CITY OF CALLAWAY

LAND DEVELOPMENT REGULATIONS

(Last Amended 11/8/2011)

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CITY OF CALLAWAY
LAND DEVELOPMENT REGULATIONS

ARTICLE I. GENERAL PROVISIONS
(Amended by Ord. 902 - 11/09/2010)

SECTION 15.100 TITLE

This chapter shall be known as, cited as, and referred to as the Land Development Regulations of Callaway, Florida. In subsequent sections it may be referred to as the LDR.

SECTION 15.105 AUTHORITY

The Land Development Regulations of Callaway, Florida are adopted pursuant to Chapter 163, Part II, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter and the general powers in Chapter 166, Florida Statutes (City Government).

SECTION 15.110 FINDINGS

The City Commission of the City of Callaway finds that:

(a) Chapter 163, Florida Statutes, requires each Florida local government to enact a unified Land Development Regulation which implements and is consistent with the local Comprehensive Plan, and which contains all of the land development regulations for the City of Callaway.

(b) A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.

(c) All development proposals must undergo a development review process to assure compliance with the requirements of this Chapter.

(d) Mandatory concept review allows property owners to modify proposals in response to early staff comment.

(e) All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.

(f) All quick efficient and non-political avenues of appeal should be available for all ministerial and administrative decisions.

(g) Enforcement of development orders and the provisions of this Chapter should

be through procedures that are efficient, effective and consistent with the code enforcement procedures established by State law.

SECTION 15.115 PURPOSE AND INTENT

The primary purpose of the LDR is the implementation of the Comprehensive Plan for the City of Callaway, as adopted pursuant to Chapter 163, Part II, Florida Statutes, and in accordance with Florida Administrative Code, 9J-5. The City Commission deems it necessary to adopt the LDR for the following purposes:

(a) Guiding and accomplishing coordinated, adjusted, and harmonious development in accordance with the existing and future needs of the City.

(b) Protecting, promoting and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare.

(c) Conserving the value of land, buildings and resources, and protecting landowners from adverse impacts of adjoining developments.

(d) Protecting the character and maintaining the stability of residential, agricultural, business, industrial, recreation and public areas.

(e) Controlling and regulating the growth of the City, concentrating the more intense development in capability and limiting development in areas of low capability.

(f) Directing and controlling, through the establishment of performance standards, the type, distribution and intensity of development.

(g) Being equitable, in terms of consistency, with established regulation and procedures, respecting the rights of property owners while taking into consideration the interests of all the citizens of the City of Callaway.

SECTION 15.120 GENERAL RULES OF INTERPRETATION

(a) In the interpretation and application of the LDR, all standards, criteria and requirements shall be liberally construed in favor of the purposes and goals of the City, and deemed neither to limit nor repeal any other lawful regulatory powers of the City.

(b) Wherein this Chapter conflicts with or overlaps other provisions within this LDR, whichever imposes the more stringent restrictions shall prevail.

(c) In the event that any question arises concerning the applications of regulations, performance standards, definitions, development criteria, or any provision of the LDR, the

Director of Planning or his designee shall be responsible for interpretations. Responsibility for interpretation by the Director of Planning or his designee shall be limited to standards, regulations, and requirements of this LDR; such responsibility shall not be construed to technical codes adopted by reference in the Appendices to this Chapter. Further, such responsibility shall not be construed to substitute for any rights or responsibilities specified to any commission, board or official named in other Sections or Articles of the LDR. The Director of Planning or his designee shall rely upon the policies adopted or amended in the City of Callaway Comprehensive Plan in making any such interpretation.

SECTION 15.125 RULES REGARDING IMPLEMENTATION OF NEW STANDARDS

The introduction of new development standards or changes in standards and criteria requires that rules be established regarding applicability to on-going development. To that end, the following pertain:

(a) Site plans, building plans and plats.

(1) Site plans, building plans and plats in process shall be evaluated against those rules, regulations and standards in force on the date the site plan, building plan or plat was accepted by the City for review. When a site plan, building plan or plat is submitted, it shall be assumed to be accepted if the submittal is not rejected by the City as incomplete, or otherwise unacceptable, within thirty (30) working days of receipt.

(2) Preliminary site plans are reviewed against existing standards and criteria, and are valid for thirty (30) days from the date of City review. If a final site plan is not submitted within the thirty (30) day period, all new regulations and criteria adopted in the interim shall be applicable to new submittals.

(3) Final site plans are valid for six (6) months from date of submittal and must meet rules, regulations, standards and criteria in force on the date of the City's "acceptance" of the submittal for review.

(4) Final plats, once approved by the City Commission, shall be recorded in the Public Records of Bay County within six (6) months of Commission approval. If a final plat has not been recorded within (6) months of approval, approval shall be deemed to have lapsed and a new submittal shall be required which must meet rules, regulations, standards, and criteria in force on the date of the City's "acceptance." of the new submittal for review.

(5) The applicability of "concurrency" to on-going development is specifically dealt with in Article IX, Section 15.910, of this Chapter. Nothing within this Section 15.125, shall be construed to expand the exemption from concurrency requirements found in Article IX, Section 15.910.

(b) Phased developments.

(1) Notwithstanding anything written above, the adoption of new rules , regulations and standards shall make the same applicable to all phases of a development which have not yet received final site plan approval.

SECTION 15.130 ABROGATION.

This Land Development Regulations is not intended to repeal, abrogate or interfere with any existing public easements duly recorded in the Public Records of Bay County. The Land Development Regulations are not intended to repeal any lawful approval by official City action of any planned development, planned unit development or subdivision, nor to negate any recorded agreement which the City has executed.

ARTICLE II. DEFINITIONS

SECTION 15.200 PURPOSE AND INTENT

Definitions in this Article are consistent with those terms used elsewhere in the City of Callaway Code of Ordinances and the adopted Comprehensive Plan for the City of Callaway.

The following rules shall be observed in the application and interpretations of provisions of these regulations, except when the context clearly requires otherwise:

(a) The words "shall," "should," or "must" are mandatory and the word "may" is permissive.

(b) Words used or defined in one tense or form shall include other tenses or derivative forms.

(c) Words in the singular shall include the plural; words in the plural shall include the singular.

(d) In the event of a conflict between the text of this chapter and any illustrations, captions, figures or other graphic material, the text shall control.

(e) The work "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(f) The word "person" includes a firms, partnership, trust, estate, company, associations, and organizations whether for profit or non-profit, individual, co-partnership, joint venture or corporation.

(g) Where there are definitions specifically detailed in sections of this chapter which are in conflict with the definitions contained in this article, the more specific definition shall control.

SECTION 15.205 DEFINITIONS.

(Amended by Ord. 900 & 901 - 10/26/2010)

Unless specifically defined below, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application:

ABUT: To physically touch or border upon; or to share a common property line.

ACCESSORY SIGN: A permanent ground or building sign that is permitted under this Regulation as incidental to an existing or proposed use of land.

ACCESSORY USE: A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

ACCESSORY STRUCTURE: *(Appurtenant Structure)* For purposes of the City's floodplain management regulations only, Accessory Structure shall mean a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

ACTIVATED SIGN: Any sign which contains or uses for illumination any light or lighting device that automatically changes color, flashed or alternates, or changes the appearance of the sign or any part thereof.

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

ADJACENT TO A PROTECTED ENVIRONMENTALLY SENSITIVE AREA: Any location within five hundred (500) feet of the boundary of any protected environmentally sensitive area, whether the location is on or off the development site.

ADULT CONGREGATE LIVING FACILITY (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

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

ADVERTISING: Sign copy intended to directly or indirectly promote the sale or use

of a product, service, commodity, entertainment, or real or personal property.

AGGRIEVED PERSON: Same as ADVERSELY AFFECTED PERSON above.

ALTER: To change, rearrange, enlarge, extend or reduce any structure or part thereof on the same site.

ALTER OR ALTERATIONS OF A STORMWATER MANAGEMENT SYSTEM: Work done other than that necessary to maintain the system's original design and function.

AMORTIZATION: A method of eliminating nonconforming uses or structures by requiring the termination of the nonconforming use or structure after a specified period of time.

ANIMATED SIGN: A sign upon which a character, letter or figure or a group or combination of characters, letters or figures show movement or motion.

ANNEXATION: The adding of real property to the boundaries of the City in accordance with the provision of Florida Statutes, Chapter 171, such addition making such real property in every way a part of the municipality.

APPEAL: A request for a review by a superior authority of an interpretation of any provision of this chapter or a request for a variance.

APPROACH MAIN: Those water mains connected or to be connected with an existing water main of the city and extending from the main to an exterior boundary line of a tract or parcel of land to be served, either platted, replatted or to be platted as a subdivision, and in which subdivision mains are to be used for residential, commercial, manufacturing or industrial purposes, and not premises extension as herein provided.

APPURTENANT STRUCTURE: A structure which is on the same parcel of property as the principal structure and where the use is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING: A designated AO or VO zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

AREAWIDE DEVELOPMENT PLAN: A plan of development that, at a minimum

encompasses a defined planning area approved pursuant to this chapter that will include at least two or more developments; maps and defines the land uses proposed, including the amount of development by use and development phasing; integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services; incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.

ARTERIAL ROAD: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed.

AS-BUILT PLANS (DRAWINGS): The amended final site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

ASHES: Residue from the burning of wood, coal, coke or other combustible materials.

AVAILABILITY OR AVAILABLE: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Article IX of this chapter.

AWNING OR CANOPY SIGN: Any sign or structure made of cloth, plastic or metal with a frame which is attached to a building or similar structure.

BANNER: Any sign intended to be hung either with or without frames, possessing characters, letters illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION: The water surface elevation associated with the base flood.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BEACON, SPOT OR FLOODLIGHT: Any light with one or more beams, capable of

being changed in direction or of being revolved automatically in whole or in part.

BENEFICIAL FUNCTIONS OF A PROTECTED ENVIRONMENTALLY SENSITIVE AREA: Those functions, described in the Conservation Element of the Comprehensive Plan, that justify designating an area as environmentally sensitive.

BIKEWAY, BICYCLE AND PEDESTRIAN WAY: Any road, path or way which in some manner is specifically designated as being open to bicycle travel, and travel by foot, and from which motor vehicles are excluded.

BILLBOARD: Any sign with a flat, continuous and uninterrupted surface upon which advertising or other matter may be displayed, promoting goods, services or other things not sold or available on the site where the sign is located, but not including signs that primarily cover only the surface of a bench or a trolley or bus stop station.
*** Amended by Ord. 888**

BLOCK: A lot or group of lots entirely and immediately surrounded by streets or highways, rights-of-way, water courses, subdivision boundaries, or any combination thereof and having an assigned number, letter or other name through which it may be identified.

BLOCKFACE: The combined frontage of property on a street between two (2) streets intersecting said street. Where irregular streets and/or angled intersections disrupt a normal block, the blockface shall be considered to be that most consistent with the immediate and adjoining block area. The director of community development shall determine the area of the blockface and the board of adjustment shall hear any appeal of such determination.

BOA: The City's Board of Adjustment.

BOARD OF ADJUSTMENT (BOA): A board created under the authority of Florida statute with powers and duties further described in section 15.310.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building to the supporting foundation system.

BUFFER: A specified land area together with the planting and landscaping required on the land used to visibly separate one use from another or to shield or block noise, lights or other nuisances. (See Landscaped Buffer, Solid Buffer, Wood Fence Buffer.)

BUILDING: A fully enclosed, weatherproof structure, permanently attached to the ground and built or used for shelter of persons, animals, chattels, or property of any kind.

BUILDING, ACCESSORY: A building which is customarily incidental and subordinate to a principal use of property and is located upon said property.

BUILDING COVERAGE: The combined and total percentage of area of a zoning lot covered or occupied by buildings and/or structures having a roof impervious to weather.

BUILDING FACADE: The face of a building most nearly parallel to any public right-of-way line. The facade includes the wall and window area between the principal front building corners from ground to roofline.

BUILDING FRONT: The side of a building which fronts upon the public or private way on which an address has been assigned by the City.

BUILDING FRONTAGE: The length of any side of a building or store which fronts upon a public street, a customer parking area or pedestrian mall and which has one or more entrances to the main part of the building or store.

BUILDING HEIGHT: The vertical distance measured from the mean finished ground level adjoining a building to the level of the highest point of the roof.

BUILDING NUMBERING SYSTEM: A system by which existing buildings and projected lots, parcels and buildings are assigned addresses in a coordinated method.

BUILDING PERMIT: Written permission issued by the City, and required by the City of Callaway Code of Ordinances, for the construction, repair, alteration or addition to a structure.

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

CAPITAL BUDGET: The portion of each local government's budget which reflects capital improvements scheduled for a fiscal year.

CAPITAL IMPROVEMENT: Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purpose of this chapter, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

CANOPY SIGN: (See Awning Sign)

CERTIFICATE OF OCCUPANCY: A document allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances, and/or that a development has been completed in conformity with the site development plan under which the development was authorized.

CHANGEABLE COPY SIGN: A permanent, framed surface area principally devoted to and designed for changeable text or information.

CHILD CARE FACILITY (CENTER): A building and related grounds designed and utilized for the provisions of child care and not also used as a permanent residence or providing overnight care accommodations. The term includes a day nursery, kindergarten, day-care service, day-care agency, nursery school, learning center, or play school, but excludes the following:

(a) Public or private schools in compliance with the compulsory school attendance law, Chapter 232, Florida Statutes.
(b) Summer camp having children in full-time residence.
(c) Summer day camp.
(d) Church school normally conducted during vacation periods.

CITY: The City of Callaway, Florida.

CITY ATTORNEY: The legal counselor or firm for the City of Callaway, Florida, as appointed by the City Commission.

CITY CLERK: The City Clerk of the City of Callaway, Florida.

CITY COMMISSION: The legislative body of the City of Callaway, Florida.

CITY ENGINEER: The official of the City of Callaway to whom the responsibility normally associated with this title has been delegated. The City Engineer may be a contracted consulting professional engineer or firm, or other person designated by the City.

CITY SURVEYOR: The official of the City of Callaway to whom the responsibility normally associated with this title has been delegated. The City Surveyor may be a contracted consulting professional surveyor of firm, or other person designated by the City.

CLEARING: Any activity that removes the vegetative surface cover.

CLERK: The Clerk of the Circuit and County Courts of Bay County, Florida.

COASTAL HIGH HAZARD AREA: The area defined in the Coastal Management Element of the City of Callaway Comprehensive Growth Management Plan.

CODE ENFORCEMENT HEARING OFFICER: A resident of the City appointed by the City Manager who conducts administrative hearings regarding appeals made as a result of a decision by the Code Inspector which resulted in the issuance of a civil violation notice (see Code of Ordinances, Section 2-401).

CODE ENFORCEMENT OFFICER: The person authorized to investigate violations of the City's Code of Ordinances and land development regulations and initiate and pursue official code enforcement proceedings.

COLLECTOR ROAD: A roadway providing service which is of relatively moderate traffic volume, trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

COMMERCIAL/INDUSTRIAL CONNECTION: Any utility connection to a structure not used as a dwelling unit, and all utility connections to motels, hotels, and rooming or boarding houses.

COMMERCIAL USES: Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance or service.

COMMERCIAL VEHICLE: Any vehicle, vehicle and trailer or trailer greater than 25 feet in length, or equal to or exceeding one and one-half tons of load capacity which is designed, intended or used for commercial or business purposes including, but not limited to, tractor trailer rigs, boats, school buses, delivery trucks, and construction vehicles. (Amended by Ordinance 524. January 1997)

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

COMMUNITY PARK: A park located near major roadways, and designed to serve the needs of more than one neighborhood.

COMPREHENSIVE PLAN: The City of Callaway Comprehensive Plan adopted pursuant to the requirements of Chapter 163, Florida Statues.

COMPUTATION OF TIME: In computing any period of time prescribed or allowed, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a

Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays, shall be excluded in the computation.

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

CONCURRENCY MANAGEMENT SYSTEM: The procedures and/or process the City utilizes to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development

CONE OF INFLUENCE: An area around one or more major waterwells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth.

CONSERVATION AREA: Land maintained for conservation uses.

CONSERVATION USES: Activities within the land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designed for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSTRUCTION PLANS: Drawings or renderings, prepared by a Florida registered engineer or architect, showing how a specific structure, building or other improvement is to be constructed.

CONTRACTION: The reversion of real property within municipal boundaries to an unincorporated status.

COPY: The linguistic or graphic content of a sign.

COUNTY: The county of Bay, Florida.

CROSSWALK: A right-of-way within a block, dedicated to public use, from which motor vehicles are excluded, and which is designed to provide pedestrian access to adjacent roads, lots, or public use areas.

CUL-DE-SAC: A short street having one end open to traffic and the other end terminated with a paved turn-around.

CULTURAL RESOURCE: A site, object, structure, building or district listed on the City/County Survey of Cultural Resources or in the Historic Preservation Element of the City/County Comprehensive Plan or on the local register of historic places.

CURRENTLY AVAILABLE REVENUE SOURCES: An existing source and amount of revenue presently available to the City. Does not include City's intent to increase the future level or amount of revenue source.

DAMAGES: Money damages paid by any person, whether voluntarily or as a result of administrative or judicial action, to this state as compensation or restitution, or as punitive damages, for causing injury to, or destruction of natural resources of the state.

DATUM: A reference surface used to ensure that all elevation records are properly related.

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

DCA: Florida Department of Community Affairs

DEMOLITION: The tearing down or razing of 25% or more of a structure's external walls.

DENSITY, GROSS: The total number of dwelling units divided by the total site area, less public right-of-way.

DEPARTMENT OF COMMUNITY AFFAIRS: The Department created by Section 20.18 Florida Statues.

DESIGNATED HANDICAPPED PUBLIC PARKING SPACE: Any public parking space posted and maintained with a permanent sign bearing the internationally accepted wheelchair symbol or the caption "PARKING BY DISABLE PERMIT ONLY", or both such symbol and caption.

DETENTION: The collection and storage of surface water for subsequent gradual discharge.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate,

including, but not limited to, buildings or other structures, filling, grading, paving, excavating, drilling operations, or long term or permanent storage of materials or equipment, or the dividing of land into two or more parcels. Development shall include:

(a) A reconstruction, alteration of the size, or structural change in the external appearance of a structure on land.

(b) A change in the intensity of use of land, such as: an increase in the number of dwelling units in a structure or on land; or, a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a river, stream, lake, pond, or canal.

(d) Demolition or removal of a structure.

(e) Clearing of land as an adjunct of construction.

(f) Deposit of fill on a parcel of land.

(g) A tree removal for which authorization is required under this chapter.

(h) Erection of a sign for which authorization is required under this chapter.

(i) Alteration of a historic property for which authorization is required under this chapter.

(j) Changing the use of a site so that the need for parking is increased.

(k) Construction, elimination or alteration of a driveway onto a public street.

"Development," as designated in this Chapter, or in a Development Order of Permit, includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

DEVELOPMENT AGREEMENT: An agreement as outlined in Section 163.3227 Florida Statutes.

DEVELOPMENT ORDER: An order issued by the City Commission authorizing a specific use and development and further authorizing the subsequent issuance of necessary permits under the provisions of Florida Statutes, Chapter 380.

DEVELOPMENT PERMIT: An official action of the City having the effect of permitting the development or redevelopment of land, including but not limited to, any building permit, site plan approval, subdivision approval, infrastructure permit, tree removal, sign permit or any other permit required in this chapter.

DEVELOPMENT RIGHT: A legal claim (authority) to convert a tract of land to a specific purpose by construction, installation or alteration of a building or other structure, or the legal claim to excavation or filling for mining.

DIRECTIONAL SIGN: Any sign utilized only to indicate the direction in which to locate any object, place or area or to guide traffic.

DIRECTORY SIGN: A sign which gives the name, use and/or occupation of the occupant(s) of a building, shopping center, business, professional center, church, apartment or townhouse, "directory panel" is that part of a directory sign which gives the name and/or occupation of an occupant of a building or the use of a portion of a building, shopping center, professional center, business, church, apartment or townhouse.

DISCHARGE, DISCHARGE POINT: The outflow of water from a project, site aquifer, drainage basin or facility.

DISTRICT: For purposes of the historic preservation regulations in this Chapter, a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, building, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised or individual resources which are separated geographically but are linked by association or history.

DOUBLE-FACED SIGN: A sign which has two (2) display surfaces backed against each other or against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction.

DRAINAGE BASIN: The area defined by topographic boundaries which contributes stormwater to a drainage system, surface streams, swamps or estuarine waters, including all areas artificially added to the basin.

DRAINAGE DETENTION STRUCTURE: A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

DRAINAGE EASEMENT: Land in which the public, the City or Bay County has an easement devoted to, planned, proposed or required for use as a public drainage system.

DRAINAGE FACILITIES: A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

DRAINAGE RETENTION FACILITIES: Structures designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

DRAINAGE WAY: Any channel that conveys surface runoff throughout the site.

DRIP LINE: An imaginary perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

DRIVE-THRU FACILITIES: Any building, structure or portion thereof designed or used with a window or other opening in the wall of a principal or accessory structure through which goods or services are provided directly to customers who remain in motor vehicles thereby eliminating the need of such customers to exit the vehicle. This definition shall include, but need not limited to, drive-thru restaurants, banks, laundry or dry cleaning establishments and other uses of a similar nature; they shall also include facilities known as "take-out."

DRIVEWAY: An area that connects the parking aisles of a parking lot to the public right-of-way, to a private street, or to another major driveway.

DRIVEWAY ENTRANCE: Portion of a driveway which immediately abuts the public right-of-way or a private street.

DWELLING: A building or portion thereof designed, arranged or used to provide living facilities for one (1) family.

DWELLING, MULTI-FAMILY: A dwelling containing two (2) or more dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling containing only (1) dwelling unit.

EASEMENT: A grant to the City or County by the owner of land for the use of all or a portion of said land by others, including the public, for a specific purpose or purposes.

EDUCATIONAL USES: Activities and facilities of public and private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of building, campus

open space, dormitories, recreational facilities or parking.

ELECTRIC SIGN: Any sign containing electric wiring.

ELEVATED BUILDING: For purposes of the City's floodplain management regulations only, Elevated Building shall mean a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

ELEVATION: The height in feet above the mean sea level, referenced to the National Geodetic Vertical Datum (NCVD).

ENCROACHMENT: For purposes of the City's floodplain management regulations only, Encroachment shall mean the advancement or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a flood plain, which many impede or alter the flow capacity of the flood plain.

ENGINEER OF RECORD: The engineer assigned or authorized to render technical judgments on a project. Generally it is the engineer that was originally responsible for the design of a project. Occasionally the original engineer is replaced by one who is not responsible for the original design, but continues to make technical judgments on the project.

ENVIRONMENTALLY SENSITIVE LANDS: Lands with one or more of the following characteristics: steep slopes; floodplain; soils classified as having a high water table (such as hydric soils or soils subject to periodic inundation); soils classified as highly erodible, subject to erosion o highly acidic; soils classified as unique or prime agricultural land; land incapable of meeting percolation requirements; land formerly used for landfill operations or hazardous industrial use; estuaries; climax communities of native vegetation; aquifer recharge and discharge areas; sinkholes; barrier beaches and islands; lands which contain habitat or breeding rounds for species of endangered, threatened, or special concern status, caves; shellfish harvesting beds; lands designated by state and/or federal agencies for preservation or conservation.

EROSION: The washing or wearing away by the action of wind or water.

EROSION CONTROL: A measure that prevents erosion.

EROSION AND SEDIMENT CONTROL PLAN: A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

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

ESSENTIAL PUBLIC UTILITY SERVICES: The erection, construction, alteration or maintenance, by public utilities 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 therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health of safety or general welfare, but not including buildings.

EVACUATION ROUTES: Routes designated by County civil defense authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

EXCAVATION: The hollowing out, removal by digging or leveling of any land, dirt, sand, clay, soil, rock, solid minerals or other soil materials.

EXISTING CONSTRUCTION: For purposes of the City's floodplain management regulations only, Existing Construction shall mean any structure for which the "start of construction" commenced before November 24, 1987, or structures for which the "start of construction" commenced after November 24, 1987, which were built in compliance with the then existing Callaway flood damage prevention plan.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: For purposes of the City's floodplain management regulations only, Existing Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for services the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Callaway on November 21, 1987.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: For purposes of the City's floodplain management regulations only, Expansion To An Existing Manufactured Home Park or Subdivision shall mean 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).

EXISTING USE: The use of a lot, parcel or structure at the time of the enactment of this regulation or any section thereof.

FAIR MARKET VALUE: As used in the definition of "substantial improvement," means the value of the property or structure as determined by the property appraiser, either: (1) before the improvement was started, or (2) if the structure has been damaged and is being restored, before the damage occurred.

FAMILY: One (1) or more persons occupying a single dwelling unit as a single, non-profit housekeeping unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

FENCE: A main-made barrier of any material or combination of materials erected to screen areas of land.

FENCE (DECORATIVE): A continuous permanent or temporary structure designed primarily for aesthetic appeal and not intended or designed as a method of prohibiting entry to a property.

FILLING: The deposit or burial of materials, such as land clearing debris, soil, rock or other solid minerals, onto any land. Does not include landfilling with garbage or other similar waste matter.

FINAL SURVEY: A survey of a completed structure containing all information and data included in the perimeter and foundations surveys. The final survey must also include measurements and tie-in data for all structures, including structures, not previously mentioned such as swimming pools, decks, driveways, walkways, sheds, etc. If the property is a lot, plot, or parcel of land included in a subdivision or development for which as lot grading plan has been established, then the final survey must also include elevations at each corner of the property, elevations at the mid-point of each front, rear and side property line, slab elevation, and elevations of the center line of any abutting roadway.

