a maximum of five feet (5'), provided that where the yard is less than five feet (5') in width such projection shall not exceed one-half (1/2) the width of the yard.

C.  Chimneys, fireplaces or pilasters may project not over two feet (2') into a required yard.
D. Movable awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than one foot (1') to any lot line.

E. Fire escapes, stairways and balconies which are unroofed and unenclosed may project not over five feet (5') into a required rear yard, or not over three feet eight inches (3'8") into a required side yard, of a multiple dwelling, hotel or motel.

F. Meter rooms not over seven feet (7') in height may project not over five feet (5') into a required rear yard.

G. Unenclosed porches or terraces extending not over three feet six inches (3'6") above the ground, except for railings and roof structures, may extend five feet (5') into a required front yard, or not over ten feet (10') into a required rear yard, or not over three feet (3') into a required side yard, provided that any such structure having a roof shall not extend closer than five feet (5') to any lot line.

H. Hoods, canopies or marquees may project to a distance not over one-third (1/3) of the required yard, with a maximum of five feet (5'), but shall not extend nearer than one foot (1') to any lot line.

I. Fences, walls, berms and hedges shall be permitted in required yards as specified in Article 6 of this Code.

J. Customary minor service structures such as flagpoles, antennas, clothes lines, rubbish receptacles, mailboxes, outdoor grills and the like may be placed in a required yard.

K. Swimming pools shall not be located in any required front or side yard.

L. Equipment such as air conditioning units, pumps, and similar devices, including concrete pads for support purposes shall not project over three feet (3') into a required yard.

Section 5.08.00. Exclusions from Height Limits.

The following are excluded from the maximum height restrictions provided under this Article. Penthouses, scenery lofts, towers, cupolas, steeples and domes not exceeding in gross area at the maximum horizontal section 30 percent (30%) of the roof area, and flagpoles, airplane beacons, broadcasting towers, antennas, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than 25 percent (25%). Parapet walls may extend not more than five feet (5') above the allowable height of a building. Radio and television antennas for receiving purposes only shall not be subject to height limits.

(Code 1986, § 31-19)
State law reference-Construction of amateur radio antennas, F.8. § 166.0435

Section 5.09.00. Zoning District Development Standards Summary Tables.

The tables on the following pages present the specific development standards required for each zoning district within the City.
<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2A One Family</th>
<th>R-2A Two Family</th>
<th>R-2B One Family</th>
<th>R-2B Two Family</th>
<th>R-3 One Family</th>
<th>R-3 Two Family</th>
<th>R-3* Multiple Family</th>
<th>R-4 One Family</th>
<th>R-4 Two Family</th>
<th>R-4* Multiple Family</th>
<th>MHP**</th>
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<tr>
<td>Minimum Project Area</td>
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<tr>
<td>Minimum Lot Width (feet)</td>
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<td>50</td>
<td>80</td>
<td>80</td>
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<td>50</td>
<td>60</td>
<td>100</td>
<td>- - -</td>
<td>10</td>
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<tr>
<td>Minimum Lot Area (sq.ft.)</td>
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<td>7,500</td>
<td>5,000</td>
<td>8,000</td>
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<td>5,000</td>
<td>6,000</td>
<td>10,000</td>
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<td>Minimum Floor Area per Dwelling Unit (sq. ft.)</td>
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<td>900</td>
<td>600</td>
<td>600</td>
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<td>500</td>
<td>600</td>
<td>500</td>
<td>350</td>
<td>- - -</td>
<td>- - -</td>
</tr>
<tr>
<td>Maximum Building Height (feet)</td>
<td>2 stories (35)</td>
<td>2 stories (35)</td>
<td>2 stories (35)</td>
<td>2 stories (35)</td>
<td>2 stories (35)</td>
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<td>2 stories (50)</td>
<td>2 stories (50)</td>
<td>2 stories (50)</td>
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<td>- - -</td>
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<td>Maximum Lot Coverage</td>
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<td>35%</td>
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<td>35%</td>
<td>35%</td>
<td>35%</td>
<td>1 story (50%)</td>
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</tr>
<tr>
<td>Minimum Front Yard Setback (feet)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>30</td>
<td>25</td>
<td>30</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>- - -</td>
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<td>Minimum Side Yard Setback (feet)</td>
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<td>7.5</td>
<td>5</td>
<td>7.5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>7.5</td>
<td>5</td>
<td>7.5</td>
<td>10</td>
<td>5</td>
<td>7.5</td>
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<tr>
<td>Minimum Corner Lot Side Street Setback (feet)</td>
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<td>15</td>
<td>15</td>
<td>15</td>
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<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>- - -</td>
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<tr>
<td>Minimum Rear Yard Setback (feet)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
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</table>

* Table 5.09.02 provides additional requirements for Multiple Family structures exceeding three (3) dwelling units.
** See Section 6.15.00 for setback and design standards

### Table 5.09.02
**Additional Lot Area Requirements for Multiple Family Developments of Four (4) Units or More**

<table>
<thead>
<tr>
<th>NUMBER OF UNITS</th>
<th>R-3 ZONING DISTRICT</th>
<th>R-3 ZONING DISTRICT</th>
<th>R-3 ZONING DISTRICT</th>
<th>R-3 ZONING DISTRICT</th>
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<tbody>
<tr>
<td></td>
<td>Minimum Lot Width</td>
<td>Minimum Lot Area</td>
<td>Minimum Lot Width</td>
<td>Minimum Lot Area</td>
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<tr>
<td></td>
<td>(feet)</td>
<td>(sq.ft.)</td>
<td>(feet)</td>
<td>(sq.ft.)</td>
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<tr>
<td>4</td>
<td>100</td>
<td>13,000</td>
<td>100</td>
<td>10,700</td>
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<td>5</td>
<td>105</td>
<td>16,000</td>
<td>105</td>
<td>11,400</td>
</tr>
<tr>
<td>6</td>
<td>105</td>
<td>19,000</td>
<td>105</td>
<td>12,100</td>
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<tr>
<td>7</td>
<td>110</td>
<td>22,000</td>
<td>110</td>
<td>12,800</td>
</tr>
<tr>
<td>8</td>
<td>110</td>
<td>25,000</td>
<td>110</td>
<td>13,500</td>
</tr>
<tr>
<td>9</td>
<td>115</td>
<td>26,000</td>
<td>115</td>
<td>14,200</td>
</tr>
<tr>
<td>10</td>
<td>115</td>
<td>29,000</td>
<td>115</td>
<td>14,900</td>
</tr>
<tr>
<td>11</td>
<td>115</td>
<td>32,000</td>
<td>115</td>
<td>15,600</td>
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<tr>
<td>12</td>
<td>115</td>
<td>35,000</td>
<td>100</td>
<td>16,300</td>
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</table>

**NOTE:**
- Within the R-3 zoning district, the number of dwelling units per acre shall not exceed 12.
- Within the R-4 zoning district, lots containing 12 or more dwelling units shall not be less than 16,300 square feet in area, with a minimum lot width of 100 feet and a minimum lot depth of 163 feet. An additional 450 square feet of lot area shall be required for each dwelling unit in excess of the first 12 dwelling units. The number of dwelling units per acre shall not exceed 30.

(Original Code References: Sec. 110-290, 110-309)

### Table 5.09.03
**Nonresidential Structures as Principal Uses in Residential Zoning Districts**

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>ZONING DISTRICT</th>
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<tbody>
<tr>
<td></td>
<td>R-1 Districts</td>
</tr>
<tr>
<td>Minimum Lot Width (feet)</td>
<td>100</td>
</tr>
<tr>
<td>Minimum Lot Area (sq.ft.)</td>
<td>10,000</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Front Yard Setback (feet)</td>
<td>25</td>
</tr>
<tr>
<td>Minimum Side Yard Setback Interior Lot (feet)</td>
<td>20</td>
</tr>
<tr>
<td>Minimum Corner Lot Side Street Setback (feet)</td>
<td>20</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback (feet)</td>
<td>30</td>
</tr>
<tr>
<td>Maximum Building Height (feet)*</td>
<td>2 stories (35)</td>
</tr>
</tbody>
</table>

* In the R-1, R-2 and R-3 districts a permitted non-residential building may be erected or altered to a height not exceeding fifty (50) feet if approved by the Board of Adjustment as being not injurious to surrounding property and not contrary to the spirit and purpose of this Article.

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>Single Family Residential</th>
<th>Multiple Family Residential (2-3 Dwelling Units)</th>
<th>Multiple Family Residential (4+ Dwelling Units)</th>
<th>Professional Office Business Area*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width (feet)</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Minimum Lot Area (sq.ft.)</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Minimum Land Area per Dwelling Unit (sq.ft.)</td>
<td>- - -</td>
<td>4,000</td>
<td>3,500</td>
<td>- - -</td>
</tr>
<tr>
<td>Minimum Living Area per Dwelling Unit (sq.ft.)**</td>
<td>1,200</td>
<td>800</td>
<td>- - -</td>
<td>- - -</td>
</tr>
<tr>
<td>Minimum Open Space &amp; Recreation Facilities for Multiple Family Dwellings</td>
<td>- - -</td>
<td>40% (1/3 of which may be used for common recreational facilities for residents)</td>
<td>40% (1/3 of which may be used for common recreational facilities for residents)</td>
<td>20% (exclusive of any parking areas &amp; ancillary storage and/or service buildings. Landscaped green areas may count towards landscape requirements)</td>
</tr>
<tr>
<td>Minimum Front Yard Setback (feet)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Minimum Side Yard Setback Interior Lot (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Use is Residential</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>- - -</td>
</tr>
<tr>
<td>Principal Use is Nonresidential</td>
<td>- - -</td>
<td>- - -</td>
<td>- - -</td>
<td>15</td>
</tr>
<tr>
<td>Minimum Corner Lot Side Street Setback (feet)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Minimum Rear Yard Setback (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Use is Residential</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>- - -</td>
</tr>
<tr>
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<td>- - -</td>
<td>- - -</td>
<td>30</td>
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<tr>
<td>Maximum Building Height (feet)</td>
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</tr>
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<td>35</td>
<td>35</td>
<td>- - -</td>
</tr>
<tr>
<td>Principal Use is Nonresidential***</td>
<td>- - -</td>
<td>- - -</td>
<td>- - -</td>
<td>35</td>
</tr>
</tbody>
</table>

* If a professional office or business use is located within a residential dwelling, occupied for living purposes, such use shall not occupy more than 25% of the first floor area of the dwelling unit.
** Minimum living area per dwelling unit is exclusive of carports, porches, etc.
*** Nonresidential buildings may be erected or altered to a height not exceeding fifty (50) feet if approved by the Board of Adjustment as being not injurious to surrounding property and not contrary to the spirit and purpose of this Article.

(Original Code References: Sec. 110-322).
<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>C-1</th>
<th>M-1</th>
<th>M-2</th>
<th>PBG</th>
<th>ROS</th>
<th>CON</th>
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<tr>
<td>Minimum Lot Width (feet)</td>
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<td></td>
<td></td>
<td></td>
<td>100</td>
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<td></td>
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</tr>
<tr>
<td>(Residential Only)</td>
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<tr>
<td>Minimum Lot Area (sq.ft.)</td>
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<td>Per Rental Room</td>
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<tr>
<td>Minimum Rear Yard Setback</td>
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<td></td>
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<tr>
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<td>Abutting Residential</td>
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<td>30</td>
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<td></td>
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<tr>
<td>Minimum Side Yard Setback</td>
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<tr>
<td>Abutting Nonresidential</td>
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<td>20</td>
<td>20</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting a Street</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height (feet)</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(60)</td>
<td>(60)</td>
<td>(60)</td>
<td>(60)</td>
<td>(60)</td>
<td>(80)</td>
<td>(40)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(100)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
</tbody>
</table>

**NOTE:**
- Where a residential use is the only principal use on a lot that is located in a non-residential zoning district, such lot shall be provided with the setbacks which would be required for such use in an R-4 district.

## 5.09.06
Accessory Structure Development Standards

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>RESIDENTIAL ZONING DISTRICTS</th>
<th>NONRESIDENTIAL ZONING DISTRICTS*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Rear Yard Only</td>
<td>- - -</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From Any Lot Line</td>
<td>5</td>
<td>- - -</td>
</tr>
<tr>
<td>From Any Street Line</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>From Any Main Building or Other Accessory Structure</td>
<td>10</td>
<td>- - -</td>
</tr>
<tr>
<td>Minimum Building Separation Between an Accessory Dwelling and Industrial Buildings &amp; Structures (feet)</td>
<td>- - -</td>
<td>15</td>
</tr>
<tr>
<td>Maximum Building Height (feet)</td>
<td>2 stories (24)</td>
<td>- - -</td>
</tr>
<tr>
<td>Maximum Building Height for a Private Garage (feet)</td>
<td>1 story</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>35%</td>
</tr>
</tbody>
</table>

* Lots having accessory dwellings, where permitted, shall be provided with the yards which are required in R-4 districts for such use.

(Original Code References: Sec. 110-631, Location in Required Yards; Setbacks and Sec. 110-632, Yards for Accessory Dwellings).
ARTICLE 6.

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

6.01.00. General Provisions.

Section 6.01.01. Purpose.

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

Section 6.01.02. Responsibility for Improvements.

Unless otherwise specifically provided, all improvements required by this Article shall be designed, installed, and paid for by the Developer.

Section 6.01.03. 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 Article 9 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.

Section 6.01.04. Exemptions.

Properties in the B-2 zoning district are exempt from the requirements to provide landscaping and off-street parking and loading areas due to the unique and historic quality of this district and the unique arrangement of the buildings along the downtown streets.

6.02.00. Transportation Systems.

Section 6.02.01. General Provisions.

A. Purpose. This Section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, and shall be construed and implemented to create an efficient, safe, and balanced system of traffic circulation accommodating vehicles, bicycles, and pedestrians consistent with good engineering and development design practices.

B. Compliance with Technical Construction Standards. All required elements of the transportation system shall be provided in compliance with engineering, design and construction standards adopted by the City of Arcadia.

Section 6.02.02. Base Building Lines.

A. Base building lines are hereby established from which all front and street side yards and setbacks required by this chapter are to be measured and determined, and beyond which no building, structure or part thereof shall be erected, structurally altered, enlarged or extended, except for certain encroachments as
provided in this section.

B. The general purposes and intent of the City in the establishment of base building lines are to ensure sufficient space between the street fronts of buildings and structures in order to provide an efficient and economical basis for street right-of-way improvements, and to provide a convenient and adequate thoroughfare network to meet the present and future needs of residential, commercial and industrial traffic through and around the City.

C. The encroachments which may extend beyond a base building line shall be limited to those encroachments which are permitted to extend beyond a street line by the building code or other regulations of the City. Any such permissible encroachment shall be subject to all limits on character, size, extent, depth, height and clearance as may be specified in the building code or other regulations for each kind of encroachment.

D. Base building lines shall be located as specified for the streets. For all other streets in the City, base building lines shall be located 25 feet from the centerline, except that where the existing street lines or right-of-way lines of streets other than those listed provide a street width equal to or greater than 50 feet, such existing street lines shall constitute and be the base building lines.

E. For the purpose of this Section, the centerline of a street shall be determined and established by the City Administrator, or his or her designee.

F. Base building lines as described in this section are hereby established as such lines are set forth upon the official zoning maps on file in the office of the City Clerk.

Section 6.02.03. Street Design Standards.

A. General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to all engineering design standards adopted by the City of Arcadia. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.

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. No public streets shall be dedicated within 40 feet of the high water elevation of any lake, except where public access to the lake is to be provided.

5. Private streets may be allowed within any development, provided they are designed and constructed pursuant to all engineering standards applicable to public roads of the same functional classification.

6. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
7. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas, as best as feasibly possible, 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.

8. Residential streets shall be arranged to discourage, but not eliminate, through traffic.

9. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.

B. **Right-of-Way Requirements**

A. **Widths:** Right-of-way requirements for road construction shall be as follows:

<table>
<thead>
<tr>
<th>Functional Classification</th>
<th>Right-of-Way Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial (multi-lane)</td>
<td>200 feet</td>
</tr>
<tr>
<td>Principal Arterial</td>
<td>150 feet</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>100 feet</td>
</tr>
<tr>
<td>Rural Major Collector</td>
<td>100 feet</td>
</tr>
<tr>
<td>Rural Minor Collector</td>
<td>80 feet</td>
</tr>
<tr>
<td>Local Street</td>
<td>60 feet</td>
</tr>
<tr>
<td>Marginal Access or Frontage Road</td>
<td>50 feet</td>
</tr>
<tr>
<td>Alley</td>
<td>minimum 20 feet;</td>
</tr>
<tr>
<td></td>
<td>maximum 30 feet</td>
</tr>
</tbody>
</table>

B. Private road rights-of-way, when allowed within subdivisions, shall be the same width as public rights-of-way.

C. Future right-of-way requirements, based on future functional classification are identified in the Traffic Circulation Element of the Arcadia 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 acquisition. No part of the reserved area shall be used to satisfy minimum requirements of these regulations. Building setbacks shall be based on future right-of-way lines.

D. A proposed subdivision that encompasses an existing public street that does not conform to the minimum right-of-way requirements shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way required by this Section can be established. If the proposed subdivision abuts only on one side of said street, then a minimum of one half the required right-of-way, shall be dedicated or reserved by the subdivision.

E. **Pavement Width for Road Construction.** All paving shall not be less than twenty-four (24) feet in width for roads constructed with a curb and gutter and thirty (30) feet in width for roads constructed with a shoulder and drainage swale.
F. **Dead-End Streets.** Dead-end streets shall be prohibited, except where appropriate as stubs to permit future street extension into adjoining un-subdivided tracts, or when designed as a culs-de-sac.

G. **Culs-de-sacs**
   
a. Culs-de-sacs, permanently designed as such, shall not exceed 400 feet in length.
   
b. Culs-de-sacs shall be provided at the closed end with a circular dedicated area not less than 100 feet in diameter for turnaround purposes.

H. **Easements**
   
a. Dedicated easements across lots or centered on rear or side lot lines shall be provided for public utilities where necessary and shall be at least ten feet (10’) in width.
   
b. Where a subdivision is traversed by a presently existing functional watercourse, drainageway, canal or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and of such further width as will be adequate for the purpose. A parallel roadway may be required in connection therewith where necessary for service or maintenance.
   
c. Easements may be required for drainage purposes of such size and location as may be determined by the City Council.

C. **Clear Visibility Triangle, General:** In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by the right-of-way lines of two intersecting streets or the intersection of a driveway and a street.

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 feet (2’) and ten feet (10’) above the centerline grade, with the exception of publicly owned highway signs, utility poles and traffic control poles, as measured from the centerline of the intersection. Anything placed in this triangle shall be in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation’s Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida Greenbook), current edition where available.

2. **Clear Visibility Triangle at Street Intersections:** The clear visibility triangle shall be formed at corner lots by extending the curb lines, or edges of pavement, so that the lines meet at a point of intersection (point A). From point A, measure away from the intersection along each street right-of-way, or leg of the triangle, for the prescribed minimum distance provided under subsection 6.02.03(C)(3), below, to create two more end points (points B and C). The triangle is created by connecting the last two end points (points B and C). (See Figure 6.02.03(A).)
3. **Clear Visibility Triangle – Minimum Distances Required**

<table>
<thead>
<tr>
<th>Road Classification</th>
<th>Distance from Street Right-of-Way Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>100 feet</td>
</tr>
<tr>
<td>Rural Major Collector</td>
<td>80 feet</td>
</tr>
<tr>
<td>Rural Minor Collector</td>
<td>70 feet</td>
</tr>
<tr>
<td>Local Street</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

The minimum distances required may be modified according to the State of Florida Department of Transportation’s *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida Greenbook)*, current edition.

4. **Clear Visibility Triangle at Driveways**: The clear visibility triangle shall be formed by extending the edge of the driveway and the right-of-way line to a point where they intersect (point D); then from point (D), measuring a distance of fifteen feet (15’) to points designated as (E) and (F). The triangle is created by connecting points E and F. (See Figure 6.02.03(B)).

Where driveways are curved or intersect with the street at other than right angles, a visibility triangle shall be provided giving equivalent visibility to drivers of cars on and entering the street. The visibility triangle shall be provided on each side of a driveway.
Section 6.02.04. Sidewalks and Bikeways.

A. General Requirements.

1. Projects abutting arterial or collector facilities shall provide sidewalks adjacent to such roadways at locations consistent with planned roadway improvements.

2. Sidewalks shall be provided on both sides of all streets zoned or intended for residential, business, commercial and/or industrial development.

3. In one-family or two-family residential areas, sidewalks shall be at least five (5) feet in width. In multiple-family residential areas, sidewalks shall be at least six (6) feet in width. In business and professional office areas, sidewalks shall be at least ten feet (10) in width. In commercial and industrial areas, sidewalks shall be at least five (5) feet in width.

4. Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.

5. A minimum five (5) foot wide, sodded planting strip shall be provided between the sidewalk and the back of the curb, or between the sidewalk and the right-of-way pavement, whichever is applicable.

6. Residential projects adjacent to commercial, office, service, or recreation activities shall provide pedestrian access from the development to the activity center.

7. Pedestrian-ways or crosswalks, not less than 10 feet wide with a sidewalk meeting the requirements of this Section, may be required to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
8. The City Administrator or his or her designee, upon recommendation of the DRC, may waive the requirement of sidewalks on streets in those blocks where the average width of lots is 200 feet or more, or where a park, railroad, canal or other use on one side of a street makes a sidewalk on that side not essential for safety of pedestrians, or where the requirement and installation of sidewalks would cause a serious drainage impact in locations where the requirement of storm drainage has been found to be impracticable.

9. Where it appears that a previously dedicated street forms a boundary of a subdivision, the subdivider must dedicate proper sidewalk areas on the side of the street abutting the land(s) being subdivided.

B. Design and Construction Standards. Design and construction of sidewalks, bikeways, or other footpaths shall conform to all applicable engineering requirements adopted by the City of Arcadia, including provisions for access by physically handicapped persons. Standards shall be consistent with those adopted by the American Association of State Highway and Transportation Officials (AASHTO) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG).

Section 6.02.05. Access and Circulation.

A. General Access and Circulation Standards: Every preliminary site plan and preliminary plat prepared and submitted for development approval pursuant to these regulations, every application for a residential driveway permit, and every application for a driveway or road connection permit, shall demonstrate compliance with the vehicular access and circulation standards of this section.

B. Guaranteed Access: Every project shall have access to either a public City, County or State right-of-way (or all). Access to a State road is controlled and permitted by the Florida Department of Transportation in compliance with Chapter 14-97, F.A.C., State Highway System Access Management Classification System and Standards.

C. Maximum Allowable Number of Access Points: The total maximum number of access points onto City or County roads shall be as provided in Table 6.02.05(A):

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Maximum Allowable Number of Access Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, 1 through 75 units</td>
<td>1</td>
</tr>
<tr>
<td>Residential, more than 75 units</td>
<td>2</td>
</tr>
<tr>
<td>Nonresidential, less than 100 required parking spaces</td>
<td>1</td>
</tr>
<tr>
<td>Nonresidential, 100 to 299 required parking spaces</td>
<td>2</td>
</tr>
<tr>
<td>Nonresidential, 300 or more required parking spaces</td>
<td>2 (additional access points may be approved as necessary)</td>
</tr>
</tbody>
</table>
1. Timing of Access Point Construction: Where two (2) or more access points are allowed for a development site, the first access point shall be constructed prior to the issuance of any building permits.

A bond or other form of surety guaranteeing construction of the improvements, as shown on the site development plan or plat, may be provided to the City in lieu of meeting the timing requirement above. However, in no case shall any Certificate of Occupancy be issued prior to the construction of all access improvements as approved on the final site development plan.

2. Corner Lot Construction: Corner lots shall meet connection requirements as provided in Table 6.02.05(B).

<table>
<thead>
<tr>
<th>Position of Lot at Intersection</th>
<th>Minimum Distance for Point of Access from Intersection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approaching Intersection (Full Access)</td>
<td>230 feet</td>
</tr>
<tr>
<td>Approaching Intersection (Right-In Only)*</td>
<td>100 feet</td>
</tr>
<tr>
<td>Departing Intersection (Full Access)</td>
<td>230 feet</td>
</tr>
<tr>
<td>Departing Intersection (Right-Out Only)*</td>
<td>100 feet</td>
</tr>
<tr>
<td>* For Right-In and Right-Out Only connections, connections shall be designed to effectively eliminate unpermitted movements</td>
<td></td>
</tr>
</tbody>
</table>

a. Where a corner lot meets the zoning requirements for road frontage and none of the design options as listed in Table 6.02.05(B) are possible, one full access driveway shall be permitted within the two-thirds of the lot frontage that is farthest from the intersection of the right-of-way lines of streets or a street and railroad.

b. A gasoline service/filling station, located on a corner lot, may be allowed one (1) access point on each street frontage. Where a street frontage exceeds 150 feet, one (1) additional access point may be permitted upon review and approval of the City Council.

3. Schools and/or uses requiring emergency vehicle access may have one additional access point, provided that the additional access driveway is limited to school bus or emergency vehicle use only.

4. The City Council may approve additional access points onto a development site where transportation circulation and/or safety conditions are merited.

D. Size of Required Access Points: For development sites providing only one (1) access point, the access point shall not exceed forty feet (40’) in width. For sites providing more than one (1) access point, the total width of each access point shall not exceed twenty-four feet (24’) in width.
E. *Separation Between Access Points*: There shall be a minimum distance of thirty (30) feet between any two openings onto the same street. Separation between access points on all arterial roadways shall be as required by Chapter 14-97, F.A.C.

F. All roads proposed in a new development shall be designed and constructed pursuant to engineering, design and construction standards adopted by the City of Arcadia. Roads, dedicated to the public, by recorded subdivision or by deed, shall be accepted by the City for maintenance consistent with the provisions of Section 12.08.00, *Prerequisites for Construction*.

G. Private streets may be allowed within manufactured home parks, planned unit developments, cluster/zero lot line developments, and other types of subdivisions. Private streets shall be designed and constructed in compliance with public road standards as established by engineering design and construction standards adopted by the City of Arcadia, and a property owner's association must be established to provide maintenance of such roadways.

H. For development proposed on principal arterials or major collectors, the City Administrator or his or her designee may require frontage or service roads, requiring access from the frontage road rather than the arterial or collector. This requirement may be met through interconnecting parking lots which abut the arterial or major collector facility. Where natural or man-made features cause this requirement to be physically infeasible, alternate designs may be reviewed and approved by the City Administrator or his or her designee.

I. *Common Driveway*: Two (2) adjacent projects may share a common driveway provided that appropriate access easements are granted between or among property owners.

J. Driveway connections onto State roads is controlled and permitted by the Florida Department of Transportation in compliance with Chapter 14-97, F.A.C.

K. All proposed rights-of-way shall be located and sized in compliance with Section 6.02.03 of these regulations.

L. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas, as best as feasibly possible, 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.

M. All structures, not including accessory or temporary uses, hereafter erected or relocated shall be on a lot adjacent to or abutting on a public street, or with access to a public street by means of a private street or easement which has been recorded in the Official Records of Arcadia, Florida.

N. Residential and commercial driveways shall have either concrete or asphalt aprons when connecting to paved roads. Aprons connecting unpaved roads may be constructed of the same material as the road. Driveways shall be constructed pursuant to engineering, design and construction standards adopted by the City of Arcadia.
O. Driveways and road connections to commercial building structures, manufactured home parks, planned unit developments, cluster/zero lot line developments, and other types of subdivisions shall be constructed pursuant to engineering, design and construction standards adopted by the City of Arcadia.

P. In residential developments, a driveway for a corner lot shall be located on the street having the lower functional classification, or in the case where roads have the same functional classification, on the roadway having the lesser Annual Average Daily Traffic.

Q. Developers requesting authorization for the installation of signalization devices that would facilitate access to their development will be required to provide the City with documentation (i.e., studies, pedestrian counts, traffic counts, etc.) warranting the requested signalization device.

Section 6.02.06. Standards for Drive-in and Drive-thru Facilities.

All facilities providing drive-in or drive-thru service shall provide on-site stacking lanes in accordance with the following standards:

A. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to driveway access to streets and intersections.

B. The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian facilities such as sidewalks, crosswalks, or other pedestrian access ways.

C. A by-pass lane shall be provided at a minimum of twelve feet (12’) in width.

D. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility, as measured along the centerline of the stacking lane.

E. Minimum stacking lane distance shall be as follows:

   1. Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided that together total 200 feet.

   2. All other uses shall have a minimum distance of 120 feet, unless otherwise noted in these regulations.

F. Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-in or drive-thru facilities.

G. Where turns are required in the exit lane, the minimum distance from any drive-in station to the beginning point of the curve shall be 35 feet. The minimum inside turning radius shall be 25 feet.

H. Construction of stacking and by-pass lanes shall conform to all engineering, design and construction standards adopted by the City of Arcadia.
Section 6.03.00. Off-Street Parking and Loading.

Section 6.03.01. Applicability, Purpose and Intent.

It is the intent of the City to assure that every building, use, or structure erected or instituted, shall be provided with adequate off-street parking and loading facilities for the use of occupants, employees, visitors, vendors or patrons. It is also the intent of this paragraph that the public interest, welfare and safety require that certain uses provide adequate off-street loading facilities. Further, it is the intent of the City that such off-street parking and loading facilities shall be maintained and continued as an accessory use so long as the primary use is continued.

The provisions of this Article shall apply to all development, redevelopment, or amendments to existing development approvals, as follows:

A. **Nonresidential Development:** A change in use of a nonresidential property, building, or structure, or conversion of an existing residential use to a nonresidential use, shall require that the total parking requirement for the new use be established concurrent with the change in use. Any increase in total floor area of any building or structure shall require that the total parking requirement, for the aggregate sum of the additional floor area and the base floor area be provided concurrent with the additional floor area.

B. **Residential Development:** Changes to approved development plans that result in an increase in dwelling units shall include provisions on site for the total parking requirement of all resulting dwelling units.

C. **Status of Prior Approvals:** Site development plans approved prior to the effective date of these regulations shall comply with the parking requirements in effect at the time of the original site development plan approval. Any major modification of a previously approved site development plan which impacts the parking standards on the development site, shall be required to meet the parking standards provided in this Article.

D. **Maintenance:** All off-street parking areas shall be constructed of dust free surfaces, be well maintained; free of potholes, debris, weeds, and broken curbs; clearly striped; and with all required lighting in working condition. Off-street parking areas may utilize porous paver blocks over a compacted sub-base, with the approval of the City Administrator or his or her designee, in lieu of asphaltic or concrete paving.

Section 6.03.02. Required Off-Street Parking Spaces.