FLAT SIGN: A sign erected parallel to the face of or on the outside wall of any building and supported throughout its length, by such wall a sign that is, in any way, applied flat against a wall.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal water, or (2) the unusual and rapid accumulation of runoff of surface water from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): The official map on which

the Federal Emergency Management Agency has delineated the areas of special flood hazard and regulatory floodways.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of the City issued by the Federal Emergency Management Agency where the boundaries of the areas of the special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of the City on which the Federal Emergency Management Agency has delineated both the special areas and the risk premium zones applicable to the City.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR: The individual appointed to administer and enforce the City's floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: means Section 15.715 of these Land Development Regulations and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood-prone areas.

FLOOD-PROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD PROTECTION ELEVATION: The elevation of the base flood plus one (1) foot.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR: For purposes of the City’s floodplain management regulations only, Floor shall mean the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several

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

FLOOR AREA RATIO: A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located. (FAR)

FLUORESCENT SIGN: A sign which is wholly or partially composed of background, letter, symbols or characters of fluorescent quality.

FOSTER CARE FACILITY: A facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

FOUNDATION INSPECTION: That inspection of trenches and excavations, and forms for footings and slab, prior to slab and concrete placement.

FOUNDATION SURVEY: A perimeter survey which locates the slab, or foundation pilasters, on the lot, plot, or parcel, showing tie-in distances to the front, side and rear property lines. If other control lines have been established by the City or other governmental agencies, i.e., Florida Department of Environmental Regulation, etc., as applicable to the property, those lines and slab tie-in distances must also be shown.

If the slab is monolithic, the "foundation" survey must also show total square footage covered by the foundation, including all porches, breezeways, patios, garages, or carports, but shall not include pads for accessory structures such as air conditioners, pool pumps, etc. If the "foundation" survey pertains to a lot, plot, or parcel of land lying wholly, or in part, within the established 100-year flood plain, the survey must also show the elevation of the slab in relation to mean sea level, or in the case of pilasters, the lowest habitable floor level of the planned structure.

FORCE MAIN: A pipe conducting sewage under pressure from a lift station.

FREE OF OBSTRUCTION: For purposes of the City's floodplain management regulations only, Free of Obstruction shall mean any type of lower area enclosure of other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event.

FREE-STANDING SIGN: A sign which is attached to or is a part of an upright support which stands removed from any structure and the base of which is anchored in the

ground.

FRONTAGE: The length of the property line of any one parcel along a street on which it borders.

FRONT SETBACK: The distance between the street right-of-way line and the front line of a building, excluding uncovered steps. (The "front" setback must at least be equal to the "required front yard" which may be all, or part, of "front yard" as defined in Article II of this Chapter. In case of curvilinear front property lines, setbacks are measured from the tangent connecting the arc of the side property lines.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in a close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

GOVERNMENTAL AGENCY: The United States or any department, commission, agency, or other instrumentality thereof; this state or any department, commission, agency, or other instrumentality thereof; any local government, or any department or commission, agency, or other instrumentality thereof, any school board or other special district, authority, or governmental entity.

GRADING: Excavation or fill of material, including the resulting conditions thereof.

GROUND SIGN: Any sign whose bottom edge rests upon the ground or whose foundation or supporting members have a combined horizontal dimension equal to or exceeding fifty (50%) percent of the horizontal dimension of such sign.

GROUND WATER: Water beneath the surface of the ground whether or not flowing through known and definite channels.

GROUP HOME: A facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adults congregate living facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HANDICAPPED PERSON: Any person who has issued an exemption entitlement

parking permit pursuant to Section 320.0848, Florida Statutes and who is: (1) severely physically disabled and has permanent mobility problems which substantially impair his ability to ambulate; or (2) certified as legally blind.

HARDSHIP: For purposes of the City's floodplain management regulations only, Hardship shall mean the exceptional hardship that would result from a failure to grant the requested variance. The City of Callaway requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional, Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptions hardship. All of these problems can be resolved through other means without granting a variance, even is the alternative is more expensive, or requirements the property owner to build elsewhere or put the parcel to a different use than originally intended.

HAZARDOUS WASTE: Solid waste, or a combination of solid wastes which, because of its quantity, concentrations, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness or incapacitation reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

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

HISTORIC RESOURCES: All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the City as historically, architecturally, or archaeologically significant.

HISTORIC STRUCTURE: Any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or determined by the Florida Department of State as meeting the requirements for individual listing on either registry; (2) Certified or preliminarily determined by the Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Department's Secretary to qualify as a registered historic district; or (3) Individually listed on the state inventory of historic places.

HOTEL/MOTEL: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreation facilities.

HURRICANE SHELTER: A structure designated by local officials as a place of safe refuge during a storm or hurricane.

HURRICANE VULNERABILITY ZONE: The areas delineated by the regional or local hurricane evacuation plan as requiring evacuation. The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.

HYDROGRAPH: A graph of discharge versus time for a selected outfall point.

HYDROLOGIC CYCLE: The movement of water through the environment on, above and below the surface of the earth.

ILLUMINATED SIGN: Any sign having characters, letters, figures, designs or outline illuminated by electric lights, whether or not the lights are a part of the sign.

IMPERVIOUS SURFACE: An area covered by a material which does not permit infiltration or percolation of water into the ground.

IMPERVIOUS SURFACE RATIO: A mathematical expression determined by dividing the total impervious surface of a site by the gross area of the site.

IMPROVEMENT: Any man-made, immovable item which becomes part of, is placed upon, or is affixed to land.

IN COMPLIANCE: Consistent with the requirements of Florida Statutes 163.3177, 163.3178, and 163.3191, the state comprehensive plan, the appropriate regional policy plan, and rule 9J-5, F.A.C., where such rule is not inconsistent with Chapter 163, Part II, Florida Statutes.

INCREASED COST OF COMPLIANCE (ICC): The cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

INDIVIDUAL SEWAGE DISPOSAL: The treatment of sewage in septic tanks and disposal of the effluent by absorption fields.

INDIVIDUAL WATER SUPPLY: A potable water supply from a well on an individual lot.

INDUSTRIAL USES: The activities within land areas predominately connected with manufacturing, assembly, processing, or storage of products.

INFILL DEVELOPMENT: The addition of new housing or other buildings on

scattered vacant sites in a built-up area.

INFORMATIONAL SIGN: Any sign with a combination of directory, directional or explanatory information.

INFRASTRUCTURE: Those man-made structures which 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, utilities, docks, bridges and roadways.

INTENSITY: The degree to which land is occupied and/or the density of development. (There is no single measure of the intensity of land use. Rather, a land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as traffic generated, amount of impervious surface, bulk of the structures, number of employees, density or nuisance such as pollution, noise, light, etc.)

INTERAGENCY HAZARD MITIGATION REPORT: The recommendations of a team of federal, state, regional, or local officials which address measures to reduce the potential for future losses and which is prepared in response to a Presidential Disaster Declaration.

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

INTERSECTION: The area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) or more feet apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate interaction.

JUNKYARD: Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts there of. The

storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts there of, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this LDR, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

LAND: The earth, water and air, above, below or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT REGULATIONS: The City's zoning, subdivision, building and other regulations controlling the development of land.

LANDSCAPED BUFFER: A vegetative of an evergreen variety consistent with Section Seven and capable of obtaining the required height and density within two (2) years of the day of planting. All landscaped buffers must be continuously maintained by an adequate, functional, automatic sprinkler system. A chain link fence may be constructed in the middle of a landscape buffer so long as the chain link fence is entirely screened from view by the plant material of the landscape buffer.

LANDSCAPING: The improvement of appearance or beautification of an area by the planting of trees, grass, shrubs or other plant materials, or by the alteration of the contours of the ground.

LAND USE: The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEISURE SERVICES DEPARTMENT: The Department responsible for the upkeep, maintenance, and operation of parks, parkways and medians, playgrounds, recreation fields, auditoriums, recreational facilities, buildings, and structures owned by the City of Callaway.

LEVEL OF SERVICE: An indictor 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 as established in the City's Comprehensive Plan. Level of service shall indicate the capacity per unit of demand for each public facility.

LIMITED ACCESS FACILITY: A roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

LOCAL HAZARD MITIGATION PLAN: The plans prepared by the County Emergency Management Agency addressing weather-related natural hazards and man-made disasters except nuclear power plant accidents and war. The plan covers hazard mitigation, emergency preparedness, emergency response, emergency recovery and in coastal counties, hurricane evacuation.

LOCAL PLANNING AGENCY: The agency designated to prepare the Comprehensive Plan pursuant to the "Florida Local Government Comprehensive Planning and Land Development Act." (City of Callaway Planning Board).

LOCAL STREET: A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

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

LOT AREA: The total area within the lot lines of a lot, excluding any rights-of-way.

LOT-BUTT: A butt-lot is a lot abutting upon two or more streets which do not intersect.

LOT-CORNER: A corner lot is a lot abutting upon two or more streets at their intersections.

LOT DEPTH: The mean horizontal distance between the front and rear lines of a lot.

LOT LINE: The legal boundary line of a lot.

LOT OF RECORD: A lot which is part of a sub-division, the plat of which has been recorded in the office of the Clerk of the Circuit Court of Bay County, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Clerk, provided such lot was of a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or wa recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of the subdivision regulations in effect at the time of the recording.

LOT WIDTH: The width of a lot is the distance between the side lines thereof if such side lines are parallel to each other; if side lines are not parallel, width shall be construed as mean width.

LOT, ZONING: A parcel of land occupied, or to be occupied, by a principal use and

meeting all the requirements of this chapter for a lot in the zoning district in which said land parcel is located. (A zoning lot need not necessarily coincide with a "lot of record" as herein defined.)

LOW AND MODERATE INCOME FAMILIES: Lower income families as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the medium income for the area. The term families includes households.

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

LOWEST FLOOR: The top surface of the lowest area within the inside perimeter of the exterior walls of a building. For slab-on-grade type of buildings or buildings with basements, the top surface of the slab or basement floor would constitute the lowest floor. For footing, foundation walls or pile type buildings with crawl spaces under the building without basements, the top surface of the finished flooring above the horizontal joist, beam or other supporting member would constitute the lowest floor. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MAJOR DEVIATION: A deviation, other than a minor deviation, from the development order under which a development activity was authorized.

MAJOR PUBLIC FACILITY: Any publicly owned facility of more than local significance.

MAJOR TRIP GENERATORS OR ATTRACTORS: Concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed in use (other than for sale) on a site for 180 consecutive days or longer and intended to be improved property.

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

MANUFACTURED HOUSING: Manufactured housing has the following features or characteristics:

(a) Mass produced in a factory;
(b) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
(c) Either an independent, individual building or module for combination with other elements to form a building on the site.

MARKET VALUE: A building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

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

MASS TRANSIT: Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

MEAN HIGH WATER LINE: The line formed by the intersection of the tidal plane of mean high tide with the shore.

MEAN SEA LEVEL: The average height of sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with national Geodetic Vertical Datum (NGVD).

M.S.L.: The abbreviation for mean sea level. The average height of the sea for all stages of the tide. For purposes of this Code, the term is synonymous with national Geodetic Vertical Datum (NCVD).

MINERALS: All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

MINOR DEVIATION: A deviation that is within the limits set out below and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process.

(a) Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.

(b) Reduction of the total amount of open space by not more than five (5%) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5%) percent; provided that such reduction does not permit the required open space to be less than that required by this Chapter.

MOBILE HOME: A residential structure, transportable in one or more section, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

MOBILE HOME PARK: A use of land in which two (2) or more lots or spaces are offered for rent or lease for the placement of mobile homes for residential purposes.

MOBILE HOME SPACE: The location on which a Mobile Home can be affixed to real property that complies with applicable law.

MOBILE HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more lots of record which are made available for sale, rent or lease of the placement of Mobile Homes or Manufactured Homes, and which have been subdivided and contain all subdivision infrastructure improvements in accordance with the provisions of the Land Development Regulations.

MOTOR VEHICLE UNDERCARRIAGE SERVICE CENTER: An establishment in the business of performing automotive repairs, servicing mufflers, tailpipes, brakes and shock absorbers, performing oil, lube and filter work and related associated functions. Any establishment which solely or principally performs body or upholstery repair or work or which solely or principally stores vehicles shall be deemed to be an auto body repair shop or public garage and not a motor vehicle undercarriage service center or service station.

MOVEABLE SIGN: Any sign, display, outline or advertisement from or upon any type or kind of material having characters, symbols, pictures, letters or figures that are not an integral part of a building or permanent structure, including but not limited to, those signs, display, outlines and advertisements attached by wires, hangers, brackets or other similar devices which can be removed without damaging the building or permanent structure to which they are attached.

MULTI-FAMILY RESIDENTIAL CONNECTION: A utility connection to a structure or group of structures, on one individual, defined parcel of property (zoning lot) which contains or may contain residential dwelling units for more than one family, e.g. multi-family connections for duplexes, triplexes, apartments, condominiums, mobile home parks,

campsites and related uses, but not those for motels, hotels and rooming or boarding houses.

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

NATIONAL GEODETIC VERTICAL DATUM (NGVD): as corrected in 1929, as a vertical control used as a reference for establishing varying elevations with the floodplain.

NATURAL DRAINAGE FEATURES: The naturally occurring features including rate, volume and direction of flow of an area which accommodate the flow of stormwater.

NATURAL RESERVATIONS: Areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our River programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and outstanding Florida Waters.

NATURAL RESOURCES: Land, air, water, ground water, drinking water supplies, fish and their habitats, wildlife and their habitats, biota and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by a governmental entity.

NATURAL SYSTEMS: Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur endogenously on the land, in the soil or in the water.

NEIGHBORHOOD PARK: A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after [October 26, 2010]. For purposes of the City's floodplain management regulations only, New Construction shall mean any structure for which the "start of construction" commenced after November 24, 1987, but does not include any structure for which the "start of construction" was after November 24, 1987, and before September 18, 2002, which were built in compliance with the then existing Callaway flood damage preventing plan. The term also includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: For purposes of the

City's floodplain management regulations only, New Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 24, 1987.

NEWSPAPER OF GENERAL CIRCULATION: A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

NONCONFORMING STRUCTURE OR USE: A lawful use of land or structure existing at the time of the passage of this Chapter which does not conform to the provisions, requirements and regulations of this Chapter.

NONPOINT SOURCE POLLUTION: Any source of water pollution that is not a point source.

NON-VEHICULAR INGRESS AND EGRESS EASEMENT: An easement entitling the holder of the easement to control access across the easement by motor vehicles.

NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988: A vertical control used as a reference for establishing varying elevations within the floodplain.

OATH: The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OBJECT: For purposes of the historic preservation regulations in this Chapter, a material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

OBJECTIVE: A specific, measurable, intermediate end that is achievable and marks progress toward a goal.

OBSTRUCTION: For purposes of the City's floodplain management regulations only, Obstruction shall mean, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to

share or collect debris carried by the flow of water, or its likelihood of being carried downstream.

OCCUPANT (OCCUPANCY): A commercial use; i.e., any use other than residential or agricultural.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity as distinguished from residential buildings, recreational facilities, commercial, heavy industrial or retail space; however, an office building may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OFFICE COMPLEX: A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

OFFICER(S): A duly sworn police official.

OFFICIAL TRAFFIC-CONTROL DEVICE: All signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC-CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

OFF-STREET LOADING AREA: An area provided off the public right-of-way for the temporary parking of trucks being loaded or unloaded.

OPEN SPACES: Undeveloped lands suitable for passive recreation or conservation uses.

ORDINARY MAINTENANCE: Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

OTHER CITY OFFICIALS OR OFFICERS: Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "city clerk," "chief of police," etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City of Callaway.

OUT PARCEL: Shall be an area of no less than ten thousand five hundred (10,500)

square feet and a minimum width of one hundred (100') feet at the property line located within a shopping center as defined in this chapter that shares a common parking lot with the other buildings and establishments within said shopping center but which is separated from the principal building and establishment by parking area of at least seventy-five (75') feet.

OWNER: A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property; or, the requisite owner of a vehicle, as determined by the Division of Highway Safety and Motor Vehicles (or corresponding agency) of the several states.

OWNER, TENANT, CONSUMER: Shall include the executors, administrators, successors and assigns of the party referred to, and the covenants and agreements contained in any contract between the water department and its consumers shall be binding upon and inure to the benefit of the successors, heirs, executors, administrators or assigns of the respective parties thereto. The consumer is considered the owner, as distinguished from a tenant, when the property serviced is recorded or stands of record in his name.

PAINTED SIGN: A sign painted upon the exterior of any building, structure, fence, wall, sidewalk, window or surface.

PARATRANSIT: Transit services, including ridesharing, car or van pools, demand responsive buses, and other public transit services, which are characterized by their nonscheduled, non-fixed route nature.

PARCEL OF LAND: Any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers as may be permitted by law under this section.

PARK PROPERTY: All areas, buildings, locations and facilities described in the definition of Parks, Parkways, Recreational Areas.

PARKS, PARKWAYS, RECREATIONAL AREAS: Parks, wayside parks, parkways, playgrounds, recreation field, auditoriums, ranges, and buildings, lakes, streams, canals, lagoons, waterways, water areas, and beaches therein, and all public facilities conducted

on grounds, buildings or structures in the City which are under control of or assigned for upkeep, maintenance or operation by the City of Callaway Leisure Services Department.

PARKING AISLE: The area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

PARKING STALL: The space that is necessary to park a car, excluding aisles and driveways.

PARKING TICKET: The official form used by the chief of police or officers to notify that the owner's vehicle is parked, stopped or standing in violation of the terms of the section.

PERIMETER CONTROL: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERIMETER SURVEY: A perimeter survey is a meets and bounds description of the perimeter of a lot, plot, or parcel of land; a description of the perimeter based upon section lines and distances, or other means of delineating the perimeter boundaries of a piece of land, prepared by a registered surveyor in accordance with standard established by the State of Florida. For purposes of this section, a perimeter survey must also show all right-of-way, easements, and man-made structures above or below the surface of the ground existing on the property.

PERMANENT: Designed, constructed and intended for more than short term use.

PERMANENT WINDOW SIGN: Sign, object or display placed on either side of a window or displayed in the interior of a building and turned with its front toward the window so that it is visible from the exterior of a building and displayed for more than four (4) weeks.

PERSONAL PROPERTY: Includes every species of property except real property.

PERVIOUS AREA: Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

PHASING: Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PLAN: The City's Comprehensive Plan, which may consist of several maps, data, and other descriptive matter, for the physical development of the (city) or any portion thereof, including any amendments, extensions or additions thereto; and showing, among

other things, existing and proposed streets, highways, routes of railroads and transit lines; parks, playgrounds, and other open spaces; sites for public buildings and structures; districts for residence, business, recreation, and special districts for other purposes; limited development districts for purposes of conservation, water supply, sanitation, drainage, protection against floods, location of public utilities whether publicly or privately owned, including but not limited to sewerage and water supply systems; zoning districts; and other planning features.

PLAT: Is a map depicting the division or subdivision of lands into lots, blocks, parcels, tracts, or other portions thereof, however the same may be designated. Used as a verb, the work "plat" in whatever tense used, shall mean to divide or subdivide land into lots, blocks, parcels, tracts, or other portions hereof, however the same may be designated and may include the terms "replat," "amended plat," "revised plat" or "final plat."

PLATTED LAND: Any land which can be referenced to a plat.

PLAYGROUND: A recreation area with play apparatus.

PLOT: One or more lots, blocks, or parcels of land; in any combination; under single ownership; recorded as contiguous to one another, or through one to another, on either a plat or in a unifying deed.

PLOT PLAN: A plan for development of a plot, or the site plan for construction of new facilities on a single "plot".

POINT SOURCE POLLUTION: Any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but no limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POLICY: The way in which programs and activities are conducted to achieve an identified goal.

POLITICAL SIGN: Any sign displaying information pertaining to any candidate for election to municipal, county, state or federal office or pertaining to any political party, cause or issue.

POLLUTANT: Any substance, contaminant, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

POLLUTION: The presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORTABLE, SANDWICH OR SNIPE SIGN: Any sign, double-or-single-faced, which is portable and which may be moved readily from place to place and any small sign of any material including paper, cardboard, wood and metal, which is tacked, nailed or attached, in any way, to trees or other objects; or, 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.

POTABLE WATER: Water which is satisfactory for drinking and culinary purposes and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-550, 17-555, 17-560, Florida Administrative Code.

POTABLE WATER FACILITIES: A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs and distribution mains.

PREMISES: The term premises shall mean separate habitations, institutions, or places of business.

PRIVATE RECREATION SITES: Sites owned by private, commercial or non-profit entities available to the public for purposes of recreational use.

PRIVATE ROAD, DRIVEWAY OR WAY: Any street, road, avenue, drive, cul-de-sac or other thoroughfare used for vehicular traffic and any easement or right-of-way that provides access to more than one parcel or lot which has not been dedicated to the public and which is not maintained by a government agency. This term shall include, but is not limited to, roadways or driveways in mobile home parks, apartments, condominiums, commercial or industrial complexes, which have been named and signed in accordance with the City of Callaway Code of Ordinances.

PROJECT: The particular structures and improvements proposed on a particular land area which are part of a common plan of development and may include the subdivision of land.

PROJECTING SIGN: Any sign which projects, at any angle, from the outside wall of any building or structure, excluding wall signs as defined herein.

PROJECTED STREET NAME AND NUMBERING SYSTEM SCHEME: All approved site plans, including amendments thereto, which contain projected street names and addresses thereto, although no construction or development has occurred on the projected street, public or private way.

PROTECTED ENVIRONMENTALLY SENSITIVE AREA: An environmentally sensitive area designated for protection in the Conservation Element of the City or County Comprehensive Plan.

PROTECTED TREE: All trees, other than pine trees and those exempted by the LDR, which have a diameter at breast height of eight (8) inches or more, and all flowering Dogwood, Redbud, or Weeping Willow trees with a diameter at breast height of three (3) inches or more.

PROTECTIVE (RESTRICTIVE) COVENANTS: Private contracts entered into between the developer and purchaser(s) which constitute a restriction on the use of all private property within a development for the benefit of property owners, and provide a mutual protection against undesirable aspects of development which would tend to impair stability of values.

PUBLIC ACCESS: The ability of the public to physically reach, enter or use recreation sites including beaches and shores.

PUBLIC BUILDING AND GROUNDS: Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

PUBLIC FACILITIES OR IMPROVEMENTS: Major capital improvements, including but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities for which a governmental entity is responsible for the maintenance and operation.

PUBLIC NOTICE OR DUE PUBLIC NOTICE: As used in connection with the phrase "public hearing" or "hearing to be held after due public notice" means publication of notice of the time, place and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first publication not less than 14 days prior to the date of the hearing and the second to be at least 5 days prior to the hearing.

PUBLIC PARKING SPACE: Any parking space which the owner, lessee or person in control of such property provides for use by members of the public other than employees of such owner, lessee or person, including, but not limited to, parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.

PUBLIC RECREATION SITES: Sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

PUBLIC SAFETY AND NUISANCE: Anything which is injurious to the safety or health of the entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC WAY: Any public road or right-of-way either paved or unpaved, which is intended for vehicular traffic and that has been dedicated to a governmental entity for the purpose of vehicular traffic and for use as a thoroughfare for vehicular traffic, excluding, however, service entrances or driveways.

PYLON SIGN: Any tall, single pedestal or column sign.

OUALIFIED EROSION AND SEDIMENT CONTROL INSPECTOR: is defined as one of the following:

1. Has successfully completed and met all requirements necessary to be fully certified through the FDEP stormwater, Erosion, and Sedimentation Control Inspector Training Program:

2. Has successfully completed an equivalent formal training program (typically in other states);

3. Is qualified by other training or practical experiences in the field of stormwater pollution prevention and erosion and sedimentation control.

RATE: Volume per unit of time.

REAL ESTATE SIGN: Any sign used solely to offer for sale or lease or to announce contemplated improvements to the subject property or the property adjacent to that on which said sign is placed.

REAL PROPERTY: All lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms of years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

REAR SETBACK: The distance between the rear property line and the rear line of a building, excluding uncovered patios and decks. (The "rear" setback must at least be equal to the "required rear yard" which may be all, or part of the "rear yard."). To be measured from the building not the overhang.

"**REASONABLY SAFE FROM FLOODING":** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

RECHARGE: The inflow of water into a project, site aquifer, drainage basin or facility.

RECREATION: The pursuit of leisure time activities occurring in an outdoor setting.

RECREATION FACILITY: A component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

RECREATIONAL VEHICLE: A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. For purposes of the City's floodplain management regulations only, Recreational Vehicle shall mean a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL USES: Activities within areas where recreation occurs.

REGIONAL PARK: A park which is designated to serve two or more communities.

REGIONAL PLANNING AGENCY: The agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state (Northwest Florida Regional Planning Council).

REGISTERED LAND SURVEYOR: A surveyor currently registered to practice land surveying in the State of Florida.

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.

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

REPEAT VIOLATION: A violation of a provision of an ordinance by a person who the Municipal Code Enforcement Board has previously found to have violated the same provision within five (5) years prior to the current violation.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

RESIDENTIAL AREA: An area of land lawfully used, designated in the Comprehensive Plan, and approved in a master plan, development order, or other final development approval for residential purposes.

RESIDENTIAL USES: Activities within land areas used predominantly for housing.

RESTAURANT: A building, or part thereof, in which food is prepared and sold for consumption by patrons seated within said building or upon a terrace, patio, or balcony attached thereto, and accessible to patrons solely from within said building.

RETAINING WALL: A wall built to resist lateral soil and subsoil pressure and erosion; a wall built to sustain the face of a natural bank of earth.

RETENTION: The collection and storage of runoff without subsequent discharge to surface waters.

RIGHT-OF-WAY: Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

ROAD, ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

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 limited access facilities, arterial roads, and collector roads, which may be sub-categorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

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

ROOF SIGN: A sign placed above the roof line of a building or on or against a roof

slope of less than fort-five (45) degrees.

ROTATING SIGN: Any sign which rotates or revolves.

RUNOFF COEFFICIENT: Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

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.

SANITARY SEWER INTERCEPTOR: A sewage conduit which connects directly to, and transmits sewage to, a treatment plant.

SANITARY SEWER TRUNK MAIN: A sewerage conduit which connects directly to, and transmits sewage to, an interceptor.

SEASONAL POPULATION: Part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farm workers, and other short-term and long-term visitors.

SEAT: A seating accommodation for one person; each two (2') foot in length, or major fraction thereof, of a bench, pew, or similar seating facility shall be considered as one seat for the purposes of this code.

SEDIMENT: The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

SEDIMENT CONTROL: Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREA: Those functions, described in the Conservation Element of the Comprehensive Plan, that justify designating an area as environmentally sensitive.

SERVICE STATION: An establishment conducted for the business of fueling and lubricating motor vehicles. Incidental motor vehicle services such as washing, cleaning, polishing, tire changing and repair, battery recharging and replacement and other minor mechanical, electrical, body or upholstery repair or work and the like, including but not limited to the sale of tires, batteries, and incidental vehicle accessories, may be performed as a secondary or accessory function at a service station; provided, however, that no major mechanical, electrical, body or upholstery work or repair and no storage of vehicles shall occur in a service station. Any establishment which solely or principally performs body or upholstery repair or work or which solely or principally stores vehicles shall be deemed to

be an auto body repair shop or public storage and not a motor vehicle undercarriage service center or service station.

SERVICES: The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law.

SETBACKS: A set-back is the distance between a natural or man-made feature (such as a road or a body of water) and the closest portion of a building, not including any overhang.

SEWAGE: Waste water.

SEWER: A pipe located in a public right-of-way or easement which transports sewage. The term sewer, as used herein, includes manholes, connections, specials and all other appurtenances.

SHOPPING CENTER: A group of two (2) or more stores, service establishments or businesses which are planned to serve a community or neighborhood and which are adjacent to and utilize a common parking area or areas. Shopping centers need not be under single ownership.

SIDE SETBACK: The distance between the side property line and the side line of a building, measured from the building, not the overhang; excluding uncovered patios and decks, air conditioners, wells, pumps, motors, water purifiers, and other utility systems or appurtenances. (The "side" setback must at least be equal to "required side yard" which may be all, or part, of the "side" yard.)

SIDEWALK: The portion of a street between the curbline or the lateral line of a roadway and the adjacent property lines, intended for use by pedestrians.

SIGN: Includes any written or drawn object, device, announcement, declaration, demonstration, display, illustration, insignia, structure or part thereof, used to advertise, identify, attract or promote the interests of any person, object, institution, product, service, event or location, with the same is placed in view of the general public and is either located out of doors or in a window as defined herein. The sign regulations contained herein shall apply to the face of the sign, its supports, braces, guys, anchors and similar related structures and devices. Types of signs and related structures and accessories include: (See definitions)

(a) Activated sign.

(b) Animated sign.
(c) Awning or canopy sign.
(c1) Banner.
(d) Beacon, spot or floodlight.
(e) Billboard.
(f) Changeable copy sign.
(g) Clock-temperature sign.
(h) Directional sign.
(i) Directory sign.
(j) Double-faced sign.
(k) Flat sign.
(l) Fluorescent sign.
(m) Free-standing sign.
(n) Ground sign.
(o) Illuminated sign.
(p) Informational sign.
(q) Moveable sign.
(r) Pointed sign.
(s) Permanent window sign.
(t) Political sign.
(u) Portable, sandwich or snip sign.
(v) Projecting sign.
(w) Pylon sign.
(x) Real estate sign.
(y) Roof sign.
(z) Rotating sign.
(aa) Sound amplifying equipment.
(ab) Temporary window sign.
(ac) Wall sign.

SIGN FACE: The part of a sign that is or may be used for copy.

SIGN STRUCTURE: Any construction used or designed to support a sign.

SIGNIFICANT ADVERSE EFFECT: Any modification, alteration, or effect upon a Protected Environmentally Sensitive Area which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the Comprehensive Plan.

SILVICULTURE: The development and/or maintenance of a forest or wooded preserve.

SINGLE FAMILY RESIDENTIAL CONNECTION: A utility connection to a structure which is intended for occupancy by a single family and which is situated on an individual,

defined parcel of property (zoning lot), irrespective of whether the structure has common walls with an adjacent structure.

SITE: Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project. For purposes of the historic preservation regulations in this code, a site is the location of a significant event, activity, building, structure, or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structures. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT PERMIT: A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SITE PLAN: The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in this LDR.

SOLID BUFFER: A buffer constructed so as to provide a wall with individually laid brick or combination of brick and/or other maintenance-free material facing all exposed ares and extending to at least four inches (4") below grade. A solid buffer shall be at least six (6') feet and not more than six and one-half feet (6'6") in height, as measured from the highest grade on the side of the solid buffer facing a public street, right-of-way, or property used and zoned for residential purposes, unless the height is restricted by another provision in this chapter.

SOLID WASTE FACILITIES: Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SOLID WASTE TRANSFER STATION: A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of sound.

SPECIAL FLOOD HAZARD AREA (SFHA) (see "AREA OF SPECIAL FLOOD HAZARD"): An area having special flood hazard and shown on a FHMB or FIRM as Zone A, A), A1—A30, AE, A99, AH, V1—V30 or VE.

STABILIZATION: The use of practices that prevent exposed soil from eroding.

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this LDR.

START OF CONSTRUCTION: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages. For purposes of the City's floodplain management regulations only, "Start of Construction" shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage or excavation or of the placement of a manufactured home on a foundation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any parts thereof, on its piling or foundation, or a fixing of a prefabricated structure to its permanent site. For purposes of the City's floodplain management regulations only, permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. 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.

STATE: The words "the state" or "this state" shall be construed to mean the State of Florida.

STATE LAND DEVELOPMENT PLAN: The comprehensive statewide plan or any portion thereof setting forth state land development policies.

STATE LAND PLANNING AGENCY: The Department of Community Affairs.

STATUTE: Florida Statutes.

STOP OR STOPPING: When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of an officer or traffic-control sign or signal.

STORMWATER: The flow of water which results from a rainfall event.

STORMWATER MANAGEMENT SYSTEM: The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

STORMWATER RUNOFF: That portion of the stormwater that flows from the land surface of a site either naturally, in man-made ditches, or in a closed conduit system.

STREET: Is a dedicated right-of-way which has been accepted by the City for maintenance and affords the principal means of access by pedestrians and vehicles to abutting properties, whether designed as a street, avenue, highway, or however otherwise designated; the entire width between the boundary lines of every way or place of whatever nature, when any part thereof is open to the use of the public for purposes of vehicular traffic.

STREET; ALLEY: Is a dedicated right-of-way used primarily for secondary vehicular service to property abutting a street.

STREET; ARTERIAL: Is a road or thoroughfare which has been or may be designed or designated for the movements of large volumes of traffic between distance points on the City, which road will ordinarily have controlled or limited right of access.

STREET; COLLECTOR: Is a street designed or designated to connect a number of residential streets with arterial streets.

STREET; DEAD-IN: Is a street with one end permanently closed and with no provision for extension or a turn-around.

STREET; MARGINAL ACCESS: Is a street which is parallel and adjacent to a major arterial or expressway and which provides access to abutting property.

STREET; MINOR: Is a street of limited continuity used primarily for access to abutting property and the local needs of the neighborhoods.

STREET LIGHTING: Is a lighting on poles, with either underground or overhead service, along a street for purposes of illuminating public or private ways.

STRUCTURE: Anything constructed or erected, installed or portable, with a fixed locations on the ground, or attached to something having a fixed location on the ground, the use of which requires a location on 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 billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs. Driveways, walkways, fences, bird feeders, mail boxes, light posts and pads for

recreational or decorative uses, which are not an integral or related part of a major structure, shall not be considered as structures for the purposes of this section; a gas or liquid storage tank that is principally above ground. For purposes of the City's floodplain management regulations only, Structure shall mean a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

STRUCTURE: MAJOR: A structure which is designated as a principal use or which is among those accessory uses enumerated in this LDR.

STRUCTURE: NONCONFORMING: A structure, or portion thereof, existing at the effective date of this chapter, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this LDR or amendment for a new use, and/or which does not conform to all the regulations applicable to the district in which it is located.

SUB-DIVIDER: Any person, partnership or corporation, or duly authorized agent who undertakes the sub-division of land as defined herein.

SUB-DIVISION: Is the division or re-division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, which includes all division of land involving anew street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of sub-dividing or to the land or area sub-divided.

SUB-DIVISION MASTER PLAN: Is a tentative plan showing the proposed development of a tract of land for which platting and development is to be carried out in two (2) or more stages.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENTS: Any combination of repairs, reconstruction, alterations or improvements to a structure, taking place during the life of a building, in which the cumulative cost equals or exceeds fifty per cent (50%) of the fair market value of the structure. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. For the purposes of this definition, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstructions or improvement commenced.

SUFFICIENCY OF PETITION: The verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposed annexation.

SUPPORT DOCUMENTS: Any surveys, studies, inventory maps, data, inventories, listings or analysis used as bases for or in developing the City's Comprehensive Plan.

SURFACE WATER: Water above the surface of the ground whether or not flowing though definite channels, including the following:

(a) Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or

(b) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks; or

(c) Any wetland.

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

TEMPORARY WINDOW SIGN: A sign, object or display placed on either side of a window or displayed in the interior of a building and turned with its front towards the window so that it is visible from the exterior of a building and displayed for not more than four (4) weeks.

TOWNHOUSE: A narrow single family dwelling which normally occupies the entire width of it lot having its open yard space to the front and rear and which is attached on one or both sides to similar dwellings, all of which are located on individually platted lots as part

of a subdivided group development.

TRAFFIC: Pedestrians, vehicles(s) and other conveyances, either singly or together, using any street or highway for purposes of travel.

TRAVEL TRAILER: Any vehicular or portable structure built on a chassis, and designed to be used for temporary sleeping or as a dwelling for travel, recreation or vacation use and having a body width not exceeding eight (8') feet and a body length not exceeding thirty five (35') feet, including but not limited to, boats, trailers and campers or recreational vehicles in excess of sixteen (16') feet.

TRANSPORTATION DISADVANTAGED: Those individuals who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities.

TRIP END: The origin or destination of a trip. Each trip has two (2) ends which constitute a two-direction vehicle movement at the origin or destination of the trip.

TRIP GENERATION: The total number of trip ends produced by a specific land use or activity.

UNIT: Each room, combination of rooms, or prepared mobile home space that includes connection points for sewer and/or water service that are owner-occupied, offered separately for rent as a rental unit or vacant. Multi-unit apartments, condominiums, office buildings, shopping centers, hotels, motels, and similar multi-unit structures or complexes are defined to consist of multiple units, regardless of whether or not a single water or sewer connection serves the entire complex.

URBAN IN CHARACTER: An area used intensively for residential, urban recreational or conservation park lands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes.

URBAN PURPOSES: Land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

URBAN SERVICES: Any services offered by a municipality, either directly or by contract, to any of its present residents.

USE, ACCESSORY: A use, building, or structure customarily incidental and subordinate to a principal use of property and located upon said property.

USE, NONCONFORMING: The use of a structure or premises, existing at the effective date of this chapter, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

UTILITY: Any community service available to the general public, including but not limited to electricity, telephone, water supply, gas, sanitary sewers, storm drainage, and street lighting.

VACATION: The waiving of the use of an easement, the ownership and use of a right-of-way by a public or private agency, or a platted subdivision.

VARIANCE: A grant of relief from the requirements of these land use regulations which permits actions in a manner otherwise prohibited where specific enforcement would result in unnecessary hardship relative to the land.

VEGETATIVE COMMUNITIES: Ecological communities, such as coastal strands, oak hammocks and cypress swamps, which are classified based on the presence of certain soils, vegetation and animals.

VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or railroads.

VEHICLE SIGN: Any sign affixed to a vehicle.

VEHICLE USE AREA: An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

VIOLATION: For purposes of the City's floodplain management regulations only, Violation means the failure of a structure or other development to be fully compliant with Section 15.715. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the chapter is presumed to be in violation until such time as that documentation is provided.

VISION TRIANGLE: The area on each side of an accessory at the intersection of the access way and any public right-of-way pavement line, defined as a triangle with an apex at the point of intersection and two sides thirty (30) feet long extending from the apex along the edge of the access way and the pavement line and with a third side connecting the ends of the first two.

WALL SIGN: A sign affixed to the wall of any building or structure when such sign shall project not more than twelve (12") inches from wall.

WATER BODY: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

WATER DEPARTMENT: The term water department as used herein, shall mean the Public Works Department or the water works owned and operated by the City.

WATER DEPENDENT USES: Activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for : waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATER RECHARGE AREAS: Land or water areas through which ground water is replenished.

WATER-RELATED USES: Activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

WATER WELLS: Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption.

WATERCOURSE: Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Callaway. For purposes of the City's floodplain management regulations only, Watercourse means a lake, river, creek stream, wash, channel or other topographic feature on or over which waters flow at least periodically, and includes specifically designated areas in which substantial flood damage may occur.

WATERWAY: A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND(S): Land that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions and/or designated by another governmental agency as such. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps, and marine meadows.

WOOD FENCE BUFFER: A buffer constructed of wood materials, meeting the following design criteria, so as to provide an opaque screening in required locations between properties:

(a) A wood fence buffer shall be at lease six (6') feet and not more than eight (8') in height, unless *otherwise* approved in accordance with Section 15.750.5 of the LDR, as measured from the highest grade on the side of the solid buffer facing a public street, right-of-way, or property used and zoned for residential purposes, unless the height is restricted by another provision of this chapter.

(b) End posts hall be six inches by six inches (6"x 6"), and shall be buried at least two (2') feet in the ground and anchored in concrete.

(c) Support posts shall be at least four inches by four inches (4" x 4"), and shall be buried at least two (2') feet in the ground, located no further than every eight (8') feet apart and shall be anchored in concrete.

(d) Slats shall be at least six (6") inches wide, three-quarter (3/4") inches deep, and individually nailed to both sides of the cross support beams attached to the end and support posts.

(e) Slats shall be spaced so as to create an opaque view from either side of the fence.

(f) Fence material shall be pressure-treated lumber.

(g) Fences shall be painted or stained and sealed on both sides of said fence.

(h) All nails used in construction shall be galvanized.

YARD: An open space on the same lot with building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided within the LDR.

YARD, FRONT: An open area extending across the front portion of a lot from side lot line to side lot line.

YARD, REAR: An open area extending across the rear of a lot from side lot line to side lot line.

YARD, SIDE: An open area on one side of a lot extending between the front and rear yards.

(Amended by Ord. 903 - 11/09/2010)

SECTION 15.300 PURPOSE AND INTENT

This Article sets forth the application and review procedures required for maintaining legislative and administrative bodies responsible for establishing land development policies and regulations for obtaining a development order and certain types of permits.

SECTION 15.305 CITY COMMISSION

(a) Powers and duties.

In addition to any authority granted to the City Commission of the City of Callaway by State law, City Code of Ordinance or City Charter, the City Commission shall have the following power and duties related to land development.

(1) To approve, approve with modifications, or deny development orders for Developments of Regional Impact (DRI);

(2) To enter into development agreements, as provided by State law;

(3) To execute final plats prior to recording;

(4) To vacate and annul plats, as required by Chapter 177, Fla. Stat,;

(5) To review and approved preliminary and final site development plans.

(6) To review and approve special uses as stipulated;

(7) To adopt and amend the Callaway Comprehensive Plan after considering the recommendations of the Planning Commission, pursuant to Chapter 163, Fla. Stat.;

(8) To initiate, review and adopt amendments to the City of Callaway Land Development Regulations, after considering the recommendations of the Planning Board; and

(9) To take such other action not delegated to the Planning Board or other appointed citizen board as the City Commission may deem desirable and necessary to implement the provisions of these regulations and the Comprehensive Plan.

(b) The City Commission shall act upon its powers and duties under this code by

ordinance.

SECTION 15.310 PLANNING BOARD

1. Planning Board Established.

There is hereby established the City of Callaway Planning Board, with membership, powers and duties as hereinafter provided.

2. Planning Board Designated Local Planning Agency.

The Planning Board is hereby designated and established as the official local planning agency of the City pursuant to the provisions of state law.

3. Duties, Objectives and Purposes.

A. The Planning Board is hereby designated to:

(1) Prepare and recommend, in accordance with Florida Statutes, Chapter 163, a Comprehensive Plan, including goals, objectives and policies, implementation techniques and methods; monitoring measures, and amendments thereto;

(2) Monitor and oversee the effectiveness and status of the City's Comprehensive Plan, including the review of land development regulations and capital improvement programs for Plan consistency, and to recommend changes to the Plan, including amendments and updates, and provide periodic reports evaluating and appraising Plan implementation as required by 163.3191, Fla. Statutes;

(3) Provide administrative, surveillance, and planning services to the Bay County Planning Board to integrate the Bay County Master Plan with the City's adopted Comprehensive Plan;

(4) Perform other planning functions or projects as requested by the City, including technical assistance, directed studies, research, analysis, neighborhood planning, and other related activities; and

(5) Coordinate the City's planning efforts and programs with those of other Bay County jurisdictions to facilitate the proper exchange of information, programs, and proposals, including assistance with mapping, information management, and socio-economic forecasting.

B. The Planning Board is hereby designated to advise the City Commission on the following matters:

(1) The extension of the City into adjacent territory;
(2) The improvements and changes in public utilities and transportation;
(3) The development and improvement of waterfronts;
(4) The location and design of public buildings, municipal decoration and ornamentation;
(5) Residential, commercial and industrial land use and extensions thereof;
(6) The existing park, recreation and transportation systems and any such extensions thereof as may be deemed advisable;

4. Membership.

A. The Planning Board shall consist of seven (7) members who shall be appointed by the City Commission, and shall be compensated for services at a rate of Twenty Dollars ($20.00) per month for each month in which at least one meeting was held. Board members shall serve staggered terms of three (3) years each. When a member's term expires, that member may reapply for that position along with any other interested persons. The Chairman shall notify the City Commission when a position on the Board becomes vacant in sufficient time to fill all positions.

B. When any vacancy occurs on the Planning Board, the City Commission shall appoint a new member to serve the unexpired term of the member whose death, resignation or incapacity creates the vacancy.

C. Any member of the Planning Board may be removed by the City Commission for good cause shown, but only upon request to the Commission of a majority of the members of the Board. Any such request shall be made by an official letter from the Planning Board to the City Commission, stating the facts of the case and requesting removal of the member for cause. Removal shall create a vacancy which shall be filled as provided in subsection (B).

D. All members of the Planning Board shall be residents and qualified electors of the City.

5. Member Attendance.

In order for the Planning Board to carry out its duties and responsibilities to the best of its ability, it is necessary for all members to attend all meetings. The Board shall consider asking the resignation of any member who has been absent for three (3) consecutive regular meetings during the period of one (1) year.

6. Officers; Duties.

A. The officers of the Planning Board shall be:

(1) A chairman, who shall preside at all meetings and shall have special duties as further prescribed herein and shall have the authority to preside at any adjourned meeting, or at any called or special meeting;

(2) A vice-chairman, who shall, in the absence of the chairman, or his inability to act, preside at all regular meetings, adjourned meetings and public hearings of the board and shall have the powers to function in the same capacity as the chairman; and

B. The chairman of the Planning Board shall be a member of the board and shall serve for a term of two (2) years. At the expiration of the term of each chairman, the vice-chairman shall become chairman. If the office of chairman becomes vacant, the vice-chairman shall become chairman to serve the remainder of that term in addition to his own succeeding term.

C. The vice-chairman shall be appointed by the City Commission. The appointee shall be a member of the Planning Board with sufficient remaining term to serve as vice-chairman and chairman while still a member of the board.

7. Meetings.

A. Regular planning board meetings shall be held twice a month on the first and third Tuesdays of each month at 7:00 p.m. in the City Hall Commission Meeting room. Matters presented to the Board between meetings shall be held by the secretary until the next regular or special meeting.

B. Adjourned, called or special meetings may be held at any time or place by the Planning Board, provided, that any such meetings shall be held as required, subject to the call of the chairman or in his absence, the vice-chairman. Upon written request of three (3) members of the Board, a special or called meeting shall be held by the chairman, or in his absence, by the vice-chairman or in the absence of both the chairman and the vice-chairman, by the secretary, who shall preside for the purpose of electing a temporary chairman for the special or called meeting.

C. A secretary who is a staff person of the Planning Department shall keep a written record of all business transacted by the board, serve notification to all members of all meetings, keep on file in the City Clerks' office all official records of the board, certify all maps, records and reports of the board, handle correspondence and serve notice to the City Clerk of all hearings and public meetings in accordance with the provisions of this article. The City Clerk shall be responsible for providing public notice to the media and to the public.

8. Meetings; Meetings Open To Public; Notice; Rezoning.

A. All meetings of the Planning Board and any committee thereof shall be open to the public who shall be allowed a reasonable opportunity to comment upon matters before the Board. Legal notice of any such meetings and the matters to be considered shall be published at least once, not less than three (3) days nor more than fifteen (15) days prior to the meeting, in a newspaper of general circulation within the city.

B. The Planning Board shall not reconsider or hold any rehearing upon any rezoning request upon which it has made a prior recommendation, either favorable or unfavorable, until at least three (3) months have expired from the date of the last recommendation.

9. Quorum.

For the purpose of transacting business at any regular, adjourned, special or called meeting, four (4) members shall constitute a quorum and an affirmative vote of the majority shall be required to pass on any matter.

10. Order of Business.

A. At regular or regular adjourned meetings, the general order of business before the Planning Board shall be as follows:

B. Call to order by the chairman, vice-chairman or temporary elected chairman;
C. Roll call;
D. Determination of a quorum;
E. Approval of the minutes of the last preceding meeting;
F. Adoption of the agenda;
G. Old business;
H. New business; and
I. Adjournment.

J. The order of business for called or special meetings shall be as follows:

(1) Call to order by the chairman, vice-chairman or temporary elected chairman;

(2) Roll call;

(3) Determination of a quorum;

(4) Business which is the subject of the special or called meeting; and

(5) Adjournment.

K. In order to provide an opportunity for the discussion of problems and business before the Planning Board prior to the making of a motion, it shall be the duty of the chairman or acting chairman to state the matter of business to the board and to provide a period of discussion of the facts relevant to the problem prior to entertaining a motion relative to the items of business. However, after a motion is made and seconded, the chairman may ask for additional discussion if deemed necessary.

L. Citizens present having business before the planning board shall be invited to speak at the time the matter with which they are concerned is brought before the board. If in the opinion of the chairman time limitations are necessary in order to carry out the agenda, the chairman may place time limits for each speaker appearing before the board.

11. Voting.

A. A vote on each matter must be recorded for each member unless otherwise provided by law. The secretary shall record the vote.

B. The chairman shall be an ex officio member on all committees, both standing and special, but shall have no vote in committee.

12. Parliamentary Procedure.

All general and special meetings and committee meetings of the planning board shall be conducted in accordance with parliamentary procedure established by the Chairman of the Planning Board.

13. By-Laws.

The planning board, to the extent not inconsistent herewith, may enact by-laws to govern its operation and procedure. In the event of any conflict between the provisions of this article or any amendments thereto and the by-laws, this article shall prevail.

14. Minutes.

A. The Planning Department shall keep a record of minutes of all meetings, and these minutes shall become a public record after approval by the Board.

B. It shall be the duty of the Planning Department to prepare minutes for all regular, adjourned, special and called meetings of the Planning Board.

C. The Planning Department shall have all minutes signed by the chairman or acting chairman after their preparation and acceptance by the Planning Board, certifying that the minutes are an accurate and correct record of the proceedings of the meeting.

15. Committees.

A. Special or standing committees of at least three (3) members each may be appointed by the Planning Board from time to time for the purposes of gathering facts, analyzing findings and making recommendations to the board as a whole.

B. The committees of the Planning Board may, without limitation, be as follows:

(1) Zoning committee;

(2) Subdivision committee;

(3) Land use committee;

(4) Street, traffic and parking committee;

(5) Parks, recreation and beautification committee; and

(6) Public buildings, works and facilities committee.

C. The members of any standing committee shall be appointed at the first regular meeting in January of each calendar year. The members of any such standing committees shall serve for the term of one (1) year or until their successor shall be appointed.

D. No committee member shall have a financial interest in matters before the committee.

E. Any committee chairman or acting chairman may appoint any Planning Board member, not regularly assigned to his committee, to fill the vacancy of a regular committee member.

16. Transition from Existing Planning Board.
The Chairman of the Planning Board shall determine the terms of the existing members to ensure compliance with the terms set forth herein.

SECTION 15.315 BOARD OF ADJUSTMENT.