A. **Number of Required Off-Street Parking Spaces.** In all districts, off-street parking shall be provided for each criterion as set forth in Table 6.03.02(A) and as may be modified by the provisions following the table.
<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Required # of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential / Lodging</td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>2 per each dwelling unit</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2 per each dwelling unit</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>2 per each dwelling unit</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>2 per each dwelling unit</td>
</tr>
<tr>
<td>Caretaker’s Residence</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1</td>
</tr>
<tr>
<td>2 or more bedrooms</td>
<td>2</td>
</tr>
<tr>
<td>Accessory Residential Dwelling Units</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1</td>
</tr>
<tr>
<td>2 or more bedrooms</td>
<td>2</td>
</tr>
<tr>
<td>Duplex</td>
<td>2 per each dwelling unit</td>
</tr>
<tr>
<td>Multi Family</td>
<td>1.5 per each dwelling unit</td>
</tr>
<tr>
<td>Boarding House, Rooming House, Bed and Breakfast Inn</td>
<td></td>
</tr>
<tr>
<td>Per rental room</td>
<td>1</td>
</tr>
<tr>
<td>Owner’s/Manager’s Unit</td>
<td>1</td>
</tr>
<tr>
<td>Special Needs Facilities</td>
<td></td>
</tr>
<tr>
<td>1 per every 3 beds/residents</td>
<td></td>
</tr>
<tr>
<td>1 per each 3 paid employees</td>
<td></td>
</tr>
<tr>
<td>Recreation Vehicle (RV) Park, Campground</td>
<td></td>
</tr>
<tr>
<td>Per RV site or campsite</td>
<td>1</td>
</tr>
<tr>
<td>Resident manager unit</td>
<td>2</td>
</tr>
<tr>
<td>Hotel, Motel</td>
<td></td>
</tr>
<tr>
<td>Per guest room</td>
<td>1</td>
</tr>
<tr>
<td>Employee parking</td>
<td>1 per every 20 rooms</td>
</tr>
<tr>
<td>Hotel, Motel – Accessory Uses (i.e., restaurants, bars, meeting rooms)</td>
<td>35% reduction of standard requirement for such uses</td>
</tr>
</tbody>
</table>
Table 6.03.02(A)  
Number of Required Off-Street Parking Spaces

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Required # of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public and Private Places of Assembly</strong></td>
<td></td>
</tr>
<tr>
<td>Places of Worship</td>
<td></td>
</tr>
<tr>
<td>Assembly area/chapel</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Admin/Office Area</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Main assembly area</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Sufficient area for parking and maneuvering of buses and coaches as determined during a pre-application conference</td>
<td></td>
</tr>
<tr>
<td>Theater, Auditorium, Gymnasium, Stadium, Sports Arena, or Public Assembly Area not otherwise listed</td>
<td></td>
</tr>
<tr>
<td>Main assembly area</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Sufficient area for parking and maneuvering of buses and coaches as determined during a pre-application conference</td>
<td></td>
</tr>
<tr>
<td>Private Clubs, Lodges, Retreats</td>
<td></td>
</tr>
<tr>
<td>Hall or assembly area</td>
<td>1 per 2 seats</td>
</tr>
<tr>
<td><strong>Cultural Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Art Gallery, Museum</td>
<td></td>
</tr>
<tr>
<td>1 per 400 sq.ft. GFA</td>
<td></td>
</tr>
<tr>
<td>1 space for the curator</td>
<td></td>
</tr>
<tr>
<td>Library, Community Center</td>
<td></td>
</tr>
<tr>
<td>1 per 400 sq.ft. GFA</td>
<td></td>
</tr>
<tr>
<td>1 space for the librarian or director</td>
<td></td>
</tr>
<tr>
<td><strong>Public Buildings and Schools</strong></td>
<td></td>
</tr>
<tr>
<td>Government Administrative Offices, and Public Safety Buildings</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Vocational, Technical, or Trade School, College, or University</td>
<td></td>
</tr>
<tr>
<td>Per 5 students</td>
<td>2</td>
</tr>
<tr>
<td>Per classroom (Faculty parking)</td>
<td>1</td>
</tr>
<tr>
<td>Admin/Office Area</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Visitor Parking</td>
<td>10% of total student/faculty/staff parking</td>
</tr>
<tr>
<td>Gymnasium, Auditorium, Stadium, etc. (required as established under “public and private places of assembly” in this table)</td>
<td></td>
</tr>
<tr>
<td>Elementary, Middle School</td>
<td></td>
</tr>
<tr>
<td>Per 10 students</td>
<td>1</td>
</tr>
<tr>
<td>Per classroom (Faculty parking)</td>
<td>1</td>
</tr>
<tr>
<td>Admin/Office Area</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>High School</td>
<td></td>
</tr>
<tr>
<td>Per 5 students</td>
<td>1</td>
</tr>
<tr>
<td>Per classroom (Faculty parking)</td>
<td>1</td>
</tr>
<tr>
<td>Admin/Office Area</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Land Use Type</td>
<td>Required # of Off-Street Parking Spaces</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td><strong>Retail Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Building Supplies/Lumberyard (where supplies are primarily stored outdoors)</td>
<td>1 per 500 sq.ft. GFA</td>
</tr>
<tr>
<td>Convenience Store,</td>
<td>1 per 250 sq.ft. GFA</td>
</tr>
<tr>
<td>Equipment Rental Store</td>
<td>1 per 500 sq.ft. GFA</td>
</tr>
<tr>
<td>Flea Market</td>
<td>2 per 120 sq.ft. of rental space</td>
</tr>
<tr>
<td>Furniture Store</td>
<td>1 per 500 sq.ft. GFA</td>
</tr>
<tr>
<td>Nursery, Garden Center</td>
<td>1 per 500 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>1 space per each company/facility vehicle</td>
</tr>
<tr>
<td>Restaurant – Drive-thru (With or without walk-up window and/or outdoor seating)</td>
<td>Dining Area (including Outdoor Dining Areas)</td>
</tr>
<tr>
<td></td>
<td>See Section 6.02.06 for additional requirements for drive-thru facilities</td>
</tr>
<tr>
<td>Restaurant – Sit Down/Table Service (With or without outdoor seating)</td>
<td>Dining Area (including Outdoor Dining Areas)</td>
</tr>
<tr>
<td>Restaurant – Take Out/Short Order (with or without drive-thru)</td>
<td>1 per 250 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>See Section 6.02.06 for additional requirements for drive-thru facilities</td>
</tr>
<tr>
<td>Retail Shop or Store (not otherwise listed) and Department Stores</td>
<td>Indoor/Outdoor Retail and Office Area</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>&lt;15,000 sq.ft. of Leasable Area</td>
</tr>
<tr>
<td></td>
<td>&gt;15,000 sq.ft. of Leasable Area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>Free standing</td>
</tr>
<tr>
<td></td>
<td>Within a Shopping Center</td>
</tr>
</tbody>
</table>
### Table 6.03.02(A)
**Number of Required Off-Street Parking Spaces**

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Required # of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personal Services/Office/Financial</strong></td>
<td></td>
</tr>
<tr>
<td>Bank/Financial Institution (With or without drive-thru)</td>
<td>1 per 250 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>See Section 6.02.06 for additional requirements for drive-thru facilities</td>
</tr>
<tr>
<td>Barbershop, Beauty Parlor</td>
<td>2 per barber/beautician hair-cutting chair</td>
</tr>
<tr>
<td></td>
<td>1 per each employee</td>
</tr>
<tr>
<td>Child Care, Day Nursery, Adult Day Care</td>
<td>1 per every 5 children/adult patrons</td>
</tr>
<tr>
<td></td>
<td>1 per each employee</td>
</tr>
<tr>
<td></td>
<td>Adequate drop-off/pick-up areas shall be provided</td>
</tr>
<tr>
<td>Dance, Art, Music Studio</td>
<td>1 per 250 sq.ft. GFA</td>
</tr>
<tr>
<td>Funeral Homes, Crematorium</td>
<td>Assembly area/chapel 1 per 3 seats</td>
</tr>
<tr>
<td></td>
<td>Admin/Office Area 1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>1 space for hearse or company/facility vehicle</td>
</tr>
<tr>
<td>Laundromat, Coin Laundry (Self-Service)</td>
<td>1 per every 2 washing machines</td>
</tr>
<tr>
<td>Lounge, Bar, Nightclub, Drinking Establishments</td>
<td>Indoor or Outdoor Eating/Drinking Area 0.4 per seat</td>
</tr>
<tr>
<td>Mini-Warehouse/Self-Storage</td>
<td>1 per 20,000 sq.ft. GFA of storage buildings</td>
</tr>
<tr>
<td></td>
<td>1 per every 50 vehicle/boat storage spaces</td>
</tr>
<tr>
<td></td>
<td>Admin/Office Area 1 per 400 sq.ft. GFA (Minimum of 4 spaces)</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>1 space per each company/facility vehicle</td>
</tr>
<tr>
<td>Pet Services</td>
<td>1 per 300 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>1 additional space for management</td>
</tr>
<tr>
<td><strong>Medical/Hospital</strong></td>
<td></td>
</tr>
<tr>
<td>Medical/Dental Office or Clinic, Outpatient Care Facility, Veterinarian Office</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Hospital</td>
<td>1.25 spaces per bed at design capacity</td>
</tr>
<tr>
<td></td>
<td>1 space for each room in the Emergency Department</td>
</tr>
<tr>
<td>Land Use Type</td>
<td>Required # of Off-Street Parking Spaces</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td><strong>Transportation/Automotive/Terminal Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>As approved by the City Administrator or his or her designee.</td>
</tr>
</tbody>
</table>
| Auto / Truck / Motorcycle / RV Leasing | Admin/Office/Service Areas 1 per 400 sq.ft. GFA  
Outdoor Paved Storage Area 1 per 2,000 sq.ft. GFA |
| Auto / Truck / Boat / Motorcycle / RV Repair and Body Shop | 3 spaces per each service bay  
Admin/Office Area 1 per 400 sq.ft. GFA |
| Auto / Truck / Boat / Motorcycle / RV Sales and Dealership | Service/Body Shop 3 spaces per each service bay  
Outdoor Sales/Display Area 1 per 2,000 sq.ft. GFA  
Admin/Office Area 1 per 400 sq.ft. GFA |
| Car Wash & Detailing (Self Service Facility) | 1 per each Automatic Wash Facility  
1 additional space for management  
Minimum of 120 feet stacking for self-service wash bays and for automatic car wash bays. |
| Gasoline/Filling Station | 1 per 250 sq.ft. GFA  
(area at gasoline pump may be included in calc.) |
| Heliport, Helipad | 1 per each helicopter tie down/storage area  
1 additional space for manager of service area |
| Public Transportation Terminal, Commercial/Charter Bus Terminal, Railroad Freight Station | Admin/Office Area 1 per 400 sq.ft. GFA  
Sufficient off street parking for loading and unloading of passengers and freight as approved by the City Administrator or his or her designee  
2 additional spaces for management |
| Truck Terminals | Warehouse Area 1 per 1,000 sq.ft. GFA  
Admin/Office Area 1 per 400 sq.ft. GFA |
### Table 6.03.02(A)
Number of Required Off-Street Parking Spaces

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Required # of Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial Use / Activity (not otherwise listed)</td>
<td>1 per 1,000 sq.ft. GFA</td>
</tr>
<tr>
<td>Admin/Office Area</td>
<td>1 per 400 sq.ft. GFA</td>
</tr>
<tr>
<td>Junkyard, Salvage Yard</td>
<td>3 spaces per acre (for the first 5 acres)</td>
</tr>
<tr>
<td>Outdoor Storage Area</td>
<td>1 space per each additional acre</td>
</tr>
<tr>
<td>Warehousing, Wholesale Distribution</td>
<td>0.7 per maximum employment capacity</td>
</tr>
<tr>
<td><strong>Recreational Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>Per lane</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>1 additional space for each manager</td>
</tr>
<tr>
<td>Bowling Alley – Accessory Uses</td>
<td></td>
</tr>
<tr>
<td>(i.e., offices, snack bars, lounges, game rooms,</td>
<td></td>
</tr>
<tr>
<td>and sales areas. Other common areas and locker</td>
<td>1 per 250 sq.ft. GFA</td>
</tr>
<tr>
<td>rooms shall not be included in this calculation)</td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>Per hole</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>1 per 250 sq.ft. GFA</td>
</tr>
<tr>
<td></td>
<td>(Clubhouse, golf cart/maintenance storage, office, pro shop, snack bar, lounge, dining/meeting rooms)</td>
</tr>
<tr>
<td></td>
<td>Golf Driving Range (50% of normal requirement)</td>
</tr>
<tr>
<td></td>
<td>1 additional space for each activity manager</td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td>Per Driving Tee</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2 additional spaces for management</td>
</tr>
<tr>
<td>Golf (Miniature)</td>
<td>Per hole</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>1 additional space for management</td>
</tr>
<tr>
<td>Recreation (Indoor)</td>
<td>1 space per 250 square feet of GFA.</td>
</tr>
<tr>
<td>Recreation (Outdoor)</td>
<td>As approved by the City Administrator or his or her designee</td>
</tr>
</tbody>
</table>
B. **Uses Not Specifically Mentioned:** Uses not specifically listed in Table 6.03.02(A) shall provide off street parking as provided for the use most similar to the one being proposed.

C. **Fractional measurements:** Any fraction equal to or greater than ½ of the required parking space shall require a full off-street parking space.

D. **Mixed Uses:** The total requirement for off-street parking shall be the sum of the requirements of each use computed separately. An off-street parking space for one use shall not be considered as providing the required off-street parking for any other use. See Section 6.03.03(C), for opportunities where shared-use parking is to be pursued.

E. **Computation of Parking Spaces Measurement:** Gross Floor Area (GFA) means the total floor area inside of the exterior walls. In hospitals, bassinets shall not count as beds. In stadiums, sports arenas, churches and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 30 linear inches of such seating shall be counted as one seat for the purpose of computing the off-street parking requirement.

F. **Off-Street Parking for the Physically Disabled.** All development covered by §316.1955 - .1956, Florida Statutes, shall provide parking for the physically disabled pursuant to the requirements of those sections. In addition, all residential developments with greater than 25 required parking spaces shall comply with the requirements of §316.1956, Florida Statutes.

**Section 6.03.03. Parking Spaces: Location and Parking Lot Requirements.**

A. **Location of Off-Street Vehicle Parking Spaces.** Parking spaces, as required by this Section shall be located as follows:

1. Off-street parking spaces shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of single family residences, except as normally exists in driveways.

2. Parking spaces for dwellings, other than single family residences, shall be located on the same development site as the principal building.

3. Parking spaces for all other uses:
   a. Shall be located on the same development site as the principal building, or not more than 400 feet distant, as measured along the nearest pedestrian walkway.
   b. Such parking area may be located in an adjacent residential district provided that such parking area is screened so as to minimize vehicular noise and prevent headlights from shining on nearby residential properties.
c. Distances for residential uses 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 site development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

d. Additional requirements for the provision of off-site parking are provided in Section 6.03.03(B).

4. Parking requirements for two (2) or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.

B. Location of Off-Site Vehicle Parking Spaces. The City Administrator or his or her designee may approve off-site parking facilities as part of the parking required by this Code if:

1. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
   a. Proximity of the off-site spaces to the use that they will serve.
   b. Ease of pedestrian access to the off-site parking spaces.
   c. Whether or not off-site parking spaces are compatible with the use intended to be served (for instance, off-site parking is not typically compatible with high turnover uses such as retail).

2. The location of the off-site parking spaces will not adversely contribute to the following:
   a. Hazards to pedestrians.
   b. Hazards to vehicular traffic.
   c. Traffic congestion.
   d. Interference with access to other parking spaces in the vicinity.
   e. Detriment to any adjacent use.

3. The developer submits in writing, an agreement, approved in form by the City Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

C. Shared-Use of Parking Spaces. The City Administrator or his or her designee may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking, when respective hours of need of maximum parking do not adversely overlap. Shared-use parking shall be approved, if the following conditions are met:
1. The developer submits a parking study as provided in Section 6.04.00(B), with sufficient data to demonstrate that the hours of maximum demand for parking for the respective uses do not adversely overlap.

2. The developer submits a legal agreement, approved in form by the City Attorney, guaranteeing the shared-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 Section.

3. A copy of the legal agreement shall be recorded with the DeSoto County Clerk of Courts prior to final approval of a site development plan.

Section 6.03.04. Off-Street Loading Requirements.

Off-street loading requirements are intended to provide minimum standards necessary for loading and unloading of goods for the uses permitted by these regulations, to protect the capacity of the City’s street system, to avoid undue congestion resulting from loading and unloading activities, and to lessen unnecessary conflicts between trucks and other vehicles.

A. These requirements shall apply to all commercial and industrial development, whether involving the construction of new structures or alterations to existing structures. Off-street loading spaces shall be provided prior to the issuance of any Certificate of Occupancy or Occupational License. Maintenance and upkeep of off-street loading spaces shall be the responsibility of the property owner and occupant as long as the use requiring loading facilities continues. No off-street loading spaces shall be altered or discontinued except in accordance with these regulations.

B. Required off-street loading spaces shall be properly depicted on all final site development plans, in accordance with this section.

C. Off-street loading spaces shall not be used for storage of vehicles and/or materials, and shall not be used to meet off-street parking requirements.

D. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space. Such loading space(s) shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by truck and/or trailer combination.

E. All off-street loading spaces shall be located on the same development site as the use they serve. No off-street loading area shall encroach upon any existing or proposed public rights-of-way.

F. Off-street loading spaces shall be clearly striped and marked to insure adequate reservation for all loading and unloading activities, unless otherwise stated in this section.

G. All off-street loading spaces shall be constructed in accordance with the requirements of this section.

H. Off-street loading spaces shall be provided as set forth in Table 6.03.04(A) Proposed uses not listed in the table below shall meet the loading space requirement which is most similar to a use established in this table.
Table 6.03.04(A)
Number of Required Off-Street Loading Spaces

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Gross Floor Area (sq. ft.)</th>
<th># of Units</th>
<th>Required # of Off-Street Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use</td>
<td>&gt;5,000, but &lt;25,000</td>
<td>1</td>
<td>1 additional space</td>
</tr>
<tr>
<td></td>
<td>&gt;25,000, but &lt;60,000</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;60,000, but &lt;120,000</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;120,000, but &lt;200,000</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;200,000, but &lt;290,000</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for each additional 90,000 sq. ft. over 290,000 sq. ft., or major fraction thereof</td>
<td>1 additional space</td>
<td></td>
</tr>
<tr>
<td>Multiple dwelling unit, apartment, hotel</td>
<td>Minimum of 20, but &lt;50</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for each additional 50 units, or major fraction thereof</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Auditorium, convention hall, museum, office building, arena, stadium, hospital, or similar use</td>
<td>&gt;10,000, but &lt;40,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for each additional 60,000 sq. ft. over 40,000 sq. ft., or major fraction thereof</td>
<td>1 additional space</td>
<td></td>
</tr>
</tbody>
</table>

I. Retail, wholesale, and industrial operations, with a gross floor area of less than 5,000 square feet shall provide sufficient space for loading and unloading operations. This area may be co-located atop of required parking spaces within the development site, so long as the free movement of vehicles and pedestrians is not impeded.

J. All off-street loading spaces shall meet the minimum size requirements as set forth in Table 6.03.04(B)
Table 6.03.04(B)
Minimum Size Requirements for Off-Street Loading Spaces

<table>
<thead>
<tr>
<th>Delivery Type</th>
<th>Load Capacity</th>
<th>Minimum Loading Space Area</th>
<th>Vertical Clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal delivery of merchandise and materials via truck and/or truck and trailer</td>
<td>&lt;2 tons</td>
<td>12-feet by 30-feet</td>
<td>10-feet</td>
</tr>
<tr>
<td></td>
<td>&gt;2 tons</td>
<td>12-feet by 60-feet</td>
<td>12-feet</td>
</tr>
<tr>
<td>Delivery of automobiles or other motorized and/or heavy equipment via automotive transport carrier</td>
<td></td>
<td>12-feet by 100-feet</td>
<td>18-feet</td>
</tr>
</tbody>
</table>

Section 6.03.05. Design Standards for Off-Street Parking and Loading Areas.

A. Location. Parking lots shall be designed such that vehicles shall not utilize any portion of any public rights-of-way for site circulation or for the maneuvering into or out of parking spaces. Parking spaces which would require backing into any public rights-of-way are strictly prohibited.

B. Required Vehicle Parking Lot Improvements. Any off-street parking lot serving any use other than dwellings of four (4) units per building or less shall meet the following requirements for off-street parking lot improvements:

   1. Buffer and canopy. The parking area will be buffered and canopy provided pursuant to Section 6.07.00, and its subsections, as provided in this Article.

   2. Surfacing. For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be provided with a hard, stabilized surface, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water, and shall be constructed in accordance with engineering design standards adopted by the City of Arcadia.

   3. Lighting. Where lighting facilities are provided for the parking area, they shall be designed and installed so as to direct the light away from adjacent residential property.

C. Size of Standard Parking Spaces. Standard parking spaces shall be sized according to Table 6.03.05(A) and Figure 6.03.05(A).
Table 6.03.05(A)
Parking Space Dimensions

<table>
<thead>
<tr>
<th>Parking Angle (degrees)</th>
<th>Stall Width (feet)</th>
<th>Stall Depth (feet)</th>
<th>Aisle Width (feet)</th>
<th>Curb Length (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>9.5</td>
<td>10.0</td>
<td>12.0</td>
<td>23.0</td>
</tr>
<tr>
<td>20</td>
<td>9.5</td>
<td>16.2</td>
<td>12.0</td>
<td>29.2</td>
</tr>
<tr>
<td>30</td>
<td>9.5</td>
<td>18.7</td>
<td>12.0</td>
<td>20.0</td>
</tr>
<tr>
<td>40</td>
<td>9.5</td>
<td>20.5</td>
<td>12.0</td>
<td>15.6</td>
</tr>
<tr>
<td>45</td>
<td>9.5</td>
<td>21.2</td>
<td>12.0</td>
<td>14.1</td>
</tr>
<tr>
<td>50</td>
<td>9.5</td>
<td>21.7</td>
<td>16.0</td>
<td>13.1</td>
</tr>
<tr>
<td>60</td>
<td>9.5</td>
<td>22.3</td>
<td>18.0</td>
<td>11.5</td>
</tr>
<tr>
<td>70</td>
<td>9.5</td>
<td>22.2</td>
<td>20.0</td>
<td>10.6</td>
</tr>
<tr>
<td>80</td>
<td>10.0</td>
<td>21.4</td>
<td>24.0</td>
<td>10.2</td>
</tr>
<tr>
<td>90</td>
<td>10.0</td>
<td>20.0</td>
<td>24.0</td>
<td>10.0</td>
</tr>
</tbody>
</table>

Figure 6.03.05(A)
Parking Space Illustration
1. *Parallel Parking Exception.* If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, the curb length may be reduced to 20 feet.

2. *Compact Parking Spaces.* Up to 20 percent of required parking spaces may be designated as compact spaces, with minimum dimensions of 8-feet by 16-feet. Compact spaces shall only be allowed for projects requiring 20 or more parking spaces. Compact spaces shall be clustered in one or more groups and dispersed throughout the development site, to provide drivers using either compact or full-sized spaces, equal access to the most convenient parking locations. Compact spaces shall be designated by signage on every third space, painted *Compact* on each pavement space and double striped to indicate their status. Spaces provided in excess of the required number of spaces may all be compact spaces, provided that the total number of compact spaces shall not exceed 33 percent of the total number of spaces provided.

3. *Motorcycle Parking Spaces.* A standard motorcycle parking space shall be four and one-quarter (4¼) feet wide and nine and one-quarter (9¼) feet long.

D. *Layout and Curb Design.*

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.

2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall site development plan and shall be properly related to existing and proposed buildings.

3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not adversely exposed to vehicular traffic.

4. Landscaped, paved, and gradually inclined or flat pedestrian walkways shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walkways should be designed to discourage incursions into landscaped areas except at designated crossings.

5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single family and two-family residences, is not a public street.

6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the City Administrator or his or her designee based on the size and accessibility of the driveway.

7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

   a. Parking spaces for all uses, except single family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
b. No parking space shall be located so as to block access by emergency vehicles.

E. **Parking Lot Construction Standards.** Parking lots shall be constructed as per AASHTO T-180, except as listed below:

1. For churches where parking needs are limited to one or two days per week, parking spaces may be grass. Aisles and circulation areas shall be paved. This exemption may be approved upon a finding by the City Administrator or his or her designee that there would be no detrimental effect due to erosion or other degrading of the natural environment.

2. Parking lots that provide grass parking spaces shall not use such areas in the calculations needed to meet minimum requirements for buffers, landscaping, or stormwater retention. (Stormwater retention calculations shall be based on the assumption that all parking spaces are paved).

3. Where grass parking spaces are allowed, all required handicap spaces shall be paved and meet the requirements of Section 6.03.05(B).

F. **Handicapped Access:** All uses shall be required to provide off-street parking for physically handicapped persons in accordance with the standards provided in this section and the Florida Accessibility Code for Building Construction (FACBC). Where a conflict exists between these regulations and the FACBC, the Accessibility Code shall be enforced.

1. Level parking spaces shall be reserved for physically handicapped persons as provided in Table 6.03.05(B).
Table 6.03.05(B)
Number of Required Handicap Parking Spaces

<table>
<thead>
<tr>
<th>Total # of Parking Spaces</th>
<th>Required # of Handicap Parking Spaces to be Reserved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total # of parking spaces</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>20, plus 1 additional space for each 100 spaces over 1,000</td>
</tr>
</tbody>
</table>

2. Parking spaces reserved for physically handicapped persons shall meet the following design and location requirements:
   
a. All handicap spaces shall be accessible to curb ramp or curb cut, to provide clear and unimpeded access to the building, facility, or use served, and shall be so located that users are not compelled to wheel behind parked vehicles.

b. Handicap parking spaces shall be a minimum of 12 feet wide and shall be accompanied by an adjacent access aisle a minimum of 60 inches wide. Parking access aisles shall be immediately accessible to the building or facility entrance.

c. Parallel handicap parking spaces shall be located either at the beginning or end of a block or adjacent to an alley entrance. Curbs adjacent to such premises shall be of a height that will not interfere with opening and closing of motor vehicle doors.

d. Each handicap parking space shall be prominently outlined with blue paint and posted with a non-movable, above grade, fixed sign, of a color and design approved by the FDOT, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY." The symbol and caption may be on two separate signs, or combined on one sign.

3. Ramps and curb cuts shall meet the following design and location requirements:
   
a. Ramps and curb cuts from parking areas to level pedestrian walkways shall be provided and spaced at intervals of no more than 100 feet. Ramps
and curb cuts shall be located as close as possible to the main entrances and exits of buildings, facilities, and uses being served.

b. The maximum slope of an access ramp for new construction shall be established at a ratio of 1:12. Ramps 30 feet in length or longer shall have a maximum slope of 1:20.

*Exception:* In lieu of a maximum slope of 1:20 for access ramps 30 feet in length or longer, a 1:12 slope ratio may be utilized, provided that a level platform at least 60 inches deep, in the direction of the access ramp, is provided at 30-foot intervals.

c. The minimum width of an access ramp shall be 44 inches, exclusive of flared sides. Ramps shall be constructed of a skid-resistant surface.

**Section 6.03.06. Bicycle Parking.**

A. *Number of Spaces Required.* Bicycle parking shall be installed, as provided in Table 6.03.06(A).

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Required # of Bicycle Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multi-Family Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Apartments and Condominiums</td>
<td>1 per 10 dwelling units</td>
</tr>
<tr>
<td><strong>Commercial and Business</strong></td>
<td></td>
</tr>
<tr>
<td>Office, retail</td>
<td>1 per every 10 required automobile spaces</td>
</tr>
<tr>
<td><strong>Educational</strong></td>
<td></td>
</tr>
<tr>
<td>Elementary and Junior High</td>
<td>5 per each required automobile space</td>
</tr>
<tr>
<td>Senior High Schools</td>
<td>1 per each required automobile space</td>
</tr>
<tr>
<td>Colleges</td>
<td>1 per every 2 required automobile spaces</td>
</tr>
<tr>
<td><strong>Entertainment and Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Arcade, movie theatre, skating rink, tennis, basketball, and racquetball courts, swimming pool</td>
<td>1 per every 4 required automobile spaces</td>
</tr>
</tbody>
</table>

B. *Design Standards.* All bicycle parking facilities shall be approved by the City Administrator or his or her designee. Bicycle racks and other bicycle parking facilities shall be designed and installed according to the following standards.

1. Designed to allow each bicycle to be supported by its frame.
2. Designed to allow the frame and wheels of each bicycle to be secured against theft.
3. Designed to avoid damage to any bicycle.
4. Designed to accommodate a range of bicycle shapes and sizes, providing ease for locking without interfering with adjacent bicycles.

5. Anchored to resist removal of the rack or facility

6. Constructed to resist damage by rust, corrosion, and vandalism.

7. Located in convenient, highly-visible, active, well-lighted areas.

8. Located so as to prevent damage to bicycles by motor vehicles.

9. Located so as not to interfere with pedestrian movements.

10. Located as near as possible to the main entrance of the building, facility, or use served.

11. Provide consistency with surroundings, in terms of color and design, and be incorporated whenever possible into building or street furniture design.

12. Provide safe accessibility from the rack or other facility to the right-of-way or bicycle lane.

Section 6.04.00. Adjustments to Access and Parking Standards.

A. The City Council may, by resolution, approve a waiver or reduction of the total number of required off-street parking spaces and/or adjustment of the number of allowable access points on a development site, provided that at least one of the following determinations is made.

1. Construction of the required number of off-street parking spaces and/or adjustment of the allowable number of access points would:

   a. Substantially reduce traffic hazards or congestion on adjacent streets serving the property.

   b. Prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area.

   c. Detract from the overall shopping desirability of the adjoining buildings and premises and would result in the incompatible mixing of vehicles, buildings and pedestrian shoppers.

2. The required number of off-street parking spaces cannot be reasonably provided off the premises in accordance with the parking requirements of this Section.

B. Traffic and Parking Study Requirements

1. Applicability: A traffic and/or parking study, in addition to the application for site development approval, shall be submitted for proposed developments meeting one of the following criteria:
a. A request for a parking waiver is proposed, where the applicant asserts that the off-street parking requirement, as listed in Table 6.03.02(A) is greater than that actually needed to serve the development site;

b. A proposed reduction of the off-street parking requirement is being made based on a shared-use parking proposal; or

c. A request for a waiver of the number of access points onto a development site is proposed.

2. Contents of a Traffic/Parking Study: A traffic/parking study shall be designed to provide evidence supporting the requested waiver of the required number of parking spaces and/or allowable number of access points. A study shall be prepared, signed, and sealed by a certified professional traffic engineer and shall consider the following:

a. Estimates of parking requirements shall be based on recommendations in studies such as those from the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE) based on data collected from uses or combinations of uses that are the same or comparable to the proposed use; comparability shall be determined by density, scale, area, type of activity and location; the study shall document the source of data used to develop recommendations;

b. The extent to which a transportation system management program and use of alternative forms of transportation lessen the parking requirement; and

c. Clear evidence supporting that any additional access points on a development site shall not create a safety or operational hazard.

Section 6.05.00. Utilities.

Section 6.05.01. Requirements for All Developments.

The following basic utilities are required for all developments subject to the criteria listed herein:

A. Water and Sewer.

1. Every principal use and every lot within a newly platted subdivision shall have central potable water and wastewater hookup whenever required by the Comprehensive Plan and where the topography permits the connection to a public water or sewer line by running a connecting line no more than 200 feet from the lot to such line.

2. Water and sewer lines shall be placed in the street right-of-way. Under extreme and unusual circumstances, the Planning and Zoning Board may consider modifications to this requirement at the time of preliminary plat approval.

3. All development shall comply with applicable DEP rules and Chapter 102 of the Arcadia Municipal Code.
B. **Fire Hydrants.** All developments served by a central water system shall include a system of fire hydrants consistent with design standards adopted by the City of Arcadia.

C. **Electricity.** Every principal use and every lot within a subdivision 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.

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

E. **Illumination.** All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting design standards adopted by the City of Arcadia.

**Section 6.05.02. Design Standards.**

A. **Compliance with Technical Construction Standards.** All utilities required by this Article shall meet or exceed minimum design standards adopted by the City of Arcadia.

B. **Placement of Utilities Underground.**

1. All electric, telephone, cable television, and other communication lines (exclusive for transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the City’s adopted design standards.

2. Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.

3. Screening of any utility apparatus placed above ground shall be required.

**Section 6.05.03. Utility Easements.**

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**Section 6.06.00. Stormwater Management.**

**Section 6.06.01. Purpose and Intent.**

The purpose and intent of this Section is to establish standards for the provision of stormwater management to prevent or minimize the damage to persons or property which may occur as a result of uncontrolled drainage and to protect the
quantity and quality of the waters of the community.

Section 6.06.02. Applicability.

Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas. The stormwater treatment system or systems can be project specific, or serve sub-areas within the County. The design and performance of all stormwater management systems shall comply with applicable State Regulations (Chapter 17-25 and Chapter 17-302, Florida Administrative Code) and the rules of the Southwest Florida Water Management District stated in Chapter 40D-4, F.A.C. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C. Steps to control erosion and sedimentation shall be taken for all development.

Section 6.06.03. Stormwater Management Requirements.

A. Performance Standards. All development must be designed, constructed and maintained to meet the following performance standards:

1. 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 one (1) inch of stormwater runoff shall be treated in an off-line retention system or according to FDEP's Best Management Practices.

2. The proposed development and development activity shall not violate water quality standards set forth in Chapter 17-3, Florida Administrative Code.

3. Maintenance activity may be undertaken so long as it does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.

4. Actions may be undertaken during emergency conditions that violate these regulations to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes or other hazards. Upon cessation of the emergency, all activities shall conform to this Section.

5. Agriculture activity may be engaged in, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service conservation Plan. If the Conservation Plan is not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.

B. Residential Performance Standards. It is intended that all of the standards in the citations from the Florida Administrative Code are to apply to all development and redevelopment and that exemptions based on project size thresholds and individual structures do not apply for concurrency determinations. All development must meet F.A.C. and subsequently meet the following performance standards.
1. **New Construction.** For the purposes of determining whether residential development of 1-4 units on an individual lot requires retention, all the following standards must be met.

   a. Structure and all impervious surface can be placed less than 100 feet from the receiving water body; and,

   b. the topography of the lot is greater than a 6% slope; and,

   c. the total of all impervious surface is 10% or more of the total lot area.

2. **Infill development.** Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when each of the following condition has been met:

   a. Infill residential development shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

**Section 6.06.04. Design Standards.**

To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards:

A. Detention and retention systems shall be designed to comply with the FDEP's Best Management Practices.

B. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.

C. 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.

D. The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.

E. The design and construction of the proposed stormwater management system shall be certified as meeting applicable requirements, by a professional engineer registered in the State of Florida.

F. No surface water may be channeled or directed into a sanitary sewer.

G. 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.

H. The banks of detention and retention areas shall be sloped at no less than a 3:1 ratio and shall be planted with appropriate vegetation.

I. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
J. Natural surface waters shall not be used as sediment traps during or after development.

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

L. 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.

M. In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.

N. 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.

Section 6.06.05. Dedication or Maintenance of Stormwater Management Systems.

If a stormwater management system approved under this Code will function as an integral part of a County-maintained drainage system, as determined by the County Engineer, the facilities shall be dedicated to Desoto County. 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. All stormwater management systems that are not dedicated to Desoto County, shall be operated and maintained by one of the following entities:

A. The City of Arcadia.

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 A-D 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 City 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 operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and 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.

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 and 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 and maintenance entities for different phases, such 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.

Section 6.07.00 Compatibility, Landscaping and Buffering Standards.

Section 6.07.01 Purpose and Intent.

The City Council finds that landscaping makes important contributions to the public safety and the general welfare of the City. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees and buffer yards, the conservation of native plants and trees, and the conservation of water resources in the City. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land uses on adjacent properties. It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally in protecting the health, safety and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the City of Arcadia shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses.

Section 6.07.02 Applicability and Exemptions.

A. Applicability.
Except as specifically excluded in the exemptions below, the requirements and regulations of this Article shall apply to the following:

1. The construction of any new building or improvements that require off-street parking and other impervious surfaces to be constructed on the site;

2. The alteration of existing structures or improvements where the alteration adds usable floor area that requires additional off-street parking and other impervious surfaces to be constructed on the site;

3. The construction or expansion of off-street parking and loading areas;

4. The paving of any existing unpaved off-street parking and/or loading areas; and

5. Any change of use which results in the property becoming a higher impact/higher intensity use.

B. Exemptions.

The development, redevelopment, reconfiguration, expansion or change of use of any site requiring review by the City must comply with all elements of this Article, unless any of the following exemptions apply:

1. Enlargement or repair of a single family or duplex residence unless specifically stated otherwise.

2. New single family and duplex development on individual residential lots are exempt from all provisions of this Article, except the requirement of two (2) large or medium sized trees per residential lot, or one (1) tree per attached unit.

3. Bona fide agriculture.

4. Buildings and structures are not counted as impervious surface for the purpose of calculating the areas that must be shaded with canopy trees.

5. Swimming pools and the area specifically designed to be the deck or pool apron abutting the pool are exempt from canopy requirements.

6. Docks, piers, seawalls, boardwalks and other improvements designed to serve pedestrians near the water or in the use of boats are exempt from canopy requirements. Paved areas abutting a seawall, dock or pier are exempt to a maximum width of ten feet (10').

7. Paved surfaces within the supporting cables of a radio, television or microwave tower or a cable television satellite receiver, are exempt from canopy requirements.

8. Land developed in the Central Business District or other properties where existing buildings have reduced or no setbacks from property lines, and which are physically unable to comply with buffer yard and/or canopy requirements.

Section 6.07.03. Landscape Plans and Permits.

Prior to issuance of a development permit, a landscape plan shall be submitted to the City Administrator, or his or her designee, showing canopy tree and buffer yard
information required by this Article. The landscape plan shall be prepared consistent with the requirements provided in Article 10 of this Code. The landscape plan may be submitted separately, but shall be a part of a site development plan submission, where site development plan submission is required.

When landscaping is required under this Article, no building, grading or site preparation shall be allowed until the landscape plan has been approved by the City Administrator, or his or her designee. The plan shall be dated and stamped approved by the City and only these plans and the requirements of this Article shall govern the construction of the site landscaping and subsequent maintenance inspections. A permit shall be obtained for the project within twelve (12) months of the approval date of the approved landscape plan or the plan shall become invalid, unless granted an extension.

Section 6.07.04. Landscaping.

Landscaping shall include the conservation of native plants and trees; the selection and planting of trees to shade vehicular use areas, sidewalks and other paved surfaces; and the design, selection of trees and shrubbery, and the planting of landscape materials to establish buffer yards.

Section 6.07.04.01. Selection of New Trees and Shrubs; Site Conditions.

All plants identified in this Article are “Florida Friendly” plants for Desoto County, and are well suited to the environment in the City. A Florida Friendly Landscape is designed to reduce impacts to the environment through the selection of the right plant for the right location, thereby reducing the need for greater landscape maintenance and irrigation.

All new living plant material to be installed shall be nursery grown and root pruned stock, free of insects, disease and defects, and shall satisfy the requirements of this Article and be Florida Grade No. 1 or better as defined in the most current edition of Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services, Florida Division of Plant Industry. All plants installed on the site shall be in accordance with the plans stamped approved by the City.

Section 6.07.04.02. Preservation of Existing Trees and Shrubs.

Existing trees and shrubs shall be preserved whenever possible provided the plants are all healthy species and are not listed as an exotic and/or nuisance plant in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council. In these instances the plant material shall be acceptable to the City and may be maintained in its natural setting and incorporated into the required landscaping areas to fulfill the intent of this Article. Landscape plans shall identify those existing plant materials credited toward the City landscape requirements.

Areas of existing vegetation to remain on site and as noted on landscape plans shall not be encroached upon or damaged during construction by any or all activities above or below ground. Visible barricades shall be placed around these areas and shall be kept clear of all construction materials, traffic and debris. Areas that have been damaged or removed shall be replanted and refurbished to restore the area as much as possible to its original condition.
The following methods and procedures shall be followed when preserving trees:

1. The use of hand labor may be necessary to clear vegetation within the drip line of those trees to be preserved.

2. The area within the drip line of any tree to be preserved shall remain undisturbed; no materials, machinery, and soil shall be placed within the drip line.

3. Materials, wires, signs or nails shall not be attached to any tree unless such materials are used to preserve the tree.

4. All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation.

5. Visible barricades shall be erected around those trees to be preserved. These barricades shall be at the drip line of the tree(s) and no closer than ten (10) feet to the trunk of the tree.

6. All trees to be preserved shall have their natural soil level maintained.

7. All efforts shall be made through the grading and drainage plan to maintain the natural drainage to those trees to be preserved.