(a) Creation and membership. There is hereby created a Board of Adjustment (BOA) of the City of Callaway, Florida; BOA to consist of five (5) members appointed from among the electors of the City by the Mayor and City Commission.

None of the members of said BOA shall hold any other public office or position in the City. The terms of office for each member of the BOA shall be for three (3) years and no member shall serve more than three (3) consecutive three-year terms. Members shall serve until their successors are duly appointed. Any member may be removed from office by the City Commission for justifiable cause. Any vacancy which occurs shall be filled in accordance with the appointment procedure for the unexpired term. The BOA members

shall be compensated for services at a rate of Twenty Dollars ($20.00) per month for each month in which at least one meeting was held. Compensation shall be paid once per year during the month of December.

(b) Officers. During the first meeting in October of each year, the BOA shall elect from its membership, a Chairman and Vice Chairman, both of whom shall serve for one (1) year or until they are re-elected or their successors are elected. The Vice Chairman shall take on all the duties and authority of the Chairman in his absence at official meetings of the BOA.

(c) Powers and duties. The Board of Adjustment shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Director of Planning in the administration and enforcement of this Chapter.

(2) To authorize variances from the provisions of sections specifically enumerated in Article VIII of this Charter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the BOA that:

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, and

The application of the provisions of this charter to the particular piece of property would create an unnecessary hardship, and

Such conditions are peculiar to the particular piece of property involved, and

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this LDR.

(3) To authorize a special exception or use as a permitted departure from the restrictions of the ordinance to permit otherwise prohibited uses under specified conditions. A "special exception" is defined as a "use that would not be appropriate generally but which, if controlled as to

number, would not adversely affect the public health and the general welfare". Such exceptions or uses may be permitted only if specific provisions and standards for such exceptions are made in the ordinance.

No variance shall be granted for a use of land or building or structure not permitted by this LDR. In permitting any variance from the terms of this LDR, the BOA shall prescribe any conditions deemed necessary or desirable for the public interest and shall fully set forth in its findings the reasons for permitting any variance from the terms of this Chapter. Any variance which is granted shall be the minimum variance which makes possible the reasonable use of the property.

(d) To act in an advisory capacity to the City Commission and to make recommendations to the City Commission from time to time concerning the need to study, revise, or amend City codes and ordinances affecting the growth and development of the City in an orderly and efficient manner.

(e) General rules of procedure.

(1) Adoption of rules. The BOA shall have the authority to adopt rules of procedure after said rules have been reviewed and approved by the City Attorney.

(2) Meetings. The BOA shall hold regular meetings at least once a month in each calendar year, provided petitions have been filed for consideration by the BOA.

(3) Quorum constituted. All official actions of the BOA shall require an affirmative vote thereon by no less than three (3) members.

(4) Minutes. Minutes of the proceedings of the BOA shall be kept, showing the vote of each member upon each questions and shall be filed in the office of the City Clerk and in the office of the Director of Planning and shall be a public record.

(5) Decisions to be by motion. The decisions of the BOA shall be by motion, which motion shall contain a statement of the basis of said decision or action. The applicant shall be notified, in writing, of the BOA's decision.

(6) Appeals. Appeals to the BOA may be taken by any person affected by a decision of the Director of Planning.

a. Such appeals shall be filed within ten (10) days of notice of the decision appealed from, by filing with the Director and the BOA, a written notice specifying the grounds thereof. The Director shall forthwith transmit to the BOA all the papers containing the record upon which the action appealed from was taken.

b. No appeal requesting the same relief in regard to the same property shall be received or heard by the BOA for a period of twelve (12) months following the date of any action taken by the BOA in the matter, except that this limitation shall not affect the right of the BOA to grant a rehearing as provided in the rules of procedure adopted by the BOA.

c. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Director certifies to the BOA, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property.

d. In each case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BOA or by a court of record on application, on notice to the Director of Planning, or on due cause shown.

e. The appellant and any other public agency or private individual shall be entitled to present evidence on matters before the BOA and the BOA may request technical service, advice, or factual evidence from the City of Callaway Planning Board and the City Commission for assistance in reaching decisions.

f. The City of Callaway Planning Board, upon request of the BOA shall, or upon its own initiative, may render an advisory opinion in writing upon the matter before the Board; and the City of Callaway Planning Board and the BOA shall confer whenever mutually desired.

(7) Authority to reverse, affirm or modify orders, etc. In exercising its powers, the BOA may, in conformity with the provisions of the zoning code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Director.

(8) Carrying out decisions. It shall be the duty of the Director to carry out the decisions of the BOA.

(9) Time limit for establishment of variance or special exception. Any variance or special exception approved under the provisions of this Section shall be automatically revoked unless substantially established as proposed within one hundred-eighty (180) calendar days of the date of approval; provided, however, that the BOA may grant an extension of its approval for one additional period of one hundred-eighty (180) calendar days, subject to the following conditions:

a. The ownership of the subject property shall not have changed from that submitted in the original application as approved.

b. The proposed construction shall not be in conflict with any amendment to this LDR or with any State or City law, ordinance or regulation placed into effect since the date of original approval.

(10) Time limit for withdrawn petitions. Any request for approval of a variance or special exception under the provisions of this Section withdrawn by the petitioner or his duly authorized representative and resubmitted to the BOA after ninety (90) calendar days of the date of withdrawal, shall be considered a new petition and assessed the applicable fees.

(11) Disapproval of application or appeal; proceeding prohibited. It shall be unlawful for the appellant to proceed with the erection or alteration of a proposed building or to proceed with the proposed use of a building or land, for which the BOA shall have disapproved an application or appeal.

(12) Filing requirements; erection of sign.

a. Appeals and requests for a variance or special use shall be made on forms provided therefor and all information required for such forms will be furnished by the appellant with a fee of $250 for staff review, copying and advertising costs. No application shall be accepted by the BOA unless it contains all pertinent information and the $250 fee.

b. Within three (3) days after acceptance by the BOA of an application requiring a public hearing, the Director shall have a sign erected on the land with which the appeal or request is concerned.

c. Said sign shall show that a zoning appeal or request is in process and shall show the application number, the type of relief sought, the scheduled date, time and place of public hearing to be held and the telephone number to call for further information.

d. Said sign shall be maintained upon the subject land until the public hearing has been held.

(13) Public hearing.

a. Before making its decision on any appeal, request for variance or any other matter within the BOA's purview, the BOA shall hold a public hearing thereon; provided, however, that no public hearing shall be required with respect to the following matters unless called for by the affirmative vote of three (3) members of the BOA:

An appeal from a decision of the Director with respect to an interpretation of a provision of this Section.

A request for variance or exceptional use involving the waiving of the provisions of this Section as applied to a lot or land parcel of record where the relief sought is based on demonstrable hardship and where the circumstances involved are unique to the particular lot or land parcel involved.

b. Appeals and applications filed in proper form shall be numbered serially, docketed and placed upon the calendar of the BOA.

c. The calendar of appeals to be heard at each public meeting shall be posted conspicuously in the office of the Director for at least ten (10) days prior to the date of each hearing.

d. At least ten (10) days notice of the time and place of such hearing shall be sent to the appellant or petitioner, to the City of Callaway Planning Board and to the owners of all properties lying within one hundred (100) feet of the perimeter of the property with which the hearing is concerned and to the Director.

e. The BOA shall give public notice of the hearing in a newspaper

authorized to publish legal notices for the City and said notice shall be published at least ten (10) days prior to the date of the public hearing.

f. The BOA may, in its discretion, send notices of hearing to other interested parties, organizations, or agencies.

g. Such notice shall contain the name of the appellant or petitioner, the date, time and place fixed for the hearing, and a brief statement of the error alleged by the appellant, or of the variance or other relief requested.

h. Hearings may be adjourned from time to time and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice of such continued hearings shall be required; otherwise notice thereof shall be given as in the case of the original hearing.

i. Any party may appear at the public hearing in person or by agent or by attorney.

j. An application for a rehearing may be made in the same manner as provided for an original hearing.

k. An application for rehearing shall be denied by the BOA if from the record it shall appear that there has been no substantial change in facts, evidence or conditions.

l. The BOA shall reach a decision following a public hearing within a reasonable period of time; however, said period shall not exceed forty-five (45) days.

m. If an appeal or application is not acted upon finally by the BOA within forty-five (45) days following a public hearing thereon, said application or appeal shall be deemed to have been approved by the BOA.

(f) Appeal from Board's decision.

The Board of Adjustment shall be the final authority concerning all matters brought before it under the provisions of this Chapter and there shall be no further appeals of its decisions to the City Commission of the City of Callaway, Florida. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, may present to the Circuit Court, as provided by statute, a petition for the issuance of a Writ of

Certiorari, duly verified, setting forth that such decision is illegal, in all or in part, specifying the grounds of the illegality in the manner and within the time provided by the Florida Appellate Rules.

SECTION 15.320 ENFORCEMENT OF MUNICIPAL CODES OR ORDINANCES; PENALTIES

Unless another penalty is expressly provided in these Land Development Regulations or the City's Code of Ordinances, a violation of any provision of the City Land Development Regulations, or any provision of any rule or regulation adopted or issued pursuant thereto, shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment in the discretion of the court.

SECTION 15.325 DEPARTMENT OF PLANNING

The Department of Planning has primary responsibility for the enforcement of the City's Land Development Regulations and Comprehensive Plan. The Department combines and coordinates the functions and activities of planning as it relates to land use, level of service concurrency, building, planning and zoning, permitting and code compliance. It receives, prepares, reviews, evaluates, processes, coordinates, and conducts research for site plans, plats, rezoning, variances, land use plan amendments and comprehensive plans. The Department is responsible for the liaison and coordination with the Planning Board regarding all matters related to the City's Land Development Regulations and Comprehensive Plan. It also provides zoning reviews of applications for occupational licenses and building permits. The Department of Planning has the responsibility for the Code Enforcement activities of the City which routinely performs complaint investigations of reported land use violations and other code violations, as well as periodic inspections of neighborhoods for code compliance with zoning and property maintenance standards. Many code enforcement activities concerning building codes are coordinated and shared with the Building Department.

SECTION 15.330 DEPARTMENT OF PUBLIC WORKS

The Department of Public Works has primary responsibility for coordinating, reviewing, evaluating and approving all design plans for the construction, modification, alteration and major repair of public buildings, public facilities, and all public infrastructure, including water, sewer, paving and drainage prepared and presented by consulting engineers or private developers. The Department has a limited in-house capability for design support services. This Department is also responsible for coordinating, reviewing, evaluating and approving the technical design of transportation systems and facilities. The Department provides resident inspection services or arranges for the provision thereof from consultants during construction.

The Department, in coordination with the Department of Planning, reviews and approves all plats; applications for excavation/fill permits; acquisition, dedication and abandonment of easements and rights-of-way; and all construction plans within the flood zones. The Department is responsible for developing and establishing all technical standards for public construction and development. The Department has primary responsibility for developing and enforcing the City's master drainage plan, and the Department of Public Works is primarily responsible for the monitoring of all water and sewer agreements with the City of Callaway and all water and sewer master plans. The Department provides technical support to all other departments and provides inspections for on-site infrastructure, roads and parking facilities.

SECTION 15.335 BUILDING DEPARTMENT

The Building Department reviews all building plans for technical compliance with applicable construction codes and standards; schedules and conducts all inspections required as conditions for approval, including building, electrical, plumbing, gas and mechanical inspections. This Department also reviews all conditions for construction authorizations and ensures satisfaction prior to granting inspection approvals and/or releases for certificates of occupancy. The Building Department inspects each building space for "commercial" and "office" occupancy to ensure the premises are suitable to the occupant and consistent with Code requirements and standards. The Department receives applications and prepares all permits--building, electrical, plumbing, gas, mechanical, parking lot, irrigation, foundation and other miscellaneous permits. The Department also coordinates the collection of all applicable development, inspection, and review fees and is the focal point for ensuring that all conditions prerequisite to the issuance of permits have been satisfied, and that other conditions for development are included on the permit. The Building Department also assists in the preparation and issuance of all competency certificates to qualified persons/contractors by verifying qualifications prior to accepting applications or issuing permits.

ARTICLE IV. RELATION TO COMPREHENSIVE PLAN AND LAND USE

(Amended by Ord. 904 - 11/23/2010)

SECTION 15.400 PURPOSE

Each municipality in the State is required, by Chapter 163.3202(1), Florida Statutes, to "adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan." Pursuant to Chapter 163.3194(2), Florida Statutes, and Chapter 75-390-37, Laws of Florida, the City of Callaway Planning Board is required to review proposed land development regulations and advise the City Commission of the proposed regulations' compliance with State law and of their consistency with the adopted Comprehensive Plan. The City of Callaway has adopted a unified Land Development Code necessary to implement the adopted Comprehensive Plan. Florida Statutes, §163-3202(2), identifies those minimum "specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan." To ensure that minimum criteria in Florida Statutes are met, the Code contains the following articles:

Article IV: Relation to Comprehensive Plan and Land Use
Article V: Zoning
Article VI: Development Orders
Article VII:Design Standards and Development Criteria
Article VIII:Non-Conforming Uses
Article IX: Level of Service Requirements and Maintenance

Development orders or land development regulations are consistent if the land uses, densities or intensities, and other permitted development aspects are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan. The specific intent of the land use plan categories are defined by the Future Land Use Element. They provide a narrative and standards to guide land uses and are based on an intensity compatibility concept, a land use hierarchy relation use intensities to their location relative to other uses. Callaway's development code provides the framework by which goals for neighborhood preservation, community development, downtown redevelopment, historic preservation, environmental protection, and growth management are to be reached.

For the purpose of this Article, the following land use designations as established in the Comprehensive Plan for the City of Callaway, Florida, and incorporated herein, shall apply to all new development and redevelopment within the corporate boundaries of the City:

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
C	Commercial

IND	Industrial
PF	Public Facilities
MU	Mixed Use
REC	Recreation
CON	Conservation
R-C/H	Residential-Conservation/Habitation
AG	Agriculture

SECTION 15.405 LAND USE DESIGNATION DESCRIPTIONS AND CRITERIA

(a) Low Density Residential

(1) Category Intent: The general intent of the Low Density Residential future land use category is to provide safe, quiet and attractive environments for people to live. Neighborhood parks, scenic open space, and certain small scale institutional uses and public facilities serving neighborhood residents are often integral parts of these residential areas. These areas are the least intensely developed residential areas of the City.

(2) Permitted Land Uses: Single family homes, large lot or estate housing, and mobile homes on individual lots are the predominant use in these areas, although other housing and development approaches can also be integrated at lower densities.

(3) Density/Intensity: Low Density Residential shall not exceed a density of more than 6.99 residential units per gross acre. The intensity for this category shall not exceed more than 50% lot coverage as determined by dividing the impervious surface areas by the gross area of the site or lot. The maximum building height shall be fifty (50) feet.

(4) Development Standards and Techniques: Innovative development standards and principles are encouraged.

a. Promote walking and cycling through the use of access management best practices and interconnections. When feasible, provide for vehicular and pedestrian interconnections between compatible uses internal and external to the Low Density Residential future land use category. Feasibility shall be determined by the reviewing agency at the time of site plan and/or subdivision review.

b. Help preserve the local ecology by maximizing the use of native vegetation in landscaping plans.

(b) **Medium Density Residential**

(1) Category Intent: The general intent of the Medium Density Residential future land use category is to provide safe, quiet and attractive environments for people to live. An important aim in medium density residential areas is to allow individuals to enjoy personal space in a cohesive neighborhood setting.

(2) Permitted Land Uses: Predominant uses in these areas typically feature single family residences, some nonconforming mobile home parks, and lower density multi-family residences such as duplexes, triplexes, and low density apartments. Other types of accessory uses and uses requiring special approval may also be permitted in Medium Density Residential. The medium density category allows for all low density uses.

(3) Density/Intensity: Medium Density Residential shall have density of 7 units per acre to 8.99 units per acre. The intensity for this category shall not exceed more than 50% lot coverage as determined by dividing the impervious areas by the gross area of the site or lot. The maximum building height shall be fifty (50) feet. Commercial and public facilities designed to serve the immediate neighborhood and developed at intensities up to 0.25 FAR may be permitted in appropriate locations.

(4) Development Standards and Techniques: Innovative development standards and principles are encouraged.

a. Promote walking and cycling through the use of access management best practices and interconnections. When feasible, provide for vehicular and pedestrian interconnections between compatible uses internal and external to the Medium Density Residential future land use category. Feasibility shall be determined by the reviewing agency at the time of site plan and/or subdivision review.

b. Help preserve the local ecology by maximizing the use of native vegetation in landscaping plans.

(c) **High Density Residential**

(1) Category Intent: The general intent of the High Density Residential future land use category is to provide safe, quiet and attractive environments for people to live. In exchange for less personal space, the area should offer benefits such as better accessibility to work and shopping areas, more common recreational facilities and open space, and housing cost savings.

(2) Permitted Land Uses: Predominant uses in these areas typically feature multifamily residences such as apartments, condominiums, and townhomes and duplexes, and some nonconforming mobile home parks. Other types of accessory uses and uses requiring special approval may also be permitted in High Density Residential. The high density category allows for all low and medium density uses.

(3) Density/Intensity: High Density Residential shall not exceed a density of 20 units per gross acre. The intensity for this category shall not exceed more than 50% lot coverage as determined by this size of the lot compared to the amount of the impervious roof and driveway/parking lot surface. The maximum building height shall be fifty (50) feet. Commercial and public facilities developed at intensities up to 0.35 FAR may be allowed in appropriate locations.

(4) Development Standards and Techniques: Innovative development standards and principles are encouraged.

a. Promote walking and cycling through the use of access management best practices and interconnections. When feasible, provide for vehicular and pedestrian interconnections between compatible uses internal and external to the High Density Residential future land use category. Feasibility shall be determined by the reviewing agency at the time of site plan and/or subdivision review.

b. Help preserve the local ecology by maximizing the use of native vegetation in landscaping plans.

(d) **Commercial**

(1) Category Intent: The general intent of the Commercial future land use category is to provide activities that offer goods and services for residents and businesses of the urban area. Residential uses may be

included as a component of planned developments.

(2) Permitted Land Uses: Predominant uses in the commercial areas ~~of~~ typically include, but are not limited to, retail and wholesale trade, professional offices, hotels, motels, restaurants, service outlets, automobile service stations, and repair facilities.

(3) Density/Intensity: The Commercial future land use category shall be limited to an intensity of no more than 90% lot coverage as determined by dividing the impervious areas by the gross area of the site or lot, and no more than fifty (50) feet in building height.

(e) **Industrial**

(1) Category Intent: The general intent of the Industrial future land use category is to provide activities for light manufacturing.

(2) Permitted Land Uses: Predominant uses in these areas typically feature light manufacturing and production operations.

(3) Density/Intensity: The Industrial future land use category shall be limited to an intensity of no more than 90% lot coverage as determined by dividing the impervious areas by the gross area of the site or lot, and no more than 50 feet in building height.

(f) **Public Facilities**

(1) Category Intent: The general intent of the Public Facilities future land use category is to provide activities for public, educational, and institutional uses.

(2) Permitted Land Uses: Predominant uses in these areas typically include, but are not limited to, public buildings and grounds, public utilities and maintenance yards, educational facilities, churches, clubs, and health centers.

(3) Density/Intensity: The Industrial future land use category shall be limited to an intensity of no more than 90% lot coverage as determined by dividing the impervious areas by the gross area of the site or lot. The maximum building height shall be fifty (50) feet.

(g) **Mixed Use**

(1) Category Intent: The general intent of the Mixed Use future land use category is to provide a flexible, alternative land use category to encourage imaginative and innovative design for the unified development of tracts of land, within overall density and use guidelines established herein. This category is characterized by a mixture of functionally integrated land uses.

The Mixed Use future land use category is specifically intended to:

a. Promote more efficient and economic uses of land.
b. Provide design flexibility to meet changing needs, technologies, economics, and consumer preferences.
c. Promote efficient and integrated networks of vehicular and pedestrian roadways, paths, and connections.
d. Encourage retention of environmentally sensitive features by using techniques such as clustering development on the least environmentally sensitive portions of the site.
e. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
f. Permit the combining and coordinating of land uses, residential types, building types, and building relationships within a planned development.
g. Promote compatibility with surrounding residential land uses.
h. Coordinate the timing and sequencing of development with the availability of public facilities.
i. Encourage the use of sound planning and design techniques to achieve overall coordinated development, eliminating the negative impacts of unplanned and piecemeal development.

(2) Permitted Land Uses: Permitted land uses shall consist of the following land uses, as defined in the definition section of the City of Callaway Land Development Regulations (Section 15.205) or as used throughout the Land Development Regulations: Residential (residential single-family, residential multi-family), Commercial uses, Office building or complex, Facilities (recreational uses, public facilities or improvements), Institutional (churches, schools), and Light Industrial uses. Light industrial uses is defined as the use of land for the finishing of products composed of previously manufactured component parts; and any manufacturing, storage, or distribution of products unlikely to cause objectionable impacts, such as odor, noise, fumes or dispersion of waste, or radiation to be detected off-site.

(3) Mixture of Land Uses: Properties in this category are required to be developed with at least 2 of the land use types listed in the Permitted Land Uses section of this policy, none of which may be less than 25% of the total land area. If the Facilities or Institutional Land Uses are to be used, the required mix of uses increases to 3 land use types, none of which may be less than 10%. All of the land uses do not have to be developed at the same time, nor is one land use a prerequisite to another land use. For the purposes of this section, "properties" refers to the overall parent parcel of land that is assigned the Mixed Use future land use category and not individual pods, units, tracts, or lots within the parent parcel of land.

(4) Density/Intensity: Density for Residential Land Uses: Residential densities shall not exceed a gross density of 20 dwelling units per acre. The base density for the category shall be 15 units per acre. If a minimum of 25% of dwelling units are provided as affordable housing, as defined in Housing Element Policy 8.1, an additional three dwelling units per acre shall be allowed. If transit friendly development or multi-modal transportation features are incorporated into the development plan, an additional two dwelling units per acre shall be allowed. Intensity for Non-Residential Land Uses: Non-residential land uses shall not exceed a Floor Area Ratio of 0.5. Zoning districts that implement the Mixed Use future land use category may be subject to stricter density or intensity standards. Clustering is encouraged to minimize impacts to environmentally sensitive lands. The maximum building height shall be fifty (50) feet.

(5) Development Standards and Techniques: The Mixed Use land use category is intended to permit flexibility in development without an increase in overall density or intensity of development while promoting compatibility with adjoining development. Innovative development standards and principles are encouraged. At a minimum, development standards will include, but not be limited to the following:

a. Preserve roadway capacity, reduce trip lengths, and promote walking and cycling through the use of access management best practices and interconnections. When feasible, provide for vehicular and pedestrian interconnections between compatible uses internal and external to the Mixed Use future land use category. Feasibility shall be determined by the City at the time of site plan and/or subdivision review.

b. Protect adjoining residential areas from incompatible development through the provision of buffers. Provide a minimum 25 foot landscape buffer around those segments of the perimeter of the Mixed Use future land use development that adjoin an existing residential area. Environmentally

sensitive lands and their buffers and/or opaque fences and walls may be used to comply with all or portions of this requirement. Walls and fences seen from the public right-of- way shall meet standards for durability and aesthetics. Specific standards of the buffer shall be determined by the City at the time of site plan and/or subdivision review. Buffering internal to the Mixed Use future land use development shall not be required by this provision if the implementation of the Mixed Use future land use category is through the "Planned Development" zoning district.

c. Provide flexibility in site design to preserve environmentally sensitive lands. This flexibility may include, but is not limited to clustering development away from environmentally sensitive lands and allowing gross densities or intensities to be calculated on the overall site.

d. Help preserve the local ecology by maximizing the use of native vegetation in landscaping plans.

e. Help promote energy conservation by incorporating energy saving principles as part of site planning and building design.

(6) Transit Friendly Development and Multimodal Facilities: Transit Friendly Development should include a transit stop coupled with a core commercial area with residential and/or employment uses within walking distance. To support a feeder bus line, a Transit Friendly Development should have a minimum residential density of 8 units per acre or a jobs density of 25 jobs per acre. A development that contains multimodal facilities should have continuously linked walkways, pedestrian-oriented design, access to transit, be of a walkable scale, have bicycle lanes, and secure storage for bicycles. Aspects of Transit Friendly Development and Multimodal facilities are not limited to the features listed above. Granting the density bonus related to Transit Friendly Development and multimodal facilities shall be at the discretion of the City Planning Department and City Commission.

(7) Unified Ownership: A property must be under single ownership or under unified control at the time the Mixed Use future land use category is assigned.

(8) Zoning Implementation: The Mixed Use future land use category may be implemented through the "Planned Development" zoning district or any other zoning district or combination of zoning districts found to be consistent with the Mixed Use future land use category.

(h) **Recreation**

(1) Category Intent: The general intent of the Recreation future land use

category is to provide for areas containing major existing and proposed parks and recreational facilities. Community parks should be located in proximity to residential areas.

(2) Permitted Land Uses: Predominant uses in these areas typically include neighborhood and community parks, spectator sports facilities, and certain pastoral open space areas. Typical recreational land uses include outdoor courts and ball diamonds. Recreational water uses and natural recreation amenities are also typical in this category.

(3) Density/Intensity: The Recreation future land use category shall be limited to an intensity of no more than 90% lot coverage as determined by dividing the impervious areas by the gross area of the site or lot. The maximum building height shall be fifty (50) feet.