Section 6.07.04.03. Exotic and Nuisance Plants.

The use of exotic and nuisance plants is prohibited and shall not be accepted as part of an approved landscape plan. For purposes of this Section, exotic and nuisance plants shall be those provided in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

Section 6.07.04.04. Minimum Tree Planting Height, Planting Area and Distance from Pavement.

<table>
<thead>
<tr>
<th>Maximum Tree Size at Maturity</th>
<th>Minimum Planting Height</th>
<th>Planting Area</th>
<th>Minimum Distance from Pavement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Small) Less than 30 feet tall</td>
<td>6 feet</td>
<td>50-150 square feet</td>
<td>2 feet</td>
</tr>
<tr>
<td>(Medium) Less than 50 feet tall</td>
<td>8 feet</td>
<td>150-300 square feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>(Large) Taller than 50 feet</td>
<td>10 feet</td>
<td>More than 300 square feet</td>
<td>More than 6 feet</td>
</tr>
</tbody>
</table>

(Source: University of Florida “Planting Area Guidelines,” 2011; planting area and distance from pavement; based on minimum 3’ soil depth).

All newly planted trees shall be staked and guyed immediately after installation and shall remain supported until the root systems have established themselves to adequately support the tree.
Section 6.07.04.05. Minimum Shrub Planting Requirements.

Shrubs shall be a minimum of one (1) foot tall at the time of planting, except where they are to act as required screening for residential uses and districts, in which case they shall be a minimum of three (3) feet in height at the time of planting and maintained at a minimum height of five (5) feet at maturity. One (1) foot high shrubs shall be spaced no greater than thirty (30) inches on center and three (3) foot high shrubs shall be spaced no greater than thirty-six (36) inches on center. The City may authorize alternate spacing for species which have especially broad coverage.

Section 6.07.04.06. Ground Covers.

Ground covers shall be spaced no greater than eighteen (18) inches on center and may be planted in lieu of lawn grass. A list of recommended ground cover species is provided in Table 6.04.09. E of this Article.

Section 6.07.04.07. Lawn Grass.

Grass may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion (generally slopes steeper than 10:1). Grassed areas that are installed by methods other than sod shall attain a full grassed coverage within three (3) months of the date of installation. A list of lawn grass species and their characteristics, including drought tolerance level, soil type, light requirements, wear tolerance and plant maintenance, are provided in Table 6.04.09. F. The selection of lawn grasses shall be based upon the species and characteristics which are most appropriate for the site.

Section 6.07.04.08. Mulch.

Planting beds shall be mulched with standard accepted mulch materials to 1) prevent the invasion of other plant species; 2) to absorb moisture for the benefit of the plants; and 3) to present a neat and orderly appearance of the landscaped area. The mulched bed shall have a uniform coverage and a minimum depth of two inches (2”). Mulched areas around trees should be at least 8 feet in diameter. The use of cypress mulch is discouraged.

Section 6.07.04.09. Planting Beds.

The planting bed for all landscaping materials shall be free of weeds, debris, and nuisance/invasive materials and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants.

Section 6.07.04.10. Landscaping for Decorative and Masonry Walls.

Residential subdivisions and commercial and industrial developments may have decorative entrance and screening walls. Landscaping (a combination of trees and shrubbery) shall be installed within the property setback/buffer yard area. If there are no specific buffer yard requirements for the development, one (1) tree shall be planted for each fifty (50) linear feet of wall. Buffer yard trees and shrubs required by this Article shall be planted on the street side of the wall.
Section 6.07.04.11. Tree Requirements for Residential Properties.

Trees for new residential development shall be provided at a rate of two (2) large or medium sized trees per residential lot or one (1) tree per attached unit. Existing trees may be used to satisfy this requirement on individual development parcels provided they are not specifically listed as an invasive species in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.


A. Structures.

Accessory uses, buildings, and dumpster pads shall not encroach upon or conflict with required landscaped areas.

B. Parking Stalls.

No more than two (2) feet of vehicular overhang shall be allowed into a landscape area and no trees and shrubs shall be planted within the area of encroachment.

Section 6.07.05. Canopy Coverage and Tree Species.

Trees providing canopy coverage shall be required for the purpose of shading vehicular use areas, sidewalks and other paved surfaces associated with all development in the City, thereby lowering the ambient temperature of the air through increased shading; conserving water; enhancing the appearance of properties; improving property values; and protecting the general health, safety and welfare of the public through the improvement of the quality of the human environment. Buildings and structures shall not be counted as impervious surface for the purpose of calculating the areas that must be shaded with canopy trees.

A. Canopy trees shall be selected from Tables 6.07.09 A and 6.07.09 B.

B. Canopy coverage trees shall be interspersed throughout all vehicular use areas rather than restricted in any way to only a portion of the site. This allows for flexibility and creative design opportunities.

C. Trees located in buffer yards may receive partial credit in meeting vehicular use areas interior landscaping canopy requirements.

D. Planting areas under trees shall be planted with shrubs and/or ground covers which are compatible with site conditions.

Section 6.07.05.01. Vehicular Use Areas Interior Landscaping and Canopy Requirements.

The standard for canopy is fifty percent (50%) coverage over all vehicular use areas associated with all land uses subject to these requirements.

"Vehicular Use Area” is defined as all paved areas, including impervious and hard surface, stabilized permeable pavement, which provide site access, traffic circulation and areas for vehicular parking, loading and unloading.
Section 6.07.05.02. Tree Canopy Waivers.

Within the B-3, C-1, M-1 and M-2 zoning districts, the City Administrator, or his or her designee, may grant a waiver or modification of tree canopy requirements for impervious surfaces, which are exclusively used for parking and/or maneuvering of large trucks and/or for storing products or materials.

A. The applicant shall submit an application, site plan, and application fee to the City Administrator, or his or her designee.

B. The site plan shall detail the proposed exceptions to the strict application and enforcement of the tree canopy requirements contained in this Article.

C. The City Administrator, or his or her designee, shall forward the application and site plan to the DRC, which shall review the request and provide comments to the applicant.

D. Upon DRC review, the City Administrator, or his or her designee, may approve the request based on consideration of the following findings:

1. The particular characteristics of the use and/or the site, such as its size, configuration, topography or subsurface conditions, are such that strict application of the tree canopy requirements would result in unreasonable hardship to the developer.

2. The effect of the waiver or modification does not nullify the purpose and intent of the City’s landscape requirements.

3. The approval of the waiver or modification upholds the public interest.

4. The approval of the waiver or modification is not contrary to the City’s Comprehensive Plan.

Section 6.07.06. Buffer Yards.

A buffer yard is an area containing plant material, fences, walls and/or berms which provide a visual screen and physical separation between incompatible land uses. Buffer yards are intended as landscaped open space therefore, they shall be free of pavement and permanent structures other than fences, walls, berms, unpaved pedestrian paths, and stormwater management and retention facilities. The purpose of this Section is to establish minimum buffer yard widths and landscaping requirements, in order to ensure compatibility between adjacent properties and land uses. The minimum required width of the buffer yard is therefore based on the potential degree of incompatibility between two abutting land uses.

Section 6.07.06.01. Buffer Yards Between Proposed and Abutting Land Uses and Vacant Property.

The City provides four (4) different category types of buffer yards, identified as types A, B, C and D. Table 6.07.06. A, establishes the type of buffer yard required between proposed and existing land uses. When property adjacent to a proposed development is vacant, the need for a buffer yard is determined by the zoning classification of the vacant site as provided in Table 6.07.06. B.
Section 6.07.06.02.  Buffer Yards along Rights-Of-Way.

In addition to the standards set forth in this Article regarding landscape requirements between proposed and abutting land uses and vacant property, provisions shall also be made to buffer land uses from adjacent public streets or rights-of-way as follows:

A. Arterial Roadways.

Land uses, excluding agriculture, located along arterial roadways are required to provide a landscape strip at least ten (10) feet wide with a minimum of five (5) trees for each one hundred (100) linear feet of right-of-way frontage, or fraction thereof. In addition, seven (7) shrubs per tree shall be planted within the landscape strip.

B. Collector Roadways.

Land uses, excluding agriculture, located along collector roadways are required to provide a landscape strip at least ten (10) feet wide with a minimum of one (1) tree and seven (7) shrubs for each fifty (50) linear feet of right-of-way frontage, or fraction thereof.

C. Railroad Rights-Of-Way.

Commercial and industrial land uses located along railroad rights-of-way shall not be required to provide buffering between the use and the right-of-way. New residential developments, excluding individual single-family home sites, individual duplex units and individual infill lot development shall meet the requirements of a “D” buffer yard as specified under Section 6.07.06.04 of this Article.

D. Residential Street.

New residential developments, excluding individual single-family home sites, individual duplex units and individual infill lot development, located along a residential street, shall provide a landscape strip at least five (5) feet wide with at least one tree per lot. Any trees within this buffer yard may count towards the two (2) tree requirement per Section 6.07.04.11 of this Article.

E. Setbacks for Vision Clearance.

Buffer yards shall comply with Section 6.02.03.C., Clear Visibility Triangle.

Section 6.07.06.03.  Buffer Yards for Free Standing or Satellite Parking Lots.

Buffer yards for free standing or satellite parking lots shall meet the following requirements:

A. Residential Zoning Districts: Standing or satellite parking lots located in residential zoning districts, which serve adjacent zoned businesses, shall meet the following requirements.
1. Approval of a Site plan by the City Administrator or his or her designee;

2. Where the parking lot is contiguous to side lot lines of residentially zoned property, a side yard at least ten feet (10') in width shall be provided;

3. The parking area shall be provided with a continuous, un-pierced masonry wall six feet (6') in height adjacent to all required yards. All such walls shall be smoothly finished and shall not be used for any sign;

4. All yard spaces between the required wall and lot lines shall be landscaped with at least one hedgerow of hardy shrubs, not less than five feet (5') in height, placed next to the walls. The remainder of such yard space shall be covered by lawn grass or other approved ground covers as provided in Tables 6.07.09 E. and 6.07.09 F. All such landscaping shall be maintained in a healthy, growing condition, neat and orderly in appearance. Yard spaces shall be kept free of refuse or debris;

5. Where the parking lot is separated from residentially zoned property by a street, a buffer yard at least ten feet (10') in width shall be provided along the street frontage;

6. Where the parking is located upon a street upon which residentially zoned properties front and abut in the same block, a front yard shall be provided at least 25 feet (25') in depth. Where one or both of the lots contiguous to and on each side of the parking lot are developed with residential structures having front yards greater than 25 feet (25’) in depth, the front yard on the parking lot shall be not less in depth than the deeper of these existing front yards.

B. All Other Zoning Districts: With the exception of letter A above, standing or satellite parking lots located in all other zoning districts shall be designed in accordance with the following requirements.

1. The parking area shall be provided with a buffer yard at least ten feet (10') in width along all property lines and streets on which the off-street parking area is located.

2. See Section 6.07.06.02, Buffer Yards Along Rights-Of-Way, for landscape buffer requirements adjacent to public rights-of-way.

3. A waiver of buffer yard requirements may be granted by the City Administrator or his or her designee along property lines where adjoining businesses propose to share a common parking lot. A site plan is required for review and approval.

C. Site Plan Review: The City Council may consider specific site plan requests under this Section. The Council may accept or reject the original request, or it may impose conditions or safeguards on the request which is finds necessary to uphold the public purpose and the intent of the City Code. Approval shall be in the form of a resolution.
### Table 6.07.06.A
Buffer Yard Requirements between Proposed and Abutting Land Uses

<table>
<thead>
<tr>
<th>Proposed Land Use</th>
<th>ABUTTING LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family detached dwellings</td>
<td>N</td>
</tr>
<tr>
<td>Duplex: Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</td>
<td>A</td>
</tr>
<tr>
<td>Professional office with up to 8 parking spaces; child care centers in converted residential structures</td>
<td>B</td>
</tr>
<tr>
<td>Duplex, single family attached, mobile home parks &amp; multi-family at 4-8 units per acre</td>
<td>B</td>
</tr>
<tr>
<td>Single family attached, multi-family at 8+ units per acre up to &amp; including 12 units per acre; Utility substations, switching stations, etc.</td>
<td>C</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>C</td>
</tr>
<tr>
<td>Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial &amp; business development sites with up to 10 parking spaces</td>
<td>C</td>
</tr>
<tr>
<td>Other commercial &amp; business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</td>
<td>C</td>
</tr>
<tr>
<td>Light Industry; PWS; Governmental public works storage/equipment facilities</td>
<td>D</td>
</tr>
<tr>
<td>Heavy industry; Water &amp; wastewater treatment facilities</td>
<td>D</td>
</tr>
</tbody>
</table>

N = No Buffer Yard Required. A through D = Type of Buffer Yard Required (See Section 6.07.06.04 for Illustrated Examples Buffer Yard Designs).

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### Table 6.07.06. B
Buffer Yard Requirements between Proposed Land Use and Vacant Property

<table>
<thead>
<tr>
<th>PROPOSED USE</th>
<th>ADJACENT VACANT LAND (By Zoning District)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
</tr>
<tr>
<td>Single family detached dwellings</td>
<td>N</td>
</tr>
<tr>
<td>Duplex; Single family attached; Multi-family up to 4 units per acre; Outdoor</td>
<td>A</td>
</tr>
<tr>
<td>recreation facilities; Cemeteries</td>
<td></td>
</tr>
<tr>
<td>Professional office with up to 8 parking spaces; Child care</td>
<td>A</td>
</tr>
<tr>
<td>centers in converted residential structures</td>
<td></td>
</tr>
<tr>
<td>Duplex, single family attached; multi-family at 4-8 units per acre</td>
<td>A</td>
</tr>
<tr>
<td>Single family attached; Multi-family at 8+ units per acre; Utility substations,</td>
<td>B</td>
</tr>
<tr>
<td>switching stations, etc.</td>
<td></td>
</tr>
<tr>
<td>Mobile home park</td>
<td>B</td>
</tr>
<tr>
<td>Professional office with 9+ parking spaces; Churches; Schools; Government</td>
<td>B</td>
</tr>
<tr>
<td>facilities; Commercial &amp; business development sites with up to 10 parking</td>
<td></td>
</tr>
<tr>
<td>spaces</td>
<td></td>
</tr>
<tr>
<td>Other commercial &amp; business, wholesale, service businesses; Self-storage;</td>
<td>B</td>
</tr>
<tr>
<td>Automobile service stations; Shopping centers; Hotels, motels; Hospitals</td>
<td></td>
</tr>
<tr>
<td>Light Industry; PWS; Governmental public works storage/equipment facilities</td>
<td>C</td>
</tr>
<tr>
<td>Heavy industry; Water and wastewater treatment facilities</td>
<td>D</td>
</tr>
</tbody>
</table>

N = No Buffer Required.
A through D = Type of Buffer Yard Required (See Section 6.07.06.04 for Illustrated Examples Buffer Yard Designs).
Section 6.07.06.04. Buffer Yard Diagrams.

Upon determining the type of buffer yard required for a property (type A, B, C, or D), the yard width and number of plantings shall be calculated. Three options are offered within each buffer yard type, allowing a buffer yard which best fits the constraints and features of the site. Any of the options within a particular buffer yard type will fulfill the buffer yard requirement. For example, if a Buffer Yard A is required, there are three options to choose from; a ten (10) foot wide buffer, a fifteen (15) foot wide buffer or a twenty (20) foot wide buffer. The number of trees and shrubs to be planted within the buffer yard area is dependent upon the buffer yard width chosen; a wider buffer yard requires less plant material.

The diagrams specify the number of each type of plant required per 100 linear feet, excluding any driveway access. The plant material does not need to be equally spaced and may be placed in any configuration, or grouped to best display the plant material within the required buffer yard area. When natural plant material is present, it may be counted towards the total buffer yard requirement for trees and shrubs provided the existing material is generally consistent with the intent of this Article.
Buffer Yard

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**Buffer Yard**

**Width 25’**
- 2 Trees
- 8 Shrubs

**Width 20’**
- 3 Trees
- 10 Shrubs

**Width 15’**
- 4 Trees
- 10 Shrubs

= Shrub
= Tree
Buffer Yard

Plant Material / 100 Linear Feet

**Width 30’**
- 3 Trees
- 10 Shrubs

**Width 20’**
- 4 Trees
- 12 Shrubs

**Width 15’**
- 5 Trees
- 15 Shrubs

= Shrub
= Tree

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Buffer Yard

Width 40’
6 Trees
15 Shrubs

Width 30’
8 Trees
20 Shrubs

Width 20’
10 Trees
25 Shrubs

= Shrub
= Tree
Section 6.07.06.05. Buffer Yards, Utilities and Utility Easements.

Utility easements in a buffer yard do not prohibit the planting of shrubs in the area of the easement of an underground utility, but no tree shall be planted within twelve feet (12”) of a buried utility. Tree planting restrictions in relation to overhead power lines are identified in Tables 6.07.09. A, and 6.07.09. B, of this Article. Large and medium sized trees should not be planted closer than fifteen feet (15’) to any light pole.

Section 6.07.07. Installation, Irrigation, Inspection, Certificate of Occupancy/Completion and Maintenance.

All plants shall be "Florida Grade No. 1" or better, shall be healthy and free of diseases and pests, and shall be of nursery stock in two (2) gallon containers.

A. Installation.

1. The developer shall provide an appropriate planting soil medium for required plants and shall irrigate plant materials to sustain healthy growth of all plants to maturity.

2. Areas on any development site not used for buildings, including single family and duplex development on individual lots, paved surfaces, or other landscape improvements shall be sodded or seeded prior to the issuance of a Certificate of Occupancy/Completion.

3. Areas within public rights-of-way, and areas off-site which have been disturbed by construction activity, shall be cleaned of all debris, re-graded to the proper elevations, and sodded so as to restore the area to a stabilized and planted state.

B. Irrigation.

1. No irrigation system shall be required where existing natural plant communities are maintained.

2. All new landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein and water conservation efficient.

3. An irrigation system shall be designed to provide full coverage of all landscape areas without over spraying onto impervious surfaces including pavement, vehicular or pedestrian areas and/or adjacent properties.

4. The irrigation system shall be operational prior to the issuance of any Certificate of Occupancy/Completion for the property.

C. Inspection and Certificate of Occupancy/Completion.

The City Administrator, or Building Official, shall inspect the landscaping installation to ensure that it is in conformance with the requirements set forth in this Article and with the approved landscape plan.
D. Maintenance.

Landscape areas shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

Section 6.07.08. Violations and Penalties.

A. All plant material which dies shall be replaced with plant material of required variety and size within thirty (30) days from the date of official notification.

B. Consistent with letter A above, if a restoration plan is presented and differs from the original approved plan, three (3) copies of such restoration plan shall be submitted and approved by the City Administrator, or his or her designee. The City Administrator, or his or her designee, shall re-inspect the property for compliance after the restoration is complete.

C. Each failure to comply with any of the provisions of this Article shall constitute an individual violation. Failure to maintain viable landscaping consistent with the approved landscape plan shall constitute a violation subject to penalties and shall be subject to code enforcement action by the City.

Section 6.07.09. Plant Species List.

Plants species identified in this Article include “Florida Friendly” native and non-native plants. Any new plant material, which will serve to meet the City’s minimum landscape requirements, shall be selected from the following plant species tables.

In calculating canopy requirements, each existing tree to be preserved, and each new tree to be planted shall be credited with its mature canopy, as provided in this Article. If an on-site preserved tree is not listed as an invasive plant in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council, and its actual canopy exceeds the canopy area identified in this Article, the greater canopy area may be used in calculating canopy coverage.
<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Type</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Mature Height (feet)</th>
<th>Mature Crown Spread (feet)</th>
<th>Mature Canopy Area (sq. ft.)</th>
<th>P/L (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer barbatum</td>
<td>Florida Maple</td>
<td>D</td>
<td>A</td>
<td>F, P</td>
<td>High</td>
<td>35-50</td>
<td>25</td>
<td>491</td>
<td>15-30</td>
</tr>
<tr>
<td>Acer rubrum</td>
<td>Red Maple</td>
<td>D</td>
<td>A</td>
<td>F, P</td>
<td>Medium</td>
<td>35-50</td>
<td>25</td>
<td>491</td>
<td>15-30</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>River Birch</td>
<td>D</td>
<td>A</td>
<td>F, P</td>
<td>Low</td>
<td>40-50</td>
<td>25</td>
<td>491</td>
<td>15-30</td>
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<tr>
<td>Carya spp.</td>
<td>Hickory, Pecan</td>
<td>D</td>
<td>WD-M</td>
<td>F, P, S</td>
<td>High</td>
<td>50-100</td>
<td>30</td>
<td>707</td>
<td>30+</td>
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<td>Fraxinus caroliniana</td>
<td>Pop Ash</td>
<td>D</td>
<td>W</td>
<td>P, F</td>
<td>Medium</td>
<td>30-50</td>
<td>30</td>
<td>707</td>
<td>15-30</td>
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<td>Fraxinus pennsylvanica</td>
<td>Green Ash</td>
<td>D</td>
<td>M-W</td>
<td>P, F, S</td>
<td>Medium</td>
<td>50-100</td>
<td>50</td>
<td>1964</td>
<td>30+</td>
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<tr>
<td>Gordonia lasianthus</td>
<td>Loblolly Bay</td>
<td>E</td>
<td>WD-M</td>
<td>P, F</td>
<td>Low</td>
<td>30-40</td>
<td>16</td>
<td>201</td>
<td>15-30</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>Sweetgum</td>
<td>D</td>
<td>WD-M</td>
<td>F, P</td>
<td>Medium</td>
<td>40-100</td>
<td>30</td>
<td>707</td>
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<td>WD-M</td>
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<td>Magnolia virginiana</td>
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<td>M-W</td>
<td>P, F</td>
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<td>201</td>
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<td>E</td>
<td>WD-M</td>
<td>F, P</td>
<td>High</td>
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<td>F</td>
<td>High</td>
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<td>25</td>
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<td>A</td>
<td>F, P</td>
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<td>75-90</td>
<td>30</td>
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<td>White Oak</td>
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<td>WD-M</td>
<td>F, P</td>
<td>Medium</td>
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<td>Quercus austrina</td>
<td>Bluff Oak</td>
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<td>WD-M</td>
<td>F</td>
<td>High</td>
<td>40-80</td>
<td>35</td>
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<td>30+</td>
</tr>
<tr>
<td>Quercus falcata</td>
<td>Turkey Oak</td>
<td>D</td>
<td>WD</td>
<td>F</td>
<td>High</td>
<td>40-50</td>
<td>25</td>
<td>431</td>
<td>30+</td>
</tr>
<tr>
<td>Quercus laurifolia</td>
<td>Laurel Oak</td>
<td>Semi D</td>
<td>M</td>
<td>F, P</td>
<td>Medium</td>
<td>60-100</td>
<td>35</td>
<td>962</td>
<td>30+</td>
</tr>
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<td>Quercus muhlenber</td>
<td>Pin Oak</td>
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<td>M-W</td>
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<td>Quercus nigra</td>
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<td>F, P</td>
<td>High</td>
<td>60-100</td>
<td>30</td>
<td>707</td>
<td>30+</td>
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<td>40</td>
<td>1256</td>
<td>30+</td>
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<tr>
<td>Quercus virginiana</td>
<td>Live Oak</td>
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<td>M-W</td>
<td>F, P</td>
<td>High</td>
<td>50-60</td>
<td>50</td>
<td>1964</td>
<td>30+</td>
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<tr>
<td>Taxodium distichum</td>
<td>Bald Cypress</td>
<td>D</td>
<td>A</td>
<td>F, P</td>
<td>High</td>
<td>60-100</td>
<td>20</td>
<td>314</td>
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<tr>
<td>Ulmus alata</td>
<td>Winged Elm</td>
<td>D</td>
<td>A</td>
<td>F, P</td>
<td>High</td>
<td>20-25</td>
<td>25</td>
<td>491</td>
<td>15-30</td>
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<tr>
<td>Ulmus Americana</td>
<td>American Elm</td>
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<td>A</td>
<td>F, P</td>
<td>High</td>
<td>80-100</td>
<td>30</td>
<td>707</td>
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<td>Ulmus parvifolia</td>
<td>Drake Elm</td>
<td>D</td>
<td>WD-M</td>
<td>F, P</td>
<td>High</td>
<td>30-40</td>
<td>16</td>
<td>201</td>
<td>15-30</td>
</tr>
</tbody>
</table>

**Key:**
- **Type:** D = Deciduous, E = Evergreen
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### Table 6.07.09. B
Medium and Small Trees

#### MEDIUM Sized TREES

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Type</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Mature Height</th>
<th>Mature Crown Spread</th>
<th>Mature Canopy Area (sq. ft.)</th>
<th>P/L</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Carpinus caroliniana</strong></td>
<td>American Hornbeam</td>
<td>D</td>
<td>A</td>
<td>F, P, S</td>
<td>Medium</td>
<td>15-35</td>
<td>12'</td>
<td>113</td>
<td>15-30</td>
</tr>
<tr>
<td><strong>Cercis canadensis</strong></td>
<td>Eastern Redbud</td>
<td>D</td>
<td>WD</td>
<td>F, P, S</td>
<td>High</td>
<td>20-30</td>
<td>10'</td>
<td>201</td>
<td>0</td>
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<tr>
<td><strong>Crataegus spp.</strong></td>
<td>Hawthorn</td>
<td>D</td>
<td>A</td>
<td>F, P</td>
<td>High</td>
<td>15-20</td>
<td>12'</td>
<td>113</td>
<td>0</td>
</tr>
<tr>
<td><strong>Cupressus arizonica</strong></td>
<td>Arizona Cypress</td>
<td>E</td>
<td>WD</td>
<td>F</td>
<td>High</td>
<td>30-40</td>
<td>15'</td>
<td>177</td>
<td>15-30</td>
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<tr>
<td><strong>Elaeocarpus decipiens</strong></td>
<td>Japanese Blueberry</td>
<td>E</td>
<td>WD</td>
<td>F, P</td>
<td>High</td>
<td>30-40</td>
<td>30'</td>
<td>707</td>
<td>30+</td>
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<tr>
<td><strong>Ilex attenuata</strong></td>
<td>East Palatka Holly</td>
<td>E</td>
<td>WD</td>
<td>F, P</td>
<td>Medium</td>
<td>25-30</td>
<td>16'</td>
<td>201</td>
<td>15-30</td>
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<tr>
<td><strong>Ilex cassine</strong></td>
<td>Dahoon Holly</td>
<td>E</td>
<td>M-W</td>
<td>F, P, S</td>
<td>Medium</td>
<td>25-30</td>
<td>16'</td>
<td>201</td>
<td>15-30</td>
</tr>
<tr>
<td><strong>Ilex opaca</strong></td>
<td>American Holly</td>
<td>E</td>
<td>A</td>
<td>F, P</td>
<td>High</td>
<td>30-45</td>
<td>16'</td>
<td>201</td>
<td>15-30</td>
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<tr>
<td><strong>Ilex rotunda</strong></td>
<td>Rotund Holly</td>
<td>E</td>
<td>WD</td>
<td>F, P</td>
<td>Medium</td>
<td>20-30</td>
<td>20'</td>
<td>315</td>
<td>15-30</td>
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<tr>
<td><strong>Juniperus silicicola</strong></td>
<td>Southern Red Cedar</td>
<td>E</td>
<td>WD</td>
<td>F, P</td>
<td>High</td>
<td>25-30</td>
<td>12'</td>
<td>113</td>
<td>15-30</td>
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<td><strong>Lagerstroemia indica</strong></td>
<td>Crape Myrtle</td>
<td>D</td>
<td>WD-M</td>
<td>F</td>
<td>High</td>
<td>15-25</td>
<td>12'</td>
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<tr>
<td><strong>Persea borbonia</strong></td>
<td>Red Bay</td>
<td>E</td>
<td>A</td>
<td>F, P</td>
<td>High</td>
<td>20-60</td>
<td>12'</td>
<td>113</td>
<td>15-30</td>
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<tr>
<td><strong>Quercus lyrata</strong></td>
<td>Overcup Oak</td>
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<td>WD-M</td>
<td>F, P</td>
<td>Medium</td>
<td>30-40</td>
<td>35'</td>
<td>962</td>
<td>30+</td>
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<tr>
<td><strong>Tabebuia chrysotricha</strong></td>
<td>Yellow Trumpet Tree</td>
<td>E</td>
<td>WD</td>
<td>F</td>
<td>Medium</td>
<td>25-35</td>
<td>25'</td>
<td>0</td>
<td>15-30</td>
</tr>
<tr>
<td><strong>Tabebuia heterophylla</strong></td>
<td>Pink Trumpet Tree</td>
<td>D</td>
<td>WD</td>
<td>F</td>
<td>High</td>
<td>20-30</td>
<td>20'</td>
<td>0</td>
<td>15-30</td>
</tr>
<tr>
<td><strong>Tabebuia impetiginosa</strong></td>
<td>Purple Trumpet Tree</td>
<td>E</td>
<td>WD</td>
<td>F</td>
<td>High</td>
<td>12-18</td>
<td>10'</td>
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#### SMALL Sized TREES

<table>
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<tr>
<th>Species</th>
<th>Common Name</th>
<th>Type</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Mature Height</th>
<th>Mature Crown Spread</th>
<th>Mature Canopy Area (sq. ft.)</th>
<th>P/L (feet)</th>
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</thead>
<tbody>
<tr>
<td><strong>Aesculus pavia</strong></td>
<td>Florida Buckeye</td>
<td>D</td>
<td>WD-M</td>
<td>S, P</td>
<td>Medium</td>
<td>15-20</td>
<td>20</td>
<td>315</td>
<td>0</td>
</tr>
<tr>
<td><strong>Callistemon rigidus</strong></td>
<td>Bottlebrush, stiff</td>
<td>E</td>
<td>M-W</td>
<td>F, P</td>
<td>High</td>
<td>8-15</td>
<td>5</td>
<td>20</td>
<td>0</td>
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<tr>
<td><strong>Callistemon viminalis</strong></td>
<td>Bottlebrush, weeping</td>
<td>E</td>
<td>W</td>
<td>F</td>
<td>High</td>
<td>15-20</td>
<td>10</td>
<td>79</td>
<td>0</td>
</tr>
<tr>
<td><strong>Chionanthus virginicus</strong></td>
<td>Fringetree</td>
<td>D</td>
<td>WD-M</td>
<td>P, F, S</td>
<td>Medium</td>
<td>15-25</td>
<td>10</td>
<td>79</td>
<td>0'</td>
</tr>
<tr>
<td><strong>Cornus florida</strong></td>
<td>Flowering Dogwood</td>
<td>D</td>
<td>WD</td>
<td>P, F, S</td>
<td>Medium</td>
<td>20-30</td>
<td>16</td>
<td>201</td>
<td>15-30</td>
</tr>
<tr>
<td><strong>Eriobotrya japonica</strong></td>
<td>Loquat</td>
<td>E</td>
<td>WD</td>
<td>F, P</td>
<td>Medium</td>
<td>15-20</td>
<td>10</td>
<td>79</td>
<td>0</td>
</tr>
<tr>
<td><strong>Ilex vomitoria</strong></td>
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<td>E</td>
<td>A</td>
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<td>A</td>
<td>F, P</td>
<td>Medium</td>
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<td>8</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td><strong>Prunus angustifolia</strong></td>
<td>Chicksaw Plum</td>
<td>D</td>
<td>WD</td>
<td>F, P</td>
<td>High</td>
<td>15-20</td>
<td>15</td>
<td>177</td>
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<tr>
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<td>Flatwoods Plum</td>
<td>D</td>
<td>M</td>
<td>P, F</td>
<td>Medium</td>
<td>12-20</td>
<td>15</td>
<td>177</td>
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<tr>
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<td>WD</td>
<td>F</td>
<td>High</td>
<td>15-30</td>
<td>12</td>
<td>113</td>
<td>0</td>
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</table>

**Key**
- **Type:** D = Deciduous, E = Evergreen
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Table 6.07.09. C
Large Shrubs

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Height</th>
<th>Spread</th>
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<tbody>
<tr>
<td>Abelia Xgrandiflora</td>
<td>Glossy Abelia</td>
<td>WD</td>
<td>F, P</td>
<td>M</td>
<td>6-10’</td>
<td>6-10’</td>
</tr>
<tr>
<td>Agarista populifolia</td>
<td>Fetterbush</td>
<td>A</td>
<td>S, P</td>
<td>M</td>
<td>8-12’</td>
<td>5-10’</td>
</tr>
<tr>
<td>Allamanda nerifolia</td>
<td>Bush Allamanda</td>
<td>WD</td>
<td>P, S</td>
<td>M</td>
<td>5-15’</td>
<td>4-10’</td>
</tr>
<tr>
<td>Aloysia virgata</td>
<td>Sweet Almond Bush</td>
<td>M</td>
<td>F</td>
<td>H</td>
<td>6-12’</td>
<td>6-12’</td>
</tr>
<tr>
<td>Asimina spp.</td>
<td>Pawpaw</td>
<td>WD-M</td>
<td>F, P, S</td>
<td>M</td>
<td>15-20’</td>
<td>15-20’</td>
</tr>
<tr>
<td>Baccharis halimifolia</td>
<td>Groundsel Bush, Salt Bush</td>
<td>A</td>
<td>F</td>
<td>M</td>
<td>8-10’</td>
<td>6-12’</td>
</tr>
<tr>
<td>Berberis julianae</td>
<td>Wintergreen Barberry</td>
<td>M</td>
<td>F, P</td>
<td>M</td>
<td>4-6’</td>
<td>2-5’</td>
</tr>
<tr>
<td>Brunfelsia grandiflora</td>
<td>Yesterday-Today-and-Tomorrow</td>
<td>WD</td>
<td>F, P, S</td>
<td>M</td>
<td>7-10’</td>
<td>5-8’</td>
</tr>
<tr>
<td>Buddleia lindleyana</td>
<td>Butterfly Bush</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>4-6’</td>
<td>4-6’</td>
</tr>
<tr>
<td>Calliandra haematocephala</td>
<td>Red Powderpuff</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>6-8’</td>
<td>8-12’</td>
</tr>
<tr>
<td>Callicarpa americana</td>
<td>Beautyberry</td>
<td>WD</td>
<td>P, S</td>
<td>H</td>
<td>6-8’</td>
<td>6-8’</td>
</tr>
<tr>
<td>Calycanthus floridus</td>
<td>Eastern Sweetshrub</td>
<td>WD-M</td>
<td>P, S</td>
<td>M</td>
<td>6-9’</td>
<td>6-12’</td>
</tr>
<tr>
<td>Camellia japonica</td>
<td>Camellia</td>
<td>M</td>
<td>P, S</td>
<td>M</td>
<td>10-20’</td>
<td>10-20’</td>
</tr>
<tr>
<td>Carissa macrocarpa</td>
<td>Natal Plum</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>2-20’</td>
<td>2-20’</td>
</tr>
<tr>
<td>Cestrum aurantiacum</td>
<td>Orange Jessamine</td>
<td>WD</td>
<td>P, F</td>
<td>M</td>
<td>4-10’</td>
<td>6-8’</td>
</tr>
<tr>
<td>Clethra alnifolia</td>
<td>Sweet Pepperbush</td>
<td>A</td>
<td>P, F, S</td>
<td>M</td>
<td>4-8’</td>
<td>4-8’</td>
</tr>
<tr>
<td>Crataegus spp.</td>
<td>Hawthorn</td>
<td>A</td>
<td>F, P</td>
<td>H</td>
<td>20-35’</td>
<td>15-40’</td>
</tr>
<tr>
<td>Galphimia glauca</td>
<td>Thryallis</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>5-9’</td>
<td>4-6’</td>
</tr>
<tr>
<td>Gardenia jasminoides</td>
<td>Gardenia</td>
<td>WD</td>
<td>S, P</td>
<td>M</td>
<td>4-8’</td>
<td>4-8’</td>
</tr>
<tr>
<td>Hamelia atens</td>
<td>Firebush</td>
<td>WD-M</td>
<td>F, P, S</td>
<td>M</td>
<td>5-20’</td>
<td>5-8’</td>
</tr>
</tbody>
</table>