(i) **Conservation**

(1) Category Intent: The general intent of the Conservation future land use category is to provide for the protection of environmentally sensitive areas, and to protect valuable and natural resources such as wetlands, some forests, floodplains, and flood prone areas. Very little development exists or shall be permitted in these areas.

(2) Permitted Land Uses: Predominant uses in these areas are generally limited to recreational and water dependent uses. Development is strictly regulated in these areas. Typical features include wetlands, seagrass beds, water bodies, some forests, floodplains, and/or flood prone areas.

(3) Density/Intensity: There shall be no construction in the conservation areas defined by wetlands, seagrass beds, or water bodies, except as provided by law.

(j) **Residential-Conservation/Habitation**

(1) Category Intent: The general intent of the Residential-Conservation/Habitation future land use category is to provide for a combination of limited residential development and conservation. This will be achieved through regulation, and the encouragement of innovative development techniques such as clustering, intended to avoid damage to locally significant resources.

(2) Permitted Land Uses: Predominant uses in these areas typically include recreational, public/institutional, residential, planned developments, and

docks.

(3) Density/Intensity: Residential-Conservation/Habitation shall not exceed a density of two (2) units per gross acre. The intensity for this category shall not exceed more than 50% impervious surface coverage. The maximum building height shall be fifty (50) feet.

(k) **Agriculture**

(1) Category Intent: The general intent of the Agriculture future land use category is to provide for land uses for the production of food and support of uses, agricultural sales outlets, silvaculture production and harvesting, and land lying fallow which is part of a parcel that is currently or has previously been agriculturally productive.

(2) Permitted Land Uses: Predominant uses in these areas typically include production of food and support uses, agriculture sales outlets such as farmers markets, silvaculture production and harvesting. Single family residential units may also be developed on agricultural lands.

(3) Density/Intensity: Agriculture shall not exceed more than one (1) dwelling unit per ten (10) acres. The maximum building height shall be fifty (50) feet.

SECTION 15.410 FUTURE LAND USE MAP

(a) The location and boundaries of land use category designations established with the City of Callaway are shown on the map entitled "Future Land Use Map - City of Callaway," as such map may be amended from time to time. Said map sections or portions thereof, together with all dimensions, designations, references and other data shown thereon, are hereby adopted and made part of this article to the same extent as if the information set forth in said map were fully described and incorporated herein.

(b) The official, adopted future land use plan map shall be located at the office of the Director of Planning, City of Callaway, and shall be the final authority as to the current land use plan status of lands within the City.

SECTION 15.415 INTERPRETATION OF LAND USE PLAN DESIGNATIONS LINES

The location of land use plan designations shown on the future land use plan map shall be

determined by the following rules:

(a) Land use plan designations are intended to follow center lines of streets or alleys, street or railroad right-of-way or watercourses or be parallel or perpendicular thereto, unless said land use plan lines are fixed by dimensions as shown on the future land use map.

(b) Where land use plan lines approximately follow city limits, said limits shall be construed to be said boundaries.

(c) The location of any said boundary shall be established property boundaries at the time of the plan adoption or specific map amendment.

(d) If, after the application of the foregoing rules, uncertainty exists as to the exact location of a land use plan designation on the future land use map, where the location cannot be directly determined to coincide with any natural or man-made feature, or where the record clearly indicates an error was made in the location of a line on the map, the boundary shall be mutually determined by the directly affected owner(s) or agent(s) and by the staff of the Department of Planning. A written determination shall be made upon a written request being filed by an affected property owner with the Director. In the event an interpretation is not made within thirty (30) days of the receipt of a written request, the requesting party may elect to request a boundary interpretation from the City Commission.

SECTION 15.420 LAND USE PLAN CATEGORY STANDARDS

Land Use Category	Intensity	Density	Building Height
Low Density Residential	50%	(0-6.99 du/ga)	50 ft.
Medium Density Residential	50%	(~~0~~-7-8.99 du/ga)	50 ft.
High Density Residential	50%	(9-20 du/ga)	50 ft.
Commercial	90%	N/A	50 ft.
Industrial	90%	N/A	50 ft.
Public Facilities	90%	N/A	50 ft.
Mixed Use	(0.5 FAR)	(15-20 du/ga)	50 ft.
Recreation	90%	N/A	50 ft.
Conservation	N/A	N/A	N/A
Residential-Conserv./Hab.	50%	(2 du/ga)	50 ft.
Agriculture	N/A	(1 du/per 10 acres)	50 ft.

SECTION 15.425 ZONING DISTRICT CODE/LAND USE PLAN CATEGORY MATRIX

The Zoning District Code/Land Use Plan Category Matrix defines permissible relationships between the future land use Plan categories and the City's zoning districts.

ZONING DISTRICT/LAND USE PLAN CATEGORY MATRIX

	Land Use Category										
	LDR	MDR	HDR	C	IND	PF	MU	REC	CON	R-C/H	AG
Zoning District											
R-10	Y	Y	Y	N	N	N	Y	N	N	N	N
R-9	Y	Y	Y	N	N	N	Y	N	N	N	N
R-7.5	Y	Y	Y	N	N	N	Y	N	N	N	N
R-7	Y	Y	Y	N	N	N	Y	N	N	N	N
R-6	N	Y	Y	N	N	N	Y	N	N	N	N
R-6M	N	Y	Y	N	N	N	Y	N	N	N	N
R-5	N	Y	Y	N	N	N	Y	N	N	N	N
R-5M	N	Y	Y	N	N	N	Y	N	N	N	N
R-MF	N	Y	Y	N	N	N	Y	N	N	N	N
MFHD	N	Y	Y	N	N	N	Y	N	N	N	N
MFHD-M	N	Y	Y	N	N	N	Y	N	N	N	N
MFMD	N	Y	N	N	N	N	Y	N	N	N	N
I-P	N	N	N	Y	Y	Y	Y	N	N	N	N
C-C	N	N	N	Y	Y	N	Y	N	N	N	N
C-S	N	N	N	Y	Y	N	Y	N	N	N	N
C-H	N	N	N	Y	Y	N	Y	N	N	N	N
PD	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
AG	N	N	N	N	N	N	N	N	N	N	Y

Y = Permitted Use

N = Non- permitted Use

SECTION 15.430 COMPREHENSIVE PLAN AMENDMENTS

Types of map and text amendments. A plan amendment is a change to the maps or text of the Comprehensive Plan. Amendments to the Comprehensive Plan are classified as either a Large Scale Plan Amendment or Small Scale Plan Amendment. Amendments to comprehensive plans shall be proposed and adopted pursuant to Chapter 163 of the Florida Statutes

ARTICLE V. ZONING

(Amended by Ord. 921 - 11/82011)

SECTION 15.500 PURPOSE

For the purpose of this Article, the following classifications of zoning districts are hereby established for use within the City of Callaway, Florida:

R-10	Single Family Residential
R-9	Single Family Residential
R-8	Single Family Residential
R-7	Single Family Residential
R-6	Single Family Residential
R-6M	Single Family (Mobile Home)
R-5	Single Family Residential
R-5M	Single Family (Mobile Home)
R-MFMD	Multi-Family Medium Density
MFHD	Multi-Family High Density
MFHD-M	Multi-Family High Density (Mobile Home)
I-P	Institutional-Professional
C-C	Community Commercial
C-S	Service Commercial
C-H	Highway Commercial
PD	Planned Development
AG	Agriculture
NTPSOD	North Tyndall Parkway Special Overlay District
CCUDOD	Central Corridors Urban Design Overlay District

SECTION 15.505 ZONING MAP

(a) The location and boundaries of zoning districts established within the City of Callaway shall be shown on the map entitled "City of Callaway, Florida Official Zoning Map", and may be amended subsequent to the adoption of zoning and rezoning ordinances. Said map sections or portions thereof, together with all notations, dimensions, designations, references and other data shown thereon, are hereby adopted and made part of this Article to the same extent as if the information set forth in said map were fully described and incorporated herein.

(b) The official zoning map shall be identified by the signature of the Mayor, attested to by the City Clerk, and bear the seal of the City of Callaway.

(c) Regardless of the existence of purported copies of the zoning map which may from time to time be made or published, the official, certified zoning map, which shall be located at the office of the Director of Planning, shall be the final authority as to the current zoning status of lands, buildings, and structures within the City.

SECTION 15.510 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The location of any zoning district boundaries shown on the zoning map shall be determined by the following rules:

(a) Zoning district boundary lines are intended to follow center lines of streets or alleys, street or railroad right-of-way or watercourses or be parallel or perpendicular thereto, unless said zoning district boundary lines are fixed by dimensions as shown on the zoning map~~;~~.

(b) Where zoning district boundaries approximately follow platted lot lines on the zoning map, said lot lines shall be construed to be said boundaries.

(c) Where zoning district boundaries approximately follow City limits, said limits shall be construed to be said boundaries.

(d) On unsubdivided property, or where a zoning district boundary divides a lot, the location of any said boundary, unless the same is indicated by dimensions shown upon the zoning map, shall be determined by the use of the scale shown upon said map.

(e) If, after the application of the foregoing rules, uncertainty exists as to the exact location of a zoning district boundary, the City Commission shall determine and fix the location of said boundary line following a public hearing. Notice of said public hearing shall be published at least thirty (30) days prior to the date of said hearing in a newspaper of general paid circulation in the municipality and shall contain the date, time, place and purpose of the hearing.

SECTION 15.515 R-10 SINGLE FAMILY RESIDENTIAL-ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-10 Single Family Residential zoning district shall be to designate and establish areas within the City of Callaway which are deemed to be uniquely appropriate for the development and maintenance of low density residential neighborhoods with ample open space and outdoor living areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable low density residential environment.

(b) **Permitted use:** Land and buildings within a R-10 Single Family Residential zoning district shall be used only for the following purposes:

(1) Dwelling, single family.

(2) Building or use owned or operated by the City of Callaway, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other recreational uses, or utility structures or stations owned or operated by the City of Callaway, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Use requiring special approval:** Land and buildings within a R-10 Single Family Residential zoning district may be used for the following purposes upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code of Ordinances:

(1) Church, synagogue, other place of worship or church school.
(2) College or university.
(3) Golf course (regulation size) and related buildings, structures, recreation uses, and service uses.
(4) Publicly owned or operated building or use, except buildings or uses owned or operated by the City of Callaway, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other public recreation uses.
(5) Public utility structure or station, except any such structure or station owned or operated by the City of Callaway, including transmission lines, poles, guywires, and pipelines as are necessary for the installation and
maintenance of approved utility services.
(6) School (private or parochial) offering a curriculum substantially equivalent to that of a public school with comparable grades and meeting the requirements of the State Department of Education.
(7) Recreational use for youths and for adults, operated and maintained by a non-for-profit organization and open to the general public; provided, however, that recreational uses owned, operated or maintained by the City of Callaway shall not require special approval.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 10,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 25 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.520 R-9 SINGLE FAMILY RESIDENTIAL-ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-9 Single Family Residential zoning district shall be to designate and establish areas within the City of Callaway which are deemed to be uniquely appropriate for the development and maintenance of a low density residential neighborhood with ample open space and outdoor living areas; and to designate those uses and services deemed appropriate to ensure a proper and desirable low density residential environment.

(b) **Permitted use:** Land and buildings within a R-9 Single Family Residential zoning district shall be used only for the following purposes:

(1) Dwelling, single family.
(2) Building or use owned or operated by the City of Callaway, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other recreational uses; or utility structures or stations owned or operated by the City of Callaway, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** Land and buildings within a R-9 Single Family Residential zoning district may be used for those uses permitted pursuant to Section 15.515(c), upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code of Ordinances.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 9,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 25 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.525 R-8 SINGLE FAMILY RESIDENTIAL-ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-8 Single Family Residential zoning district shall be to designate and establish areas within the City of Callaway which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods

with ample open space and outdoor living areas, to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings within a R-8 Single Family Residential zoning district shall be used only for the following purposes:

(1) Dwelling, single family.
(2) Building or use owned or operated by the City of Callaway, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other recreational uses; or utility structures or stations owned or operated by the City of Callaway, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** In addition to those uses requiring special approval pursuant to Section 15.520(c), land and buildings within a R-8 Single Family Residential zoning district may be used for the following purpose upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code of Ordinances. Child care facility (center): See Section 15.630 of the Callaway Land Development Regulations for site plan approval requirements.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 8,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 25 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.530 R-7 SINGLE FAMILY RESIDENTIAL-ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-7 Single-Family Residential zoning district shall be to designate and establish areas within the City which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods with ample open space and outdoor living areas, to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development

standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings within a R-7 Single-Family Residential zoning district shall be used only for the following purposes:

(1) Dwelling, single family.
(2) Building or use owned or operated by the City, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other recreational uses; or utility structures or stations owned or operated by the City, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** Land and buildings within a R-7 Single-Family Residential zoning district may be used for those uses permitted pursuant to Section 15.520(c) and 15.515(c) upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code of Ordinances.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 7,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 25 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.531 R-6 SINGLE-FAMILY RESIDENTIAL-ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-6 Single-Family Residential zoning district shall be to designate and establish areas within the City which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods with ample open space and outdoor living areas, to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings with a R-6 Single-Family Residential zoning district shall be used only for the following purposes:

(1) Dwelling, single family.
(2) Building or use owned or operated by the City, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other recreational uses; or utility structures or stations owned or operated by the City, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** Land and buildings within a R-6 Single-Family Residential zoning district may be used for those uses permitted pursuant to Section 15.520(c) upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code of Ordinances.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 6,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 20 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.532 R-6M SINGLE FAMILY RESIDENTIAL (MOBILE HOMES) - ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-6M Single Family Residential (mobile home) zoning district shall be to designate and establish areas within the City which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods with ample open space and outdoor living areas, to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings with a R-6M Single-Family Residential zoning district shall be used only for the following purposes:

(1) Mobile Home as single family dwellings.
(2) Single family dwelling.

(3) Buildings or use owned or operated by the City, including schools, libraries, museums, art galleries, community buildings, parks playgrounds, picnic areas, swimming pools or other recreational uses; or utility structures or stations owned or operated by the City, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** Land and buildings with a R-6M Single-Family Residential zoning district may be used for those uses permitted pursuant to Section 15.520(c) and 15.515(c) upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code Ordinances.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 6,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 20 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.533 R-5 SINGLE FAMILY RESIDENTIAL - ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-5 Single Family Residential zoning district shall be to designate and establish areas within the City which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods with ample open space and outdoor living areas, to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings with a R-5 Single-Family Residential zoning district shall be used only for the following purposes:

(1) Dwelling, single family.
(2) Building or use owned or operated by the City, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas swimming pools or other recreational uses; or utility structures or stations owned or operated by the City, including transmission lines, poles, guywires, pipelines, as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** Land and buildings within a R-5 Single-Family Residential zoning district may be used for those uses permitted pursuant to Section 15.520(c) and 15.515(c) upon review and approval of the City Commission and Callaway Code of Ordinances.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 5,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 20 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet

SECTION 15.534 R-5M SINGLE FAMILY RESIDENTIAL (MOBILE HOMES) – ZONING REGULATIONS

(a) **Purpose:** The purpose of the R-5M Single Family Residential (mobile home) zoning district shall be to designate and establish areas within the City which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods with ample open space and outdoor living areas, to designate those uses and services deemed appropriate and proper for location and development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings with a R-5M Single-Family Residential zoning district shall be used only for the following purpose:

(1) Mobile Home as single family dwellings.
(2) Single family dwellings.
(3) Buildings or use owned or operated by the City, including schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other recreational uses; or utility structures or stations owned or operated by the City, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.

(c) **Uses requiring special approval:** Land and buildings with a R-5M Single-Family Residential zoning district may be used for those uses permitted pursuant to Section 15.520(c) and 15.515(c) upon review and approval of the City Commission and in accordance with Section 15.630, Callaway Code Ordinances.

(d) **Bulk Regulations –** The following are the minimum bulk regulation requirements:

1) Required Lot Size – 5,000 square feet
2) Required Set Backs (to be measured from the building not the overhang):
    i. Front – 20 feet
    ii. Side – 5 feet
    iii. Rear – 15 feet, 20 feet if abutting a street
    iv. Corner – 10 feet on the side abutting the street
3) Floor Area Ratio – 40%
4) Impervious Surface Ratio – 50%
5) Maximum Building Height – 50 feet)

SECTION 15.535 R-MFMD MULTI-FAMILY MEDIUM DENSITY - ZONING REGULATIONS

(a) **Purpose:** The purpose of the Multi-Family Medium Density zoning district shall be to designate and establish areas within the City of Callaway which are deemed to be uniquely appropriate for the development and maintenance of medium density residential neighborhoods properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted use:** Land and buildings within a Multi-Family Medium Density zoning district shall be used for the following purposes:

(1) Multi-family dwelling.
(2) Publicly owned or operated building or use, including schools, libraries, museums, art galleries, community buildings, parks, playground, picnic areas, swimming pools or other recreational uses.
(3) Public utility structure or station, including transmission lines, poles, guywires, pipelines as are necessary for the installation and maintenance of utility service.
(4) Townhouses (i.e. duplexes and triplexes).
(5) Recreational use for youths and for adults, operated and maintained by a not-for-profit organization and open to the general public.

(c) **Conditional uses.** Conditional uses in the R-MFMD zoning district requiring approval by the City Commission are as follows:

(1) Churches;
(2) Freestanding wireless communication facilities;
(3) Cemeteries;

(4) Child day care center (Commercial);
(5) Public or private schools;
(5) Neighborhood community center as primary use;
(6) Neighborhood-oriented commercial center;
(7) Private clubs and lodges;
(8) Medical clinic of hospital;
(9) The following essential public facilities:
A. Emergency communications towers and antennae*;
B. Mental health facilities (excepting congregate care facilities and adult residential treatment facilities);
C. Inpatient facilities including substance abuse faciliites (including but not limited to intensive inpatient facilities, long term residential drug treatment facilities and recovery house facilities);
(10) Group foster homes;
(11) Motel or hotel; and
(12) College or university.

* Emergency communication towers and antennae and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore that both uses are subject to provisions for wireless communications facilities as outlined elsewhere in this Code.

(d) **Bulk regulations:** Density regulations in the R-MFMD zone district are as follows:

(1) **Site area.** All residential developments must meet the following density requirements:
a. Minimum: 7 dwelling units per acre
b. Maximum: 8.99 dwelling units per acre

(2) **Density Calculation.** The calculation of the density requirements shall be based on the portion of the site devoted to residential and associated uses (e.g. dwelling units, private community clubs, open space, stormwater detention, treatment or infiltration). Land that is required to be dedicated for public use as open space or right-of-way, or land that is to be used for private roads, shall be excluded from density calculations.

(3) **Lot coverage.** Maximum lot coverage for all buildings shall be fifty percent (50%) of the total area of the lot.

(4) **Structure height.** Maximum structure height shall be fifty feet or five stories, whichever is less. Rooftop heating and cooling units shall be allowed if the height exceeds fifty feet as long as the structure is five stories or less.

(5) **Setbacks.**
a. Front: ten feet minimum from frontage property line;
b. Side: five feet minimum from property line;
c. Rear: five feet minimum from property line;

d. Where any structures or portions of structures are adjacent to any single-family residential zoning district, the minimum setback shall be twenty feet.

e. Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by five feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with buffering requirements.

(6) **Open space/park (or play) area.** For all R-MFMD developments, a minimum of fifteen percent (15%) of the gross site area shall be set aside and utilized as open space/park (or play) area for use and enjoyment of future residents. Such open space/park area shall at a minimum meet the following standards:

a. For the purpose of calculation of the open space/park area requirement, the open space/park area shall be separate and distinct from required yards, setbacks and landscaped areas, but may include areas of native vegetation that are allowed to fulfill the landscaping requirements of the Code. Open space/park areas may also include wetlands and their buffers, other critical areas and stormwater facilities that are designed for active or passive recreation opportunities in accordance with the Code.

b. All open space/park areas must include any two or more facilities for passive recreation from the lists below. For open space/park areas within residential developments, at least one of the required recreation facilities must be from the list of active recreation facilities, provided however that no active recreation facilities shall be placed in any area designated as a collection area for stormwater:

Active Recreation Facilities:

1. Children's play equipment, such as slides, swings and play structures.
2. A paved hard court for activities such as basketball, tennis, etc.
3. A flat, open lawn area that may serve as a ball field for active play.

Passive Recreation Facilities:

1. Facilities for walking, such as trails, benches, etc.
2. Picnicking facilities, such as picnic tables, shelters, etc.
3. Year-round water features such as a fountain, pond, stream, etc. These water features may be incorporated as part of a stormwater facility designed in accordance with the LDR.

c. The open space/park are shall have convenient access for residents or employees of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses and ease of maintenance by the Developer. The requirement that the open space/park area be

consolidated may be waived by the Director of Planning upon a finding that the residents of the development would receive a greater benefit if the required open space/park area were provided in another configuration due to the unique topographic conditions or fish and wildlife habitat values of the site.

d. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant vegetation shall be retained in open space/park areas unless an alternate landscaping plan for such areas is required or approved by the development review committee.

e. Cash, or like value of land area and improvements within the neighborhood parks planning area in which the site is located, may be donated to the City to fulfill the requirements of this section in accordance with Section 15-107 of the Callaway Code of Ordinances.

f. Open space/park areas shall be held in single ownership where such ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the development area through an owner's association or similar organization. The City, as a condition of approval, may choose to accept dedication or the maintenance and operation responsibilities for the area, when the area to be dedicated is one or more of the following:

1. Greater than 5 acres;
2. Adjacent to an established or future City park or school grounds; or
3. Includes access to a body of water, wetland, important fish or wildlife habitat, or other environmentally sensitive area.

(7) **Screening and buffering requirements.** Buffering should be provided between this zoning district and areas in any other zoning district. buffering may be equally shared between the abutting commercial and residential subdivision developments, unless one of the uses has been previously developed with an existing buffer or has on file a valid Development Order referencing buffering requirements of a nonconforming nature. Buffering measures will be provided as outlined in Section 15.710.3 of the Land Development Regulations.

(8) **Intent.** The intent of the Multi-Family Medium Density zoning district is to:

a. Provide for a high standard of development for low density multi-family residential areas that may include single lot duplexes, townhomes and triplexes, and low density apartments;
b. Provide designated areas in which a minimum net density of 7 units per acre and a maximum density of 8.99 units per acre apply to promote the efficient use of land and promote mass transit opportunities;

c. Guide medium density residential development in such a manner as to encourage an plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, public transit, schools and parks and recreation.
d. Encourage development of attractive residential areas that provide a sense of community and establish a pedestrian-friendly atmosphere.

(9) **Accessory Uses.** Accessory uses in the R-MFMD district are as follows:

a. Storage sheds, toolsheds, greenhouses;
b. Private parking garages or carports;
c. Homes occupations, as approved by the Director of Planning;
d. Noncommercial recreational structures which could include but are not limited to swimming pools and recreational ball courts;
e. Energy systems;
f. Accessory dwelling unit, where there is an existing single family dwelling unit which was legally established prior to December 12, 1992;
g. Boarding houses and rooming houses;
h. Neighborhood community center;
i. Accessory wireless communication antenna.*

* Emergency communication towers and antennae and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore that both uses are subject to provisions for wireless communications facilities as outlined elsewhere in this Code.

SECTION 15.540 MFHD MULTI-FAMILY HIGH DENSITY - ZONING REGULATIONS

(a) **Purpose:** The purpose of the Multi-Family High Density zoning district shall be to designate and establish areas within the City of Callaway which are deemed to be uniquely appropriate for the development and maintenance of high density residential neighborhoods properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure a proper and desirable medium density residential environment.

(b) **Permitted uses.** Permitted uses in the MFHD zoning district are as follows:

1. Multi-family dwellings;
2. Parks, trails, open space areas and other related recreation facilities;
3. Residential planned unit developments;
4. Family child care home, child mini-day care center, subject to review by the Planning Director;
5. Adult family homes, residential care facilities;
6. Senior housing facilities of a net density of 20 dwelling units per acre or less.

7. Attached wireless communication facilities.*

* Emergency communication towers and antennae and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore that both uses are subject to provisions for wireless communications facilities as outlined elsewhere in this Code.

(c) **Conditional uses.** Conditional uses in the MFHD zoning district requiring approval by the City Commission are as follows:

a. Churches;
b. Freestanding wireless communication facilities;
c. Cemeteries;
d. Child day care center (Commercial);
e. Public or private schools;
f. Neighborhood community center as primary use;
g. Neighborhood-oriented commercial center;
h. Private clubs and lodges;
i. Medical clinic of hospital;
j. The following essential public facilities:
    1. Emergency communications towers and antennae*;
    2. Mental health facilities (excepting congregate care facilities and adult residential treatment facilities);
    3. Inpatient facilities including substance abuse facilities (including but not limited to intensive inpatient facilities, long term residential drug treatment facilities and recovery house facilities);
k. Group foster homes;
l. Motel or hotel; and
m. College or university.

* Emergency communication towers and antennae and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore that both uses are subject to provisions for wireless communications facilities as outlined elsewhere in this Code.

(d) **MFHD regulations:** Density regulations in the MFHD zone district are as follows:

(1) **Site area.** All residential developments must meet the following density requirements:
    a. Minimum: eight (8) dwelling units per acre;
    b. Maximum: twenty (20) dwelling units per acre.
    c. Mobile Home developments shall not be allowed in MFHD areas except in those residential zones designated with an “M” (for mobile homes).