**Key**

**Soil Type:** WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

**Light:** S = Shade, P = Partial Shade, F = Full Sun

**Drought Tolerance:** H = High, M = Medium, L = Low, N = None
### Table 6.07.09. C
Large Shrubs

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Height</th>
<th>Spread</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heptapleurum arboricola</td>
<td>Dwarf Scheffler</td>
<td>WD-M</td>
<td>P, F</td>
<td>H</td>
<td>10-15’</td>
<td>6-15’</td>
</tr>
<tr>
<td>Hibiscus spp.</td>
<td>Hibiscus</td>
<td>WD-M</td>
<td>F, P</td>
<td>M</td>
<td>4-12’</td>
<td>3-10’</td>
</tr>
<tr>
<td>Hydrangea arborescens</td>
<td>Wild Hydrangea</td>
<td>WD-M</td>
<td>P</td>
<td>N</td>
<td>6-10’</td>
<td>6-10’</td>
</tr>
<tr>
<td>Hydrangea macrophylla</td>
<td>French Hydrangea</td>
<td>WD-M</td>
<td>S, P</td>
<td>M</td>
<td>6-10’</td>
<td>6-10’</td>
</tr>
<tr>
<td>Hydrangea quercifolia</td>
<td>Oakleaf Hydrangea</td>
<td>WD-M</td>
<td>F, P, S</td>
<td>M</td>
<td>6-10’</td>
<td>6-8’</td>
</tr>
<tr>
<td>Ilex X’ Mary Nell’</td>
<td>Mary Nell Holly</td>
<td>WD-M</td>
<td>F, P</td>
<td>M</td>
<td>10-20’</td>
<td>10-15’</td>
</tr>
<tr>
<td>Illicium spp.</td>
<td>Star Anise</td>
<td>WD</td>
<td>P, F</td>
<td>M</td>
<td>10-15’</td>
<td>6-15’</td>
</tr>
<tr>
<td>Jasminum mesnyi</td>
<td>Primrose Jasmine</td>
<td>WD-M</td>
<td>F</td>
<td>M</td>
<td>5-10’</td>
<td>2-5’</td>
</tr>
<tr>
<td>Jamminum multiflorum</td>
<td>Downy Jasmine</td>
<td>WD</td>
<td>F, P</td>
<td>M</td>
<td>5-10’</td>
<td>5-10’</td>
</tr>
<tr>
<td>Jasminum nitidum</td>
<td>Star Jasmine</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>10-20’</td>
<td>5-10’</td>
</tr>
<tr>
<td>Jatropha integerrima</td>
<td>Peregrina</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>8-15’</td>
<td>5-10’</td>
</tr>
<tr>
<td>Ligustrum japonicum</td>
<td>Ligustrum</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>8-12’</td>
<td>15-25’</td>
</tr>
<tr>
<td>Loropetalum chinense</td>
<td>Chinese Fringe Bush</td>
<td>WD</td>
<td>F, P</td>
<td>M</td>
<td>6-15’</td>
<td>8-10’</td>
</tr>
<tr>
<td>Malvaviscus arboreus</td>
<td>Turk’s Cap</td>
<td>WD-M</td>
<td>F</td>
<td>M</td>
<td>6-12’</td>
<td>3-5’</td>
</tr>
<tr>
<td>Myrica cerifera</td>
<td>Wax Myrtle</td>
<td>A</td>
<td>F, P</td>
<td>M</td>
<td>10-40’</td>
<td>20’-25’</td>
</tr>
<tr>
<td>Nerium oleander</td>
<td>Oleander</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>4-18’</td>
<td>3-15’</td>
</tr>
<tr>
<td>Osmanthus fragrans</td>
<td>Tea Olive</td>
<td>WD</td>
<td>F, P</td>
<td>M</td>
<td>15-30</td>
<td>15-20’</td>
</tr>
<tr>
<td>Philadelphus inodorus</td>
<td>English Dogwood</td>
<td>M-W</td>
<td>P, F</td>
<td>H</td>
<td>10-12’</td>
<td>6-10’</td>
</tr>
<tr>
<td>Philodendron bipinnatifidum</td>
<td>Tree Philodendron</td>
<td>WD-M</td>
<td>S, P</td>
<td>M</td>
<td>6-12’</td>
<td>10-15’</td>
</tr>
<tr>
<td>Philodendron cvs.</td>
<td>Philodendron</td>
<td>A</td>
<td>S, P</td>
<td>M</td>
<td>1-12’</td>
<td>2-15’</td>
</tr>
<tr>
<td>Pittosporum tobira cvs.</td>
<td>Pittosporum</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>8-12’</td>
<td>12-18’</td>
</tr>
<tr>
<td>Plumbago auriculata</td>
<td>Plumbago</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>3’-6’</td>
<td>3’-6’</td>
</tr>
<tr>
<td>Podocarpus macrophyllus</td>
<td>Podocarpus</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>30-40’</td>
<td>20-25’</td>
</tr>
<tr>
<td>Rhododendron cvs.</td>
<td>Azalea</td>
<td>WD</td>
<td>P</td>
<td>M</td>
<td>3-12’</td>
<td>3-10’</td>
</tr>
<tr>
<td>Sabal minor</td>
<td>Dwarf Palmetto</td>
<td>WD-M</td>
<td>P, F, S</td>
<td>H</td>
<td>4-9’</td>
<td>4-8’</td>
</tr>
<tr>
<td>Thunbergia erecta</td>
<td>King’s Mantle, Bush Clock Vine</td>
<td>WD-M</td>
<td>P, F</td>
<td>M</td>
<td>4-6’</td>
<td>5-8’</td>
</tr>
</tbody>
</table>

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### Table 6.07.09. C.  
**Large Shrubs**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Height</th>
<th>Spread</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vaccinium arboreum</td>
<td>Sparkleberry</td>
<td>WD-M</td>
<td>P, F, S</td>
<td>M</td>
<td>12-18’</td>
<td>10-15’</td>
</tr>
<tr>
<td>Viburnum obovatum</td>
<td>Walter's Viburnum</td>
<td>WD</td>
<td>P, F, S</td>
<td>H</td>
<td>8-25’</td>
<td>6-10’</td>
</tr>
<tr>
<td>Viburnum odoratissimum</td>
<td>Sweet Viburnum</td>
<td>WD</td>
<td>F, P, S</td>
<td>M</td>
<td>15-30’</td>
<td>15-25’</td>
</tr>
<tr>
<td>Viburnum suspensum</td>
<td>Sandankwa Viburnum</td>
<td>WD</td>
<td>P, S</td>
<td>L</td>
<td>6-12’</td>
<td>6-12’</td>
</tr>
<tr>
<td>Vitex agnus-castus</td>
<td>Chaste Tree</td>
<td>WD</td>
<td>F, P, S</td>
<td>H</td>
<td>10-20’</td>
<td>15-20’</td>
</tr>
<tr>
<td>Yucca spp.</td>
<td>Yucca</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>3-30’</td>
<td>3-15’</td>
</tr>
</tbody>
</table>

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---

### Table 6.07.09. D.  
**Small Shrubs**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Height</th>
<th>Spread</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caesalpinia spp. And cvs.</td>
<td>Poinciana</td>
<td>WD-M</td>
<td>F</td>
<td>M</td>
<td>8-35’</td>
<td>10-35’</td>
</tr>
<tr>
<td>Gamolepis spp.</td>
<td>Bush Daisy</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>2-4’</td>
<td>3-4’</td>
</tr>
<tr>
<td>Ixora coccinea</td>
<td>Ixora</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>10-15’</td>
<td>4-10’</td>
</tr>
<tr>
<td>Lantana depressa</td>
<td>Weeping Lantana</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>3-6’</td>
<td>3-6’</td>
</tr>
<tr>
<td>Leucophylllym frutescens</td>
<td>Texas Sage, Silverleaf</td>
<td>WD</td>
<td>F</td>
<td>H</td>
<td>3-5’</td>
<td>3-5’</td>
</tr>
<tr>
<td>Lyonia lucida</td>
<td>Fetterbush</td>
<td>WD-M</td>
<td>F, P</td>
<td>H</td>
<td>3-15’</td>
<td>2-5’</td>
</tr>
<tr>
<td>Mahonia fortune</td>
<td>Fortune's Mahonia</td>
<td>WD</td>
<td>S, P</td>
<td>M</td>
<td>3-5’</td>
<td>3-5’</td>
</tr>
<tr>
<td>Pyracantha coccinea</td>
<td>Firethorn</td>
<td>WD-M</td>
<td>F, P</td>
<td>M</td>
<td>10-15’</td>
<td>8-12’</td>
</tr>
<tr>
<td>Raphiolepis spp. And cvs.</td>
<td>Indian Hawthorn</td>
<td>WD-M</td>
<td>F, P</td>
<td>H</td>
<td>2-10’</td>
<td>2-6’</td>
</tr>
<tr>
<td>Rosa spp.</td>
<td>Rose</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>1-20’</td>
<td>2-8’</td>
</tr>
<tr>
<td>Rosmarinus spp.</td>
<td>Rosemary</td>
<td>WD-M</td>
<td>F, P</td>
<td>H</td>
<td>3-6’</td>
<td>4-5’</td>
</tr>
<tr>
<td>Russella equisetiformis</td>
<td>Coral Plant</td>
<td>WD</td>
<td>F</td>
<td>H</td>
<td>3-5’</td>
<td>6-12’</td>
</tr>
<tr>
<td>Russella sarmentosa</td>
<td>Firecracker Plant</td>
<td>WD</td>
<td>F, P</td>
<td>M</td>
<td>3-4’</td>
<td>2-4’</td>
</tr>
<tr>
<td>Sabal etonia</td>
<td>Scrub Palmetto</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>4-6’</td>
<td>4-6’</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Soil</th>
<th>Light</th>
<th>Drought Tolerance</th>
<th>Height</th>
<th>Spread</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aloe spp.</td>
<td>Aloe</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>1-3’</td>
<td>1-3’</td>
</tr>
<tr>
<td>Anthericum sanderi</td>
<td>St. Bernard’s Lily</td>
<td>WD</td>
<td>F, P</td>
<td>M</td>
<td>1- 1½’</td>
<td>½ - 1’</td>
</tr>
<tr>
<td>Arachis glabrata</td>
<td>Perennial Peanut</td>
<td>WD</td>
<td>F</td>
<td>H</td>
<td>½ - 1’</td>
<td>1-8’</td>
</tr>
<tr>
<td>Aspidistra elatior</td>
<td>Cast Iron Plant</td>
<td>WD</td>
<td>P, S</td>
<td>M</td>
<td>1-3’</td>
<td>1-3’</td>
</tr>
<tr>
<td>Cyrtomium falcatum</td>
<td>Holly Fern</td>
<td>WD-M</td>
<td>P, F, S</td>
<td>M</td>
<td>2-3’</td>
<td>3-4’</td>
</tr>
<tr>
<td>Dyschoriste oblongifolia</td>
<td>Twin Flower</td>
<td>WD</td>
<td>F, P</td>
<td>H</td>
<td>½ - 1’</td>
<td>1- 1½’</td>
</tr>
<tr>
<td>Evolvulus glomeratus</td>
<td>Blue Daze</td>
<td>WD</td>
<td>P</td>
<td>M</td>
<td>½ - 1’</td>
<td>1-2’</td>
</tr>
<tr>
<td>Glandularia tampensis</td>
<td>Tampa Vervain</td>
<td>WD</td>
<td>F</td>
<td>H</td>
<td>1½ - 2’</td>
<td>1 - 1½’</td>
</tr>
<tr>
<td>Hedera canariensis</td>
<td>Algerian Ivy, Canary Ivy</td>
<td>WD</td>
<td>S</td>
<td>M</td>
<td>½ - 1’</td>
<td>1-6’</td>
</tr>
<tr>
<td>Helianthus debilis</td>
<td>Beach Sunflower</td>
<td>WD</td>
<td>F</td>
<td>H</td>
<td>Up to 2’</td>
<td>6’ or more</td>
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<tr>
<td>Ipomoea spp.</td>
<td>Sweet Potato Vine</td>
<td>WD-M</td>
<td>F, P</td>
<td>H</td>
<td>10-20’</td>
<td>10-40’</td>
</tr>
<tr>
<td>Juniperus conferta and cvs.</td>
<td>Shore Juniper</td>
<td>WD</td>
<td>F</td>
<td>H</td>
<td>1-2’</td>
<td>6-10’</td>
</tr>
<tr>
<td>Lantana montevidensis</td>
<td>Trailing Lantana</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>1-3’</td>
<td>4-8’</td>
</tr>
<tr>
<td>Liriope muscari and cvs.</td>
<td>Liriope, Monkey Grass, Border Grass</td>
<td>WD</td>
<td>F, P, S</td>
<td>M</td>
<td>1-2’</td>
<td>1-2’</td>
</tr>
<tr>
<td>Mimosa strigillosa</td>
<td>Powderpuff, Sunshine Mimosa</td>
<td>WD</td>
<td>F</td>
<td>M</td>
<td>½ - ¾’</td>
<td>8-10</td>
</tr>
<tr>
<td>Ophiopogon japonicas and cvs.</td>
<td>Mondo Grass, Dwarf Liriope</td>
<td>WD</td>
<td>S, P</td>
<td>M</td>
<td>½ - 1’</td>
<td>½ - 2’</td>
</tr>
<tr>
<td>Phyla nodiflora</td>
<td>Capeweed</td>
<td>WD-M</td>
<td>F, P</td>
<td>M</td>
<td>½ - 1’</td>
<td>8-10’</td>
</tr>
<tr>
<td>Trachelospermum jasminoides</td>
<td>Confederate Jasmine, Star Jasmine</td>
<td>WD-M</td>
<td>F, P</td>
<td>M</td>
<td>1-3’</td>
<td>1-30’</td>
</tr>
<tr>
<td>Vinca major</td>
<td>Periwinkle</td>
<td>WD-M</td>
<td>P, F, S</td>
<td>M</td>
<td>1-2’</td>
<td>1-5’</td>
</tr>
</tbody>
</table>

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Table 6.07.09. F.
Lawn Grass Species

<table>
<thead>
<tr>
<th>CHARACTERISTICS</th>
<th>LAWN GRASSES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BAHIA</td>
</tr>
<tr>
<td><strong>Area Adapted To</strong></td>
<td>Statewide</td>
</tr>
<tr>
<td><strong>Soil</strong></td>
<td>Acid, Sandy</td>
</tr>
<tr>
<td><strong>Leaf Texture</strong></td>
<td>Coarse-Medium</td>
</tr>
<tr>
<td><strong>Drought Tolerance</strong></td>
<td>Excellent</td>
</tr>
<tr>
<td><strong>Shade Tolerance</strong></td>
<td>Poor</td>
</tr>
<tr>
<td><strong>Wear Tolerance</strong></td>
<td>Poor</td>
</tr>
<tr>
<td><strong>Nematode Tolerance</strong></td>
<td>Very Good</td>
</tr>
<tr>
<td><strong>Maintenance Levels</strong></td>
<td>Low</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>Lawns, roadsides</td>
</tr>
<tr>
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Section 6.08.00. Fences, Walls, Berms and Hedges.

A. Permits.

No walls or permanent fences shall be installed in any zoning district without the issuance of a permit from the City. Applications for a permit shall include a plan which details the proposed fence construction, including fence location in relation to property lines and easements, as well as any other information deemed necessary by the City for reviewing the application. Fences and walls shall be designed and constructed to withstand a maximum sustained wind speed and a maximum wind gust as regulated by applicable sections of the Florida State Building Code, as amended. A fee shall be charged for the issuance of a permit. A list of fees is on file with the City Clerk.

B. Placement and Visibility at Intersections.

No fence, wall, berm or hedge shall be constructed or planted in any right-of-way, except as may be placed as part of a public highway safety or beautification project. Fences, walls, berms and hedges shall be located and constructed consistent with the City’s visibility clearance standards as set forth in Section 6.02.03.C.

C. Maximum Fence Height.

1. No fence or wall shall be erected or maintained along or adjacent to a lot line in a residential, RPB, P-1, B-1, or B-2 zoning district, to a height exceeding four feet (4’) in a front yard or street side yard, six feet (6’) in a rear yard, or six feet (6’) in a side yard, as measured from the rear property line to the front of the principal building, except that where the lot line is adjacent to non-residentially zoned property where there shall be an eight-foot (8’) limit on the height of a fence or wall along such lot line. The following uses shall be exempt from the above requirements:

   a. Utility and power substations;
   b. Water and wastewater facilities;
   c. Public swimming facilities; and
   d. Stormwater Retention ponds.

2. Fences shall be a maximum of eight (8) feet in height in front, rear, and side yards in B-3, C-1, M-1 and M-2 zoning districts. In such zoning districts, a fence or wall of not less than eight feet (8’) in height shall be provided around any and all machinery and storage facilities and junkyards. (Code 1986, § 31-17(b))

D. Materials.

1. Except for fences in the C-1, M-1 and M-2 zoning districts, and security fencing as provided in letter G below, no fence shall contain any razor or barbed wire, glass or electrically charged wire, or similar devices.

2. Fences must be constructed of new materials designed for that purpose or aged for proper architectural effect. Fences having a side with exposed or irregular structural components, and a more finished, uniform and aesthetically attractive side, shall be constructed and installed so that the more finished side faces outward from the fences’ property toward the adjoining property.
E. **Swimming Pools.**

Fencing requirements for swimming pools shall comply with City ordinances and/or applicable building code requirements related to fencing.

F. **Maintenance.**

The property owner shall maintain any fence to its original designed condition. Missing boards, pickets, posts, gates, etc. shall be replaced in a timely manner with material of the same type, quality, and finish as the existing fence.

G. **Security Fencing.**

Notwithstanding the provisions of this Section, the use of security fencing may be used at sites, such as electrical substations and communications facilities, and government facilities where such fencing is required by federal, state or local law, or other sections of this Code. Further, temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a Certificate of Occupancy.

H. **Berms.**

Berms provide a natural, aesthetically pleasing form of screening between differing land uses. The following design criteria shall apply to all new berms constructed in the City:

1. Berms shall not exceed five (5) feet in height. Berms over two (2) feet in height are required to remain outside of any visibility triangle as provided under Section 6.02.03.C., *Clear Visibility Triangle*.

2. No berm shall have a slope greater than twenty-five (25) percent.

3. All berms shall be planted with grass or other approved ground covers to ensure stability and prevent erosion.

4. No portion of a berm shall be permitted to encroach onto a public or private right-of-way. Berms shall not be located over underground utility facilities.

I. **Child Care Centers.**

Child care centers shall be provided with one or more completely and securely fenced play lots.

**Section 6.09.00. Performance Standards Governing Waste and Emissions.**

All uses shall conform to the standards of performance described within Section 6.09.01 below and shall be constructed, maintained and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. Within one hundred (100) feet of a residential district, all processes and storage, except for vehicle parking, shall be in completely closed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least six (6) feet in height. Where other ordinances or regulations (whether Federal, State, or local) may be adopted hereinafter impose greater restrictions than those specified herein, compliance with such other ordinances and regulations is mandatory.
Section 6.09.01. Specific Standards.

A. Vibration.

There shall be no perceptible earth vibration. All stamping machines, punch presses, press brakes, hot forgings, steam board hammers, or similar devices shall be placed on shock-absorbing mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity prescribed by the manufacturer.

B. Noise.

Every use shall be so operated to comply with the noise standards as set forth in Chapter 50, Article III, Noise, City of Arcadia Code of Ordinances, Municipal Code.

C. Smoke.

There shall be no emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, vents or other openings, or from any other sources, into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash, or cinders into the air.

D. Dust and Dirt.

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter that may cause damage to property and health of persons or animals at or beyond the lot line of the property on which the use is located. Emissions must comply with applicable Florida Department of Environmental Protection (FDEP) rules.

E. Industrial Sewage and Waste.

Every use shall be so operated as to prevent the discharge of any waste into any stream, lake or into the ground, which will be dangerous or discomforting to persons or animals or which will damage plants or crops beyond the lot line of the property on which the use is located. Industries shall comply with Florida Department of Environmental Protection (FDEP) rules.

F. Sewage.

There shall be no discharge at any point of liquid or solid waste into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of industrial wastes into any private sewage disposal system, stream, or into the ground of a kind or nature which would contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

G. Hazardous Wastes.

The handling and discharge of all hazardous waste shall follow all applicable standards established by the County health department, State legislature and the U.S. Congress. Appropriate City officials shall review all procedures involving the handling and discharge of all hazardous waste to ensure that it does not create any safety or health problems.
H. Odor.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious, or unpleasant at or beyond the property line of the lot on which the principal use is located. Any process, including the preparation of food, which may involve the creation and emission of such odors, shall be provided with both a primary and a secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system.

I. Fumes, Vapors and Gases.

There shall be no emission of any fumes, vapors, or gases of a noxious, toxic or corrosive nature which can cause any damage or irritation to health, animals, vegetation or to any form of property.

J. Glare.

Every use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible at any point on the lot line of the property on which the use is located. Buffering may provide a means of meeting this standard.

K. Fire and Safety Hazard.

Each use shall be operated so as to minimize the danger from fire and explosion. The specific regulations to be met are set forth in the Florida Building Code and the Fire Prevention Code of the City.

L. Heat, Cold, Dampness or Movement of Air.

Activities which shall produce any adverse effects on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

M. Radioactive Emission.

There shall be no radiation emitted from radioactive materials or by-products that produce a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S. Bureau of Standards.

N. Electromagnetic Interference.

For the purpose of this Section, electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy, which would interfere with the proper operation of electromagnetic receptors of quality and proper design.

1. Compliance with FCC Regulations.

No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications
Commission regarding such sources of electromagnetic radiation. Further, such operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or radiators of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content.

2. Evaluation of Performance.

The determination of abnormal degradation in performance and of good quality and proper design shall be made in accordance with good engineering practices as defined in the principles and standards of the Institute of Electrical and Electronics Engineers and the Consumer Electronics Association. In case of any conflict between the latest standards and principles of the above groups, the most stringent shall apply.

Recognizing the special nature of many of the operations that may be conducted in connection with research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1,000 watts.

**Section 6.10.00. Carports and Detached Garages.**

Carports and detached garages are accessory structures typically used for the parking of motor vehicles, boats, or trailers. As accessory structures, carports and detached garages are subordinate to the principal structure located on a parcel.

A. Carports and garages may be constructed within a front yard, if attached to the principal structure. Structures attached to the principal building shall be considered part of the principal structure and subject to the principal structure front yard setbacks for the zoning district in which they are located. A deviation in these requirements may be allowed, e.g., through variance approval, however the front yard setback shall be no less than ten (10) feet in residential districts.

B. Carports and garages, whether attached or detached, may be constructed within a side or rear yard.

C. All carports and detached garages shall have a minimum setback from the side and rear property lines of five (5) feet. The minimum separation between the carport or detached garage from the principal structure shall be five (5) feet.

D. A carport shall at all times remain open on all four (4) sides, if free-standing, and open on three (3) sides if attached to the main building.

**Section 6.11.00. Swimming Pools.**

Swimming pools are permitted as an accessory use and shall meet the following requirements:

A. Swimming pools shall be at least five (5) feet from any lot line, as measured from the edge of the water, if no decking exists.

B. Swimming pools, including all decking and screen enclosures, shall be located in the rear yard and shall conform to the setback requirements for accessory buildings; this shall include screened enclosures over and around swimming pools which are attached to the principal building.
C. Swimming pools, surrounding decking, screen enclosures and vertical supports for screen enclosures shall not be located within public utility or stormwater management easements alongside and rear lot lines.

D. All swimming pools shall be completely enclosed by a screen enclosure, or a fence or wall not less than four (4) feet high, as required by State Statute.

E. No pool in residential zoning districts may be used for commercial purposes.

**Section 6.12.00. Screen Rooms/Porches.**

Screen rooms/porches are permitted in all residential districts and shall meet the following requirements:

A. Screen rooms/porches may be constructed to within five (5) feet of rear property lines.

B. Screen rooms/porches located within the front yard shall be part of the principal structure and shall meet the front yard setback for a principal structure.

C. Screen rooms/porches shall not encroach into side yard setbacks and shall not be located within public utility or stormwater management easements alongside and rear lot lines.

**Section 6.13.00. Dwelling Units Accessory to Single-Family Detached Uses (Guest Houses).**

A. A guest house dwelling unit shall be established only where a legally conforming single-family detached dwelling unit is the principal structure on, or under construction on, the same lot or parcel.

B. Only one guest house dwelling unit shall be permitted per lot or parcel and the lot or parcel shall have a minimum area of 5,000 square feet.

C. Either the principal dwelling unit or the guest house dwelling unit shall be the legal residence of the property owner.

D. Guest house dwelling units shall not be sold separately from the principal dwelling.

E. Where a lot or parcel is non-conforming by virtue of containing two legally established dwelling units in a single family zoning district, one of the two units may be converted to an accessory dwelling unit, provided that it meets all of the requirements of this section.

F. Guest house dwelling units shall be detached from the principal dwelling and shall be located in the rear yard or interior side yard in accordance with the applicable setbacks for accessory structures of the underlying zoning district. Where located in an interior side yard, the accessory structure shall be set back a minimum of 5 feet behind the front building line of the principal structure.

G. The minimum gross living area for accessory dwelling units shall be four hundred (400) square feet. In no case shall an accessory dwelling unit contain more than forty (40) percent of the total square footage of the principal dwelling.

H. The maximum building height of an accessory dwelling unit shall be one (1) story, or up to twenty-four (24) feet if built over a detached garage, consistent with Section 5.09.06, Accessory Structure Development Standards.
I. Vehicle access to the accessory dwelling unit shall be from a platted alley, from the side street of a corner lot, or from a shared driveway connection to the street.

J. A minimum of one off-street parking space shall be provided for the accessory dwelling unit in addition to off-street spaces required for the principal dwelling. Tandem parking in driveways is permitted.

K. The design and exterior treatment of accessory dwelling units shall be architecturally compatible with the principal dwelling.


Infill development is the use of vacant land and property within a built-up area of the City for further construction or development. Residential infill development shall adhere to the following design requirements as defined by the predominant character of the existing residential block face. The block face shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

A. Building orientation on infill lots shall match the predominant orientation of other buildings along the block face.

B. Access and location of off-street parking on infill lots shall be similar to the predominant character for existing development along the block face.

C. Front or street side setbacks may be reduced to conform to the average existing building lines or setbacks of adjoining structures.

Section 6.15.00. Mobile Home Parks.

A. Location; Size; Minimum Distance from Residential Buildings.

Mobile home parks may be located in any Mobile Home Park zoning district. Any such park shall not be less than ten (10) acres in size. Each boundary of the park must be at least 200 feet from any permanent residential building located outside the park, unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners within 200 feet thereof consent in writing to the establishment of the park.

B. General Design Requirements.

The mobile home park shall conform to the following requirements:

1. Compliance with Health Regulations. The park shall conform to all requirements for health, sanitation and waste disposal provided by applicable ordinances of the city and laws of the state.

2. Size of Mobile Home Spaces. Mobile home spaces shall be provided consisting of a minimum of 4,000 square feet for each space. Each space shall be at least 40 feet wide and 100 feet long.

3. Separation of Mobile Homes. Mobile homes, together with appurtenant structures thereto, shall be so located as to retain air space on each of the long or side dimensions of twenty (20) feet; and on each of the short or end dimensions of ten (10) feet; and in no event shall any mobile home be placed closer than ten (10) feet to any part of a building in the park.
4. **Access to Spaces.** All mobile home spaces shall abut a public way of not less than twenty (20) feet in width, which way allows vehicular travel to a highway or public road off the premises of the park.

5. **Driveways and Walkways.** All driveways and walkways within the park shall be hard surfaced and lighted at night.

6. **Service Buildings.** Each park shall provide service buildings to house such toilet, bathing and other sanitation facilities and such laundry facilities as are prescribed in this Section.

7. **Electrical Outlets.** An electrical outlet supplying at least 220 volts shall be provided for each mobile home space.

C. **Water Supply.**

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within a mobile home park to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least eight inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

D. **Standards for Service Buildings; Maintenance of Buildings and Grounds.**

1. Service buildings housing sanitation and laundry facilities, or any of such facilities, in mobile home parks shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

2. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.

E. **Garbage Receptacles.**

Garbage cans with tightfitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 150 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans will not overflow. Cross reference—Solid waste, ch. 82, Municipal Code.

F. **Supervision.**

The licensee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park and its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this article to which the licensee is subject.

**Section 6.16.00. Service Stations.**

The regulations in this division shall apply to the location, design, construction, operation and maintenance of service stations.
A. Size of Lot.

A lot to be occupied by a service station shall be not less than 100 feet in width and 100 feet in depth.

B. Location.

1. Distance Between Service Stations. There shall be a minimum distance of 750 feet, shortest air line measurement, between the nearest points on any two lots occupied, or to be occupied, for service station purposes; except at the intersection of any two designated primary state highways, or lots on opposite sides of four-lane streets where there is a median for control of traffic constituting, for all practical purposes, two separate one-way streets. The 750-foot regulation shall be construed to be an ideal to which exceptions may be made when conditions warrant or are found to be in the public interest.

2. Distance from Places of Public Assemblage. There shall be a minimum distance of 250 feet shortest airline measurement, between the nearest points on any lot to be occupied for service station purposes and any lot to be occupied for a church, hospital, elementary or high school, public library, theater, auditorium stadium arena assembly hall or other similar public or semipublic place where large numbers of people congregate.

C. Setbacks for Buildings and Gas Pumps.

1. Gasoline pumps shall be located not less than twelve (12) feet from any street line and not less than ten (10) feet from any other property line. Where a gas pump is located within twenty-five (25) feet of a street line, there shall be a curb not less than six (6) inches high along the street line between driveways.

2. No building or gasoline pump shall be located within twenty-five (25) feet of any property which is residentially zoned.

D. Protective Wall and Buffer Yards.

There shall be a masonry wall at least five (5) feet in height along all lot lines, abutting residentially zoned property. Landscaping within required buffer yard spaces shall be located between the wall and the lot line.

E. Driveways and Access Requirements.

All driveway and access requirements shall be consistent with Section 6.02.05, Access and Circulation.

F. Lighting.

All lights and lighting on a service station shall be so designed and arranged as to not cause a direct glare into residentially zoned property.

Section 6.17.00. Solid Waste and Dumpster Pads.

All commercial developments shall have adequate solid waste collection areas with adequate access and egress, independent of parking and loading facilities. Dumpster areas shall be screened to completely shield dumpsters from view of public roads, public rights-of-way, and residential areas. The screening material shall be one hundred percent (100%) opaque and shall be of similar material or color as the principal structure. The entry doors to the dumpster
area must be no more than fifty percent (50%) opaque. Screening shall include fencing, retaining walls, plant material, or a combination thereof. Vegetative planting shall provide a living visual screen of adequate height (no less than five (5) feet at planting) and density to accomplish effective screening. The City may administratively grant a waiver from this Section, if it is determined that screening is physically infeasible. Any change in use, change in business, or replacement of a dumpster shall require compliance with the Code.

Temporary construction dumpsters shall be exempt from the requirements of this Section provided an active building permit is in effect for the property on which the construction dumpster is located.

Section 6.18.00. Junkyards.

The following regulations shall apply to all junkyards:

A. Site Area. The area of land to be so used shall be not less than 20,000 square feet and not more than 100,000 square feet.

B. Setbacks for Storage and Dismantling Operations. No automobile or vehicle not in running condition, or machinery or other junk or scrap, shall be located either for storage or dismantling within 300 feet of any residential district, within 50 feet of the front street line or within 30 feet of any side street line or other property line of the lot to be so used.

C. Fencing. The entire area occupied by a junkyard shall be surrounded by a substantial, continuous masonry, wooden or metal fence or wall eight (8) feet in height, without openings except for entrances and exits, which openings shall be equipped with unpierced gates.
ARTICLE 7.
PLANNED UNIT DEVELOPMENT

Section 7.01.00. Purpose

Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted.

Planned Unit Development (PUD) may be used as a vehicle to permit developments when the innovative use of buffering and modern design techniques mitigate the external impacts of development and create a helpful physical environment. Through the utilization of a Planned Unit Development District, the Council may allow mixed dwelling types and/or housing densities; provide for the safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; provide for appropriate relationships of space, inside and outside buildings, for intended uses; provide for preservation of desirable natural features; and minimum disturbance of natural topography.

Within Planned Unit Development districts, regulations adapted to such unified planning and development are intended to:

1. Accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots;

2. Promote economical and efficient land use; improve levels of amenities for harmonious, creative design, and a better environment.

In view of the substantial public advantage of Planned Unit Development, it is the intent of these regulations to permit development in this form, where appropriate, in location and character.

The Planned Unit Development (PUD) district is established to provide for well-planned and/or orderly mixed-use development in any area of the City. Further, PUDs may:

1. Promote flexibility in development design;

2. Promote the efficient use of land;

3. Preserve, as much as possible, existing landscape features and amenities;

4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;

5. Combine and coordinate architectural styles, building forms and building relationships within the planned development;

6. Lessen the burden of traffic conflict on streets and highways;

7. Provide for a balanced land use mixture.
Section 7.02.00. Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Regulations

The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities in a PUD shall not exceed the permitted densities established in the Comprehensive Plan. Where there are conflicts between these special PUD provisions and other regulations in this Code, these special regulations shall apply. Where no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in other sections of this Code shall apply. In a unique situation where no standard is specified, the City Council shall determine the appropriate standard.

Section 7.03.00. Permitted Principal Uses & Structures

All development within a PUD district shall comply strictly with its approved Master Development Plan, the Land Development Code and the Comprehensive Plan. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Article 12. Development on individual sites, other than single family development, shall be reviewed and approved according to the site development plan review requirements of Article 10. Development within the PUD may occur in stages consistent with Section 7.10.00.

Section 7.04.00. Planned Unit Development (PUD) Districts

Five Planned Unit Development Districts are provided within the City and include:

Planned Unit Development – Residential (PUD-R)
Planned Unit Development – Office (PUD-O)
Planned Unit Development – Commercial (PUD-C)
Planned Unit Development – Industrial (PUD-I)
Planned Unit Development – Mixed Use (PUD-MU)

Section 7.04.01. Planned Unit Development – Residential (PUD-R)

A. Purpose: It is the intent of these regulations to provide for residential development in areas adequately served, or which can be served, by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses, in accord with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-R districts may provide a broad range of housing types appropriate to the general need of the area served.

B. Permitted Uses: Uses in PUD-R districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall also be permitted.

Section 7.04.02. Planned Unit Development – Office (PUD-O)

A. Purpose: It is the intent of these regulations to provide for office development in appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-O districts may provide a broad range of office facilities and services appropriate to the general need of the area served.

B. Location: PUD-O districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding
land uses; the intensity of the project shall be consistent with the use it provides; and the development shall not encourage the expansion of office or commercial strip development along adjacent streets.

C. **Permitted Uses:** Uses in PUD-O districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall also be permitted.

**Section 7.04.03. Planned Unit Development – Commercial (PUD-C)**

A. **Purpose:** It is the intent of these regulations to provide for commercial development in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-C districts may provide a broad range of commercial facilities and services appropriate to the general need of the area served.

B. **Location:** PUD-C districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding land uses; the intensity of the project shall be consistent with the use it provides; and the development shall not encourage the expansion of office or commercial strip development along adjacent streets.