(2) **Density Calculation.** The calculation of the density requirements shall be based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs, open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations: land that is required to be dedicated for public use as open space, right-of-way, or land that is to be used for private roads.

a. Any division creating at least two (2) lots for multi-family use shall not be subject to the minimum density requirements, provided one (1) of the lots created is at least five (5) acres in size.
b. Any division creating more than two (2) lots and three (3) or more dwelling units shall meet the minimum density requirements of multi-family development.

(3) **Lot coverage.** Maximum lot coverage for all buildings shall be fifty percent (50%) of the total area of the lot.

(4) **Structure height.** Maximum structure height shall be fifty feet or five stories, whichever is less. Rooftop heating and cooling units shall be allowed if the height exceeds fifty feet as long as the structure is five stories or less.

(5) **Setbacks.**

a. Front: ten feet minimum from frontage property line;
b. Side: five feet from property line, minimum;
c. Rear: five feet from property line, minimum.
d. Where any structures or portions of structures are adjacent to any single-family residential zoning district, the minimum setback shall be twenty feet. Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by five feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with buffering requirements.

(6) **Open space/park (or play) area.** For all MFHD developments, a minimum of fifteen percent (15%) of the gross site area shall be set aside and utilized as open space/park (or play) area for use and enjoyment of future residents. Such open space/park area shall at a minimum meet the following standards.

a. For the purpose of calculation of the open space/park requirement, the open space/park area shall be separate and distinct from required yards, setbacks and landscaped areas, but may include areas of native vegetation that are allowed to fulfill the landscaping requirements of the code. Open space/park areas may also include wetlands and their buffers, other critical areas, and stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with the Code.
b. All open space/park areas must include any two or more facilities for passive recreation from the lists below. For open space/park areas within residential developments, at least one of the required recreation facilities must be from the list of active recreation facilities*:

Active Recreation Facilities

1. Children's play equipment, such as slides, swings, and play structures.

2. A paved hard court for activities such as basketball, tennis, etc.
3. A flat, open lawn area that may serve as a ball field for active play.

*No Active Recreation Facilities shall be placed in any area designated as a collection area for stormwater.

Passive Recreation Facilities

1. Facilities for walking, such as trails, benches, etc.
2. Picnicking facilities, such as picnic tables, shelters, etc.
3. Year-round water features such as a fountain, pond, stream, etc. These water features may be incorporated as part of a stormwater facility designed in accordance with the LDR.

c. The open space/park area shall have convenient access for residences/ employees of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance by the Developer. The requirement that the open space/park area be consolidated may be waived by the Director of Planning or designee upon a finding that the residents of the development would receive a greater benefit if the required open space/park area were provided in another configuration due to the unique topographic conditions or fish and wildlife habitat values of the site.

d. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant vegetation shall be retained in open space/park areas unless an alternate landscaping plan for such areas is required or approved by the development review committee.

e. Cash, or like value of land area and improvements within the neighborhood parks planning area the site is located, may be donated to the City to fulfill the requirements of this section in accordance with Sec. 15-107 Callaway Code of Ordinances, Public Sites and Open Spaces ($500.00 per gross acre).

f. Open space/park areas shall be held in single ownership where such ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the development area through a homeowners association or similar organization. The City as a condition of approval may choose to accept dedication, or the maintenance and operation responsibilities for the area, when the area to be dedicated is one or more of the following.

1. Greater than 5 acres.
2. Adjacent to an established or future City park or school grounds.
3. Includes access to a body of water, wetland, important fish/wildlife habitat, or other environmentally sensitive area.

(7) **Screening and buffering requirements.** Buffering should be provided between this zoning district and areas in any other zoning district. Buffering may be equally shared between the abutting commercial and residential subdivision developments, unless one of

the uses has been previously developed with an existing buffer or has on file a signed Development Order referencing buffering requirements of a nonconforming nature. Buffering measures will be provided as outlined in Section 15.710.3 of the Land Development Regulations.

(8) **Intent.** The intent of the Multi-Family High Density Residential (MFHD) zoning district is to:

a. Provide for a high standard of development for multi-family residential areas of higher density than single lot duplexes, townhomes and tri-plexes;

b. Provide designated areas in which a minimum net density of eight units per acre and a maximum net density of twenty (20) units per acre apply to promote the efficient use of land and promote mass transit opportunities;

c. Guide high density residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, public transit, schools, parks and recreation.

d. Encourage development of attractive residential areas that provide a sense of community and establish a pedestrian-friendly atmosphere.

(9) **Accessory uses.** Accessory uses in the MFHD district are as follows:

a. Storage sheds, toolsheds, greenhouses;

b. Private parking garages or carports;

c. Home occupations, as approved by the Director of Planning or designee;

d. Noncommercial recreational structures which could include but are not limited to swimming pools and recreational ball courts;

e. Energy systems;

f. Accessory dwelling unit, where there is an existing single-family dwelling unit which was legally established prior to December 12, 1992;

g. Boardinghouses and rooming houses;

h. Neighborhood community center;

i. Accessory wireless communication antenna.*

*Emergency communication towers and antennae and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore that both uses are subject to provisions for wireless communication facilities as outlined elsewhere in this Code.

(10) **Parking Standards.** Any development within this zoning district must provide for a minimum of 2 parking spaces per unit where the dwelling unit contains two or less bedrooms. For each dwelling unit which exceeds two bedrooms there shall be 2 parking spaces provided for the first two bedrooms plus ½ parking space for each additional bedroom within the dwelling unit.

(11) **Multi-family high density "M" (mobile/manufactured home) designation.** MFHD zoning districts may have as an allowable use mobile home single family dwellings, subdivisions, and mobile home parks only in those districts which have an "M" designation.

Those MFHD districts with mobile homes as an allowable use shall be designated MFHD-M.

a. The intent of the Multi-Family High Density "M" (MFHD-M) zone district is to:

1. Provide for a high standard of development for residential areas of high density including both single-family and multifamily housing;
2. Provide designated areas in which a minimum net density of eight units per acre and a maximum net density of fifteen units per acre apply to promote the efficient use of land;
3. Guide high density residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, public transit, schools, parks and recreation.
4. Encourage development of attractive residential areas that provide a sense of community, establish a pedestrian-friendly atmosphere and contain a variety of housing types.

b. Permitted uses in the MFHD districts which have the "M" designation (MFHD-M) are as follows:

1. Single-family and multi-family dwellings;
2. Duplex or tri-plex on at least six thousand square feet of land area;
3. Manufactured homes on single lots of record, in accordance with the provisions of the LDR;
4. Mobile home parks;
5. Parks, trails, open space areas, and other related recreation facilities;
6. Support facilities;
7. Residential planned unit developments;
8. Family child care home; child mini-day care center, subject to review by the Director of Planning or designee;
9. Adult family homes, residential care facilities;
10. Attached wireless communication facilities, except that it is prohibited to attach a non-accessory wireless communication antenna on a single family or two-family dwelling;*

*Emergency communication towers and antennae and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore that both uses are subject to provisions for wireless communication facilities as outlined elsewhere in this Code.

SECTION 15.545 I-P INSTITUTIONAL PROFESSIONAL - ZONING REGULATIONS

(a) **Purpose:** The purpose of the I-P Institutional Professional zoning district shall be to locate and designate areas within the City of Callaway which are uniquely suited for the grouping and development of uses of an institutional or professional nature to serve the residents of the city and

surrounding areas; to designate such uses as are appropriate for development within said zoning district; and to set forth such development standards and provisions as are proper and necessary to ensure for the proper development and functioning of uses within said zoning district.

(b) **Permitted uses:** Land and buildings within an I-P Institutional Professional zoning district shall be used only for the following purposes:

(1) Church, synagogue, other place of worship or church school.
(2) Club or lodge (private)
(3) Funeral home or undertaking establishment.
(4) Medical or dental clinic.
(5) Nursery school or kindergarten
(6) Office, for administrative, business, or professional use (public or private), but not including the sale, display, storage or handling of merchandise on the premises; provided that said restrictions shall not apply to professional or business offices where the merchandise handled involves no exterior display and relates directly to the rendering of personal services.
(7) Publicly owned or operated building or use; including but not limited to schools, libraries, museums, art galleries, community buildings, parks, playgrounds, picnic areas, swimming pools or other public recreational uses.
(8) Public utility structure or station, including transmission lines, poles, guywires, and pipelines as are necessary for the installation and maintenance of approved utility service.
(9) School (private or parochial), offering a curriculum substantially equivalent to that of a public school with comparable grades and meeting the requirements of the State Department of Education.

SECTION 15.550 C-C COMMUNITY COMMERCIAL - ZONING REGULATIONS

(a) **Purpose:** In addition to allowing those uses permitted pursuant to Section 15.545(b) the purpose of the C-C Community Commercial zoning district shall be to locate and designate areas within the City of Callaway which are uniquely suited, by reason of central location and convenient access, for the development and interrelationship of said uses so as to permit a high level of pedestrian movement within the district; to designate such uses as are appropriate for development within a central community commercial area serving the greater Callaway area; and to set forth such development standards and provisions as are proper and necessary to ensure the proper development and functioning of uses within the zoning district.

(b) **Permitted uses:** Land and buildings within a C-C Community Commercial zoning district shall be used only for the following purposes; provided that there is no display or storage of merchandise or materials on the exterior side of a structure facing a public street or right-of-way. Merchandise or materials may be displayed or stored on the exterior side of a structure not facing a public street or right-of-way, provided that the area containing the merchandise or materials is enclosed by an opaque fence or wall not less than five (5) feet or more than eight (8) feet high. All

commercial activities must be carried on wholly within the building and the enclosed storage area with the exception of the display of merchandise or materials. Merchandise or materials may be displayed on the exterior side of a structure during normal business hours only, provided that there is no obstruction to right-of-ways, pedestrian walkways or off-street parking areas. Merchandise or materials displayed during normal business hours shall not be hazardous or cause a nuisance. All merchandise or materials must be containerized or packaged to the extent necessary to prevent leakage, spillage and pollution. No manufacturing or fabricating shall be permitted in a C-C Community Commercial zoning district.

(1) Those uses permitted under Subsection 15.545(b) above.
(2) Antique Store.
(3) Art Supplies.
(4) Automobile accessory, tire and battery shop (new products at retail only).
(5) Bakery, provided the goods baked on the premises shall be offered for sale only on the premises and at retail.
(6) Bank, savings and loan association and trust company; including drive-thru facilities.
(7) Barbershop or barber school, providing that said school shall not exceed more than two thousand five hundred (2,500) square feet, nor more than twenty-five (25) barber chairs.
(8) Beauty shop.
(9) Book, magazine or newspaper shop.
(10) Confectionery.
(11) Diary products store.
(12) Delicatessen.
(13) Department store.
(14) Drugstore; including drive-thru facilities (unless provided elsewhere in this Article).
(15) Florist shop.
(16) Food store.
(17) Furniture store.
(18) Gift shop.
(19) Hardware store.
(20) Hobby and toy shop (retail sales only; no repairs).
(21) Household appliance store and repair shop for small home appliances only.
(22) Interior decorating studio.
(23) Jewelry or watch store and service shop.
(24) Karate school
(25) Laundry or dry cleaning establishment, including drive-thru facilities (unless provided elsewhere in this Article); provided that no steam is discharged into the atmosphere under pressure from steam presses utilized therein and provided such use does not include dry cleaning or laundering of clothes from collection stations or from other plants removed from the subject establishment.
(26) Laundromat or launderette (self-service laundering).
(27) Music store.
(28) Office supply or stationery store.

(29) Optician, optometrist, orthopedic and prosthetic devices.
(30) Paint store (retail).
(31) Photographic or portrait studio.
(32) Photography supply and service store.
(33) Restaurant, including drive-thru facility connected therewith.
(34) Shoe store or shoe repair shop
(35) Sporting goods store.
(36) Tailor or dressmaker.
(37) Telegraph or messenger service.
(38) Telephone exchange.
(39) Theater (indoor).
(40) Variety and dry goods store.
(41) Wearing apparel shop.

SECTION 15.555 C-S SERVICE COMMERCIAL - ZONING REGULATIONS

(a) **Purpose:** In addition to allowing those uses permitted pursuant to Subsection 15.545(b) and 15.550(b) above, the purpose of the C-S Service Commercial zoning district shall be to locate and designate areas within the City of Callaway which are uniquely suited by reason of location and vehicular accessibility for the development and operation of general commercial service uses; to designate such uses as are appropriate for development within said district; and to set forth such development standards and provisions as are appropriate and necessary to ensure the proper development and functioning of uses within the zoning district.

(b) **Permitted uses:** Land and buildings within a C-S Service Commercial zoning district shall be used only for the following purposes; provided that there is no storage of merchandise or materials on the exterior side of a structure facing a public street or right-of-way. Merchandise or materials may be displayed or stored on the exterior side of a structure not facing a public street or right-of-way, provided that the area containing the merchandise or materials is enclosed by an opaque fence or wall not less than five (5) feet or more than eight (8) feet high. All commercial activities must be carried on wholly within the building and the enclosed storage area with the exception of the display of merchandise or materials. Merchandise or materials may be displayed on the exterior side of a structure during normal business hours only, provided that there is no obstruction to right-of-ways, pedestrian walkways or off-street parking areas. Merchandise or materials displayed during normal business hours shall not be hazardous or cause a nuisance. All merchandise or materials must be containerized or packaged to the extent necessary to prevent leakage, spillage and pollution. No manufacturing or fabricating shall be permitted in a C-S Service Commercial zoning district.

(1) Those uses permitted under Subsections 15.545(b) and 15.550(b) above.
(2) Ambulance service or rescue squad.

(3) Automobile washing service, manual or mechanical, excluding coin-operated or selfservice facilities; subject to the following provisions:

a. Service shall be confined to the washing, cleaning, waxing and polishing of the exterior surface of passenger vehicles; and to the incidental cleaning and vacuuming of the interior passenger sections.

b. Except for incidental manual drying or polishing, service shall be conducted wholly within an enclosed structure specifically designed for the use and providing for the through movement of vehicles being serviced. Entrances and exits to and from the structure and all interior service areas shall be screened from view from public streets or adjacent private property to the greatest extent possible by means of permanent walls or decorative panels.

c. The sale of gasoline as an incidental use shall be permitted, provided that any said sale shall be conducted only in conjunction with the principal washing service and not independent of said service; and further provided that the pump facilities for said sale shall be so located as to be accessible only to vehicles within the entrance driveway to the service structure. All other types of sales and repairs are expressly prohibited.

d. Adequate interior seating space shall be provided for customers while service is being performed.

e. Driveways shall be provided and arranged so as to facilitate the orderly movement of automobiles upon the site and into and from the service structure, and shall have a minimum storage capacity of four (4) vehicles for each interior service lane.

f. All open areas upon the site, not required and/or specifically designed for driveways or parking, shall be suitably landscaped.

(4) Bicycle, motorscooter and/or lawnmower repair and sales; provided that the repair of gasoline-driven motors shall be carried on wholly within an enclosed building.

(5) Bowling alley, billiard hall or other similar recreation use or place of amusement, assembly or entertainment carried on wholly within an enclosed building.

(6) Food catering service.

(7) Health and physical culture studios, centers and clubs, which offer the use of equipment and facilities together with instruction, training or assistance in furtherance of programs of physical exercise; provided, however, that massage parlors and establishments pandering primarily to prurient or sexual interest shall not be deemed as a health and physical culture studio, center or club.

(8) Nursery (landscape).

(9) Package store selling alcoholic beverages, bar or cocktail lounge, in conformity with the provisions of Chapter 3 of the Callaway Code of Ordinances.

(10) Pet grooming parlor and/or pet supply store (retail only), providing that boarding or overnight keeping of animals on the premises is prohibited.

(11) Plumbing shop, provided that all pipe, materials and supplies are stored entirely within the building.

(12) Quick copy and duplicating service (reproducing, duplicating or copying of existing printed materials, including collating of small reports, briefs and manuals; and activities directly related to the above operation; providing that in no instance shall the operation be offensive due to noise, vibration or odor.)

(13) Repair and service of major household appliances.

(14) Schools (commercial) including business, secretarial, dancing, art and music and gymnastic and martial arts schools but excluding karate schools, where the physical exercise offered is only incidental to the skill being acquired or practiced; provided, however that massage parlors and establishments pandering primarily to prurient or sexual interest shall not be deemed as a school (commercial).

(15) Sports clubs and centers, including gymnastics, golf, tennis and racquetball clubs and center, where recreational sports play is the only activity offered, and where the facility does not offer the use of physical exercise equipment on a separate programmatic basis. Where a sports club or center does offer separate physical exercise programs, the facility shall be classified as a "health club", provided, however, that massage parlors and establishments pandering primarily to prurient or sexual interest shall not be deemed as a sports club and center.

(16) Taxicab stand and office.

(17) Upholstery shop (furniture).

(18) Veterinary clinic; provided, however, that the clinic shall comply with the following conditions:

a. Boarding of animals shall not be permitted; and

b. No more than five (5) animals may be hospitalized overnight at any one time; and

c. The clinic shall be wholly enclosed and contained within the structure; no animal care facilities shall be permitted on the exterior of the facility; and

d. The facility shall not exceed one thousand five hundred (l,500) square feet and shall contain no more than five (5) animal cages.

(19) Other uses, which in the opinion of the Director of Planning, are of a similar and compatible nature to those permitted uses described herein.

SECTION 15.560 C-H HIGHWAY COMMERCIAL - ZONING REGULATIONS

(a) **Purpose:** In addition to allowing those uses permitted pursuant to Subsections 15.545(b), 15.530(b) and 15.555(b) above, except those uses enumerated in Subsection 15.555(b)(9), the purpose of the C-H Highway Commercial zoning district shall be to locate and designate areas within the City of Callaway which are uniquely suited for the development and operation of commercial uses to serve the motoring public; to designate such uses as are appropriate for development within said district; and to set forth such development standards and provisions as are appropriate and necessary to ensure the proper development and functioning of uses within the zoning district.

(b) **Permitted uses:** Land and buildings within a C-H Highway Commercial zoning district shall be used only for the following purposes; provided that there is no display or storage of merchandise or materials on the exterior side of a structure facing a public street or right-of-way. Merchandise or materials may be stored on the exterior side of a structure not facing a public street or right-of-way, provided that the area containing the merchandise or materials is enclosed by an opaque fence or wall not less than five (5) feet or more than eight (8) feet high. All commercial activities must be carried on wholly within the building and the enclosed storage area with the exception of the display of merchandise or materials. Merchandise or materials may be displayed on the exterior side of a structure during normal business hours only, provided that there is no obstruction to right-of-ways, pedestrian walkways or off-street parking areas. Merchandise or materials displayed during normal business hours shall not be hazardous or cause a nuisance. All merchandise or materials must be containerized or packaged to the extent necessary to prevent leakage, spillage and pollution. No manufacturing or fabricating shall be permitted in a C-H Highway Commercial zoning district:

(1) Those uses permitted under Subsections 15.545(b), 15.550(b) and 15.555(b), except those uses enumerated in Subsection 15.555(b)(9).

(2) Automobile filling or service station, subject to the following provisions:

a. Clearance required: Gasoline pumps shall be located a minimum distance of twenty (20) feet from any street right-of-way line and a minimum distance of fifteen (15) feet from any property line. No service station building or gasoline pump shall be located within twenty five (25) feet of property within a residential zoning district.

b. Where a size or rear property line abuts an I-P Institutional Professional zoning district or property used and zoned for residential purposes, a solid buffer shall be provided along the entire length of the property line, except that no solid buffer shall be provided along a street right-of-way, except as may otherwise be required in this Chapter. Such solid buffer shall be continuous and unpierced, except in the areas of driveways, walkways, and a solid buffer adjacent to an alley may have a three (3) foot opening which shall be closed by a solid gate when the opening is not being used for access.

c. Display of merchandise: Display and storage of merchandise and accessory products including tires, batteries, oil and similar products, shall be conducted wholly within an enclosed building; provided that customary accessory service products stored and/or displayed immediately adjacent to the building wall or upon gasoline pump islands during business hours shall be permitted.

d. All provisions of Subsection 15.760.8 (drive-thru facilities)

(3) Automobile washing service, manual or mechanical, excluding coin-operated or selfservice facility, subject to the provisions of Subsection 15.555(b)(3).

(4) Dry cleaning/laundry establishment, subject to the following conditions:

a. Said establishment shall not exceed two thousand (2,000) square feet; and

b. The City shall be satisfied that ventilation shall exist to assure the dispersion and removal of fumes; and

c. The City shall be satisfied that adequate provisions have been made for the removal of hazardous chemicals and fluids; and

d. A rooftop fume stack shall be required to assure dispersion of fumes and vapors away from adjoining facilities. Steam vent pipes protruding from building walls shall be a minimum of ten (10) feet above the building's first floor elevator; and

e. Any vent pipe shall be directed upward and shall include a suitable muffler system to eliminate noise emissions from any such pipe; and

f. Steam pipes located in the roof shall be clearly marked as dangerous; and

g. No such establishment shall be located closer than twenty-five (25) feet to any residentially-zoned or developed property; and

h. Such establishment shall serve no more than two satellite facilities.

(5) Kennel; animal boarding.

(6) Motel.

(7) Motor vehicle undercarriage service center, subject to the following conditions:

a. No service center building shall be located within twenty-five (25) feet of property within a residential zoning district.

b. Where a side or rear property line abuts an I-P Institutional Professional zoning district or property used and zoned for residential purposes, a solid buffer shall be provided along the entire length of the property line, except that no solid buffer shall be provided along a street right-of-way, except as may otherwise be required in this Chapter. Such solid buffer shall be continuous and unpierced, except in the areas of driveways, walkways, and a solid buffer adjacent to an alley may have a three (3) foot opening which shall be closed by a solid gate when the opening is not being used for access.

c. Display and storage of merchandise and accessory products shall be conducted wholly within an enclosed building.

d. The service center shall comply with all provisions of Subsection 15.760.8 (drive-thru facilities).

(8) Veterinary clinic.

(9) Other uses, which in the opinion of the Director of Planning, are of a similar and compatible nature to those permitted uses described herein.

15.561 NORTH TYNDALL PARKWAY SPECIAL OVERLAY DISTRICT

15.561.1 Special Overlay District

(a) The Special Overlay District standards are designed to improve views from US 98/Tyndall Parkway on the segment from 7th Street to the northern city limits, and improve the function of the transportation corridor.

(b) The Special Overlay District includes the parcels with frontage on US 98/Tyndall Parkway on the segment from 7th Street to the northern city limits along with certain property to the rear of

those parcels. The boundary of the Special Overlay District shall be as depicted on Exhibit 1 attached and incorporated herein. All parcels included within that boundary shall be required to comply with Section 15.561.12.

(c) Commercial parcels within this overlay shall comply with the standards and criteria of the land use/zoning requirements in which it is proposed, Section 15.550, Section 15.555, Section 15.560 of the LDR, and all other applicable standards.

15.561.2 Special Overlay District Design Standards

(a) Entryways

1. At least one public entrance shall be located facing US 98/Tyndall Parkway and connected to US 98/Tyndall Parkway by a pedestrian sidewalk. Such entrance may be to tenant spaces other than the primary tenant.

(b) Facades

1. To improve the view from US 98/Tyndall Parkway, large, undifferentiated wall surfaces shall be avoided.
2. Building facades shall be articulated with recesses and projections. Recesses and projection shall be a minimum of one (1) foot in depth and a minimum of three (3) feet long within each 100 feet of facade length. Facades greater than one (100') feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3%) percent of the length of the façade and extending at least twenty (20%) percent of the length of the façade. No uninterrupted length of any façade shall exceed thirty (30%) percent of the facades total length or, one hundred (100%) horizontal feet, whichever is less.
3. Building facades facing US 98/Tyndall Parkway shall include a minimum of three (3) of the following design elements along no less than sixty percent of the length:
    a. Arcade
    b. Raised cornice parapets over the doors
    c. Decorative light fixtures
    d. Medallions
    e. Decorative landscape planters or window flower boxes
    f. Awnings/canopies, located over door or windows
    g. Clock or bell tower
    h. Clear glass display window(s) that cover at least twenty (20) percent of one façade or thirty (30) percent of two facades
    i. Overhanging eaves extending out from the wall at least three (3) feet with a minimum eight (8) inch fascia
    j. Architectural details other than those listed above, with are integrated into the building and overall design, such as artwork, decorative tile work, or decorative tile work, or decorative columns/pilasters.

4. All building facades visible from US 98/Tyndall Parkway shall include a minimum of two (2) of above design elements listed in Section 15.561.2(b)(3) along no less than 40% of their length.

(c) Roof treatment

1. Variations in roof lines shall be used to add interest and reduce the massing of buildings. Roof features shall be in scale with building mass.

2. At a minimum of two locations the roof edge or parapet shall have a vertical change of a minimum of three (3) feet from the dominant roof design. At least one such change shall be located on the façade facing US 98/Tyndall Parkway.

(d) Seasonal sales shall not occupy any required parking spaces, parking lot aisles, or required landscaping buffers or areas.

(e) Access management

1. New curb cuts shall be minimized. New developments shall provide vehicular access to adjacent vacant parcels, and if possible to developed parcels, by means of connected parking lots, shared driveways, cross access easements, or other interparcel connections.

2. Stub-outs and other design features shall be provided that make it visually obvious that the abutting properties will be tied in to provide cross access.

3. Siting of building shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and promote pedestrian orientation.

4. Retail pad sites shall be separated from large parking lots by drive lanes and landscaping to delineate pedestrian pathways and parking areas.

(f) Awnings and Canopies

1. Awnings and canopies, when included, should be designed to be compatible and unified with the overall building design and should be used in appropriate locations.