C. **Permitted Uses:** Uses in PUD-C districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.

**Section 7.04.04. Planned Unit Development – Industrial (PUD-I)**

A. **Purpose:** It is the intent of the PUD-I district to encourage complimentary groupings of manufacturing, processing, assembly, research, distribution, office and associated uses, on sites with adequate frontage and depth, adjacent to major streets, or streets serving industrial areas, whereby street access may be controlled and traffic friction reduced. It is further the intent of the PUD-I to serve as an alternative to further extensions of industrial zoning that allow disorderly strip development, and to protect the stability and property values of surrounding neighborhoods.

B. **Location:** PUD-I districts shall be permitted where they facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.

C. **Permitted Uses:** Uses in PUD-I districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.

**Section 7.04.05. Planned Unit Development – Mixed Use (PUD-MU)**

A. **Purpose:** The PUD-MU district is intended to provide for and encourage a compatible mix of uses, rather than a separation of uses, in accordance with the Comprehensive Plan. PUD-MU districts are defined for purposes of these regulations as planned development districts for the establishment of complimentary groupings of residential, commercial, office, industrial, or other uses.
It is the intent of these regulations to provide for development of such districts at appropriate locations, in accord with the goals, objectives, and policies, of the Comprehensive Plan, and the standards set forth herein. It is further intended that PUD-MU development shall consist of interdependent uses/tracts and/or complexes, where planned site design, including the siting of buildings, parking, service areas, and landscaped open spaces will allow for scale and balance, compatibility with adjacent and surrounding land uses, and a reduction in general traffic congestion.

B. Location: PUD-MU districts shall be permitted where they facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.

C. Permitted Uses: All uses in PUD-MU districts shall be consistent with Comprehensive Plan requirements. In the determination of what constitutes a primary use in a PUD-MU district, percentage of land area, percentage of building square footage, and percentage of impacts such as traffic shall be considered. Exceeding fifty-one percent (51%) shall be considered to be a primary use.

PUD-MU districts shall:

1. Provide appropriate areas for and facilitate quality mixed use development that is consistent with the Comprehensive Plan’s land use and transportation goals, objectives, and policies;

2. Accommodate intensities and patterns of development that can support multiple modes of transportation, including public transit and walking;

3. Group and link places used for living, working, shopping, schooling, and recreating, thereby reducing vehicle trips and relieving traffic congestion in the City;

4. Provide a variety of residential housing types and densities to assure activity in the district to support a mix of uses and enhance the housing choices of City residents; and

5. Integrate new mixed use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighboring uses.

D. Intensity: Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of land use intensity shall generally be approved according to the guidelines set forth in the single use PUD districts, which correspond to the uses in the PUD-MU district. In no event shall uses permitted in a PUD-MU district exceed the maximum intensity standards established in the Future Land Use categories.

Section 7.05.00. Development Standards for PUD Districts

The purpose of this Section is to provide development design and improvement standards applicable to all PUD districts within the City of Arcadia. The provisions found herein are intended to ensure functional and attractive development for all PUD districts.

Section 7.05.01. Density

The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, drainage facilities, road rights-of-way, and areas proposed for commercial use. These units may be clustered or
otherwise arranged according to sound planning principles throughout the PUD site, providing a mixture of housing types, densities, and price ranges in a creative development design that is appealing to residents and beneficial to the City as a whole.

Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Low Density Residential and Medium Density Residential), separate dwelling unit calculations shall be made, using the appropriate permitted density value for each. Where a PUD site lies partially within the Mixed Use Business land use designation, densities within these areas shall not exceed 14 units per acre.

Dwelling units permitted under each category shall be located on portions of the site lying within the respective land use designation. This requirement may be waived by the City Council upon recommendation of the Planning Board. In this situation, both bodies shall find that the distribution of residential units without regard to land use designation boundaries is in harmony with the intent of the Comprehensive Plan, will not create adverse impacts on surrounding properties, and is justified in order to fulfill a beneficial development concept. In no case, however, shall the total number of units within a development exceed the overall number of allowable units under the provisions of the Comprehensive Plan.

**Section 7.05.02. Common Properties**

**A. Designated Open Space:** The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan.

1. The minimum open space required in a PUD district shall be thirty percent (30%) of the gross site area, and may include, but shall not be limited to, the following:
   a. Common Recreation Areas, as defined below in Section B., Common Recreation Area.
   b. Areas equivalent to no more than fifty percent (50%) of the total acreage of wetlands, lakes, drainage retention/detention areas, and other permanent or semi-permanent water bodies.
   c. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.
   d. Golf courses.
   e. Stormwater retention/detention areas, but not ditches and swales.

2. Designated open space shall not include the following:
   a. Lands designated for residential, commercial, office, industrial use, or a combination thereof, (regardless of density or intensity of these uses).
   b. Parking areas, except those that are accessory to recreational uses.
   c. Utility easements and road rights-of-way.
   d. Perimeter setback areas, unless developed with bicycle or pedestrian trails.
e. Sewer and/or water treatment plant sites.

f. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities).

B. **Common Recreation Area:** Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design. Common Recreation Area shall constitute not less than one-half \((\frac{1}{2})\) of the total area qualifying as designated open space as defined above in Section A., Designated Open Space.

Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.

1. Common Recreation Area may include the following uses and associated facilities:
   
   a. Swimming pools, tennis courts and playing fields.
   
   b. Playgrounds.
   
   c. Picnic areas and pavilions (up to 20 percent of total required Common Recreation Area acreage).
   
   d. Golf courses (up to 50 percent of total required Common Recreation Area acreage).
   
   e. Rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).

2. The following shall not be included in Common Recreation Areas:
   
   a. Streets, road right-of-way, and parking areas.
   
   b. All easements.
   
   c. Water bodies and wetlands, except within designated right-of-way for nature trails.
   
   d. Ditches, swales, retention areas and other stormwater management facilities.
   
   e. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.

**Section 7.05.03. Public Easements**

The City of Arcadia shall be granted easements allowing access to and use of tracts designated for open space, recreation, drainage facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.

**Section 7.05.04. Access**

All residential, commercial, office and industrial properties, or a combination thereof, shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.
Section 7.05.05. Landscaping

A. Landscaping requirements shall be as set forth in Article 6.

B. Along public or private rights-of-way, including those bordering the perimeter of the PUD, one large tree shall be planted for every 50 feet of right of way. Planting of such trees shall meet the suggested species type, minimum planting height, planting area, and distance from pavement requirements as set forth in the Landscaping section of Article 6.

C. The City Council shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.

Section 7.05.06. Other Requirements

A. Unified Control: All land included for the purpose of development within a Planned Unit Development shall be unified by title and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole.

B. Subdivision of Property: Property in a Planned Unit Development shall be platted in accordance with Article 12 prior to the issuance of building permits. In the case of lands that have been platted prior to the adoption of this Code, the landowner may, as applicable, be required to vacate the previous plat or pre-platted lands before any rezoning and Master Development Plan approval will be considered. In addition, all payments, easements, and dedications required by this Code and other City ordinances shall be applicable to any development within a Planned Unit Development, whether vacating an existing plat or replatting, or unplatted lands, so that all new development within the City will bear its fair share of provision of public services.

C. Private Roads: Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner’s association or similar entity created under the provisions of Section 7.11.00, “Ownership and Maintenance of Common Property”. However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

Section 7.06.00. Procedures for Obtaining a PUD Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Council may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the City Administrator, or his or her designee, the Planning and Zoning Board, and/or the City Council may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may also be taken into consideration. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.
A. Master Development Plan: Development requirements in a PUD are established through an approved Master Development Plan (MDP), to be consistent with the City’s Comprehensive Plan. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.

B. Master Development Plan Conference: At the option of the applicant, the City Administrator, or his or her designee shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline the proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural matters relative to the review of the request.

C. Requirements for Master Development Plan Review: The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning and Zoning Board and City Council concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses. In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:

1. A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative, stating which type of PUD is being proposed.

2. Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:

   a. A statement to abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.

   b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan, as well as for the continuing operation and maintenance of such areas, functions, and facilities; and thereby as such are not to be provided, operated and maintained at general public expense.

   c. Documentation to bind the applicant, developer, or owner, as applicable, and any successors in title to any commitments made as a condition of development approval.

   d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.

3. A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).

4. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System; the accurate legal description of the property in metes and bounds; and a computation of the total acreage of the tract to the nearest tenth of an acre. The survey must have been completed within one year prior to filing.
5. Copies of a scaled Master Development Plan, the number to be determined by the City Administrator, or his or her designee, of the entire proposal showing the following information:

   a. A key map at a scale of one inch (1") equals one-hundred feet (100') showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the City of Arcadia Comprehensive Plan and all relevant laws, ordinances, and regulations, and the type of PUD.

   b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.

   c. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.

   d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 200 feet of outside boundaries and proposed alterations to said features.

   e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).

   f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.

   g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at the City Administrator, or his or her designee's, discretion).

   h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).

   i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:

      1) Size and/or scope of development.

      2) Projected Population.

      3) Proposed timing and phases of development.

      4) Proposed ownership and forms of organization to maintain common open space and facilities.

   j. A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).

   k. A soils classification map or soils conservation survey map as determined by the Natural Resource Conservation Service (NRCS).
l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.

m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.

n. The most recent aerial photograph available, delineating the areas to be modified.

o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.

p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.

q. Any other reasonable information that may be required by the City Administrator, or his or her designee, that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the City Administrator, or his or her designee, shall transmit copies of the MDP and any relevant materials to the Development Review Committee, and other City and County officials, and agencies, as appropriate. The City Administrator, or his or her designee, shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations into the record.

When review of the proposed PUD is complete, the Development Review Committee shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Review Committee shall include with its recommendations, the zoning application and a written report that shall include all pertinent documents, comments of the reviewing officials, and any other applicable documentation or graphics.

D. Planning and Zoning Board Review and Recommendations: The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing, and recommend to the City Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for the Board’s advisory recommendation. In support of its recommendation, the Board shall make findings as to:

1. The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.

2. Conformity of the proposed development with the City of Arcadia Comprehensive Plan.

3. Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.


5. All such other review criteria as may be appropriate.
In consultation with the City Attorney, the Planning and Zoning Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:

1. Evidence of unified control of the overall development site.
2. Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
3. The need for such instruments or for amendments in those that have been proposed.

E. Action by City Council: Upon completion of the required actions by the Planning and Zoning Board, the City Administrator, or his or her designee, shall transmit the application to the City Council and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Review Committee report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Council. The City Council may:

1. Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Council deems necessary to ensure compliance with these standards or maximum mitigation of any adverse impacts of the development.
2. Modify the application so that these standards are met.
3. Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
4. Deny the application.

Section 7.07.00. Development Conditions

Conditions placed on a request by the City Council may include requiring the applicant, at his or her cost and expense, to:

A. Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.

B. Finance or construct potable water, wastewater or drainage facilities.

C. Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this Article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this Article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.
Section 7.08.00. Approval of a PUD

A. General: Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the City Council.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval in accordance with Article 12 (Subdivision Regulations) or Article 10 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these Articles of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further subdivision plats or site development plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.

B. Approval of Special Approval Uses: No separate approval of a Special Approval use shall be required within a PUD, provided that the proposed use and its location are noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Approval Use for the equivalent zoning district for that tract. However, any use listed in the Table as a Special Approval may be denied if the City Commission determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Approval process.

Section 7.09.00. Amendment or Termination of a PUD

Once PUD approval is granted, all development within the PUD development site shall conform to the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he/she shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require review and approval according to the following:

1. Major Amendment: Submission for review, first by the Development Review Committee, followed by review and approval by the Planning and Zoning Board and City Council.

2. Minor Amendment: Submission for review and approval by the City Administrator, or his or her designee.

The City Administrator, or his or her designee, shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. Determinations shall be based on, but not limited to the following:

A. Considerations for Determining a Major Amendment: Any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and/or trip generation, or other similar changes.
B. Considerations for Determining a Minor Amendment: Any proposed changes in configuration or other changes as deemed not to alter the intent and purpose of the approved overall development plan.

The City Administrator, or his or her designee, may, at their discretion, forward any application for a plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

Section 7.10.00. Development in Stages

Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

1. Developer must submit a construction schedule covering all phases of the PUD to the City Administrator, or his or her designee. This schedule may be revised from time to time as necessary.

2. All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.

3. At least thirty percent (30%) of the total acreage of each stage shall qualify as Designated Open Space, as defined in Section 7.05.02(A)(1). No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in Section 7.05.02(B). All recreation facilities shall be completed and available for use prior to issuance of building permits.

4. No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.

Section 7.11.00. Ownership and Maintenance of Common Property

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Arcadia for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase, subject to City Council approval.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods. The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:
1. To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;

2. To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;

3. To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;

4. To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;

5. To provide for the operation and financing of the association;

6. To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,

7. To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

Section 7.12.00. Private Roads

Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.11.00, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

The City of Arcadia shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and conform to all codes and standards in effect at the time of dedication.

If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The City shall have no liability for injury or loss of life resulting from restricted access to the development.

Section 7.13.00. Bonding

Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the office of the City recorder:

1. A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.

2. A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
3. A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two (2) years following acceptance by the City of the final construction of said public improvements.

4. In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof are approved by the City Council.

All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.
ARTICLE 8.

SIGNS

Section 8.01.00. Generally.

This Article requires that all signs placed or erected within the city be approved by permit. This Article also establishes regulations to govern the placement and size of temporary and permanent signs within the city and establishes application procedures and procedures for appeals.

Section 8.02.00. Applicability.

This Article applies to all signs that are constructed, erected, operated, used, maintained, enlarged, illuminated, or substantially altered within the city. Mere repainting or routine maintenance of a sign shall not, in and of itself, be construed as a substantial alteration.

Section 8.03.00. Findings of Fact.

The City Council finds that:

A. The manner of the erection, location, and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.

B. The safety of motorists, cyclists, pedestrians, and other users of the public streets is affected by the number, size, location, lighting, and movement of signs that divert the attention of drivers.

C. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.

D. The construction, erection, and maintenance of large signs suspended from or placed on the tops of buildings, walls, or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

E. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.

Section 8.04.00. Purpose and Intent.

The City Council recognizes that there are various persons and entities that have an interest in communicating with the public through the use of signs that serve to identify businesses, services, residences, and neighborhoods, and also to provide for expression of opinions. The Council is also responsible for furthering the city's obligation to its residents and visitors to maintain a safe and aesthetically pleasing environment where signs do not create excessive visual clutter and distraction or hazards for pedestrians and vehicles; where signs do not adversely impact the character of the city; and where signs do not conflict with the natural and scenic qualities of the city. It is the intent of the Council that the regulations contained in this Article shall provide uniform sign criteria, which regulate the size, height, number, and placement of signs in a manner that is compatible to the scale and character of the city, and which shall place the fewest possible restrictions on personal liberties, property rights, free commerce, and the free exercise of Constitutional rights, while achieving the city's goal of creating a safe, healthy, attractive, and aesthetically pleasing environment that does not contain excessive clutter or visual distraction from rights-of-way and adjacent properties.
Section 8.05.00.  Severability.

If any Section, part of a Section, paragraph, sentence, clause, phrase, or word of these regulations is, for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of these regulations and it shall be construed to have been the legislative intent to pass these regulations without such unconstitutional, invalid, or inoperative part therein; and the remainder of these regulations, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included therein; or if these regulations, or any provisions thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability hereof to any other person, property or circumstances.

Section 8.06.00.  Definitions.

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

Abandoned Sign: means any sign including both the advertising area and the support structure, shall be considered abandoned if the business identified on said sign has not been conducting business at the site or at the site noted, for a period greater than one hundred and eighty days (180). If the sign is not permitted, not maintained, or has a blank or missing advertising the property owner will be responsible for meeting the terms of this ordinance.

Animated Sign: means any sign or part of a sign, including the advertising message, which changes physical position by any means of movement.

Automatic Changeable Message Device: means any sign, which through a mechanical, electrical, solar, or other power source is capable of delivering messages, which rotate or appear to rotate, change or move at any time and in any way, including tri-vision or any multi-prism sign faces.

Automatic Computerized Message Sign: means any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Billboard: means a type of permanent freestanding sign, where the bottom of the sign is at least twenty (20) feet above the ground and which is at least two hundred (200) square feet in area.

Building Sign: means a type of permanent 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. (See Figure below).
**Clear Visibility Triangle:** means that area formed by connecting a point on each curb line or edge of pavement to be located at the distance from the intersection of the street centerlines as required, and a third line connecting the two points. (See Figure below).

**Façade Area:** means that area of a building within a two-dimensional geometric figure coinciding with the outer edges of the walls, windows, doors, parapets, marquees, and roof slopes greater than forty-five (45) degrees of a building which is owned by or under lease to a single occupant. (See Figure below).
**Freestanding Sign:** means any sign which is incorporated into or supported by structures or supports in or upon the ground, independent of support from any building, and includes pole signs, pylon signs, ground signs, monument signs, or "sandwich signs."

**Geometric Shape:** means any of the following geometric shapes used to determine sign area: square, rectangle, parallelogram, triangle, circle, or semicircle.

**Home Occupation:** shall mean an accessory use conducted entirely within a dwelling and carried on by the members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

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

**Multiple Occupancy Complex:** means any commercial use 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 (1) occupant.

**Occupant:** means any single commercial use (i.e., any use other than residential).

**Permanent Sign:** means any sign, which is designed, constructed, and intended for more than short-term use, including freestanding signs and building signs.

**Portable Sign:** means 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.

**Roof Line:** means a horizontal line intersecting the highest point or points of a roof.

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

**Sign:** means any identification, description, illustration, or device, illuminated or non-illuminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant,
placard, designed to advertise, identify, or convey information, with the exception of customary window displays, official public notices and court markers required by Federal, State or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear. Sign shall also include all outdoor advertising displays as described within Section 3108.1.1, Florida Building Code, and all Signs shall conform to the requirements of Section 3108 of the Florida Building Code. The term shall exclude architectural features, historical building murals, or parts not intended to communicate information.

**Sign Area** means the area within the smallest geometric shape which contains the entire sign copy, but not including any supporting framework, braces, or supports.

**Sign Copy** means the linguistic or graphic content, including trim and borders, of a sign.

**Sign Face** means the part of a sign that is or may be used to display sign copy.

**Sign Height** means the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. (See Figure below)

![Sign Height Diagram]

**Sign Structure:** means any construction used or designed to support a sign.

**Special District:** includes properties within the city with unique development considerations, whether due to historic characteristics, pedestrian amenities, transitional zoning, or unique roadway and topographic features. Properties within these districts may be subject to additional review during the permit process. The following areas are considered special districts, the central business district, the historic district, and the City's properties zoned or with an existing mixture of land use types.

**Snipe Sign:** means any sign of any material, including paper, plastic, cardboard, wood, or metal, when tacked, nailed, or attached in any way to trees, poles, stakes, fences, the ground, or other objects where such sign may or may not be applicable to the present use of the property upon which such sign is located.

**Temporary Sign:** means any sign, which is designed, constructed, and intended to be used on a short-term basis. A permanent sign with periodic changes to the message shall not be considered as a temporary sign.

**Vehicle Sign:** means any sign affixed to a vehicle.
**Wind Sign:** means any device, including but not limited to one (1) or more banners, flags, pennants, ribbons, spinners, streamers, or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by Section 8.08.00 of this Article.

**Section 8.07.00. Permitted Signs.**

A. Except as otherwise provided in this Article, no sign within the city shall be constructed, erected, operated, used, maintained, enlarged, illuminated, or substantially altered without first obtaining a permit on a form furnished by the City Administrator or his or her designee.

B. An applicant may submit to the City Administrator or his or her designee a completed sign application for each separate sign to be located on an individual parcel.

**Section 8.08.00. Exempt Signs.**

A. Within all non-residential zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit as set forth within this Article so long as they are not in conflict with Section 8.09.00:

1. Decals, limited to those as required by law, which are affixed to or painted upon store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.

2. Lettering only, for the purpose of providing ownership, licensing and emergency contact information, when placed upon doors and windows of lawfully licensed businesses, with letters not exceeding three (3) inches in height and limited to a maximum area of two (2) square feet.

3. Signs within a building that are not visible from the exterior of the building. This shall not include window signs affixed to the interior of windows, which are visible from the exterior.

4. Building signs, historical markers, memorial signs, tablets or plaques, or the name of a building and the date of erection, when the same are cut into any masonry surface or when constructed of bronze or other similar noncombustible material.

5. Professional nameplates for physicians, surgeons, dentists, lawyers, architects, teachers, and other like professional persons placed on the premises occupied by the person(s), not exceeding one (1) square foot in sign face area, provided such professional has a valid occupational license as may be required for the particular profession to operate on those premises.

6. Signs denoting only the name and profession of an occupant of a building, placed flat against the exterior surface of the building and not exceeding three (3) square feet in sign face area, and provided such occupant has a valid occupational license as may be required to operate on those premises.

B. Within all zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit as set forth within this Article III so long as they are not in conflict with Section 8.09.00:

1. Not more than one (1) real estate sign, per property frontage road, advertising the sale, rental, or lease of only the premises on which the sign is located. Such signs shall not exceed sixteen (16) square feet in area, and five (5) feet in height within residential areas and six (6) feet in height within commercial areas. Signs advertising the sale, rental or lease of property exceeding this size and height shall not be considered as exempt signs.
2. Signs noting the architect, engineer, or contractor for a development project when placed upon work under construction, provided the sign shall be removed within fifteen (15) days of completion of construction. Allow one (1) applicable sign per frontage road and that signage could be a maximum of four (4) by eight (8) feet and a maximum of eight (8) feet in height.

3. Signs as required by law to display building permits or other similar required public notices.

4. Traffic signs, street name signs, legal notices of public meetings, danger signs, and temporary emergency signs, when erected by city, county, state, or federal authorities or at the specific direction of such authorities.

5. No trespassing and private property signs not exceeding two (2) square foot in area. Such signs shall not be displayed from or attached to trees, utility poles or any type of utility structure or equipment, including lift stations, fire hydrants, and the like.

6. Vacancy or no vacancy signs not exceeding two (2) square foot in area.

7. Temporary political campaign signs announcing the candidacy of a candidate for public office not exceeding four (4) square feet in area in residential zoning districts and thirty-two (32) square feet in all other zoning districts may be placed wholly within the boundaries of any property, at the discretion or consent of the legal owner and/or occupant of the property, provided such signs conform with all traffic, electrical, maintenance, fire and safety regulations of the city.

The placing of political campaign signs on city property, other public property, or on public rights-of-way shall be prohibited. Political campaign signs displayed within motor vehicles conducting routine business activities on city or other public property shall not be prohibited, provided that no such vehicle shall be parked on city property, other public property, or on public right-of-ways for the sole purpose of displaying political campaign signs.

Illegally placed political campaign signs shall be removed by the Code Enforcement Officer without notice to the candidate or abutting property owner or occupant.

Political campaign signs shall be erected no earlier than six (6) months prior to the date of the election for which they are posted and shall be removed within seventy-two (72) hours after the date of such election. If such signs are not removed within this period of time, the city may remove such signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the city’s general revenue. Failure to remove signs is a violation of this Code and is enforceable pursuant to Chapter 162, Florida Statutes, as it now exists or as it may be amended in the future.

8. Personal expression signs limited to one (1) per lot or parcel, or in the case of multi-family uses, one (1) per dwelling unit, expressing personal views or opinions not exceeding four (4) square feet in area, providing such signs are otherwise in compliance with applicable local, state and federal laws. A personal expression sign can include a pole flag no larger than twenty (20) square feet on a pole no taller than twenty-five (25) feet.


10. Garage sale signs or open house signs within residential zoning districts, not exceeding four (4) square feet in size, limited to two (2) per site and located only at the location of such event. Such signs may be displayed one (1) day before the garage sale or open
house and shall be removed immediately after conclusion of the event. No garage sale sign or open house sign may be erected upon any public right-of-way.

11. Signs placed within interior courtyards, the inside fence line of recreational fields and on golf courses, provided such signs are visible only to those persons visiting such place and are otherwise in compliance with this Article.

12. Address and street number signs not exceeding two (2) square feet.

13. Holiday and seasonal decorations shall not be construed as signs, providing that these contain no commercial advertising message.

**Section 8.09.00. Prohibited Signs.**

The following signs are expressly prohibited unless otherwise exempted or expressly authorized:

A. Signs that violate the building code or electrical code.

B. Any sign that presents safety, traffic or pedestrian hazards, including signs which obstruct visibility for those traveling on or entering public streets.

C. Blank temporary signs. This shall be enforced pursuant to Section 8.15.00 within this Article.

D. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for governmental traffic devices and signs and except automatic computerized message signs.

E. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.

F. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, to include animated signs and automatic changeable message devices except automatic computerized message signs.

G. Wind signs, as defined by this Code.

H. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.

I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.

J. Non-governmental signs that resemble any official sign or marker, erected by any governmental agency, in color, content, location, symbol or phrasing, that may be reasonably confused with or construed as, or conceal, a traffic-control device.

K. Signs, within ten (10) feet of public right-of-way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights, thereby creating a safety hazard for the public.

L. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics. Searchlights used to promote business and attract customers are prohibited.

M. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
N. Signs erected on public property, without the permission of the appropriate public authority (such as private utility poles, rights-of-way, parks, streets, and other public properties), including snipe signs as defined in Section 8.06.00, with the exception of those signs authorized in writing pursuant to Section 337.407, Florida Statutes.

O. Signs erected on public properly, without the permission of the appropriate public authority (such as private utility poles, rights-of-way, parks, streets, and other public properties) located on public properly, other than signs erected by the public authority for public purposes and signs authorized in writing pursuant to Section 337.407, Florida Statutes.

P. Signs erected over or across any public street except as may otherwise be expressly authorized by this Code.

Q. Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
   1. Is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right-of-way;
   2. Is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and
   3. Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.

R. Portable signs as defined by this Code.

S. Roof signs as defined by this Code.

T. Signs placed, posted, or erected upon land, or upon any structure or natural feature upon the land without the written consent of the owner of such land or the agent of such owner.

U. Signs with obscene language, or obscene graphic representation of the human body.

**Section 8.10.00. Allowed Temporary Signs.**

A. Any temporary sign not complying with the requirements of this Section is illegal and subject to immediate removal.

B. The following temporary signs are allowed without a sign permit, provided that the sign conforms to the requirements set forth below:

1. Signs to indicate that an owner, either personally or through an agent, is actively attempting to sell, rent, or lease the property on which the sign is located, provided that the sign:
   a. Does not include price, terms, or other similar details;
   b. Is not illuminated in any manner so as to create a traffic hazard or constitute a nuisance to any adjacent or surrounding property and that remains in proper condition and repair;
   c. Does not exceed six (6) square feet in area in residential districts;
   d. Does not exceed thirty-two (32) square feet in area in all other districts; and
e. Is removed immediately after sale, lease, or rental.

2. Signs to indicate the grand opening of a business or other activity, provided that the sign is not displayed for a period exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business, and that the sign is not placed on the public right-of-way.

3. Construction-site identification signs provided that the sign:
   a. Does not exceed six (6) square feet in area;
   b. Is not displayed more than sixty (60) days prior to the beginning of actual construction of the project;
   c. Is removed within fifteen (15) days after the issuance of the final occupancy permit;
   d. Is removed if construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, pending initiation or continuation of construction activities.

4. Signs to indicate the existence of a new business, or a business in a new location, if such business has no permanent signs, provided that the sign is not displayed in the public right-of-way and for a period of more than sixty (60) days or until installation of permanent signs, whichever shall occur first.

5. Signs to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, festivals, business or any public, charitable, educational or religious event or function, provided that the sign:
   a. Is not displayed more than two (2) weeks prior to the event; and
   b. Is removed within seventy-two (72) hours after the conclusion of the event.

Section 8.11.00. Freestanding Signs.

Freestanding signs are permitted within non-residential and special districts provided that:

A. Each development shall be allowed (1) freestanding sign provided that it is located consistent with all applicable City of Arcadia regulations.

B. Maximum allowable sign area and height shall be determined by a property’s existing land use designations, surrounding development context, adjacent roadway speeds, and the number of driving lanes.

C. Applicants requesting sign permits within recognized special districts, transitional zones, historic districts, or otherwise documented areas of unique development concerns within the City of Arcadia may be subject to reduced maximums as outlined within the accompanying table.
Table 1.

<table>
<thead>
<tr>
<th>SPEED</th>
<th>LANES</th>
<th>MAXIMUM SIGN AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 mph or less</td>
<td>2</td>
<td>48 square feet</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>60 square feet</td>
</tr>
<tr>
<td>More than 35 mph</td>
<td>2</td>
<td>60 square feet</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>75 square feet</td>
</tr>
<tr>
<td>Special Districts</td>
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<td>25 square feet and height</td>
</tr>
<tr>
<td></td>
<td></td>
<td>from ground to top of sign</td>
</tr>
</tbody>
</table>

Section 8.12.00. Building Signs.

A. Building signs for buildings with a single business or occupant.

1. **Size Permitted:** One (1) square foot of sign face area for each linear foot of the building width that faces the street frontage, provided that the total signage shall not exceed two hundred (200) square feet of sign face area, including buildings on corner lots. (For example, if the width of the building facing the front of the lot is fifty (50) feet wide, the maximum total sign face area for all building signs is fifty (50) square feet. If the building is on a corner lot, then the widths of the building facing multiple street frontages can be added together to determine the total signage area but in no case shall the total building signage exceed two hundred (200) square feet, nor shall any individual sign exceed the square footage corresponding to the linear width of the building side on which that sign is posted.)

2. **Number of Building Signs Permitted:** Not more than three (3) building signs shall be allowed on any one (1) side of a building.

B. Building signs for buildings with multiple businesses or occupants.

1. **Size Permitted:** One (1) square foot of sign face area for each linear foot of the unit(s) occupied by one (1) business or occupant, provided that the total signage shall not exceed two hundred (200) square feet for any one (1) business. If the business or occupant is on the corner then the widths of the business or occupant facing multiple street frontages can be added together to determine the total signage area but in no case shall the total business or occupant signage exceed two hundred (200) square feet, nor shall any individual sign exceed the square footage corresponding to the linear width of the building side on which that sign is posted. (For example, if the width of a unit or several units, occupied by one (1) business is twenty-four (24) feet, then one (1) sign, a maximum of twenty-four (24) square feet of sign face area is permitted.)

2. **Required Spacing Between Signs on Buildings with Multiple Occupants:** Building signs for different occupants shall be separated by a minimum distance of thirty-six (36) inches.

C. In lieu of the above-described fascia signs, a business or authorized use may install a single bracket sign or a single marquee sign in accordance with the following provisions:

1. **Size Permitted:** The maximum size of a bracket sign or a marquee sign shall be determined in the same manner as a fascia sign, provided that no such sign shall have more than sixty (60) square feet of projected sign face area.

2. There shall be not more than twelve (12) inches of clear space adjacent to the building.
3. No portion of such sign shall extend above the height of the roof.

4. No portion of such sign shall be closer than eight (8) feet to any sidewalk or pedestrian walkway, and no closer than five (5) feet from any street side property line. All such signs shall be securely anchored to a wall and shall in no manner be connected to or suspended from the roof of any building.

Section 8.13.00. Entrance Signs for Subdivisions and Multifamily Developments.

Except for exempt signs as provided for in Section 8.08.00 and those falling within an identified special district, signs within residential zoning districts shall be limited to those as set forth below:

A. For single-family and two-family residential subdivisions and developments containing ten (10) or more residential lots, where individual lots are accessed from a common internal roadway, one (1) sign identifying the name of the subdivision shall be allowed at each entrance from a collector or arterial street, not to exceed two (2) signs.

1. Size Permitted: Thirty-two (32) total square feet of sign face area.

2. Maximum Height of Sign: Eight (8) feet.

3. Type Allowed: Freestanding style. Where more than one (1) sign is allowed, each such sign erected shall be constructed and designed in the same manner.

4. Illumination: These signs may be externally illuminated with ground mounted lighting only. Any lighting shall project from the ground onto the sign only, and shall not be directed towards any street or residential lot.

B. For multi-family residential uses, one (1) sign identifying the name of the multi-family development shall be allowed at each entrance not to exceed two (2) signs.

1. Size Permitted: Sixty (60) square feet of sign face area.

2. Maximum Height of Sign: Eight (8) feet.

3. Type Allowed: Freestanding or monument style. Where more than one (1) sign is allowed, each such sign erected shall be constructed and designed in the same manner.

4. Illumination: These signs may be externally illuminated with ground mounted lighting only. Any lighting shall project from the ground onto the sign only, and shall not be directed towards any street, vehicular drive or residential unit.

5. Internal Directional Signs: Internal directional signs and signs identifying buildings shall also be allowed limited to three (3) feet in height and eight (8) square feet in sign face area.

Section 8.14.00. Compliance with Building and Electrical Codes.

All permanent signs, and the illumination thereof, shall be designed, constructed, and maintained in conformity with applicable provisions of the building and electrical codes.
Section 8.15.00. Maintenance and Abandonment of Signs.

A. All permitted signs shall meet all applicable City of Arcadia regulations, be kept in good repair and vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and other debris that would constitute a fire or health hazard.

B. All permitted exempt signs shall be maintained to applicable health and safety standards. Signs not maintained shall be subject to removal at the property or sign owner's expense.

C. Abandoned signs shall be maintained pursuant to the same health and safety standards as defined within this Article. The City shall notify the property owner of signs deemed as abandoned pursuant to Section 8.06.00 of this Article.

D. Property owners shall be permitted to keep abandoned signage provided sale or lease information and property address is provided on the sign face and the sign is properly maintained.

Section 8.16.00. Right of Entry for Inspection.

City employees in the performance of their functions and duties and under the provisions of this Article may enter into and upon any land upon which advertising signs or advertisements are displayed and make such examinations and surveys as may be relevant subject to constitutional limitations and state law.

Section 8.17.00. Sign Area Computation.

A. For freestanding signs, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the sign face.

B. For building signs, the sign area shall be the area within the smallest geometric shape that touches the outer points of raised portions of the sign or of all borders or trims, or in the absence of such border or trim, the outer points of the letters or pictures. (See Figure below).

C. For freestanding signs, where two (2) sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the sign area shall be the area of one (1) of the faces.
D. For freestanding signs, where four (4) sign faces are arranged in a square, rectangle, or diamond, the sign area shall be the area of the two (2) largest faces. (See Figure below).

![Diagram of freestanding sign with four faces arranged in a square, rectangle, or diamond]

E. Where a freestanding or building sign is in the form of a three-dimensional object, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the largest possible two-dimensional outline of the three-dimensional object and multiplying that area by two (2). (See Figure below).

![Diagram of three-dimensional sign with projection of image]

Section 8.18.00. Additional Standards.

All permitted signs within the City of Arcadia shall meet compliance with Florida building, safety, and electrical codes as well as the applicable sections of this Article and;

A. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

B. No permitted sign, nor sign support or structure shall be placed in or over public right-of-way unless expressly permitted by exception pursuant to the owner of the property and decision by the city of Arcadia’s designated governing authority.
C. All signs located over pedestrian ways shall provide a minimum clearance of ninety (90) inches from ground surface and a minimum of one hundred sixty-two (162) inches from vehicular ways.

D. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

Section 8.19.00. Automatic Computerized Message Signs.

Computerized signs with an animated display, running copy, or automated changing copy may be approved using the same process as any other signs with the following additional standards:

A. Such signs are only allowable on major thoroughfares within the City of Arcadia.

B. Such signs must conform to all State of Florida Department of Transportation rules and regulations for such signs.

C. No such sign shall be constructed within 50 feet of any residential district or dwelling.

D. Such signs shall perform in a steady, non-fluctuating, non-undulating manner. Strobe lights and flashing lights are prohibited.

E. Such signs shall be limited to a maximum area of sixteen (116) square feet and a maximum height of twelve (12) feet.

F. No more than one (1) such sign shall be permitted on any parcel of land, and any parcel where such a sign is to be located shall have a minimum road frontage of one hundred (100) feet on the roadway where the sign is to be located.

Section 8.20.00. Nonconforming Signs.

All signs, which were lawfully in existence and constructed or installed with properly issued sign permits and other applicable permits as of the effective date of these amended regulations, and which are made nonconforming by the provisions herein shall be allowed to remain in accordance with the following conditions:

A. Freestanding signs, permitted pursuant to Section 8.11.00, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance only with respect to the minimum required distance of five (5) feet from any property lines shall be allowed to remain in the existing location provided that no portion of the sign is located within any publicly owned right-of-way or utility easement and that no interference with clear sight distance exists, and further provided that such signs are otherwise in compliance with the terms of this Article.

B. Freestanding signs, permitted pursuant to Section 8.11.00, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance only with respect to maximum width, height or size shall be allowed to remain, provided that such signs are otherwise in compliance with the terms of this Article.

C. Nonconforming signs, including those as described in preceding Subsections A. and B. shall be made conforming with all provisions of this Article when any of the following changes are made:

1. Any change to the structural supports or structural materials, including temporary relocation associated with routine maintenance of a property.

2. Any change which increases the illumination.
3. Any change which increases the height of a sign.

4. Any change, which alters the display area or face area by more than twenty-five (25) percent.

5. Any replacement required as the result of an accidental act or a weather related act.

6. Any replacement of an abandoned sign.

7. Any change necessary for compliance with Florida Building Code requirements.

D. The provisions of this Section shall not be construed to apply to signs that are abandoned, deteriorated, dilapidated, or in a general state of disrepair, or which are determined to create a hazard to public safety.

Section 8.21.00. Violation Constitutes Nuisance; Abatement.

Any sign which is constructed, erected, operated, used, maintained, posted or displayed in violation of this Code is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated. Any sign, such as a snipe sign or real estate sign, may be removed without notification to the owner, if such sign is placed in a public right-of-way.

Section 8.22.00. Procedure for Appeal.

Any administrative decision that is made by any city official in the administration or enforcement of this article may be appealed within thirty (30) days to the circuit court.
ARTICLE 9.

NATURAL RESOURCE PROTECTION

Section 9.01.00. Development in Flood Prone Areas

Section 9.01.01. Administration

Section 9.01.01.01. Title

These regulations shall be known as the Floodplain Management Ordinance of the City of Arcadia, hereinafter referred to as “this ordinance.”

Section 9.01.01.02. Scope

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Section 9.01.01.03. Intent.

The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

E. Minimize damage to public and private facilities and utilities;

F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

**Section 9.01.01.04. Coordination with the Florida Building Code.**

This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

**Section 9.01.01.05. Warning.**

The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

**Section 9.01.01.06. Disclaimer of Liability.**

This ordinance shall not create liability on the part of the City Council of the City of Arcadia or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Section 9.01.02. Applicability**

**Section 9.01.02.01. General.**

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

**Section 9.01.02.02. Areas to which this ordinance applies.**

This ordinance shall apply to all flood hazard areas within the City of Arcadia, as established in Section 5.01.02.03 of this ordinance.

**Section 9.01.02.03. Basis for establishing flood hazard areas.**

The Flood Insurance Study for DeSoto County, Florida and Incorporated Areas dated November 6, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Administration Offices, 23 N. Polk Avenue.
Section 9.01.02.03.01. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to Section 9.01.05 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

A. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

B. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Section 9.01.02.04. Other laws.

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

Section 9.01.02.05. Abrogation and greater restrictions.

This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

Section 9.01.02.06. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 9.01.03. Duties and Powers of the Floodplain Administrator.

Section 9.01.03.01. Designation.

The City Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
Section 9.01.03.02. General.

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 9.01.07 of this ordinance.

Section 9.01.03.03. Applications and permits.

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

A. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

B. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

C. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

D. Provide available flood elevation and flood hazard information;

E. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

F. Review applications to determine whether proposed development will be reasonably safe from flooding;

G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

H. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

Section 9.01.03.04. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or
structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

**Section 9.01.03.05. Modifications of the strict application of the requirements of the Florida Building Code.**

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 9.01.07 of this ordinance.

**Section 9.01.03.06. Notices and orders.**

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

**Section 9.01.03.07. Inspections.**

The Floodplain Administrator shall make the required inspections as specified in Section 9.01.06 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**Section 9.01.03.08. Other duties of the Floodplain Administrator.**

The Floodplain Administrator shall have other duties, including but not limited to:

A. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 9.01.03.04 of this ordinance;

B. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

C. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base
flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

D. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete; and

E. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Arcadia are modified.

Section 9.01.03.09. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City Administrator's Office, 23 N. Polk Avenue.

Section 9.01.04. Permits.

Section 9.01.04.01. Permits required.

Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Section 9.01.04.02. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Section 9.01.04.02.01. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain
development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

A. Railroads and ancillary facilities associated with the railroad.

B. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

C. Temporary buildings or sheds used exclusively for construction purposes.

D. Mobile or modular structures used as temporary offices.

E. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

F. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

G. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

H. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

I. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

Section 9.01.04.03. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

A. Identify and describe the development to be covered by the permit or approval.

B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

C. Indicate the use and occupancy for which the proposed development is intended.

D. Be accompanied by a site plan or construction documents as specified in Section 9.01.05 of this ordinance.

E. State the valuation of the proposed work.

F. Be signed by the applicant or the applicant’s authorized agent.
G. Give such other data and information as required by the Floodplain Administrator.

Section 9.01.04.04. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Section 9.01.04.05. Expiration.

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

Section 9.01.04.06. Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

Section 9.01.04.07. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

A. The Southwest Florida Water Management District; section 373.036, F.S.

B. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

C. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

D. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

E. Federal permits and approvals.

Section 9.01.05. Site Plans and Construction Documents.

Section 9.01.05.01. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base
flood elevation(s), and ground elevations if necessary for review of the proposed development.

B. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 9.01.05.02(B) or (C) of this ordinance.

C. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 9.01.05.01(A) of this ordinance.

D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

G. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

Section 9.01.05.02. Information in flood hazard areas without base flood elevations (approximate Zone A).

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

A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

B. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

C. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

D. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Section 9.01.05.03. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 9.01.05.04 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

B. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 9.01.05.04 of this ordinance.

Section 9.01.05.04. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.
Section 9.01.06. Inspections

Section 9.01.06.01. General.

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

Section 9.01.06.01. Development other than buildings and structures.

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

Section 9.01.06.02. Buildings, structures and facilities exempt from the Florida Building Code.

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Section 9.01.06.02.01. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

A. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

B. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 9.01.05.02 (C)(2) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Section 9.01.06.02.02. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 9.01.06.01.02.01 of this ordinance.
Section 9.01.06.01.02. Manufactured homes.

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

Section 9.01.07. Variances and Appeals

Section 9.01.07.01. General.

The Planning and Zoning Board shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning and Zoning Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

Section 9.01.07.02. Appeals.

The Planning and Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Planning and Zoning Board may appeal such decision to the Circuit Court, as provided by Florida Statutes.

Section 9.01.07.03. Limitations on authority to grant variances.

The Planning and Zoning Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 9.01.06.01.06 of this ordinance, the conditions of issuance set forth in Section 9.01.07.07 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Planning and Zoning Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Section 9.01.07.03.01. Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 9.01.05.03 of this ordinance.

Section 9.01.07.04. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building’s continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building’s continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
Section 9.01.07.05. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 9.01.07.03.01, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Section 9.01.07.06. Considerations for issuance of variances.

In reviewing requests for variances, the Planning and Zoning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
B. The danger to life and property due to flooding or erosion damage;
C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
D. The importance of the services provided by the proposed development to the community;
E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
F. The compatibility of the proposed development with existing and anticipated development;
G. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
H. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Section 9.01.07.07. Conditions for issuance of variances.

Variances shall be issued only upon:

A. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
B. Determination by the Planning and Zoning Board that:

1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

3. The variance is the minimum necessary, considering the flood hazard, to afford relief;

C. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

D. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Section 9.01.08. Violations

Section 9.01.08.01. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Section 9.01.08.02. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner’s agent, or to the person or persons performing the work.

Section 9.01.08.03. Unlawful continuance.

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

Section 9.01.09. Definitions

Section 9.01.09.01. Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

Section 9.01.09.02. Terms defined in the Florida Building Code.

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

Section 9.01.09.03. Terms not defined.

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Section 9.01.09.04. Definitions.

Appeal. A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before June 3, 1988. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 3, 1988.

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

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

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.
New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after June 3, 1988 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 3, 1988.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Section 9.01.10. Flood Resistant Development.

Section 9.01.10.01. Buildings and Structures.

Section 9.01.10.01. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to Section 9.01.04.02.01 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 9.01.10.07 of this ordinance.

Section 9.01.10.02. Subdivisions.

Section 9.01.10.02.01. Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Section 9.01.10.02.02. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
A. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

B. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 9.01.05.02(A) of this ordinance; and

C. Compliance with the site improvement and utilities requirements of Section 9.01.10.03 of this ordinance.

Section 9.01.10.03. Site Improvements, Utilities and Limitations.

Section 9.01.10.03.01. Minimum requirements.

All proposed new development shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Section 9.01.10.03.02. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Section 9.01.10.03.03. Water supply facilities.

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

Section 9.01.10.03.04. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 9.01.05.03(A) of this ordinance demonstrates that the proposed
development or land disturbing activity will not result in any increase in the base flood elevation.

Section 9.01.10.03.05. Limitations on placement of fill.

Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Section 9.01.10.04. Manufactured Homes.

Section 9.01.10.04.01. General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

Section 9.01.10.04.02. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this ordinance.

Section 9.01.10.04.03. Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Section 9.01.10.04.04. Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 9.01.10.04.04.01 or 9.01.10.04.04.02 of this ordinance, as applicable.

Section 9.01.10.04.04.01. General elevation requirement.

Unless subject to the requirements of Section 9.01.10.04.04.02 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as
applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

Section 9.01.10.04.02. Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to Section 9.01.10.04.01 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

A. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or

B. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Section 9.01.10.04.05. Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

Section 9.01.10.04.06. Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

Section 9.01.10.05. Recreational Vehicles and Park Trailers.

Section 9.01.10.05.01. Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

A. Be on the site for fewer than 180 consecutive days; or

B. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Section 9.01.10.05.02. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in Section 9.01.10.05.01 of this ordinance for temporary placement shall meet
Section 9.01.10.06. Tanks.

Section 9.01.10.06.01. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Section 9.01.10.06.02. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of Section 9.01.10.06.03 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

Section 9.01.10.06.03. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Section 9.01.10.06.04. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

A. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Section 9.01.10.07. Other Development.

Section 9.01.10.07.01. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

A. Be located and constructed to minimize flood damage;

B. Meet the limitations of Section 9.01.10.03.04 of this ordinance if located in a regulated floodway;
C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

D. Be constructed of flood damage-resistant materials; and

E. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 9.01.10.07.02. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 9.01.10.03.04 of this ordinance.

Section 9.01.10.07.03. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 9.01.10.03.04 of this ordinance.

Section 9.01.10.07.04. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 9.01.10.03.04 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 9.01.05.03(C) of this ordinance.
ARTICLE 10.

SITE DEVELOPMENT PLANS

Section 10.01.00. Purpose of Site Development Plan Requirements.

The purpose of this Article is to provide requirements for preparing site development plans and traffic study reports so that land development may be reviewed for compliance with City Land Development Code requirements.

Section 10.01.01. Development Review Committee.

The Development Review Committee (DRC) is responsible for reviewing Development Review Applications and site development plans that are the subject of this Article. Approval of site development plans shall be in the form of a Development Approval Certificate as provided in Section 10.08.00 of this Article.

Section 10.01.02. Pre-Application Conference.

Unless otherwise waived, at the discretion of the City Manager, or his or her designee, a pre-application conference with the DRC shall be held for each new site plan submitted to the City for review. For purposes of the pre-application conference, the applicant shall present a concept plan in conformance with Section 10.01.03 of this Article.

Section 10.01.03. Concept Plan Requirements.

The developer shall present a concept plan, drawn to an appropriate scale, to the City Administrator, or his or her designee, for distribution to the DRC.

At a minimum, the plan shall show the following:

A. Total acreage;
B. Future Land Use and zoning districts of the proposed project site and abutting properties;
C. Project boundaries;
D. General lot layout, typical lot sizes;
E. Proposed use(s) and their general location(s) on the site, including building setbacks;
F. General street layout, as applicable;
G. Density or intensity, as applicable;
H. Significant physical conditions (e.g., wetlands, lakes, etc.).

The DRC shall meet with the applicant at a pre-application conference and shall provide information and comments to assist the applicant in the preparation of site development plans consistent with City Code requirements.

Section 10.01.04. Development Review Application.

A Development Review Application shall accompany all site plans which are the subject of this Article. Applicants shall submit the Development Review Application and all required exhibits
The Development Review Application shall, at a minimum, include the following information:

A. The property owner's name, address, telephone number and email address, if available;
B. If the property involved is owned by a corporation or company, the name, address, telephone number and email address, if available, of its president and secretary;
C. The name, address, telephone number and email address, if available, of the designated applicant, engineer, or project representative if other than the property owner;
D. Party having interest in the property (owner, buyer, etc.);
E. Property location, either physical street address, or if vacant, general location description;
F. Legal description and property tax identification number;
G. A statement as to whether the property is located within a designated Historic District;
H. Purpose of application;
I. Future Land Use and zoning districts of the proposed project site and abutting properties;
J. Total acreage.

Section 10.02.00. Site Development Plans.

The site plan review procedure shall be required for specified residential and all nonresidential construction to ensure that all development projects meet the requirements of this Code prior to the issuance of a building permit. It is the intent of this Section that the site plan process be a part of the building permit application process, in that the site plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and Certificate of Occupancy shall be issued. However, the Enforcing Official, or his or her designee, may at any time accept and review building construction plans related to structural, mechanical, electrical and plumbing systems, subject to the condition that no permits may be issued prior to site plan approval.

For purposes of general site plan review, the developer shall present site plans to the City Administrator, or his or her designee, for distribution to the DRC. All required plans and drawings for a project, such as but not limited to, architectural, landscaping and engineering plans, shall be consistent with each other with regard to the layout of the site elements both on the horizontal and vertical planes. Architectural, utility and engineering plans shall not conflict with landscape requirements. In all cases, engineering plans addressing stormwater management, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida. If development is constructed in phases, a site development plan shall be submitted for each successive phase of the development.

Section 10.02.01. Development Requiring Site Plan Approval.

Site plan approval shall be required prior to the issuance of a building permit for the following:

A. A parcel of land proposed for a nonresidential use, including hotels, motels, and RV parks.
B. A parcel of land proposed for multiple-family residential use of three (3) dwelling units or more, or a mobile home park.
C. Assisted living facilities and group homes housing more than three (3) residents.

D. Clubhouses or similar facilities built on common property within a subdivision.

E. Division of an existing development site (such a division shall result in a new or modified site plan for previously existing development, in addition to a separate plan for new development).

F. An expansion or reconfiguration of any of those types of development which are subject to site plan requirements.

G. A change in the use of an existing development site from one (1) land use category to another, as listed in Table 4.10.01.

H. Any other type of development that the City Administrator, or his or her designee, determines to be appropriate for the site plan review process in order to protect the public health, safety and welfare.

Section 10.02.02. Site Development Plan Requirements.

A minimum of seven (7) copies of the site development plan, and any additional copies as may be required by the City, shall be submitted to the City Administrator, or his or her designee, for processing and review. Site plans shall, at a minimum, contain the following information, as applicable:

A. Plans shall be submitted on twenty-four (24) by thirty-six (36) inch sheets drawn to a scale of not less than one (1) inch equals one hundred (100) feet, unless allowed otherwise at the discretion of the City;

B. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon;

C. Site plan name;

D. North arrow, scale and date prepared;

E. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, if available, and the accurate legal description of the property with a computation of the total acreage of the tract to the nearest tenth of an acre. The survey shall have been prepared within one (1) year prior to filing the site plan;

F. A survey showing existing topographical features, including contours at one (1) foot intervals as well as spot elevations arranged in a grid system with thirty-five (35) foot spacing;

G. Spot elevations along the tract boundary and twenty-five (25) feet outside thereof (closer where necessary to depict irregularities in the elevations of the property or adjacent property);

H. Identification of natural features including watercourses, swales, catch basins, ditches, and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas;
I. Delineation of all environmentally sensitive areas and identification of any soil limitations/characteristics, and endangered wildlife and plants, as determined by the appropriate agency;

J. Identification of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA);

K. Location of open space and recreation areas;

L. Location and dimensions of on-site parking, loading and unloading spaces;

M. Location and dimensions for traffic circulation, designated with arrows, all public and private streets, site access and driveways, pedestrian walks and utility easements within and adjacent to the site;

N. The footprint of all proposed buildings and structures on the site, including setbacks;

O. Sign locations and setbacks;

P. Fence and wall locations and heights;

Q. Phase lines, if the development is constructed in phases;

R. All existing and proposed utilities and utility tie-in locations, including but not limited to:
   1. Water and wastewater pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.
   2. Telephone, electric, gas and other utilities.

S. Location of major solid waste receptacles, including dumpster pads and enclosures;

T. Tabulations of the following, as applicable:
   1. Total square footage or acreage of project site;
   2. Total number of lots and average size;
   3. Number of units proposed, if any, and resulting gross density;
   4. Acreage of each type of land use and its percentage of total acreage;
   5. Total square footage of buildings and structures;
   6. Total floor area, in square feet, of residential and non-residential uses;
   7. Total number of required and proposed on-site parking spaces;
   8. Total square footage of building lot coverage and percentage of the overall site;
   9. Total square footage of vehicular use areas (parking, sidewalks, etc.);
   10. Square footage of open space and recreation areas and percentage of the overall site.
Section 10.02.03. Development Site to be Unified.

When requesting site development plan approval, the applicant shall furnish proof that the development site is unified by title and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole.

Section 10.02.04. Modification of Approved Site Plans.

Any modification, variation or adjustment of an approved site plan shall require a site plan amendment approval. The City Administrator, or his or her designee, shall determine whether a proposed site plan modification is a major or a minor modification. The determination shall be based on, but shall not be limited to the following:

A. Major Modification includes any substantial change, including an increase in density, a change in permitted uses, a change in stormwater runoff characteristics, a change in traffic patterns and/or trip generation, or other similar changes;

B. Minor Modification includes any proposed changes in configuration or other similar changes as deemed not to alter the intent and purpose of the approved overall development plan.

The applicant shall submit the site plan modification request to the City Administrator, or his or her designee. The City Administrator, or his or her designee, may approve minor modifications. However if the proposed change or amendment is determined to be a major modification, the City Administrator, or his or her designee, shall forward the site plan revisions to the DRC, and any other appropriate members of City staff and outside consultants, for review and determination of approval. Approval shall be in the form of a Development Approval Certificate consistent with Section 10.08.00.

Section 10.02.05. Effect of Site Plan Approval.

A building permit shall be obtained within twelve (12) months of the approval date of a site plan or the plan shall become invalid. No building permit shall be issued until the site plan has been approved and is on file with the City. All building and construction permits issued for any project requiring site plan review shall be consistent with the approved site plan and any stipulated conditions that are part of the approval. The approval of a site plan shall not, under any circumstance, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive, or that requiring the higher standard, shall prevail.

The Building or Enforcing Official shall retain one (1) copy of the site plan to constitute a permanent record of said plan. A minimum of three (3) copies of the plan shall be reserved for the applicant, two (2) copies of which shall accompany the application for a building permit, and one (1) copy which shall be available for inspection at the job site.

Section 10.02.06. Non-Compliance.

Failure to comply with an approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to an approved site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Code shall constitute a violation of this Code and may be subject to a stop-work order.
Section 10.03.00. Construction Plans.

The construction plan review process allows for the review and approval of all site and infrastructure improvements prior to construction. Construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, establishment of a construction schedule, and site improvement permitting. Approval of the construction plans may be subject to any conditions, restrictions, and/or time schedules as may be deemed necessary in the public interest.

Construction Plan review shall be initiated when the following information has been provided to the Office of the City Administrator:

A. Complete application forms, including a Development Review Application with all necessary attachments;
B. The applicable review fee, as established by resolution by the City Council;
C. Complete sets of construction plans, prepared by a civil engineer registered in the state of Florida.

Section 10.03.01. Construction Plan Preparation.

Construction plans shall, at a minimum, show the following information:

A. Construction plans shall be submitted on twenty-four (24) by thirty-six (36) inch sheets drawn to a scale of not less than one (1) inch equals one hundred (100) feet, unless allowed otherwise at the discretion of the City;
B. Seal of registered engineer and surveyor responsible for the plan and data;
C. Final alignments, dimensions, grades and profiles of proposed streets, sidewalks, bicycle paths, utilities, stormwater management and other improvements to be constructed consistent with the City of Arcadia’s engineering standards;
D. Calculations, computations and details as may be necessary to determine the limits of wetlands, groundwater table characteristics, off-site impacts of the proposed development, and other technical matters that may be specified by the City or any consultant under contract to do work for the City;
E. Any permits from agencies approving access to state or county roadways;
F. Any permits from agencies approving the proposed stormwater management system;
G. Any permits from agencies approving the utilities plan;
H. Any permits from environmental agencies having jurisdiction;
I. Three (3) copies of estimates of quantities, unit prices and estimated costs for streets, stormwater management and storm wastewaters, water distribution systems, and wastewater systems.
Section 10.03.02. Record Drawings.

A. Engineering as-built drawings shall be submitted to the Office of the City Administrator for distribution to the appropriate city officials prior to the issuance of a Certificate of Completion.

B. One (1) electronic copy, or an equivalent, of the drawings shall be submitted to the Office of the City Administrator for distribution to the appropriate city officials prior to the issuance of a Certificate of Completion.

C. The engineering as-built drawings shall be consistent with engineering standards adopted by the City of Arcadia.

D. All as-built drawings shall contain a certification by a professional engineer and registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

Section 10.04.00. Stormwater Management Plans.

Any person proposing development or redevelopment in the City shall submit stormwater management plans to the City Administrator, or his or her designee, as part of, or attached to, site development plans for the proposed development. The plan shall demonstrate the measures to be implemented for controlling runoff as required under the provisions of Section 6.06.00 of this Code and shall include information necessary to illustrate the means by which compliance with applicable control standards will be achieved. Approval of the Stormwater Management Plan, as applicable, shall be a condition prior to the issuance of a building permit.

A Stormwater Management Plan shall be reviewed by the appropriate DRC members and all other governmental authorities having jurisdiction. Any development activity for which a permit is issued under this Section which has not commenced within one (1) year from the date of permit issuance and/or has not been completed within two (2) years from the date of permit issuance shall automatically be null and void unless otherwise extended by the City Administrator, or his or her designee, subject to a new plan review fee.

Section 10.05.00. Landscape Plans.

Any person proposing development or redevelopment in the City, which is subject to landscape provisions, shall submit a landscape plan. The landscape plan may be submitted separately, but shall be a part of a site development plan submission, where site development plan submission is required.

For purposes of landscape plan review, the developer shall present a minimum of seven (7) copies of the landscape plan to the City Administrator, or his or her designee, for distribution to the DRC.

Landscape plans shall, at a minimum, contain the following information, as applicable:

A. Plans shall be submitted on twenty-four (24) by thirty-six (36) inch sheets drawn to a scale of not less than one (1) inch equals one hundred (100) feet, unless allowed otherwise at the discretion of the City;

B. Project name;

C. Graphic scale, north arrow and date of plan;

D. General property location vicinity map;
E. Site layout and all site improvements with dimensions, including but not limited to buildings and other structures, parking spaces, driving aisles, driveways, sidewalks, stormwater retention areas, signs, walls and fences and on-site and abutting streets;

F. Location and width of utility easements and location of overhead powerlines;

G. Future Land Use and zoning districts of the proposed project site and abutting properties;

H. Identification of abutting land uses;

I. Graphic measurement identifying the width of required landscape buffer yards;

J. Identification/name and location of all landscape plant material and quantities of each type of plant provided;

K. Location, name and crown diameter of preserved trees;

L. Graphic measurement identifying the mature crown spread (diameter) of proposed trees providing canopy coverage over on-site sidewalks and vehicular use areas;

M. Tabulations of the following:
   1. Required and proposed number of parking spaces;
   2. Square footage of on-site sidewalks and vehicular use areas;
   3. Square footage of tree canopy area required;
   4. Square footage of tree canopy area provided;
   5. Identification of type or class of buffer yard required (e.g., Type A);
   6. Required number of buffer yard plantings;
   7. Number of buffer yard plantings provided;

N. If the property is to be developed in phases, each phase and all improvements for each phase shall be clearly shown;

O. An irrigation plan and specifications shall be provided, as acceptable to the City’s Engineer, which show the layout and describe a workable underground irrigation system as a complete unit providing full coverage of all landscaped areas and including such information as piping circuits, pipe sizes, heads, valves, controls, pumps, power source, and all other associated accessories and fixtures.

The City Administrator, or his or her designee, shall inspect the landscaping installation to ensure that it is in conformance with the requirements set forth in this Land Development Code and with the approved landscape plans. Plant material substitutions may be approved by the City Administrator, or his or her designee, so long as the intent and requirements of this Code are met.

Section 10.06.00. Traffic Study Requirements.

A. Minor Traffic Study.

A Minor Traffic Study shall be required for developments generating more than fifty (50) and less than or equal to seven hundred fifty (750) average daily trips. Traffic studies shall be performed at
Minor Traffic Studies shall be submitted to the City Administrator, or his or her designee, and shall include the following information:

1. Development Review Application consistent with Section 10.01.04 of this Article.
2. A description of the proposed project;
3. Each Future Land Use category and zoning district classification proposed;
4. Type of and size of project (number of dwelling units or square feet);
5. An estimate of the number of daily and peak hour trips generated, by direction, for each directly accessed segment (Peak hour is generally defined as the PM peak hour of adjacent street traffic. At the discretion of the City's engineer or representative, peak hour may be defined as the AM peak hour of adjacent street traffic, or peak hour of the generator);
6. The percent of capacity consumed by the project traffic;
7. The number of net external peak hour trips that will impact each directly accessed segment for both the peak and off-peak directions (e.g., after internal capture and adjacent street capture is considered);
8. The analysis of intersections, as necessary to ensure acceptable operating conditions at major intersections in the project vicinity.

The impact of project traffic on the first directly accessed segment, as well as specified intersections, shall be evaluated relative to its adopted Level-of-Service. Additional impacted segments may be added when it would be in the best interest of the City to do so in order to maintain the adopted Level-of-Service standards. A determination shall be made by the City’s engineer, or engineering representative, whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed development.

If the information submitted indicates the Level-of-Service will fall below the adopted standard, then the applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions or the applicant may propose roadway improvements to restore acceptable conditions.

B. Major Traffic Study.

A Major Traffic Study shall be required for all developments generating more than seven hundred fifty (750) average daily trips. A Major Traffic Study which indicates total daily traffic greater than one thousand (1,000) trips must be prepared and submitted by a registered professional engineer, whose area of practice is transportation engineering. Traffic studies shall be performed at the developer's expense.

Prior to conducting a major traffic study, the applicant, or his or her engineer, shall participate in a pre-application conference with the City's engineer to discuss the traffic study requirements as it pertains to his or her specific development. The applicant, or his or her engineer, shall provide a diagram depicting site access at the pre-application conference. This diagram shall provide sufficient detail to adequately depict existing and proposed ingress/egress to the site (pavement width, median cuts, opposite driveway cuts and intersecting streets, acceleration/deceleration lanes, and left turn storage). Site access for a proposed development shall be consistent with the requirements of the City and other jurisdictions, as applicable.

The applicant shall submit the Development Review Application, consistent with Section 10.01.04 of this Article, and one (1) paper copy and one (1) electronic copy of a completed Major Traffic
Study, to the City Administrator, or his or her designee. The City Administrator, or his or her designee, shall forward the information to the City’s engineer, or engineering representative, who shall determine if all required data has been submitted and is sufficient and acceptable. This determination, as well as a determination that additional data is necessary, shall be made within ten (10) working days of receipt of the Major Traffic Study. Following this determination, the City’s engineer shall have thirty (30) working days to evaluate and determine if roadway capacity is available on each segment as presented in the traffic impact study and prepare a concurrency recommendation.

Each Major Traffic Study shall contain the following information:

1. Title page;
2. Table of Contents;
3. List of Figures;
4. List of Tables;
5. An introduction which includes a description of the project, project location, size of the project and summary of methodologies agreed to in the pre-application conference;
6. Identification of existing conditions for the peak hour to include existing traffic volumes and roadway characteristics for all segments within the study area; and
7. Identification of future conditions for the peak hour to include background traffic, project traffic, and total traffic for all segments within the study area. In order to accomplish this, the applicant shall include the following:
   a. Trip generation estimates;
   b. Percent of new trips and internal capture estimates;
   c. Traffic distribution and assignment methodology;
   d. Area of influence (determination of road segments to be included in study network);
   e. Impacted segments traffic volumes (peak and off-peak directions);
   f. Intersection analyses, as required;
   g. Roadway needs (identification of proposed improvements);
   h. Internal site circulation and access needs;
   i. Appendix (as applicable to the specific traffic impact study);
   j. Traffic count data;
   k. Trip generation, internal and adjacent street capture worksheets;
   l. Trip distribution and assignment worksheets;
   m. Intersection capacity analysis worksheets using the Highway Capacity Manual latest edition or associated software;
n. Link capacity analyses;

o. Computerized modeling documentation (if performed); and

p. Other analysis worksheets.

**Section 10.07.00. Submission of Plans for Parking Facilities.**

A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street parking, which plan shall clearly and accurately designate the required parking spaces, access aisles and driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. See Sections 10.01.04 and 10.02.02 for development review application and site development plan submission requirements.

**Section 10.08.00. Development Approval Certificate.**


No vacant land shall be put to use, and no existing use of land shall be changed to a new or dissimilar type of use, unless a Development Approval Certificate is first obtained for the new or different use, provided that this requirement shall not apply to agricultural uses of land.

B. Development Approval Certificate Required for New Use of Building.

No building or structure, or part thereof, shall be changed to, or occupied by, a use of a different nature unless a Development Approval Certificate is first obtained.

C. Development Approval Certificate Exemption.

1. Individual single family and duplex units shall be exempt from the Development Approval Certificate requirement.

D. Development Approval Certificate Generally.

1. Issuance of a DAC indicates that the proposal meets all applicable requirements of this Code, as well as other standards and regulations administered by the City. Accordingly, it shall contain an indication of approval by the DRC and any other relevant City departments and consultants employed on behalf of the City.

2. The Building or Enforcing Official shall retain one (1) copy of the DAC to constitute a permanent record. A minimum of three (3) copies of the DAC shall be reserved for the applicant, two (2) copies of which shall accompany the application for a building permit, and one (1) copy which shall be available for inspection at the job site.

3. All building permits shall be consistent with the final version of the site plan attached to the DAC. Any alternate or previous versions of the site plan shall be deemed invalid after a DAC is issued. Changes in site layout or in any element of the site plan shall require a new or amended DAC, to be approved by the City Administrator, or his or her designee.

4. Where the proposed development consists of the renovation or reconfiguration of an existing site such that no new site plan is required, the DAC may indicate such information. However, this shall not constitute an exemption from any review which may be required under other regulations.
5. Nothing herein shall relieve any applicant of the responsibility of seeking any additional permit required by applicable regulations of the City of Arcadia, DeSoto County, the Southwest Florida Water Management District, or the State of Florida.

6. A building permit shall be obtained within twelve (12) months of the approval date of the site plan for which the DAC is issued. The provisions for site plan approval under Sections 10.02.05 and 10.02.06 of this Article are applicable.
ARTICLE 11.  

DEVELOPMENT REVIEW PROCESS

Section 11.01.00.  Purpose and Intent.

The purpose of this Article is to provide a clear and comprehensive development review process that is fair and equitable to all interests including petitioners, citizens, City staff and other related agencies, the Development Review Committee (DRC), the Planning and Zoning Board, the Board of Adjustment (BOA), and the City Council. The intent of this Article is to identify the required procedures and requirements for processing and reviewing Comprehensive Plan, zoning, and land development actions within the City of Arcadia.

Section 11.02.00.  Development Review.

Any development or use of land not exempted by this Code shall obtain approval through one or more of the development review procedures outlined in this Article according to the type of use or development.

Section 11.02.01.  Development Review Process.

A. Applications, including site plans and other project specific attachments for development review, shall be prepared in accord with Article 10 and submitted to the City Administrator, or his or her designee, for processing. Upon receipt of such materials, the City Administrator, or his or her designee, shall distribute the application, site plan, and any attachments, to the DRC for site development plan review.

The DRC shall have ten (10) working days, following receipt of an application, to review the development request and provide written comments to the City Administrator, or his or her designee. The DRC shall review the development request in relation to the Comprehensive Plan, zoning and other applicable land development regulations, and shall identify matters of development policy concern to which the applicant shall address particular attention.

Upon completion of DRC review, the City Administrator, or his or her designee, shall provide the DRC’s written comments to the applicant detailing any issues identified during the review. The applicant shall respond to the DRC comments at this stage of review and shall submit any revised application and applicable exhibits to the City Administrator, or his or her designee.

When the City Administrator, or his or her designee, determines that all comments have been adequately addressed and the requirements of all applicable City, state and federal regulations have been met, the City Administrator, or his or her designee may approve, approve with changes, or deny the site development plan, based on the written comments and recommendations of the DRC, and a development permit may be issued; or if Planning and Zoning Board, City Council and/or Board of Adjustment action is required, the City Administrator, or his or her designee, shall place the request on the next scheduled meeting agenda of the appropriate hearing body. Upon a hearing, any party may appear in person, by agent, or by attorney.

Upon written notice to the City Administrator, or his or her designee, any application/request may be withdrawn at any time at the discretion of the person or agency initiating such request.
B. An approved site development plan shall be consistent with the provisions under Section 10.02.05, Effect of Site Plan Approval.

C. Upon approval of the site development plan, the applicant may proceed to submit construction drawings to the appropriate City staff for permitting in accordance with Article 10 of this Code. Drawings shall include, but are not limited to, building plans, drainage and stormwater management facilities, road and driveway construction specifications, and landscape plans, as applicable.

D. Any modification, variation or adjustment of a stamped approved site development plan shall be subject to Section 10.02.04 of this Code. If the proposed change or amendment is determined to be other than a minor modification, the City Administrator, or his or her designee, shall forward any revisions to appropriate members of City staff and outside consultants, as applicable, and schedule a hearing by the Planning and Zoning Board to consider approval of the change. Changes requiring Planning and Zoning Board review shall proceed under the same process as the initial request.

E. Failure to comply with a stamped approved site development plan or any of the conditions upon which such approval was contingent is subject to the provisions of Section 10.02.06 of this Code.

Section 11.02.02. Planning and Zoning Board Site Plan Review.

If during the review process the DRC or the City Administrator, or his or her designee, determines that a site development plan merits additional review based on issues of land use compatibility, or adverse impact(s) on public services and facilities, the City Administrator, or his or her designee, may refer the site development plan to the Planning and Zoning Board for review. The City Administrator, or his or her designee, shall determine the number of copies of plans and attachments required for review.

A. The applicant shall submit a Site Development Review application, site development plan, all necessary attachments, together with the application fee, as established by resolution of the City Council, to the City Administrator, or his or her designee, who shall place the plan on the agenda for the next regular meeting of the Planning and Zoning Board.

B. Notice of the review shall be provided consistent with Section 11.04.00 B., C., and D.

C. The City Administrator, or designee, shall prepare and forward a staff report, which shall include a description of the project, identification of the issue(s) of concern, and a staff recommendation, along with the application, site plan, and any accompanying documents to the Planning and Zoning Board members.