2. Awnings longer than three (3) windows are prohibited.

3. Canopies shall contain pitched roof element not to exceed twenty four feet (24') in height.

4. Lighting fixtures or sources of light that are a part of the canopy shall be recessed into the underside of the canopy so as not to be highly reflective, with the intent of minimizing the amount and intensity of light, which reaches beyond the site boundaries.

5. Canopies over truck docks longer than any individual door are prohibited.

(g) Side and Rear Elevations

1. Side or rear facades of the building shall include materials and design characteristics consistent with the main design theme on the front. The use of simplified detailing and substitute materials on the side and rear façade to continue the design theme of the main

façade is allowed. Use of inferior or lesser quality materials for side or rear facades is prohibited.

(h) Standardized Architecture for Restaurants

1. Standardized architecture buildings shall not be allowed unless the architectural design meets the requirements of this section.
2. Drive-up or drive through facilities, whether attached or freestanding, shall be tied to the primary building in architectural forms, colors and materials.
3. Ancillary structures, whether attached or freestanding, shall be a design compatible with the primary building in material/colors. Such structures shall be constructed of similar materials and designed for durability and easy maintenance.
4. Service areas and utilities shall be fully screened with walls, fences or other forms, which are to be compatible with the building in materials/color. Such structures shall be constructed of similar materials and designed for durability and easy maintenance.

(i) Prohibited Uses

1. The following uses are prohibited in the Special Overlay District:
    a. Outdoor sale of motorized vehicles
    b. Sale of mobile/manufactured homes
    c. Storage buildings/mini storage/remote storage
    d. Wrecker services, vehicle maintenance and repair shops

SECTION 15.562 CENTRAL CORRIDORS URBAN DESIGN OVERLAY DISTRICT

(Amended by Ordinance No. 854 - 6/8/2010)

(a) Purpose: The Central Corridors Urban Design Overlay (CCUDO) District promotes the redevelopment of current land uses for properties located adjacent to the Tyndall Parkway and Highway 22 corridors as shown in Figure 15.562-a. These two corridors represent an important core area of the City. Their redevelopment will enhance the community through higher quality land development and patterns that are achieved through the creation of design districts applied to the existing zones that require additional design review or compliance, or both, with the standards identified within this Section.

(b) Applicability: The CCUDO District provisions shall apply to:

1) New Construction
    a. For new construction, City staff shall certify compliance with this Section prior to issuance of building permits.
    b. Nonstandard improvements in the public right-of-way, including but not limited to street lights, furniture, planters, public art, sidewalk and paving materials, and landscaping, which have received prior approval by the City.
2) Existing Development
    a. For existing structures where improvements or redevelopment costs

exceeds fifty-one percent (51%) of the current assessed taxable value, based on the current records maintained by the Property Appraiser; City staff shall certify compliance prior to issuance of building permits. The applicant shall submit a written cost estimate for the improvements prepared by a licensed Contractor for City review.

b. All nonconforming improvements existing on [the effective date of this ordinance] shall be considered legal and nonconforming. When fifty-one percent (51%) or more of a nonconforming building, or structure contributing to the nonconformity, is damaged or deteriorated, as determined by the City, such nonconforming building or structure shall not be restored to its prior condition, but must be rebuilt or repaired in accordance with the design overlay provisions of this Section.

3) Exemptions

The following are exempt from the CCUDO District requirements:

a. Minor general structural repair, maintenance, and replacement with comparable materials or same color of paint;

b. Modifications to a structure to meet the Americans with Disabilities Act's requirements.

(c) Applying the CCUDO District: The CCUDO District is comprised of areas where design and neighborhood identity are of special concern, and shall be applied within the boundaries established in Figure 15.562-a. The existing parcel configuration, city jurisdictional limits, and multiple zoning district development standards do not effectively provide for the desired cohesive redevelopment of the design overlay area.

The overlay district includes a mixture of land uses, including residential, commercial, office, and institutional uses. As such, redevelopment is encouraged in this district, including targeted land use changes by public or private actions, or both. See Section 15.430 for existing land use designations. The density and intensity defined within the CCUDO District and associated sub districts cannot exceed the density and intensity standards established for the underlying Future Land Use categories described in the Comprehensive Plan. In the event of an inconsistency between the provisions of this Section 15.562 and the other requirements of the Land Development Regulations or the City of Callaway Code of Ordinances, the provisions of this Section 15.562 shall control.

Implementation of the CCUDO District is intended to occur over a period of time through the use of "Planned Development" or "Mixed-Use" zoning, or both, through rezoning applications. Through public or private actions, or both, properties may be permitted for redevelopment with greater development intensity or density as defined within the sub districts, where the minimum design standards are met. Any legal, existing nonconforming improvements in place prior to this Section's adoption shall be considered legal, nonconforming uses upon adoption of this Section.

The CCUDO District is shown on the Official Zoning Map as described in Section 15.505, and referred to as a design overlay district. As unincorporated parcels within the boundaries of the CCUDO District are periodically annexed into the City, the requirements of this Overlay District shall automatically apply. The design overlay district is divided into sub districts. Sub districts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of the design overlay district and the following sub districts are shown on Figures 15.562-b through 15.562-g.

The City may consider the use of incentives on a case by case basis to assist in improvement or redevelopment within the CCUDO District. These may include single use grants (e.g. site improvement, sweat equity, landscape improvement, commercial building improvement, façade improvement, etc.) or tax increment financing mechanisms, as determined by the City.

The City Commission may consider a waiver of size or distance standards contained within these regulations, based upon submitted and demonstrated hardship by the applicant.

15.562.1 Sub District #1 – Town Center

(a) Purpose: To provide guidelines for development activity within the Town Center Sub District which includes properties located adjacent to the Tyndall Parkway and Highway 22 corridors intersection. The sub district is intended to be the main core of the Community Redevelopment Area and to redevelop over time through a combination of public and private investments into a mixed-use area that has high levels of public visibility and amenities. The boundaries of this sub-district are more particularly illustrated in Figure 15.562-c.

(b) Permitted uses: To the extent permitted by the underlying land uses and except as limited by subsection (c) below, the Town Center Sub District will consist of mixed use and include those uses identified within the City's High Density Residential (HDR), Commercial (C), Public Facilities (PF), Recreation (REC) land use designations identified within Section 15.405.

(c) Prohibited uses: The following uses are not permitted within the sub district.

1) Residential - single-family detached dwellings, group foster homes, and adult congregate living facilities.
2) Commercial – "big-box" retailers, gasoline service stations, any "drive-thru" uses, automobile or engine repair, construction offices, self-storage, farm equipment, car wash, vehicle sales, mini-warehouse storage facilities, delivery facilities, minor repair and other uses deemed detrimental to or inconsistent with the character or purpose of the Town Center Sub District.
3) Public Facilities - adult congregate living facilities, large commercial scale day-care centers, and major maintenance facilities.

4) Recreation - active recreational sport facilities, and utilities or maintenance facilities.

(d) Bulk regulations: The following are the bulk regulation requirements for the sub district; see Figure 15.562-h for typical lot layout diagram:

1) Required Lot Size – 40,000 square feet, with 200 feet right-of-way and 200 feet side yard distance.
2) Required Setbacks (to be measured from the building, not the roof overhang) -
   a. Front – 10 feet, with up to 91 feet desired for front yard cross access
   b. Side – 10 feet
   c. Rear – 10 feet
3) Floor Area Ratio – 2.0 maximum
4) Density – Maximum of 20 units per gross acre
5) Impervious Surface Ratio – 90 percent maximum
6) Maximum Building Height (excluding roof pitch) –50 feet, and 5 stories

(e) Design standards:

1) Building Architectural Style – A contemporary or modern style, or both, shall be used within the sub district that incorporates or mimics design elements found within the North Florida Brick Georgian, Brick Victorian Storefront, New Orleans, and Key West architectural styles.
2) Building Use Mix – Mixed-use buildings are desired fronting the Tyndall Parkway and Highway 22 right-of-ways. Buildings shall be a maximum of 5 stories, of which the bottom 2 stories shall contain non-residential uses.
3) Building Façade – Buildings shall not exceed 500 feet length. Buildings shall have a minimum 100 feet façade break between buildings. Buildings taller than 2 stories in height shall step back the upper floors a distance of 12 or more feet as depicted in Figure 15.562-i.
4) Vehicular Use Areas –
   a. Parking – 1 space per 300 square feet required. The use of shared parking spaces shall be encouraged. Public on-street spaces and surrounding private property spaces within 0.25-mile distance of the main building entrance may be credited towards minimum parking requirements upon the submittal of valid legal agreements establishing the shared use between the applicant and property owner.
   b. Public Right-of-Way Access Management – New curb cuts on Tyndall Parkway and Highway 22 shall be minimized through the use of internal access roads, inter-connected parking lots and shared drives, among and between adjacent properties.
   c. Parcel Cross-Access – All properties fronting Tyndall Parkway and Highway 22 right-of-ways shall provide vehicular cross access to adjacent vacant parcels, and wherever possible to developed parcels, by means of connected parking lots, shared driveways, cross access easements, or

other interparcel connections. The primary location for cross-access shall be in a continuous front yard parking bay as depicted in Figure 15.562-j.

1. Stub-outs and other design features shall be provided and installed in a manner that make it visually obvious to those traveling in the public right of way that the abutting properties will be tied in to provide cross access.
2. Siting of buildings shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and pedestrian orientation.

5) Pedestrian Mobility – All properties within the sub district shall provide sidewalks which are five feet (5') wide and four inches (4") thick, installed parallel to all public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks shall also be provided linking to buildings entrances. All pedestrian areas shall be designed, constructed and maintained to satisfy American with Disabilities Act (ADA) provisions.

6) Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.

7) Landscaping – A minimum landscape buffer measuring 6 feet in width shall be installed and maintained in a neat, trimmed and healthy manner along all public right-of-way. The buffer shall include 1 canopy tree per 40 linear feet of parcel frontage. The remainder of the buffer shall be fully vegetated with a combination of understory trees, woody shrubs, groundcovers, turf and berming to create a visual buffer that is 24 inches in height and 80 percent opaque within 2 years of installation.

15.562.2 Sub District #2 – North Tyndall Parkway

(a) Purpose: To provide guidelines for development activity within the North Tyndall Parkway Sub District which includes properties located adjacent to the corridor generally between Martin Court and E. 7th Street. The sub district is intended to redevelop over time through a combination of public and private investments into commercial uses along the corridor frontage and multi-family residential uses on the back half of the block.

(b) Permitted use: To the extent permitted by the underlying land uses and except as limited by subsection (c) below,Mixed-use development may occur within the limits of the sub district but also may include those uses identified within the City's Medium Density Residential (MDR) and Commercial (C) land use designations.

(c) Prohibited use: The following uses are not permitted within the sub district.

1) Residential - single-family detached dwellings, and adult congregate living facilities.
2) Commercial - gasoline service stations, any “drive-thru” uses, automobile or engine repair, construction offices, self-storage, farm equipment, vehicle sales, mini-warehouse storage facilities, delivery facilities, minor repair and other uses deemed detrimental to or inconsistent with the character or purpose of the North Tyndall Parkway Sub District.

(d) Bulk regulations: The following are the bulk regulation requirements for the sub district; see Figure 15.562-k for typical lot layout diagram:

1) Required Lot Size – 30,000 square feet, with 150 feet right-of-way and 200 feet side yard distance.
2) Required Setbacks (to be measured from the building, not the roof overhang) -
   a. Front – 10 feet, with 80 feet desired for front yard cross access
   b. Side – zero feet, with 12 feet on corner lots
   c. Rear – 12 feet
3) Floor Area Ratio – 1.0 maximum
4) Density – Maximum of 8.99 units per gross acre
5) Impervious Surface Ratio – 75 percent maximum
6) Maximum Building Height (excluding roof pitch) – 30 feet, and 2 stories

(e) Design standards:

1) Building Architectural Style – A contemporary or modern style, or both, shall be used within the sub district that incorporates or mimics design elements found within the North Florida Brick Georgian, Brick Victorian Storefront, New Orleans, and Key West architectural styles.
2) Building Use Mix – Non-residential buildings are desired fronting Tyndall Parkway, with multi-family residential buildings located on the back half of the blocks.
3) Building Façade – Buildings shall not exceed 400 feet length. Buildings shall have a minimum 100 feet façade break between buildings.
4) Vehicular Use Areas –
   a. Parking – 1 space per 300 square feet required. The use of shared parking spaces shall be encouraged. Public on-street spaces and surrounding private property spaces within 0.25-mile distance of the main building entrance may be credited towards minimum parking requirements upon the submittal of valid legal agreements establishing the shared use between the applicant and property owner.
   b. Public Right-of-Way Access Management – New curb cuts on Tyndall Parkway shall be minimized through the use of internal access roads, inter-connected parking lots and shared drives, among and between adjacent properties.

c. Parcel Cross-Access – All properties fronting Tyndall Parkway shall provide vehicular cross access to adjacent vacant parcels, and wherever possible to developed parcels, by means of connected parking lots, shared driveways, cross access easements, or other interparcel connections. The primary location for cross-access shall be in a continuous front yard parking bay as depicted in Figure 15.562-j.
   1. Stub-outs and other design features shall be provided and installed in a manner that make it visually obvious to those traveling in the public right of way that the abutting properties will be tied in to provide cross access.
   2. Siting of buildings shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and promote pedestrian orientation.

5) Pedestrian Mobility – All properties within the sub district shall provide sidewalks which are five feet (5') wide and four inches (4") thick, installed parallel to all public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks shall also be provided linking to buildings entrances. All pedestrian areas shall be designed, constructed and maintained to satisfy American with Disabilities Act (ADA) provisions.
6) Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.
7) Landscaping – A minimum landscape buffer measuring 6 feet in width shall be installed and maintained in a neat, trimmed and healthy manner along all public right-of-way. The buffer shall include 1 canopy tree per 40 linear feet of parcel frontage. The remainder of the buffer shall be fully vegetated with a combination of understory trees, woody shrubs, groundcovers, turf and berming to create a visual buffer that is 24 inches in height and 80 percent opaque within 2 years of installation.

15.562.3 Sub District #3 – South Tyndall Parkway

(a) Purpose: To provide guidelines for development activity within the South Tyndall Parkway Sub District which includes properties located adjacent to the corridor generally between Cherry Street and Boat Race Road. The sub district is intended to redevelop over time through a combination of public and private investments into a mixed-use area with offices fronting the corridor, and multi-family residential along Highline and Gay frontage.

(b) Permitted use: To the extent permitted by the underlying land uses and except as

limited by subsection (c) below, Mixed-use development may occur within the limits of the sub district and include those uses identified within the City's Medium Density Residential (MDR), Commercial (C), and Recreation (REC) land use designations identified within Section 15.405.

(c) Prohibited use: The following uses are not permitted within the sub district.

1) Residential - single-family detached dwellings, and adult congregate living facilities.
2) Commercial - "big-box" retailers, automobile or engine repair, construction storage yards, self-storage, farm equipment, vehicle sales, mini-warehouse storage facilities, delivery facilities, minor repair and other uses deemed detrimental to or inconsistent with the character or purpose of the South Tyndall Parkway Sub District.
3) Recreation - active recreational sport facilities, and major maintenance facilities.

(f) Bulk regulations: The following are the bulk regulation requirements for the sub district; see Figure 15.562-I for typical lot layout diagram:

1) Required Lot Size – 20,000 square feet, with 100 feet right-of-way and 200 feet side yard distance.
2) Required Setbacks (to be measured from the building, not the roof overhang) -
   a. Front – 10 feet, with up 80 feet mixed-use desired for front yard cross access
   b. Side – zero feet, and 12 feet on corner lots
   c. Rear – 12 feet
3) Floor Area Ratio – 1.0 maximum
4) Density – Maximum of 16 units per gross acre
5) Impervious Surface Ratio – 75 percent maximum
6) Maximum Building Height (excluding roof pitch) – 30 feet, and 3 stories

(g) Design standards:

1) Building Architectural Style – A contemporary or modern style, or both, shall be used within the sub district that incorporates or mimics design elements found within the North Florida Brick Georgian, Brick Victorian Storefront, New Orleans, and Key West architectural styles.
2) Building Use Mix – Non-residential mixed-use buildings are desired fronting Tyndall Parkway. Multi-family residential buildings are desired fronting Highline Drive and Gay Avenue.
3) Building Façade – Buildings shall not exceed 300 feet length. Buildings shall have a minimum 100 feet façade break between buildings. Buildings taller than 2 stories in height shall step back the upper floors a distance of 12 or more feet as depicted in Figure 15.562-i.
4) Vehicular Use Areas –
   a. Parking – 1 space per 300 square feet required, or 2 spaces per unit, whichever is greater. Residential spaces shall be located within the unit or

in rear yard. The use of shared parking spaces shall be encouraged. Public on-street spaces and surrounding private property spaces within 0.25-mile distance of the main building entrance may be credited towards minimum parking requirements upon the submittal of valid legal agreements establishing the shared use between the applicant and property owner.

b. Public Right-of-Way Access Management – New curb cuts on Tyndall Parkway and Highway 22 shall be minimized through the use of internal access roads, inter-connected parking lots and shared drives, among and between adjacent properties.

c. Parcel Cross-Access – All properties fronting Tyndall Parkway and Highway 22 right-of-ways shall provide vehicular cross access to adjacent vacant parcels, and wherever possible to developed parcels, by means of connected parking lots, shared driveways, cross access easements, or other interparcel connections. The primary location for cross-access shall be in a continuous front yard parking bay as depicted in Figure 15.562-j.

    1. Stub-outs and other design features shall be provided and installed in a manner that make it visually obvious to those traveling in the public right of way that the abutting properties will be tied in to provide cross access.
    2. Siting of buildings shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and promote pedestrian orientation.

5) Pedestrian Mobility – All properties within the sub district shall provide sidewalks which are five feet (5') wide and four inches (4") thick, installed parallel to all public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks shall also be provided linking to buildings entrances. All pedestrian areas shall be designed, constructed and maintained to satisfy American with Disabilities Act (ADA) provisions.

6) Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.

7) Landscaping – A minimum landscape buffer measuring 6 feet in width shall be installed and maintained in a neat, trimmed and healthy manner along all public right-of-way. The buffer shall include 1 canopy tree per 40 linear feet of parcel frontage. The remainder of the buffer shall be fully vegetated with a combination of understory trees, woody shrubs, groundcovers, turf and berming to create a visual buffer that is 24 inches in height and 80 percent opaque within 2 years of installation.

15.562.4 Sub District #4 – Highway 22 West

(a) Purpose: To provide guidelines for development activity within the Highway 22 West Sub District which includes properties located adjacent to the corridor generally between Arlington Drive and Seneca Avenue. The sub district is intended to redevelop over time through a combination of public and private investments into a mixed-use area with commercial and multi-family uses.

(b) Permitted use: To the extent permitted by the underlying land uses and except as limited by subsection (c) below, mixed-use development may occur within the limits of the sub district and include those uses identified within the City's Medium Density Residential (MDR), Commercial (C), and Recreation (REC) land use designations identified within Section 15.405.

(c) Prohibited use: The following uses are not permitted within the sub district.

1) Residential - single-family detached dwellings, and adult congregate living facilities.
2) Commercial - "big-box" retailers, automobile or engine repair, construction offices, self-storage, farm equipment, vehicle sales, mini-warehouse storage facilities, delivery facilities, minor repair and other uses deemed detrimental to or inconsistent with the character or purpose of the Highway 22 West Sub District.
3) Recreation - active recreational sport facilities, and major maintenance facilities.

(d) Bulk regulations: The following are the bulk regulation requirements for the sub district; see Figures 15.562-m and 15.562-n for typical lot layout diagrams:

1) Required Lot Size – Mixed-use development shall be a minimum of 20,000 square feet, with 100 feet right-of-way and 200 feet side yard distance. Residential development shall be a minimum of 40,000 square feet, with 200 feet right-of-way and 200 feet side yard distance.
2) Required Setbacks (to be measured from the building, not the roof overhang) -
   a. Front – 10 feet mixed-use, and 30 feet residential
   b. Side – zero feet, and 12 feet on corner lots
   c. Rear – 80 feet
3) Floor Area Ratio – 1.0 maximum
4) Density – Maximum of 16 units per gross acre
5) Impervious Surface Ratio – 75 percent maximum
6) Maximum Building Height (excluding roof pitch) – 30 feet, and 3 stories

(e) Design standards:

1) Building Architectural Style – A contemporary or modern style, or both, shall be used within the sub district that incorporates or mimics design elements found within the North Florida Brick Georgian, Brick Victorian Storefront, New Orleans, and Key West architectural styles.

2) Building Use Mix – Mixed-use buildings are desired fronting Highway 22. Multi-family residential buildings are desired along the back half of the blocks.
3) Building Façade – Buildings shall not exceed 300 feet length. Buildings shall have a minimum 100 feet façade break between buildings. Mixed-use buildings taller than 2 stories in height shall step back the upper floors a distance of 12 or more feet as depicted in Figure 15.562-i.
4) Vehicular Use Areas –
    a. Parking – 1 space per 300 square feet required, or 2 spaces per unit, whichever is greater. Residential spaces shall be located within the unit or in rear yard. The use of shared parking spaces shall be encouraged. Public on-street spaces and surrounding private property spaces within 0.25-mile distance of the main building entrance may be credited towards minimum parking requirements upon the submittal of valid legal agreements establishing the shared use between the applicant and property owner.
    b. Public Right-of-Way Access Management – New curb cuts on Highway 22 shall be minimized through the use of internal access roads, inter-connected parking lots and shared drives, among and between adjacent properties.
    c. Parcel Cross-Access – All properties fronting Highway 22 right-of-way shall provide vehicular cross access to adjacent vacant parcels, and wherever possible to developed parcels, by means of connected parking lots, shared driveways, cross access easements, or other interparcel connections. The primary location for cross-access shall be in a continuous front yard parking bay as depicted in Figure 15.562-j.
        1. Stub-outs and other design features shall be provided and installed in a manner that make it visually obvious to those traveling in the public right of way that the abutting properties will be tied in to provide cross access.
        2. Siting of buildings shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and promote pedestrian orientation.
8) Pedestrian Mobility – All properties within the sub district shall provide sidewalks which are five feet (5') wide and four inches (4") thick, installed parallel to all public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks shall also be provided linking to buildings entrances. All pedestrian areas shall be designed, constructed and maintained to satisfy American with Disabilities Act (ADA) provisions.

9) Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.
10) Landscaping – A minimum landscape buffer measuring 6 feet in width shall be installed and maintained in a neat, trimmed and healthy manner along all public right-of-way. The buffer shall include 1 canopy tree per 40 linear feet of parcel frontage. The remainder of the buffer shall be fully vegetated with a combination of understory trees, woody shrubs, groundcovers, turf and berming to create a visual buffer that is 24 inches in height and 80 percent opaque within 2 years of installation.

15.562.5 Sub District #5 – Highway 22 East

(a) Purpose: To provide guidelines for development activity within the Highway 22 East Sub District which includes properties located adjacent to the corridor generally between N. Gay Avenue and N. Berthe Avenue. The sub district is intended to redevelop over time through a combination of public and private investments into a mixed-use area with commercial and multi-family uses.

(b) Permitted use: To the extent permitted by the underlying land uses and except as limited by subsection (c) below, mixed-use development may occur within the limits of the sub district and include those uses identified within the City's Medium Density Residential (MDR), Commercial (C), and Recreation (REC) land use designations identified within Section 15.405.

(c) Prohibited use: The following uses are not permitted within the sub district.
1) Residential - single-family detached dwellings, and adult congregate living facilities.
2) Commercial - delivery facilities and minor repair, "big-box" retailers, gasoline service stations, any "drive-thru" uses, automobile or engine repair, construction offices, self-storage, farm equipment, vehicle sales, mini-warehouse storage facilities, delivery facilities, minor repair and other uses deemed detrimental to or inconsistent with the character or purpose of the Highway 22 East Sub District.
3) Recreation - active recreational sport facilities, and major maintenance facilities.

(d) Bulk regulations: The following are the bulk regulation requirements for the sub district; see Figures 15.562-m and 15.562-n for typical lot layout diagrams:
1) Required Lot Size – Mixed-use development shall be a minimum of 20,000 square feet, with 100 feet right-of-way and 200 feet side yard distance. Residential development shall be a minimum of 40,000 square feet, with 200 feet right-of-way and 200 feet side yard distance.
2) Required Setbacks (to be measured from the building, not the roof overhang) -
    a. Front – 10 feet mixed-use, and 30 feet residential
    b. Side – zero feet, and 12 feet on corner lots

c. Rear – 80 feet

3) Floor Area Ratio – 1.0 maximum
4) Density – Maximum of 16 units per gross acre
5) Impervious Surface Ratio – 75 percent maximum
6) Maximum Building Height (excluding roof pitch) – 30 feet, and 3 stories

(e) Design standards:

1) Building Architectural Style – A contemporary or modern style, or both, shall be used within the sub district that incorporates or mimics design elements found within the North Florida Brick Georgian, Brick Victorian Storefront, New Orleans, and Key West architectural styles.
2) Building Use Mix – Mixed-use buildings are desired fronting Highway 22. Multi-family residential buildings are desired along the back half of the blocks.
3) Building Façade – Buildings shall not exceed 300 feet length. Buildings shall have a minimum 100 foot façade break between buildings. Mixed-use buildings taller than 2 stories in height shall step back the upper floors a distance of 12 or more feet as depicted in Figure 15.562-i.
4) Vehicular Use Areas –
   a. Parking – 1 space per 300 square feet required, or 2 spaces per unit, whichever is greater. Residential spaces shall be located within the unit or in rear yard. The use of shared parking spaces shall be encouraged. Public on-street spaces and surrounding private property spaces within 0.25-mile distance of the main building entrance may be credited towards minimum parking requirements upon the submittal of valid legal agreements establishing the shared use between the applicant and property owner.
   b. Public Right-of-Way Access Management – New curb cuts on Highway 22 shall be minimized through the use of internal access roads, inter-connected parking lots and shared drives, among and between adjacent properties.
   c. Parcel Cross-Access – All properties fronting Highway 22 right-of-way shall provide vehicular cross access to adjacent vacant parcels, and wherever possible to developed parcels, by means of connected parking lots, shared driveways, cross access easements, or other interparcel connections. The primary location for cross-access shall be in a continuous front yard parking bay as depicted in Figure 15.562-j.
      i. Stub-outs and other design features shall be provided and installed in a manner that make it visually obvious to those traveling in the public right of way that the abutting properties will be tied in to provide cross access.
      ii. Siting of buildings shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land

uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and promote pedestrian orientation.