D. The Planning and Zoning Board shall review and evaluate the plan based on the goals, objectives and policies of the City's Comprehensive Plan, applicable City codes, and the advisory recommendations of City staff. The Planning and Zoning Board shall approve, approve with conditions, or deny the site plan and all findings shall be provided in writing. In the event a site development plan is denied, the reason(s) for the denial shall be provided in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of the City of Arcadia. In the alternative, the Planning and Zoning Board may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site development plan.
**Section 11.03.00. Staff Report.**

The City Administrator, or his or her designee, shall prepare written reports to the Planning and Zoning Board, Board of Adjustment, and City Council, which provide data and analysis specific to the request to be heard at a public meeting or hearing, in relation to City goals, objectives, policies, and zoning and land development requirements.

**Section 11.04.00. Public Hearings/Public Notice.**

*Due Public Notice.* No change in land use classification, zoning designation, variance, Special Approval, plan amendment, vacation of City-owned right-of-way or easement, or amendment to this Code, may be considered by the Planning and Zoning Board, Board of Adjustment, or the City Council until due public notice has been given of a public hearing; and all changes are made by ordinance, with the exception of Special Approvals, right-of-way vacations, and variances which are made by resolution in one public hearing. Public hearings for Comprehensive Plan amendments are regulated pursuant to Chapters 163.3184, F.S. and 163.3187, F.S. An emergency ordinance or a resolution may not be used to make Comprehensive Plan amendment changes. Specific regulations for public hearing/public notice pursuant to Chapter 166.041, F.S., are listed below.

A. Ordinances.

1. All ordinances acted on by the City must be read on two separate days.

2. At least 10 days before adoption, the ordinance shall be noticed once in a newspaper of general circulation in the municipality.

3. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

4. All requests shall be submitted in writing to the City Administrator, or his or her designee, together with applicable fees, which will have been established by resolution of the City Council.

5. Ordinances which require a Planning and Zoning Board recommendation to the City Council shall also meet the requirements of subsection 11.04.00. B. below.

B. Notice of Planning and Zoning Board and Board of Adjustment public hearings shall be given at least 10 days in advance of the meeting and public hearing. Additionally, notice of the public hearings shall be posted at City Hall and on the City’s website at least ten (10) days prior to the public hearing.

C. For each Comprehensive Plan amendment, zoning, Special Approval, or variance application to be considered at a public hearing, a notice shall be mailed to all property owners of record within a radius of 300 feet of the affected property, provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. A sign stating the date and location of the hearing, the type of request for zoning or variance being considered, and the name of the owner requesting the hearing shall be posted on the affected property seven (7) days prior to the hearing in a conspicuous location.

D. *Other Local Government Notification.* When a proposed Comprehensive Plan amendment, zoning action, variance, or Special Approval lies within 300 feet of the jurisdiction of another local
government, the local governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

Section 11.04.01. Advertisement of Public Hearings for Zoning Changes that are Petitioner Initiated – (F.S. 166.041).

A. In cases where a proposed ordinance changes the actual zoning map designation for a parcel(s) of land, public notice shall be enacted pursuant to Section 11.04.00 paragraphs A., B., and C.

Section 11.04.02. Advertisement of Public Hearings for Zoning Changes Involving Less than 10 Acres that are City Initiated – (F.S. 166.041).

A. Notice By Mail: In cases where a City initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving less than 10 contiguous acres of the total land area of the municipality, the governing body shall direct the City Clerk to notify by mail each real property owner whose land will be re-designated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Notice shall be mailed to all property owners whose land will be affected at least 30 days prior to the date of the public hearing.

B. Contents of the Notice. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the City Clerk.

C. Public Notice. The public notice shall be enacted pursuant to Section 11.04.00.

Section 11.04.03. Advertisement of Public Hearings for Zoning Changes Involving 10 Acres or More that are City Initiated – (F.S. 166.041).

A. In cases where a City initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving 10 contiguous acres or more of the total land area of the municipality: the governing body shall hold two advertised public hearings on the proposed ordinance.

B. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day, and the first hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

C. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership in the municipality.

D. Advertisement Form.
E. The advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

F. Mail-out May Be Done. In lieu of publishing the advertisement as outlined above, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance. If mail-outs are completed, the ordinance must be advertised per the requirements of Section 11.04.00 A.

Section 11.04.04. Advertisement of Public Hearings for Changes to the Actual List of Permitted, Special Approval, or Prohibited Uses within a Zoning Category.

In cases where a proposed ordinance changes the actual list of permitted, Special Approval, or prohibited uses within a zoning category, public notice shall be enacted pursuant to Section 11.04.03, except that a geographic location map is not required.

Section 11.04.05. Advertisement of Public Hearings for Comprehensive Plan Amendments.

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small Scale process is utilized for amendments that qualify as small-scale development amendments.

All requests for Comprehensive Plan Amendments shall be submitted in writing to the City Administrator, or his or her designee, together with applicable fees, which will have been established by the City Council. Specific regulations for Comprehensive Plan Amendment applications are detailed in Section 11.05.00. Procedures for advertising a public hearing to adopt an ordinance for a Comprehensive Plan amendment are set forth in F.S. Chapter 163 § 163.3184 and 163.3187 and in Section 11.04.00 of this Article.

Section 11.04.06. Notice of Public Hearings for Vacation of roads, Alleys, Streets and Easements.

A. Upon the filing of a petition pursuant to this Article, the applicant shall also mail a copy of the petition to each abutting property owner or other owner of record of lots or parcels
that may be affected by the vacation, or as directed from DRC review or from Council action, by certified mail with return receipt requested. The return receipts shall be filed with the City Clerk, prior to the setting of the public hearing to be held upon the petition.

B. The City Clerk, shall publish notice of the public hearing one (1) time in a newspaper of general circulation in the County at least two (2) weeks prior to the date of such public hearing, and the City Clerk shall also mail notice of the public hearing to all affected property owners. (F.S.§ 336.10).

C. Notice of the adoption of such resolution of the City Council shall be published one time within 30 days following its adoption in one issue of a newspaper of general circulation published in the county.

**Section 11.04.07. Notice of Public Hearings for Vacation of Subdivision Plats.**

The applicant shall comply with the requirements of F.S. § 177.101, and amendments thereto.

**Section 11.04.08. Hearings; Time Limits for Approvals and Recommendations.**

A. If a petition or recommendation for a change or amendment to this Code is not acted upon finally by the City Council within six (6) months of the date upon which the report of the City Planning and Zoning Board is filed with the City Council, the petition shall be deemed to have been denied.

B. Where the Planning and Zoning Board, Board of Adjustment or City Council has given or granted an approval, pursuant to the provisions of this Article, such approval or grant shall become null and void unless a permit and/or business tax receipt pursuant thereto is issued within one hundred eighty (180) days of the date of such action by the Planning and Zoning Board, Board of Adjustment or City Council.

**Section 11.05.00. Comprehensive Plan Amendments.**

An amendment to the Comprehensive Plan may either be a text amendment, which is a change to the goals, objectives and policies of the Comprehensive Plan, or a map amendment, which changes a land use classification shown on the Future Land Use map. Amendments may be initiated by a property owner(s), or agent of a property owner, the local planning agency, or the City Council.

**Section 11.05.01. Application for Comprehensive Plan Amendments.**

All requests for Comprehensive Plan amendments shall be submitted to the City Administrator, or his or her designee, together with all required attachments and the applicable fee, as established by resolution of the City Council.

The application shall contain, at a minimum, the following information, as applicable:

A. Owner's name, address, phone number, email address if available; agent/applicants name, address and phone number, email address if available; proof of ownership;

B. Whether the amendment is a map change or a text change with an explanation and/or description of the amendment;

C. A location map, with the parcel marked, and the Property Appraiser’s parcel identification number;
D. If the proposed amendment is a map amendment, the applicant shall provide a map or drawing showing the site and the adopted land use designation; the proposed land use designation; the size of the site in acres; the current Future Land Use maximum allowable density; and the maximum allowable density for the proposed Future Land Use classification;

E. The location of existing sewer and potable water facilities to the development site.

Section 11.05.02. DRC Review.

The City Administrator, or his or her designee, shall distribute the application and attachments to the DRC for review. The DRC shall provide written comments to the City Administrator, or his or her designee, who shall then forward such comments to the applicant. The applicant shall respond to the DRC comments and submit any revised application and applicable exhibits to the City Administrator, or his or her designee. When the City Administrator, or his or her designee, determines that the applicant has addressed all comments the request shall be placed on a regular meeting agenda of the Planning and Zoning Board.

Section 11.05.03. Planning and Zoning Board and City Council Review of Comprehensive Plan Amendments.

A. The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report to the Planning and Zoning Board members for their consideration. Public notice shall be provided consistent with Section 11.04.00 of this Article. The Planning and Zoning Board shall hear the request and make a recommendation to the City Council.

B. The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report, which shall include the Planning and Zoning Board’s recommendation, to the City Council. The City Council shall hold public hearings and provide notice of the meetings in compliance with Section 11.04.05 of this Article. No approval shall be granted unless the request is approved by a majority of the Council members voting. Adoption of an amendment shall be in the form of an ordinance.

Section 11.05.04. Basis for Review.

The basis for review of a proposed Comprehensive Plan amendment is the same as the basis for the adoption of the Comprehensive Plan. This entails a review of data and an analysis of the amendment on public facility levels of service, the capital improvements budget of the City, and the need for the proposed amendment, in relation to the existing structure of the City and the future, as delineated in the goals, objectives and policies of the Comprehensive Plan.

Section 11.06.00. Zoning Amendments.

A zoning amendment may either be a text amendment, which is a change to the district regulations provided in the Land Development Code, or a map amendment, which is a change to a zoning classification shown on the zoning map.

A. A rezoning may be initiated by the City, or by a property owner or agent of a property owner of land in the City.

B. A petition for a change of district regulations may be filed by any citizen or owner of land in the City.
C. The City Planning and Zoning Board shall investigate and study such petitions, hold public hearings thereon and promptly submit its report and recommendations to the City Council.

D. No recommendation for a change in this Code shall be made by the City Planning and Zoning Board unless and until a public hearing has been held by the City Planning and Zoning Board.

E. Proposals for change in this Code originating with the City Council or initiated by the City Planning and Zoning Board shall be processed in the same manner as provided in this Article for zoning amendment requests.

F. No amendment shall be made until the proposal or request has first been considered by the Planning and Zoning Board and the City Council has received a recommendation thereon.

**Section 11.06.01. Application for Zoning Amendment.**

All requests for zoning amendments shall be submitted to the City Administrator, or his or her designee, together with all required attachments and the applicable fee, as established by resolution of the City Council.

The application shall contain, at a minimum, the following information:

A. The property owner's name, address, telephone number and email address if available;

B. Proof of ownership;

C. The designated project applicant or representative if other than the property owner, a contact address, telephone number and email address if available;

D. A legal description of the property and the size of the area in acres;

E. The Future Land Use classification of the property;

F. The current zoning designation of the property;

G. The proposed zoning designation of the property;

H. A description of the proposed use of the property;

I. A location map, with the parcel marked, and the parcel identification number;

J. The location of existing sewer service and potable water facilities in relation to the development site.

K. Identify whether the property is vacant, or if and for how long the use has been discontinued.

L. If a text amendment, provide the text of the Land Development Code section to be amended.

**Section 11.06.02. DRC Review.**

The City Administrator, or his or her designee, shall distribute the application and attachments to the DRC for review. The DRC shall provide written comments to the City Administrator, or
his or her designee, who shall then forward such comments to the applicant. The applicant shall respond to the DRC comments and submit any revised application and applicable exhibits to the City Administrator, or his or her designee. When the City Administrator, or his or her designee, determines that the applicant has addressed all comments the request shall be placed on a regular meeting agenda of the Planning and Zoning Board.

Section 11.06.03. Planning and Zoning Board and City Council Review of Zoning Amendments.

A. The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report to the Planning and Zoning Board members for their consideration. Public notice shall be provided consistent with Section 11.04.00 of this Article, and the Planning and Zoning Board shall hear the request and make a recommendation to the City Council.

B. The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report, which shall include the Planning and Zoning Board’s recommendation, to the City Council. The City Council shall hold public hearings and provide notice of the meetings in compliance with this Article. No approval shall be granted unless the request is approved by a majority of the Council members voting. Adoption of an amendment shall be in the form of an ordinance.

Section 11.06.04. Basis for Review.

An amendment shall be evaluated on the basis of the following criteria:

A. The character of the district and its peculiar suitability for particular uses.

B. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the City.

C. The applicable portions of any current City plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, drainage and housing.

D. The needs of the community for land areas for specific purposes to serve population and economic activities.

E. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.

F. The facts and opinions presented to the through hearings.

G. For a Land Development Code text amendment, provide justification for the proposal; why is the proposed change necessary and how does it conform to the Comprehensive Plan?

Section 11.06.05. Further Petitions for Same Property after Denial of Rezoning Petition.

A. Whenever the City Planning and Zoning Board has taken action to recommend denial of a petition for rezoning of property, the Board shall not consider any further petition for the same rezoning of any part of the same property for a period of one (1) year from the date of such action.
B. Whenever the City Planning and Zoning Board has taken action to recommend denial of a petition for rezoning of property, the Board shall not consider a petition for any kind of zoning on any part of the same property for a period of six (6) months from the date of such action.

C. The time limits for City Planning and Zoning Board consideration set forth in this Section may be waived by the City Council by the affirmative vote of four (4) council members, when the City Council deems such action necessary to prevent an injustice or to facilitate the proper development of the City. The request shall be submitted to the City Administrator, or his or her designee, who shall forward the request to the City Council for their consideration at a regularly scheduled meeting or at any special meeting called for that purpose.

Section 11.07.00. Special Approval Uses.

It is the intent of this section to provide for a process to review “special” uses that by their nature, may need to be more closely examined for compatibility at a particular location. These particular uses are generally considered to be appropriate for any zoning district that permits that particular use by Special Approval. Uses that require Special Approval are designated by an "S" in the Table of Uses found in Article 4 of this Code. The following conditions apply to Special Approval uses:

A. Unless otherwise provided in the approval of the request, a Special Approval shall remain valid if a building and/or development permit or business tax receipt, as applicable, is obtained within 180 days of City Council approval.

B. If a Special Approval use does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire.

C. Extensions for approved uses may be granted by the City Administrator, or his or her designee, for a single period up to one hundred eighty (180) days from the date when a Special Approval would otherwise expire.

   1. An extension may be granted if the City Administrator, or his or her designee, concludes that the Special Approval has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application.

   2. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the Special Approval stating the reason for the time extension request.

D. Ownership may change, but so long as the character and conditions of the Special Approval do not change, the Special Approval use remains in effect.

E. Should the use change to a use permitted in the zoning district that is not the use approved as the Special Approval, a new application shall be required to reestablish any Special Approval.

F. Should the use be abandoned for one hundred eighty (180) days, a new application shall be required to reestablish any Special Approval.

G. The expansion or reconfiguration of any use or development that is subject to Special Approval shall require a new or amended Special Approval prior to the issuance of a building permit.
Section 11.07.01. Application for Special Approval Uses.

All requests for Special Approval shall be submitted to the City Administrator, or his or her designee, together with all required attachments and the applicable fee, as established by resolution of the City Council.

The application shall contain, at a minimum, the following information, as may be applicable to the request:

A. When requesting Special Approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership;

B. The property owner's name, address, telephone number and email address if available;

C. The name of the designated project applicant or representative if other than the property owner, a contact address, telephone number and email address if available;

D. A notarized authorization of the owner when the applicant is other than the owner, or is an attorney for the owner;

E. The street address of the property;

F. A legal description of the property;

G. A location map of the property and the parcel identification number;

H. The Future Land Use classification and zoning designation of the property;

I. A site plan or sketch plan drawn to scale showing the dimensions of the property;

J. The existing and proposed location of structures on the property including signage and building, structural setbacks and distances between buildings;

K. Paved surfaces including sidewalks, vehicular access ways and circulation areas, off-street parking and loading areas, and refuse and service areas;

L. The number of required and provided off-street parking and loading spaces;

M. Required yards, and other open spaces, and landscape buffer yard areas;

N. The measurements of existing and proposed adjacent rights-of-way, widths of access ways and driveways, and sidewalks;

O. A description of the proposed use of the property including conditions of the use, such as hours of operation, numbers of residents, numbers of employees, and other pertinent information;

P. Existing and proposed density;

Q. Amount of existing and proposed commercial or industrial space;
R. Location of all public and private streets, existing and proposed utilities, driveways and utility easements, within and adjacent to the site;

S. Provisions for stormwater management and detention related to the proposed development;

T. Where applicable, delineation of all watercourses, wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the flood insurance rate maps (FIRM) published by the Federal Emergency Management Agency (FEMA);

U. Where applicable, the identification of significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

Section 11.07.02. DRC Review.

The City Administrator, or his or her designee, shall distribute the application and attachments to the DRC for review. The DRC shall provide written comments to the City Administrator, or his or her designee, who shall then forward such comments to the applicant. The applicant shall respond to the DRC comments and submit any revised application and applicable exhibits to the City Administrator, or his or her designee. When the City Administrator, or his or her designee, determines that the applicant has addressed all comments the request shall be placed on a regular meeting agenda of the Planning and Zoning Board.

Section 11.07.03. Planning and Zoning Board and City Council Review of Special Approval Uses.

A. The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report to the Planning and Zoning Board members for their consideration. Public notice shall be provided consistent with Section 11.04.00 of this Article, and the Planning and Zoning Board shall hear the request and make a recommendation to the City Council.

B. The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report, which shall include the Planning and Zoning Board’s recommendation, to the City Council. The City Council shall hold public hearings and provide notice of the meetings in compliance with this Article. No approval shall be granted unless the request is approved by a majority of the Council members voting. Approval of a Special Approval request shall be in the form of a resolution. Any conditions adopted as a part of the approval shall be explicitly stated in the resolution, and shall be the basis for any development agreement or permit associated with the Special Approval.

Section 11.07.04. Basis for Review.

A Special Approval request may be approved, approved with conditions so as to ensure compatibility with surrounding properties or the community in general, modified, or denied. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of the City of Arcadia.

A Special Approval request shall be evaluated on the basis of the following criteria:

A. Adequate provision is made to protect adjacent properties from possible adverse influences of the proposed use such as noise, dust, vibration, glare, odor, electrical disturbances and similar factors;
B. Vehicular traffic and pedestrian movement on adjacent streets will not be hindered or endangered;

C. Off-street parking and loading, and the entrances to and exits from such parking and loading areas, will be adequate in terms of location, amount, and design to serve the uses;

D. Public facilities and utilities are capable of adequately serving the proposed use, and;

E. Lot and building requirements shall comply with the lot and building requirements for the district in which the special use is to be located, or shall comply with such requirements as may be imposed by the City Council in its approval of the Special Approval.

**Section 11.07.05. Non-Compliance.**

Failure to comply with a Special Approval Resolution or any of the conditions upon which such approval was granted, including time limits for performance, shall be cause to deny issuance of a building permit, development permit or Development Approval Certificate, or business tax receipt, or where a permit or business tax receipt has been issued, to render such permit or receipt invalid, or where action or construction has begun, to constitute issuance of a stop-work order.

**Section 11.07.06. Appeal of Special Approval Decision.**

Any person or persons aggrieved by a Special Approval decision made by the City Council may, within thirty (30) days after the date of the public hearing at which the decision was rendered but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

**Section 11.08.00. Vacation of Roads, Alleys, Streets and Easements.**

The City Council, with respect to property under its control within the territorial limits of the City, may, in its own discretion, and at its own motion, or upon the request of any agency of the state or of the federal government, or upon petition of any person:

A. Vacate, abandon, discontinue and close any existing public or private street, alleyway, road, easement or other place used for travel, or any portion thereof, other than a state, county or federal highway, and renounce and disclaim any right of the City and the public in and to any land in connection therewith;

B. Renounce and disclaim any right of the City and the public in and to any land or interest therein acquired by purchase, gift, devise, dedication or prescription for streets, alleyways, roads or easements other than lands acquired for state, county or federal highways; and

C. Renounce and disclaim any right of the City and the public in and to any land, other than land constituting or required for state, county or federal highways, delineated on any recorded map or plat as a street, alleyway, road or easement.

**Section 11.08.01. Petition for Vacation Request.**

All petitions to vacate roads, alleys, streets, and/or easements shall be submitted to the City Administrator, or his or her designee, together with all required attachments and the applicable fee, as established by resolution of the City Council.
A petition shall be signed by the applicant, or his or her attorney and shall include the following:

A. A legal description of the street, road, alleyway or easement to be vacated, along with a map or plat indicating the street, road, alleyway or easement thereon.

B. A list of the names and addresses of all property owners abutting upon the described lands and a statement of what effect, if any, the vacation of such street, alleyway, easement or road may have upon other property owners in the area.

C. Letters from appropriate officials of each utility company and cable TV company operating in the general area, stating their objections, if any, to the vacation. If there are no objections, the letter shall so state.

D. Upon the filing of a petition, the applicant shall comply with the notification requirements provided in Section 11.04.06 of this Article.

E. Letters of objection or no objection from all owners of record of lots or parcels of land that would be affected by the vacation, including the legal description of the properties owned by such abutting property owners or other affected property owners.

F. In addition to the filing fee, all costs and expenses of surveys and preparation of plats, costs of publication, mailing expenses, recording costs, legal expenses and other costs and expenses incurred in the processing of the petition to vacate by the applicant and/or the City shall be paid by applicant prior to setting the public hearing and placing the petition on the City Council agenda.

Section 11.08.02. Determination of Sufficiency of Petition.

Upon the filing of a petition pursuant to this Article, the City Administrator, or his or her designee, shall furnish the petition to the City Attorney, who shall examine it for completeness and notify the City Administrator, or his or her designee, in writing as to his or her opinion thereon. If the petition is found incomplete by the City Attorney, the City Administrator, or his or her designee, shall notify the applicant in writing, and the applicant shall be given a reasonable time to make the petition complete.

Section 11.08.03. DRC Review.

Upon a determination of sufficiency, the City Administrator, or his or her designee, shall distribute the petition and attachments to the DRC for review. The DRC shall provide written comments to the City Administrator, or his or her designee, who shall then forward such comments to the applicant. The applicant shall respond to the DRC comments and submit any revised application and applicable exhibits to the City Administrator, or his or her designee. When the City Administrator, or his or her designee, determines that the applicant has addressed all comments the request shall be placed on a regular meeting agenda of the City Council.

Section 11.08.04. City Council Review of Vacation Request.

The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report to the City Council members for their consideration.
A. Any action of the City Council vacating any road, street, alleyway or easement shall be evidenced by a resolution duly adopted and entered upon the minutes of the City Council.

B. Notice of the adoption of such resolution of the City Council shall be consistent with the requirements provided under Section 11.04.06 of this Article.

C. The proof of publication of notice of the public hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution shall be recorded in the deed records of the county by the City Clerk.

Section 11.08.05. Basis for Review.
An applicant shall demonstrate and identify the following:

A. There are no known City plans for the use of the subject right-of-way, street or alley;

B. Abutting property owners will not be adversely affected by the proposed request;

C. Any impacts, including relocation and relocation costs, the request will have on short-range and long-range public and private utilities;

D. Any impacts the request will have on short-range and long-range ingress and egress by private and public vehicles.

Section 11.08.06. Previous Actions of Council Ratified.
The actions by the City Council heretofore taken closing, vacating or abandoning any road, street, alleyway or easement as described in this Article and appearing in the minutes of the City are hereby ratified, approved and confirmed in all respects, and such roads, alleyways, streets and easements are declared closed, vacated and abandoned, consistent with the provisions of the Resolution or other action of such City Council as shown by its minutes.

Section 11.08.07. Title to Vacated Space.
The act of the City Council in closing or abandoning any road, street, alleyway or easement or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, street, alleyway, or easement shall abrogate the easement, alleyway, street or road theretofore owned, held, claimed or used by or on behalf of the public and the title of the fee owner shall be freed and released therefrom; and if the fee or road, street, alleyway or easement space has been vested in the City, it will be thereby surrendered and will vest in the abutting fee owners in accordance with the laws of the state.

Section 11.09.00. Development of Regional Impact (DRI) Review.
The DRI process, procedures and notification requirements are provided in F.S., Chapter 380.06, and any amendments thereto. Adoption of a DRI shall be by Ordinance.

Section 11.10.00. Adjustments to Access and Parking Standards Review Process.
Applicants requesting an adjustment to access and/or parking standards, per Section 6.04.00, shall file the request with the City Administrator, or his or her designee, and shall pay the appropriate filing fee, as established by resolution of the City Council.
Section 11.10.01. DRC Review.

The City Administrator, or his or her designee, shall distribute the application and attachments to the DRC for review. The DRC shall provide written comments to the City Administrator, or his or her designee, who shall then forward such comments to the applicant. The applicant shall respond to the DRC comments and submit any revised application and applicable exhibits to the City Administrator, or his or her designee. When the City Administrator, or his or her designee, determines that the applicant has addressed all comments the request shall be placed on a regular meeting agenda of the City Council.

Section 11.10.02. City Council Review of Adjustments to Access and Parking Standards.

The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report to the City Council members for their consideration.

Section 11.11.00. Variances.

The Board of Adjustment shall have the power to hear and decide, variances from the development standards established by this Code, which will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit and intent of this Code shall be observed and substantial justice done. Variances granted by the Board of Adjustment shall be the minimum necessary to provide a reasonable use of the property. A variance may only be granted for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. Once granted, a variance runs with the land in perpetuity, even if the land changes ownership. The Board of Adjustment shall not be empowered to hear and decide requests for variances to permit a use of land, buildings, or structures which are not permitted by right in the zoning district involved.

Section 11.11.01. Application for a Variance.

The variance application, as provided by the City, shall be filed with the City Administrator, or his or her designee, along with accompanying site plans and a review fee, as established by resolution by the City Council.

The application shall contain, at a minimum, the following information:

A. The property owner's name, address, telephone number and email address if available;
B. The designated project applicant or representative if other than the property owner, a contact address, telephone number and email address if available;
C. Property address;
D. Property square footage or acreage;
E. A location map, with the parcel marked, and the parcel identification number provided;
F. The Future Land Use classification of the property;
G. The current zoning designation of the property;
H. A description of the variance requested;
Section 11.11.02. DRC Review.

The City Administrator, or his or her designee, shall distribute the application and attachments to the DRC for review. The DRC shall provide written comments to the City Administrator, or his or her designee, who shall then forward such comments to the applicant. The applicant shall respond to the DRC comments and submit any revised application and applicable exhibits to the City Administrator, or his or her designee. When the City Administrator, or his or her designee, determines that the applicant has addressed all comments the request shall be placed on a regular meeting agenda of the Board of Adjustment.

Section 11.11.03. BOA Review of Variance Request.

The City Administrator, or his or her designee, shall forward the application, any attachments, and a staff report to the Board of Adjustment members for their consideration at a regular scheduled meeting. Public notice shall be provided consistent with Section 11.04.00 of this Article.

Section 11.11.04. Basis for Granting a Variance.

No variance from the terms of this Code shall be approved by the Board of Adjustment unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

A. There are unique and special circumstances or conditions applying to the property in question that do not apply generally to other properties in the same district.

B. Any alleged hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for or ignorance of the provisions of this Code.

C. Strict application of the provisions of this Code would deprive the applicant of reasonable use of the property for which the variance is proposed, and the variance proposed is the minimum variance which makes possible the reasonable use of the property.

Section 11.11.05. Variance Decisions.

The Board of Adjustment shall decide, by a majority vote of the members present at a meeting in which a quorum is present and voting, either in favor of or against the applicant. If approved, the Board may impose any reasonable conditions or restrictions it deems necessary and desirable to protect adjacent properties in the surrounding neighborhood and to carry out the spirit and purpose of this Code. Variances shall be approved by resolution and filed in the records of the Board.

Section 11.12.00. Appeals of Administrative Decisions.

Appeals may be taken to the Board of Adjustment by any person aggrieved, within thirty (30) days from the date of the entry of any decision by an administrative official under this Code adverse to his interest, or within thirty (30) days from the Enforcement Official’s refusal to issue any permit for nonconformity to zoning after application therefore has been duly made.

Section 11.12.01. Application for Appeal of Administrative Decision.

The application for an Appeal of an Administrative Decision, as provided by the City, shall be filed with the City Administrator, or his or her designee, along with any accompanying information and a review fee, as established by resolution by the City Council.
The application shall contain, at a minimum, the following information:

A. The property owner's name, address, telephone number and email address if available;

B. The designated project applicant or representative if other than the property owner, a contact address, telephone number and email address if available;

C. A description/reason for the appeal;

**Section 11.12.02. Effect of Administrative Appeal.**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken shall certify to the Board of Adjustment, after the appeal has been filed, that, by reason of facts stated in the certificate, a stay, in his opinion, would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by order of the Board or by a court of equity, after notice to the official from whom the appeal is taken and on due cause shown.

**Section 11.12.03. Board of Adjustment Review of an Administrative Appeal.**

The Board of Adjustment shall hear all appeals promptly after giving to all parties at least ten (10) days written notice of the time and place of a special hearing. Any party may appear in person or be represented by an agent or an attorney.

The Board of Adjustment shall decide, by a majority vote of the members present at a meeting in which a quorum is present and voting, either in favor of or against the applicant. Approval shall be in the form of a resolution. The resolution shall contain a full recital of the Board in each case, and a copy shall be filed in the records of the Board.

**Section 11.13.00. Appeals from Board of Adjustment Decisions.**

Any person aggrieved by any decision of the Board of Adjustment may appeal from the decision to a court of competent jurisdiction within thirty (30) days after the Resolution in which such decision is set out is filed in the City records, by filing a notice with the City Clerk.

**Section 11.14.00 Historic Preservation**

**Section 11.14.01. Purpose and Intent.**

A. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements, or sites of special character or special architectural, archeological, or historic interest or value, is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City or Arcadia.

B. The purpose of this Section is to:

1. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

2. Safeguard the City's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
3. Stabilize and improve property values, and enhance the visual and aesthetic character of the City.

4. Protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

**Section 11.14.02. Historic Structure, Historic Site, and Historic District Designation Criteria.**

A. For purposes of this Code, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the City such as historic structures, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

2. Are identified with historic personages or with important events in national, state or local history; or

3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or

5. Have yielded, or may be likely to yield, information important to prehistory or history.

B. The Commission shall adopt specific operating guidelines for historic structure, historic site, and historic district designations providing such are in conformance with the provisions of Section 11.14.00 and its subsections.

**Section 11.14.03. Recognition and Regulation for Historic Structures, Sites and Districts.**

A. **Recognition of Historic Structures, Sites, and Districts.** At such time as a historic structure, site, or district has been properly designated, the City, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is a historic structure, site, or district. The failure to prepare and erect any such marker, or the subsequent removal thereof, shall in no way affect the designation of the historic structure, site, or district, and shall have no impact upon the implementation of the provisions of Section 11.14.00 and its subsections.

B. **Regulation of Construction, Reconstruction, Alteration, and Demolition.**

1. Unless and until a Certificate of Appropriateness has been granted by the City Council, no owner or person in charge of a historic structure, a historic site, or a structure within a historic district shall:

   a. Reconstruct, alter, or demolish, or cause or allow any reconstruction, alteration, or demolition to occur to, all or any part of the exterior of such property; or
b. Construct, or cause or allow any construction of, any improvement upon such designated property or properties.

2. Further, unless and until a Certificate of Appropriateness has been granted by the City Council, the Building Official shall not issue a permit for any such work.

3. Upon filing of an application for a Certificate of Appropriateness with the City, the Commission shall review the application for conformity with the following criteria, and shall recommend issuance of the Certificate of Appropriateness unless:

   a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

   b. In the case of the construction of a new improvement upon an historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;

   c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of Section 11.14.00 and its subsections and/or to the objectives and design criteria of any historic preservation plan approved for said district;

   d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and state; or

   e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

4. The Commission shall make its recommendation within forty-five (45) days of the filing of the application. If the Commission fails to make a recommendation within that period, the application shall be forwarded to the City Council for action without any recommendation.

5. The final decision shall rest with the City Council. The City Council shall render the final decision within sixty (60) days of the filing of the application. If no decision is made within such time period, the application shall be deemed approved, and the City Administrator shall issue the Certificate of Appropriateness.

6. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

7. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

A. Applications.

1. Application for designation of any property as a historic structure or a historic site, or rescission of any such prior designation, may be made only by the owner(s) of such property.

2. Application for designation of any area as a historic district, or rescission of any such prior designation, may be made only by the owner(s) of at least fifty percent (50%) of the land area to be included in such historic district. Any application for designation as a historic district shall be accompanied by a draft historic preservation plan, which shall be reviewed concurrently with the application for designation.

3. The City Council may, upon its own motion, apply for any property to be designated as a historic structure or site, for any area to be designated as a historic district, or for the rescission of any previously made designations. Any City-initiated application for designation as a historic district may be accompanied by a draft historic preservation plan or such plan may be prepared by the City after final designation has been approved by the council.

4. All applications shall be made to the City Administrator, or his or her designee, who shall forward same to the Commission for hearing.

B. Designation of Historic Structures, Sites, and Districts.

1. Upon receipt of an application, the Commission shall hold a public hearing to review the application and make its recommendation based upon a review of the criteria in Section 11.14.02, above. At such public hearing, the Commission shall hear all proffered testimony of interested persons and any expert witnesses and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the Commission shall make its recommendation, which shall be reduced to writing for formal presentation to the City Council.

2. The City Council, upon receipt of a recommendation from the Commission, shall hold a public hearing, shall hear all proffered testimony of interested persons and any expert witnesses, and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the Council shall make the final determination regarding designation or rescission, as the case may be. The Council's decision shall be in the form of a City Resolution and shall include findings of fact related to the specific criteria contained in Section 11.14.02.

3. At least ten (10) days prior to both the Commission and the Council hearings, the City shall notify the owners of record, as listed in the Office of the County Property Assessor, who are owners of property in whole or in part situated within three hundred (300) feet of the boundaries of the property or properties affected. Such notice shall include the address or general location (where no specific address is assigned) of, and a location map showing, the property(ies) or area(s) which will be discussed at the hearing. Such notice shall further include the time and place at which such public hearing shall occur.

C. Adoption of and Revisions to Historic Preservation Plans.
1. Each historic preservation plan shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development within the area, and a statement of preservation objectives.

2. Concurrent with the review of any private or City-initiated application for designation of a historic district, or subsequent to the approval of such any City-initiated application, the Commission shall hold a public hearing to review and recommend action on a historic preservation plan for the area. At such public hearing, the Commission shall hear all proffered testimony of interested persons and any expert witnesses and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the Commission shall make its recommendation, which shall be reduced to writing for formal presentation to the City Council.

3. The City Council, upon receipt of a recommendation from the Commission, shall hold a public hearing, shall hear all proffered testimony of interested persons and any expert witnesses, and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the Council shall make the final determination regarding approval of the plan. The Council's decision shall be in the form of a City Resolution and shall include findings of fact related to the specific criteria contained in subparagraph (1), above.

4. If a historic preservation plan is being reviewed concurrent with the application for designation, the notices for the public hearings for consideration of such application shall indicate as much. Otherwise, if a historic preservation plan is being reviewed separately, said notices shall be provided in the same manner as indicated in subparagraph (B)(2), above.

Section 11.14.05. Interim Control.

No building permit shall be issued by the Building Official for alteration, construction, demolition, or removal of a nominated historic structure, a nominated historic site, or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal Resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

Section 11.14.06. Penalties for Violations.

Any person or persons violating any provision of Section 11.14.00, and its subsections, shall be fined up to two hundred fifty dollars ($250) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the City Administrator, the Building Official, or any Code Enforcement Officer of the City.


Nothing in Section 11.14.00, and its subsections, shall be deemed as an attempt to abrogate any vested right any property owner may have acquired prior to the effective date of the Ordinance by which these provisions were adopted. Any property owner who believes these provisions infringe upon any vested right shall indicate same upon the first application for any permit or approval (including without implied limitation any building permit or Certificate of Appropriateness) for any construction, reconstruction, alteration, or demolition to occur on any property regulated hereunder.
Section 11.14.08. Severability.

If any provision of Section 11.14.00, and its subsections, or the application thereof, to any person or circumstances is held invalid, the remainder of this Code and the application of such provisions to other persons or circumstances shall not be affected thereby.
ARTICLE 12.

SUBDIVISIONS

Section 12.01.00. Purpose of Subdivision Platting.

These requirements are adopted for the following purposes:

A. Assist orderly and efficient development of the city.

B. Promote the health, safety, morals and general welfare of the residents of the city.

C. Ensure conformance of subdivision plats with the city plan, zoning requirements and public improvement plans of the city.

D. Ensure coordination of development of related areas of the city and contiguous territory.

E. Establish uniform standards for the design of subdivision plats and for minimum subdivision improvements.

F. Provide regular procedures for the uniform and expeditious processing and approval of subdivision plats by the proper agencies and officials.

G. Ensure cooperation and greater convenience for subdividers.

Section 12.02.00. Applicability of Article.

The procedure set forth in this Article shall apply to all new plats subdividing or resubdividing lands situated in the city.

Section 12.03.00. Plats, Generally.

Preliminary and final plats for all proposed subdivisions of land lying within the city shall be filed with the City Administrator, or his or her designee for review and approval.

Section 12.03.01. Submission Deadlines for Planning and Zoning Board Review.

Provided that plats and necessary supporting data are filed not less than thirty (30) working days in advance of the meeting, plats will be considered by the Planning and Zoning Board at its next regular meeting subsequent to filing.

Section 12.03.02. Small Subdivisions with No Improvements.

The initial plat filed with the Planning and Zoning Board shall be considered a preliminary plat. However, if the plat and supporting data comply in all respects with the requirements of this Article for a final plat, the plat may, in the case of a small subdivision involving no new streets, proceed to final plat action.
Section 12.04.00  Subdivision Platting Process.

Whenever any subdivision of land is proposed, the developer, or his or her authorized agent, shall apply for and secure approval of the proposed subdivision through the submission of the following documents:

A. Concept Plan;
B. Preliminary Subdivision Plat;
C. Construction Plan;
D. Final Subdivision Plat.

Section 12.05.00.  Pre-Application Conference.

Unless otherwise waived, at the discretion of the City Manager, or his or her designee, a pre-application conference with the DRC shall be held for each new proposed subdivision plat submitted to the City for review. For purposes of the pre-application conference, the applicant shall present as best as possible at the time of the pre-application conference, a Concept Plan in accordance with the Concept Plan Requirements provided in Section 10.01.03 of this Code.

Section 12.06.00.  Concept Plan.

Following the pre-application conference, the applicant shall submit a final Concept Plan for technical review by the DRC. The final Concept Plan shall demonstrate that comments from the DRC at the pre-application conference have been incorporated into the Concept Plan.

12.06.01 Procedures for Review of a Concept Plan.

A. Applicants shall submit a Concept Plan, consistent with Article 10 of this Code, to the City Administrator, or his or her designee, for distribution to the DRC for technical review.

B. Such concept plans shall be considered as submitted for informal and confidential discussion between the subdivider and the DRC. Submission of a concept plan shall not constitute formal filing of a plat.

C. Upon completion of the DRC review, the City Administrator, or his or her designee, shall forward the application and any attachments thereto, with DRC comments to the applicant for preparation of the preliminary subdivision plat.

Section 12.07.00.  Preliminary Subdivision Plat.

The purpose of the preliminary subdivision plat is to provide sufficient information to enable the City to evaluate the proposed subdivision as it relates to the Comprehensive Plan and the Unified Land Development Code. The applicant may present a preliminary subdivision plat after receiving DRC comments in response to the submission of a Concept Plan. The preliminary subdivision plat shall demonstrate that comments from the Concept Plan review have been incorporated into the plat.

A preliminary subdivision plat shall be submitted within twelve (12) months following the approval date of the Concept Plan by the DRC or the Concept Plan shall become invalid and require the submission of a new Concept Plan for DRC review.

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Section 12.07.01. Preliminary Subdivision Plat Requirements.

The preliminary subdivision plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and shall show or be accompanied by the following information:

A. Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the county;

B. Location map within the city;

C. North arrow, scale and date prepared;

D. Name of the owner of property or his or her authorized agent;

E. Name of the surveyor and mapper responsible for preparing the plat;

F. Locations and names of adjacent subdivisions;

G. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, if available, and the accurate legal description of the property with a computation of the total acreage of the tract to the nearest tenth of an acre. The survey shall have been prepared within one (1) year prior to filing the preliminary plat;

H. A survey showing existing topographical features, including contours at one (1) foot intervals as well as spot elevations arranged in a grid system with thirty-five (35) foot spacing;

I. Identification of natural features including watercourses, swales, catch basins, ditches, and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas;

J. Delineation of all environmentally sensitive areas and identification of any soil limitations/characteristics, and endangered wildlife and plants, as determined by the appropriate agency;

K. Identification of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA);

L. All existing streets and alleys on or adjacent to the tract, including name, right-of-way width and pavement width. Existing streets shall be dimensioned to tract boundaries;

M. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established;

N. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; and playgrounds, public buildings, public areas and parcels of land proposed or dedicated for public use by the developer;

O. All existing and proposed utilities and utility tie-in locations, including but not limited to:
1. Water and wastewater pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.

2. Telephone, electric, gas and other utilities.

P. Legal description of property included in the preliminary plat.
The extent and boundaries of the platted area shall be graphically indicated in a clear and understandable manner.


A. The applicant shall submit seven (7) prints of the preliminary subdivision plat, and any additional copies as may be required by the City, together with a preliminary plat application, any attachments, and an application fee, in an amount established by resolution by the City Council, to the City Administrator, or his or her designee. The City Administrator, or designee, shall distribute the preliminary subdivision plat to the DRC for review and comment.

B. The DRC shall review the preliminary plat and provide written comments to the City Administrator, or his or her designee, who shall forward such comments to the applicant to make any changes or adjustments, as needed.

C. Upon preliminary plat approval by the DRC, the City Administrator, or designee, shall forward the preliminary subdivision plat, a staff report, and any attachments to the Planning and Zoning Board for their review.

1. Standards for Review: The Planning and Zoning Board, in studying the preliminary subdivision plat, will take into consideration the requirements of this Article, the needs of the community and the best use of the land being subdivided. Particular attention will be given to width, arrangement and location of streets, surface drainage, lot sizes and arrangement as well as requirements for parks, playfields, playgrounds, school sites, public building sites, parkways and highways. Adequate street connections will be required to ensure free access to and circulation for adjoining subdivisions and lands.

2. Approval: At a scheduled public meeting, the Planning and Zoning Board shall receive comments on and review the preliminary subdivision plat to determine its conformance to this Code. While no public hearing shall be required on the proposed plat unless a street or public place is intended to be vacated, the applicant and any other person interested in or affected by the proposed subdivision shall have a right to be heard by the Planning and Zoning Board either in person or by letter, before the action of the Planning and Zoning Board is taken. The Planning and Zoning Board shall have the right to call for a public hearing if it deems a hearing advisable.

3. The Planning and Zoning Board may approve the preliminary subdivision plat as presented or with minor modifications, if found to be in conformance with this Code, or may disapprove the plat when not found to be in conformance or readily capable of being revised to conform. Approval of the preliminary subdivision plat, subject to conditions, revisions and modifications as stipulated by the Planning and Zoning Board, shall constitute conditional approval of the subdivision as to the character and intensity of development and the general layout and approximate dimensions of streets, lots and other proposed features.
**Section 12.08.00. Prerequisites for Construction.**

Receipt of the signed copy of the approved preliminary plat is authorization for the subdivider to proceed with the plans and specifications for the minimum improvements described in this Article and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, the subdivider shall furnish the City Administrator, or his or her designee, all plans, information, and data necessary to determine the character of the improvements and compliance with city standards and specifications. The construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, establishment of a construction schedule, and site improvement permitting. These plans shall be examined by the DRC and shall be approved if in accordance with all requirements. Following this approval, construction of subdivision infrastructure improvements can be started or the amount of a bond determined. Construction shall be subject to supervision by the city’s engineer.

**Section 12.08.01. Construction Plan Preparation.**

Construction plans shall be submitted on twenty-four (24) by thirty-six (36) inch sheets drawn to a scale of not less than one (1) inch equals one hundred (100) feet, unless allowed otherwise at the discretion of the City, and shall show the following information:

A. Development Review Application;

B. Seal of registered engineer and surveyor responsible for the plan and data;

C. Final alignments, dimensions, grades and profiles of proposed streets, sidewalks, bicycle paths, utilities, stormwater management and other improvements to be constructed consistent with the City of Arcadia’s engineering standards;

D. Calculations, computations and details as may be necessary to determine the limits of wetlands, groundwater table characteristics, off-site impacts of the proposed development, and other technical matters that may be specified by the City or any consultant under contract to do work for the City.

E. Any permits from agencies approving access to state or county roadways.

F. Any permits from agencies approving the proposed stormwater management system;

G. Any permits from agencies approving the utilities plan;

H. Any permits from environmental agencies having jurisdiction;

I. Three (3) copies of estimates of quantities, unit prices and estimated costs for streets, stormwater management and storm wastewaters, water distribution systems, and wastewater systems;

**Section 12.08.02. Bond.**

No final plat of any subdivision shall be approved unless the subdivider shall file with the City a surety bond executed by a surety company authorized to do business in the state and having a resident agent in the county, conditioned to secure the construction of the proposed
improvements in conformity with law and in a satisfactory manner and within a time period specified by the City Council, such period not to exceed two (2) years. No such bond shall be accepted unless it is enforceable by or payable to the city in a sum at least equal to 1½ times the cost of constructing the improvements as estimated by the city’s engineer and is in a form and with surety and conditions approved by the City Attorney. In lieu of a bond, a cash deposit may be made. In case of forfeiture, the city shall proceed with the improvements to the extent of the available money realized from such forfeiture.

Section 12.08.03. Expiration of Preliminary Subdivision Plat and Construction Plan.

Approval of a preliminary subdivision plat and construction plan shall lapse and become void one (1) year after the date of the approval unless a final subdivision plat, based thereon, is submitted to the City for review within that year, or unless a time extension is recommended by the Planning and Zoning Board. Such extensions of time shall be made only upon receipt of a written request by the developer and for a single period up to one (1) year from the date the plan would otherwise expire. All such requests for extensions shall be submitted in writing not less than thirty (30) days before the expiration of the preliminary subdivision plat, stating the reason for the time extension request.

Section 12.08.04. Record Drawings.

A. Two (2) sets of engineering as-built drawings shall be submitted to the Office of the Building Department for distribution to the appropriate city officials prior to the issuance of a Certificate of Completion.

B. One (1) electronic copy, or an equivalent, of the drawings shall be submitted to the Office of the Building Department for distribution to the appropriate city officials prior to the issuance of a Certificate of Completion.

C. The engineering as-built drawings shall be consistent with engineering standards adopted by the City of Arcadia.

D. All as-built drawings shall contain a certification by a professional engineer and registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

Section 12.09.00. Final Subdivision Plat.

A. Within one year after Planning and Zoning Board approval on a preliminary plat, a final plat and necessary supporting data shall be submitted to the Planning and Zoning Board for final approval; provided, however, that an extension of time may be granted by the Planning and Zoning Board upon written request. A final subdivision plat shall be prepared by a land surveyor registered in the State of Florida.

B. The Planning and Zoning Board may permit submission of the final plat in sections, each covering a portion of the entire proposed subdivision as shown on the preliminary plat.

Section 12.09.01. Final Subdivision Plat Requirements.

A. Plats made for recording shall be consistent with Chapter 177, F.S.

B. The subdivision plat submitted for final approval shall be clearly and legibly drawn in black permanent drawing ink.
C. Final subdivision plats shall be on sheets not larger than 24 inches by 36 inches overall. It is recommended that, as far as practicable, final plat sheets shall be held to the following overall sizes: 17 inches by 22 inches or 20 inches by 34 inches. Where necessary to avoid sheets larger than the maximum size specified in this subsection, final plats should be drawn in two or more sections accompanied by a sketch diagram showing relative location of the sections, on the same size sheet as the plat sheets. The final plat, insofar as preparation is concerned, shall comply with all applicable regulations and state laws dealing with the preparation of plats.

D. The final plat shall be at a scale of not more than 100 feet to the inch and shall include the following information:

1. The name of the plat shall be shown in bold legible letters on each sheet included.

2. The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city, county and state.

3. All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the plat, with appropriate words and figures.

4. North arrow, scale and date on each sheet shall be shown.

5. A legend of all symbols and abbreviations shall be shown.

6. Name of record owner and mortgage lien holder.

7. Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown and centerlines of all streets shall be shown.

8. The location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable. The exact names, locations and widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract.

9. The location and width of proposed easements and existing easements identified in the title opinion or certification shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated.

10. The accurate location of all permanent reference monuments and permanent control points shall be provided.

11. The exact layout, including street and alley lines, street names, bearings, angles of intersection and widths (including widths along the lines of any obliquely intersecting streets); lengths of area and radius, points of curvature and tangent bearings; all easements owned by or rights-of-way provided for public utilities; and all lot lines with dimensions in feet and hundredths, and with bearings or angles if at other than right angles to the street and alley lines.

12. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. Lots shall be numbered in numerical order, beginning with number 1 in each block, and blocks shall be numbered in numerical order or lettered in alphabetical order.
13. The purpose of all areas dedicated must be clearly indicated or stated on the plat. The plat shall include an accurate outline of all property which is to be dedicated or proposed for public use, including open drainage courses and suitable easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision, with purposes indicated thereon, and a plat note added requiring the creation of a homeowners or property owners association that shall be responsible for such facilities.

14. A complete description of the land intended to be subdivided shall be provided. The description shall be the same in the title certification and shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

15. Names and locations of adjoining subdivisions, identified by subdivision title, plat book, and page, or, if unplatted, the land shall be so designated.

16. Acknowledgment by the owner and all mortgage lien holders of lands included within the plat of the execution of the plat and the dedication to public use of all streets, alleys, parks, easements and other public places shown upon the plat.

17. The plat shall be prepared by a professional surveyor and the plat shall be signed and sealed by that professional surveyor, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all of the survey requirements of Florida Statutes Chapter 177, and as may be amended. Every plat shall contain the printed name, and registration number of the professional surveyor, directly below the statement.

18. All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled “Not a part of the plat.”

19. Space and forms for the following necessary approvals:

   a. City Council.

   b. Planning and Zoning Board.

   c. City’s Surveyor.

   d. City’s Engineer.

   e. Clerk of the Circuit Court Desoto County.

   f. The plat shall contain upon the face thereof an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, easements, commons or other public places included within the plat, such dedication to be subscribed to by the legal and equitable owners of such lands and by all persons holding mortgages against such lands, which dedication shall be acknowledged before an officer authorized to take acknowledgments of deeds, etc. Such plat containing such dedication, when properly recorded, shall constitute a sufficient, unrevokable conveyance to vest in the city the fee titles to the parcels of land dedicated for public use, to be held by the city in trust for the uses and purposes intended, and the approval of the plat by the City Council shall have the full force and effect of an acceptance.
g. No plat shall be accepted by the city or approved by the City Council unless certification is provided that all taxes and improvement liens levied against the lands included in such plat have been paid and discharged.

h. The plat shall include in a prominent place the following statements: "NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."

E. Final Plat Documentation.

The following documentation shall accompany the final plat:

1. A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the final plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the final plat.

2. All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the City Administrator, or his or her designee. The final plat shall not be approved by the City without proper submission of the final permits and approvals.

3. Any existing or proposed private restrictions and trusteeships, and their periods of existence, shall be filed as a separate instrument and reference to such instrument shall be noted on the Final Plat.

4. One (1) printed copy and one (1) electronic copy of the homeowner’s association covenants or deed restrictions shall be provided.

Section 12.09.02. Final Subdivision Plat Review.

A. DRC Review.

The applicant shall submit seven (7) prints of the final subdivision plat, and any additional copies as may be required by the City, together with a final plat application, any attachments, and an application fee, in an amount established by resolution by the City Council, to the City Administrator, or his or her designee. The City Administrator, or designee, shall distribute the final subdivision plat to the DRC and a professional surveyor, either employed by or under contract to the City, the costs of which shall be borne by the legal entity offering the plat for recording, for review.

To be approved, the final subdivision plat shall be consistent with the preliminary plat and applicable City Codes and policies, and shall be prepared in an acceptable form for recording purposes consistent with the provisions of Chapter 177 Florida Statutes. The approved final plat shall be forwarded to the Planning and Zoning Board for their review and recommendation.
B. Planning and Zoning Board Action.

Upon final plat approval by the DRC and the professional surveyor, the City Administrator, or designee, shall forward the final subdivision plat, a staff report, and any attachments to the Planning and Zoning Board for review at a scheduled public meeting. The Planning and Zoning Board shall recommend approval of a final subdivision plat if it finds the plat conforms to the provisions of this Code and F.S., Chapter 177. The recommendation of the Planning and Zoning Board shall be provided to the City Council.

Within 60 days after approval of a final plat by the Planning and Zoning Board, the final plat or section thereof shall be presented for approval by the City Council. Should the plat not be presented to the City Council within such period, the action of the Planning and Zoning Board shall become null and void, unless an extension of time is granted upon written request.

C. City Council Action.

The City Administrator, or his or her designee, shall forward the final subdivision plat, a staff report including the recommendation of the Planning and Zoning Board, and any attachments to the City Council for review. The City Council shall review the recommendation of the Planning and Zoning Board and take action on the final plat. City Council approval of the final subdivision plat and acceptance of public improvements and dedications shall be by resolution. Approval shall authorize the appropriate officials to sign the plat.

Upon approval by the City Council, the City Clerk shall file and record the final subdivision plat with the Clerk of the Circuit Court for Desoto County. The developer shall be responsible for the payment of all fees related to the cost of recording the final subdivision plat and producing copies. One (1) printed copy and one (1) electronic copy of the final plat and the required supporting data shall be kept on file with the City Clerk. The final subdivision plat shall be recorded prior to the issuance of any building permits within the subdivision.

Section 12.10.00. Design Requirements.

Subdivisions are subject to the following design requirements and the Development Design and Improvement Standards provided in Article 6 of this Code.

Section 12.10.01. Blocks.

A. The length, widths, and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

2. Zoning requirements as to lot sizes and dimensions.

3. Need for convenient and safe access, circulation, control of pedestrian and vehicular traffic.

4. Limitations and opportunities of topographic features.
B. Block lengths shall not exceed 1,320 feet or be less than 500 feet, unless found unavoidable by the Planning and Zoning Board.

C. Pedestrian crosswalks, not less than ten feet in width, may be required through blocks over 1,000 feet in length, where necessary in the judgment of the Planning and Zoning Board to provide safe and convenient access to schools, playgrounds, shopping centers, transportation or other community facilities.

Section 12.10.02. Lots.

A. Generally. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

B. Conformance with Zoning and Subdivision Regulations. Lot dimensions and areas shall be not less than specified by applicable provisions of the zoning regulations in effect. See Article 5 of this Code for lot dimension and lot area requirements as specified for each city zoning district.

C. Corner Lots. Corner lots for residential use shall have such additional width, greater than a corresponding interior lot, as may be necessary to provide appropriate building setbacks and buildable areas equivalent to corresponding interior lots.

D. Orientation of Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

E. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots for residential use shall be avoided, except where essential to provide separation of residential development from designated arterial roadways or to overcome specific handicaps of topography and orientation.

F. Street Frontage. Every lot shall abut for at least 40 feet upon permanent access to a public street.

G. Relation to Surrounding Property and Development; Variances. Lot arrangement and design shall be properly related to topography, to the nature of contiguous property and to the character of surrounding development. Where existing lots are replatted or the size and shape of a tract to be platted makes conformance with the provisions of this Article unreasonable and impracticable in the judgment of the Planning and Zoning Board, the Planning and Zoning Board is hereby authorized to vary the requirements in appropriate cases in such manner as to carry out the spirit and purpose of this Article.

Section 12.10.03. Recreation and Open Space Requirements.

Where deemed essential by the Planning and Zoning Board, and upon consideration of the particular type of development proposed within the subdivision, the Planning and Zoning Board may require that certain areas or sites be dedicated or reserved, to the extent a location within the subdivision is suitable to meet such needs created by the proposed development, to accommodate for parks, recreation and open space, and other neighborhood amenities. However, in no event shall the developer be required to dedicate more than ten percent (10%) of the gross area of the proposed subdivision.
Section 12.10.04. Street Name Signs.

Street name signs of the size, location, number, design and construction adopted as standard by the city shall be supplied and installed at all street intersections.
ARTICLE 13.

ADMINISTRATION AND ENFORCEMENT

Section 13.01.00. Responsibility for Enforcement.

The Enforcing Official and persons designated by the City Council for such purpose, shall administer and enforce the provisions of this Land Development Code.

Section 13.01.01. Duties of Enforcing Officials; Recording of Amendments to Zoning Map.

The Enforcing Official shall be charged with the duty of making inspections, approving plans and specifications, issuing permits and certificates of occupancy, maintaining records of applications, permits and certificates, and taking any and all steps or actions necessary to enforce the provisions of this Land Development Code.

It shall be the duty of the Enforcing Official to record all amendments to the zoning maps on the maps in sequence, giving the amendment number, date authorized, date of map change and description of change. This map shall be kept in possession of the City Clerk, and posted in a conspicuous place at all times. Any Development Approval Certificate must carry the number of that amendment.

Section 13.01.02. Conditions for Issuance of Building Permits, Business Licenses, and Other Licenses and Permits.

A. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land or water, which is not in conformity with all the provisions of the Land Development Code.

B. No license or permit shall be issued by the Enforcing Official or by any department, agent or official of the City for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve in any way, or constitute, a violation of this Code.

Section 13.01.03. Building Permit Required.

A. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have first been obtained for such work. For purposes of this Section, the terms “altered” and “repaired” shall include any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, or means of ingress and egress, or other changes affected or regulated by the building code or this Unified Land Development Code, except for minor repairs or changes not involving any of the features mentioned in this Section.

B. In applying for a building permit, the applicant shall submit site development plans in accordance with the provisions contained in Article 10 of this Code.

Section 13.01.04. Time Limit for Completing Construction.

No building or structure not completed in substantial conformity with plans and specifications upon which the building permit for its construction was issued shall be maintained or be permitted to remain unfinished for more than six (6) months after the construction of such building was begun, except under such conditions and for such period as may be determined elsewhere in this Code.
as reasonable by the Enforcing Official, which approval shall be based upon conformity with,
and promotion of, the spirit and purpose of this Code.

Section 13.01.05.  Granting of Permit or Approval Does Not Authorize Violation;
Errors in Plans.

A. The issuance or granting of a permit or approval of plans and/or specifications under this
Code shall not be deemed or construed to be a permit for, or an approval of, any violation
of any of the provisions of this Code. No permit presuming to give the authority to violate
or cancel the provisions of this Code shall be valid except insofar as the work or use which
it authorizes is lawful.

B. The issuance of a permit upon plans and specifications shall not prevent the Enforcing
Official from thereafter requiring the correction of errors in the plans and specifications or
from preventing building operations being carried on thereunder when in violation of this
Code or any other regulation of the City.

Section 13.01.06.  Right of Entry.

For the purpose of enforcing the provisions of this Code, the Enforcing Officials shall have the
right of entry onto private property and into private buildings, at any reasonable time,
whenever such officials find such entry necessary for the proper discharge of their duties
under this Code. Any person refusing or obstructing such entry shall be guilty of a violation of
this Code.

Section 13.01.07.  Record of Certificates.

A record of all certificates issued pursuant to the provisions of this Code shall be kept on file in
the office of the Enforcing Official, and copies of such certificate shall be furnished upon
request to any person having a proprietary or tenancy interest in the property involved.

Section 13.01.08.  Notice of Violation; Correction of Violations.

Where it is found that any of the provisions of this Code are being violated, the person
responsible for such violation shall be given notice in writing. Such notice shall indicate the
nature of the violation and the action necessary to correct or abate the violation. The
Enforcing Official shall order discontinuance of use of land or buildings, removal of buildings,
additions, alterations or structures, or discontinuance of any work being done, or take any and
all other action necessary to correct violations and obtain compliance with all the provisions of
this Code.

Section 13.01.09.  Additional Remedies.

In addition to other remedies, in case any building or structure is erected, constructed,
reconstructed, altered, repaired, converted, or maintained or any building, structure, land or
water is used in violation of this Land Development Code, or of any regulation made under
authority conferred by this Land Development Code, the proper local authorities of the City
may institute any appropriate action or proceedings to prevent such unlawful erection,
construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain,
correct or abate such violation, to prevent the occupancy of such building or structure, land or
water, or to prevent any illegal act, conduct, business, or use in or about such premises.
Section 13.02.00. Development Review Committee.

The DRC shall be comprised of members consisting of the director or manager, or their designee, of the public works, utilities, fire, and other departments and agencies as necessary. The City Administrator may serve as the Chairman or may appoint a Chairman from the membership who shall be responsible for facilitating the activities of the DRC. The DRC shall be responsible for reviewing development applications, site development plans, subdivision plats, applications requiring Planning and Zoning Board, Board of Adjustment and City Council action, and any other matters designated in this Code.

Section 13.03.00. Board of Adjustment Duties and Responsibilities.

Section 13.03.01. Established; Membership; Appointment and Removal of Members; Term of Members.

A Board of Adjustment is hereby created and established, to consist of seven (7) members, each to be appointed by the City Council. In making appointments, the City Council may appoint any or all of the members of the Planning and Zoning Board to serve as members of the Board of Adjustment, and to serve jointly in the two capacities.

The term of office of each member of the Board shall be three (3) years, except for the filling of vacancies. The terms of all appointments, except to fill vacancies, shall begin on July 1. Each member of the Board shall serve until the expiration of his term or until his or her successor is appointed and takes office. Vacancies on the Board shall be filled as provided in Section 40 of the City Charter for the balance of the unexpired term. Members of the Board shall be citizens of the city and shall hold no elected city office. As provided in Section 40 of the City Charter, members shall receive no compensation for their service. Any member of the Board may be removed from office for cause by a majority vote of the City Council. Repeated absences from Board meetings shall be deemed adequate cause for removal.

Section 13.03.02. Officers; Rules of Procedure.

The Board of Adjustment shall elect a chair, vice-chair and secretary from its membership, and shall adopt rules of procedure for the conduct of its meetings, which shall be subject to the approval of the City Council.

Section 13.03.03. Meetings; Records.

Meetings of the Board of Adjustment shall be called by the chair, or upon the written request of any two (2) members of the Board. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of its business. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and all other official actions, which shall be filed immediately in the office of the Board. All files, minutes and records of the Board shall be public records. In all cases, the Board shall decide either in favor of or against the applicant. Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting.

Section 13.03.04. Testimony Before Board.

The Board of Adjustment shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matter before it.
Section 13.03.05. Duties.

The Board of Adjustment shall have the following duties and none others:

A. The Board shall hear and decide cases where it is alleged there is an error in any order, requirement, interpretation, decision, or determination made by an administrative official in the enforcement of this Code. Nothing contained in this Section shall be deemed to require the Board to reverse or modify an order, requirement, decision or determination which conforms to this Land Development Code.

B. The Board shall have the power to hear and decide, variances from the development standards established by this Code, which will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit and intent of this Code shall be observed and substantial justice done. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property. A variance may only be granted for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. The Board shall not be empowered to hear and decide requests for variances to permit a use of land, buildings, or structures which are not permitted by right in the zoning district involved.

Section 13.03.06. Board Findings.

All decisions of the Board of Adjustment are final. Any person or persons aggrieved by any decision of the Board of Adjustment, may, within 30 days after the date of the public hearing at which the decision was rendered, but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

Section 13.04.00. Planning and Zoning Board.

Section 13.04.01. Established.

There is hereby created and established a City Planning and Zoning Board as provided in Section 40 of the City Charter.

Section 13.04.02. Membership; Appointment and Removal of Members; Term; Compensation.

The City Planning and Zoning Board shall consist of seven (7) members appointed by the City Council. The term of office of each member of the Board shall be three (3) years, except for the filling of vacancies. The terms of all appointments, except to fill vacancies, shall begin on July 1. Each member of the Board shall serve until the expiration of his term or until his successor is appointed and takes office. Vacancies on the Board shall be filled as provided in Section 40 of the City Charter for the balance of the unexpired term. Members of the Board shall be citizens of the city and shall hold no elected city office. As provided in Section 40 of the City Charter, members shall receive no compensation for their service, but may be reimbursed for actual expenses incurred in the performance of their duties. Any member of the Board may be removed from office for cause by a majority vote of the City Council. Repeated absences from Board meetings shall be deemed adequate cause for removal. (State law reference— Per diem and travel expenses of public officers, F.S. § 122.061).

Section 13.04.03. Organization; Officers; Meetings; Records.

An organization meeting of the Planning and Zoning Board shall be held on July 1 of each year, or as soon thereafter as practicable, for the purpose of electing officers for the ensuing
year. A chair, vice-chair and secretary shall be elected for terms of one (1) year by the Board from its membership. The Board shall adopt reasonable rules of procedure to govern the conduct of its business and the holding of hearings. At least one (1) regular meeting of the Board shall be held each month, and special meetings may be called by the chair or by any three (3) members of the Board. Four (4) members shall constitute a quorum of the Board for its meetings. The Board shall keep a permanent record of its proceedings. All meetings, records and files of the board shall be open and available to the public. (State law reference—Public meetings and records generally, F.S. § 286.011; all meetings of local planning agency are public, F.S. § 163.3174(5)).

Section 13.04.04. Assistance to Board.
A. As provided in Section 40 of the City Charter, the Planning and Zoning Board may utilize the services of such technical, clerical and other help, as well as expert consultants, as may be authorized or budgeted by the City Council.
B. All employees and officials of the City shall supply information and assistance upon request by the Board reasonably within the scope of their duties.
C. The Board may call upon individuals, groups or organizations for information or advice.

Section 13.04.05. Duties and Responsibilities.
The functions and duties of the Planning and Zoning Board shall be in general, as follows:
A. The Planning and Zoning Board shall consider applications for Comprehensive Plan amendments and shall make recommendations to the City Council.
B. The Planning and Zoning Board shall study and review the zoning map and provisions of the Unified Land Development Code and, from time to time, propose and recommend to the City Council changes, modifications or amendments thereto.
C. The Planning and Zoning Board shall consider applications for a change in zoning and make a recommendation to the City Council.
D. The Planning and Zoning Board shall have the authority to review and recommend Special Approval requests to the City Council which are specifically designated as an "S" in the Table of Land Uses, Article 4, Table 4.10.01, of this Code.
E. The Planning and Zoning Board shall have the authority to review site plans as provided in this Code.
F. Review and decide preliminary subdivision plat requests in relation to the City Comprehensive Plan, the zoning ordinances and the subdivision regulations.
G. Review proposed final subdivision plats in relation to the City Comprehensive Plan, the zoning ordinances, the subdivision regulations, and the approved preliminary plat and make recommendations on the approval of such subdivision plats to the City Council.
H. The Planning and Zoning Board shall consider applications for Developments of Regional Impact (DRI) and make a recommendation to the City Council.
I. Compile information and data and carry on studies and investigations on all phases of the
development and improvement of the City and its environs, as may be necessary for the
proper performance of the Board's duties.

J. Annually, or upon its own motion, or at the request of the City Council, review the City
Comprehensive Plan in relation to proposed or needed revisions to the Plan.

K. Investigate, report and make recommendations to the City Council on all proposed
vacations, dedications and changes in rights-of-way for streets and alleys, all acquisitions
of property for public purposes, all sales or dispositions of public property and all
allocations of public property for public or private use.

L. Annually draw up, with the advice and assistance of other appropriate city officials, a five-
year and reserve capital improvements program showing the recommendations of the
Board for major public improvements and their priorities.

M. Perform such other duties as may be appropriately assigned to the Board by the City
Council.

Section 13.04.06. Local Planning Agency.

The Planning and Zoning Board shall act as the local planning agency pursuant to the Local
Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II,
Florida Statutes, and shall perform all functions and duties prescribed by Statute.

Section 13.05.00. Duties of the City Council Related to Planning.

A. The City Council shall make final decisions to adopt and amend the Comprehensive Plan.

B. The City Council shall make final decisions to adopt and amend the Unified Land Development
Code.

C. The City Council shall make final decisions on requested changes to the zoning map.

D. The City Council shall make final decisions on Developments of Regional Impact (DRI).

E. The City Council shall hear and decide Special Approval requests, which have first been considered
by the Planning and Zoning Board, in order to allow uses that are specifically designated as an "S"
in the Table of Land Uses, Article 4, Table 4.10.01, of this Code.

F. The City Council shall hear and decide site plan review requests, as provided in this Code.

G. The City Council shall make final decisions on final subdivision plats and acceptance of public
improvements constructed pursuant to the approved subdivision plat.

H. The City Council shall consider and decide voluntary annexation requests.

I. The City Council shall make final decisions on requests to redirect traffic and to close, abandon, or
vacate alleys, streets, and other recorded rights-of-way.

J. The City Council shall consider and decide requests to vacate plats and replats.

K. The City Council shall consider the merits to waive the time limits for Planning and Zoning Board
consideration for rezoning applications previously denied by the Planning and Zoning Board.
L. The City Council shall decide requests for off-street parking space and access waivers.

M. The City Council shall appoint members of the Planning and Zoning Board and Board of Adjustment.

N. The City Council shall determine the need for and appoint members of additional boards, committees and subcommittees to investigate and make decisions on various land use and development issues.

Section 13.06.00. Historic Preservation Commission.

A Historic Preservation Commission is hereby created. The City Council, in its discretion, may constitute a separate Commission to sit in this capacity or may appoint the Local Planning Agency for the City to serve in this capacity. If a separate body is constituted to serve in this capacity, the membership shall consist of at least seven (7) members and shall be comprised as follows, if available in the community: at least one member shall be a registered architect; at least one member shall be a historian; at least one member shall be a licensed real estate broker; all members shall have a known interest in historic preservation; and all members shall be citizens of Desoto County. The Commissioners shall be appointed by majority vote of the City Council. The City Administrator, or his or her designee, shall provide any necessary clerical or administrative support for the Commission.

The Commission shall have the power, subject to Section 11.14.04, to recommend the designation of historic structures, historic sites, and historic districts within the city limits. Final designations shall be made by the City Council. Such recommendations and final designations shall be made based on the criteria contained in Section 11.14.02. Once designated, such historic structures, historic sites, and structures and sites within historic districts shall be subject to all the historic preservation provisions contained under Section 11.14.00 and its subsections.

Section 13.07.00. Administrative Fees.

The City Council may adopt, by resolution, administrative fees necessary to implement this Code. Such fees may be adjusted on an annual basis, or as necessary, and may include, but are not limited to, application fees, notification and advertising fees, studies, legal expenses, and all other costs in connection with the processing of such petitions.

Petitions for a change in this Code shall be accompanied by a fee deposited with the City Clerk. No such fee shall be refunded except upon a showing of mistake on the part of the petitioner satisfactory to the City Council. In case of hardship upon the petitioner wherein the fee is unreasonable, the City Council may waive the fee. Where the City Planning and Zoning Board or City Council initiates a change in this Code, no fee shall be required.