4) Pedestrian Mobility – All properties within the sub district shall provide sidewalks which are five feet (5') wide and four inches (4") thick, installed parallel to all public rights-of-way across the entirety of the property frontage and connecting with and to existing sidewalks located on abutting properties. Internal sidewalks shall also be provided linking to buildings entrances. All pedestrian areas shall be designed, constructed and maintained to satisfy American with Disabilities Act (ADA) provisions.
5) Stormwater – All stormwater management basins shall be designed to meet the City's and Water Management District's design requirements. Co-location shall be encouraged for larger regional systems and use as a site amenity.
6) Landscaping – A minimum landscape buffer measuring 6 feet in width shall be installed and maintained in a neat, trimmed and healthy manner along all public right-of-way. The buffer shall include 1 canopy tree per 40 linear feet of parcel frontage. The remainder of the buffer shall be fully vegetated with a combination of understory trees, woody shrubs, groundcovers, turf and berming to create a visual buffer that is 24 inches in height and 80 percent opaque within 2 years of installation.

Figure 15.562-a

Central Corridor's Urban Design Overlay (CCUDO) Limits

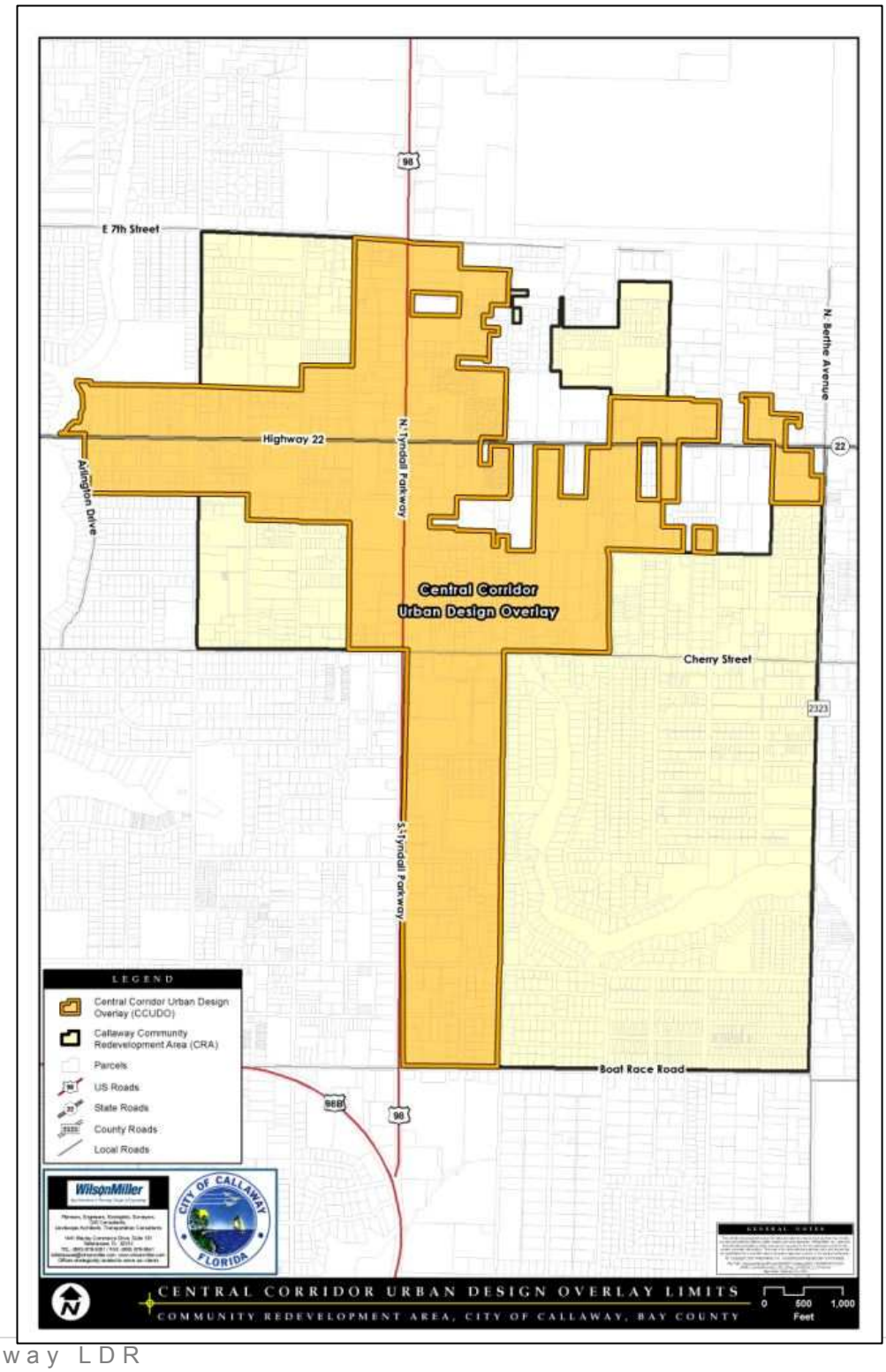


Figure 15.562-b

CCUDO Sub District Limits

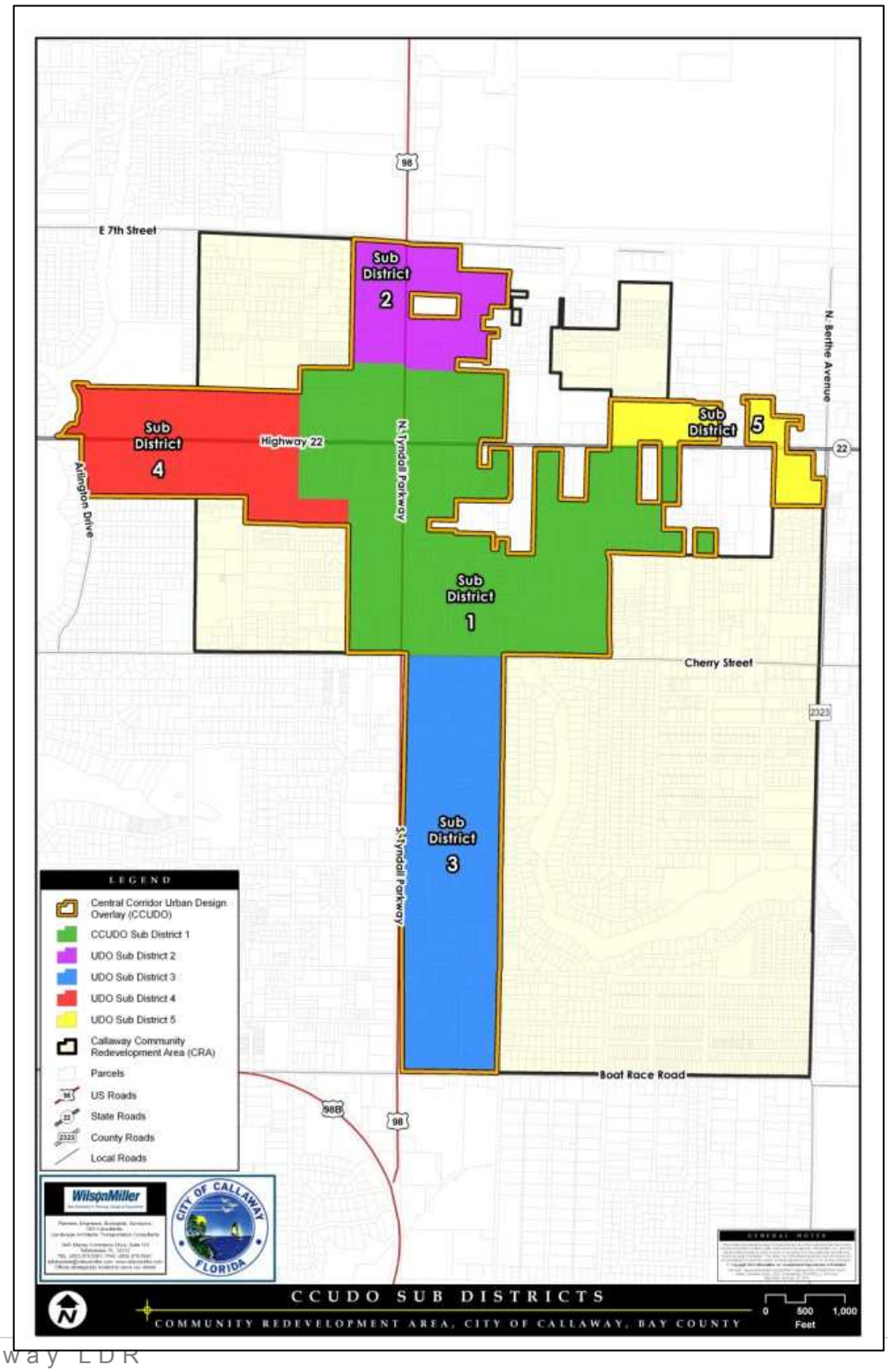


Figure 15.562-c

CCUDO Sub District #1

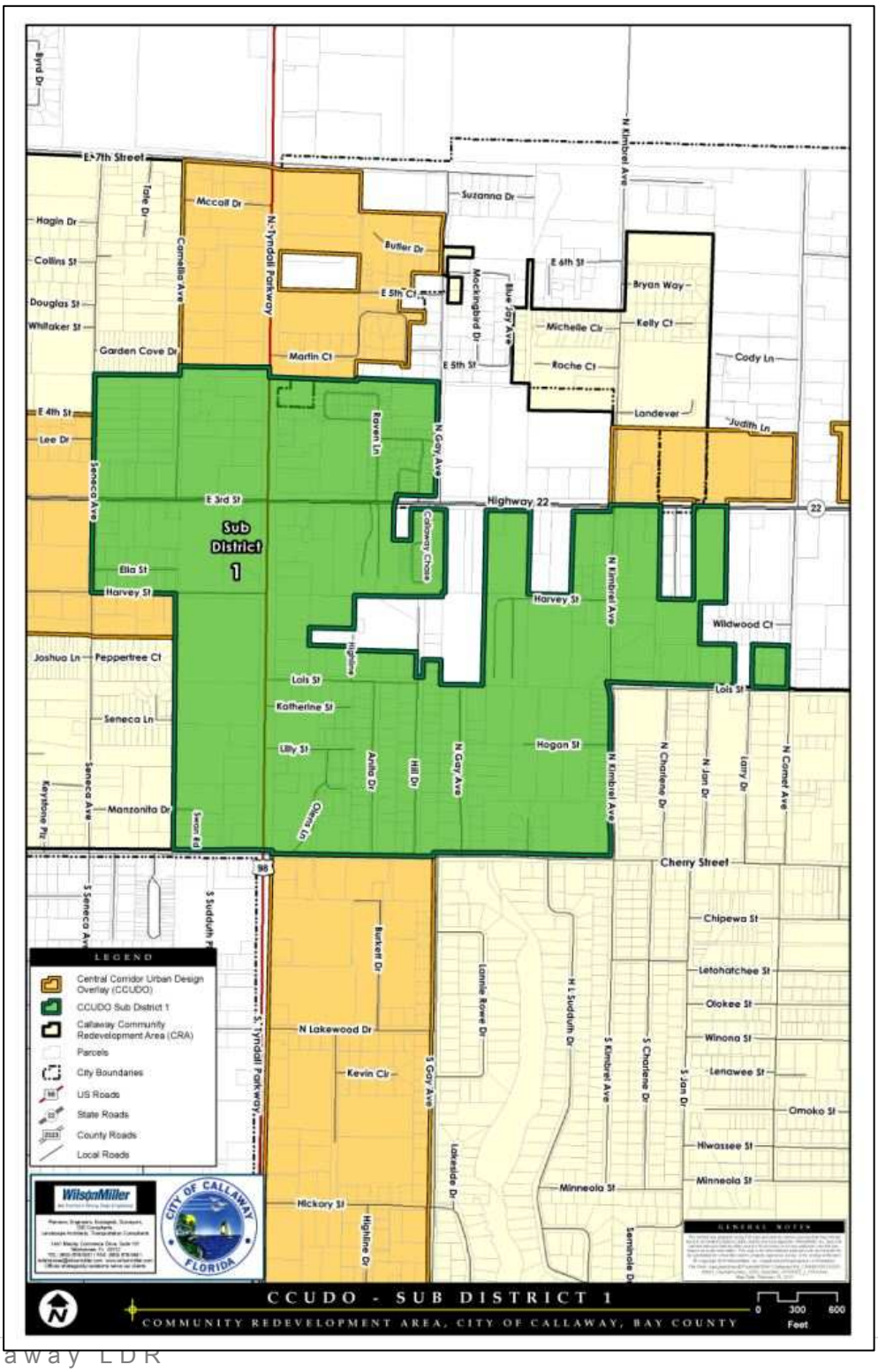


Figure 15.562-d

CCUDO Sub District #2

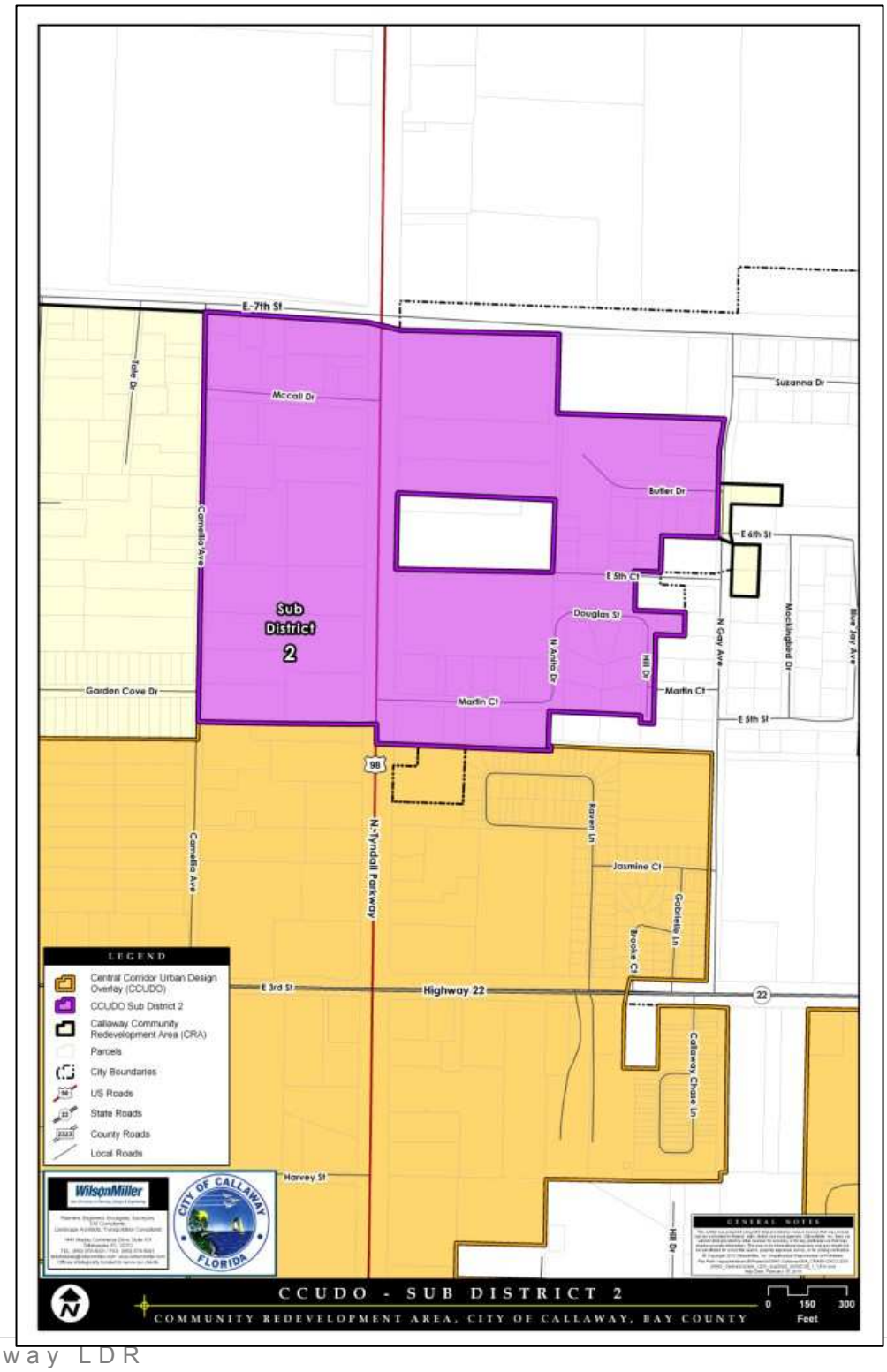


Figure 15.562-e

CCUDO Sub District #3

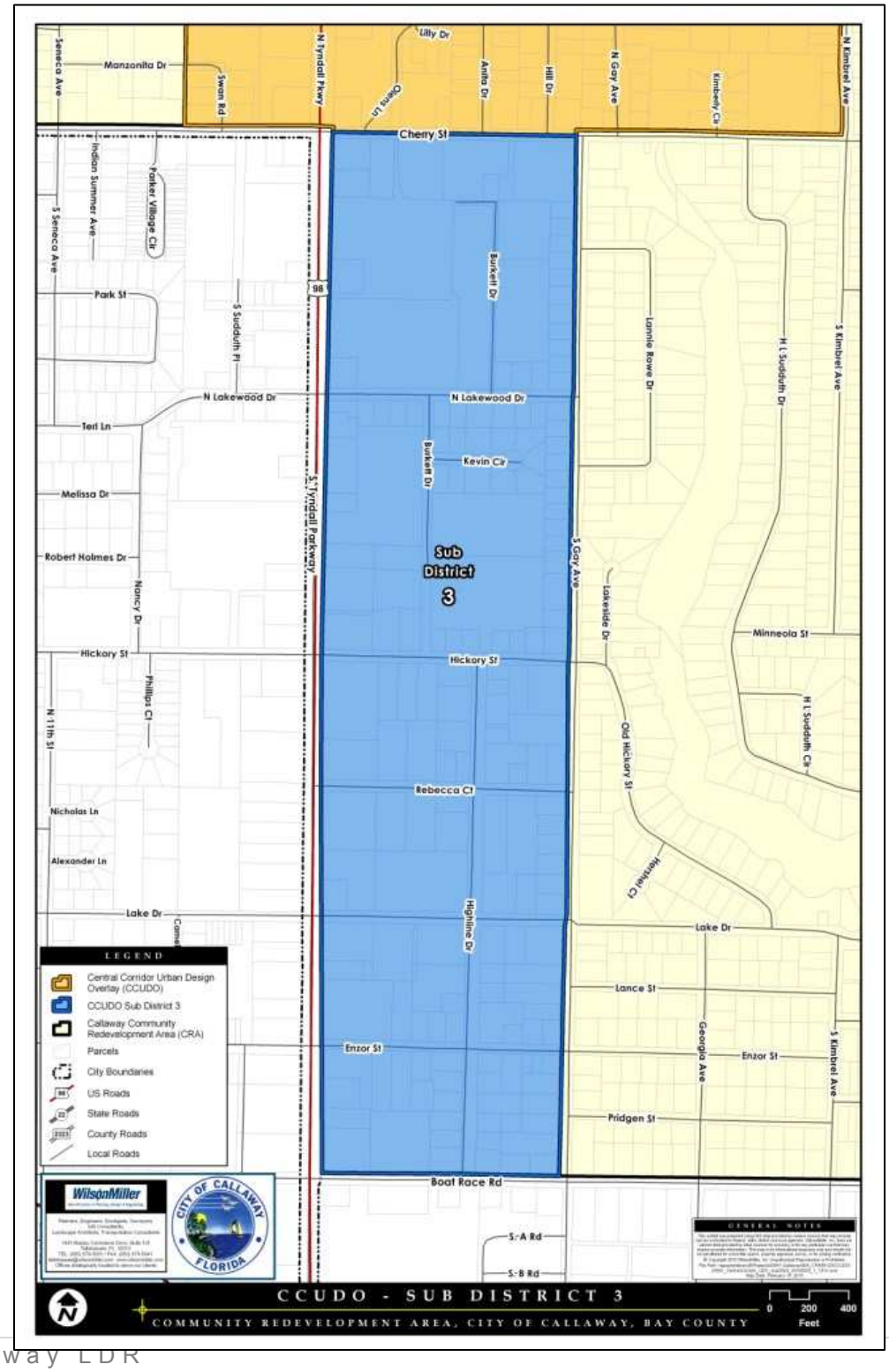


Figure 15.562-f

CCUDO Sub District #4

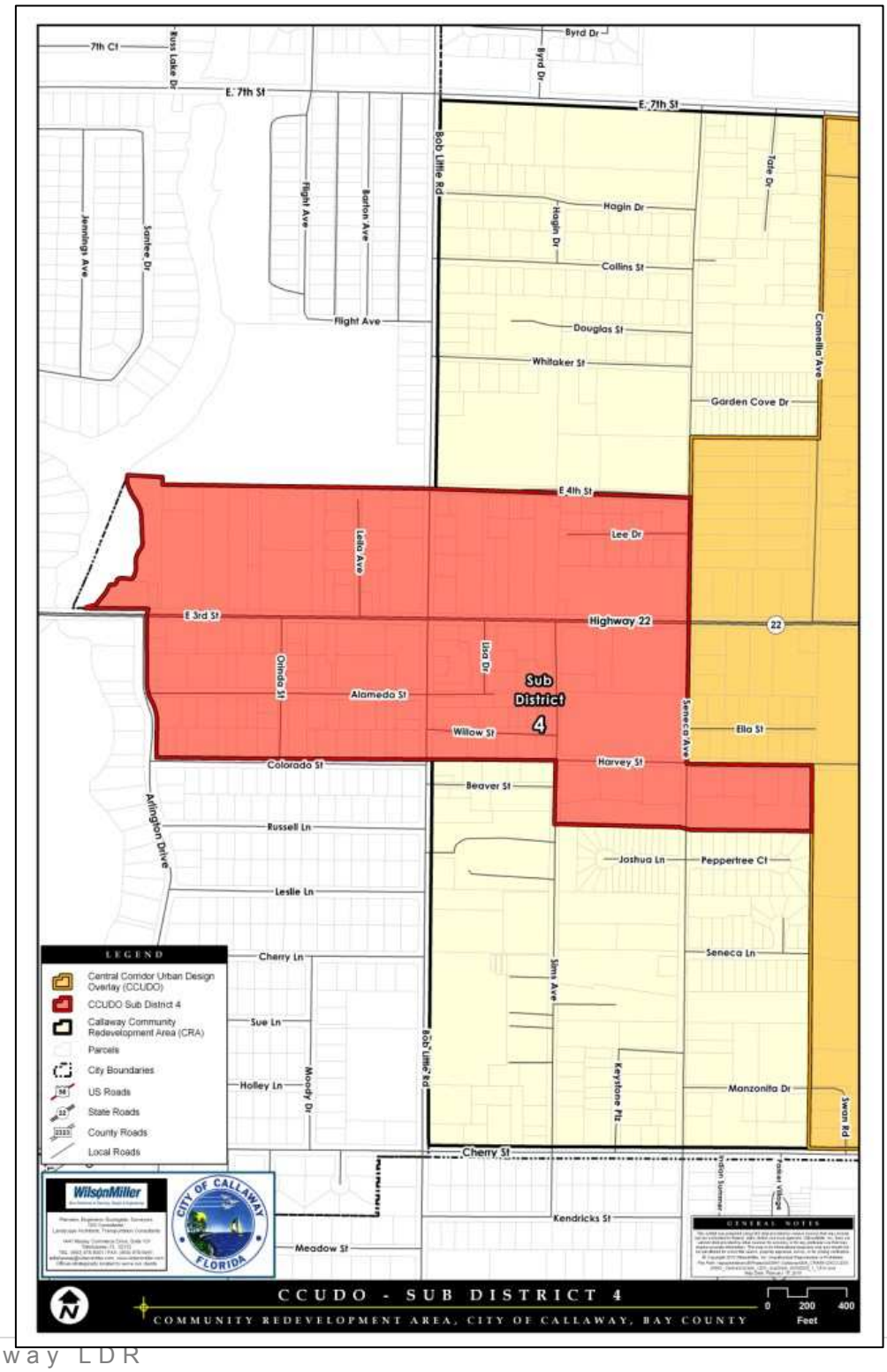


Figure 15.562-g

CCUDO Sub District #5

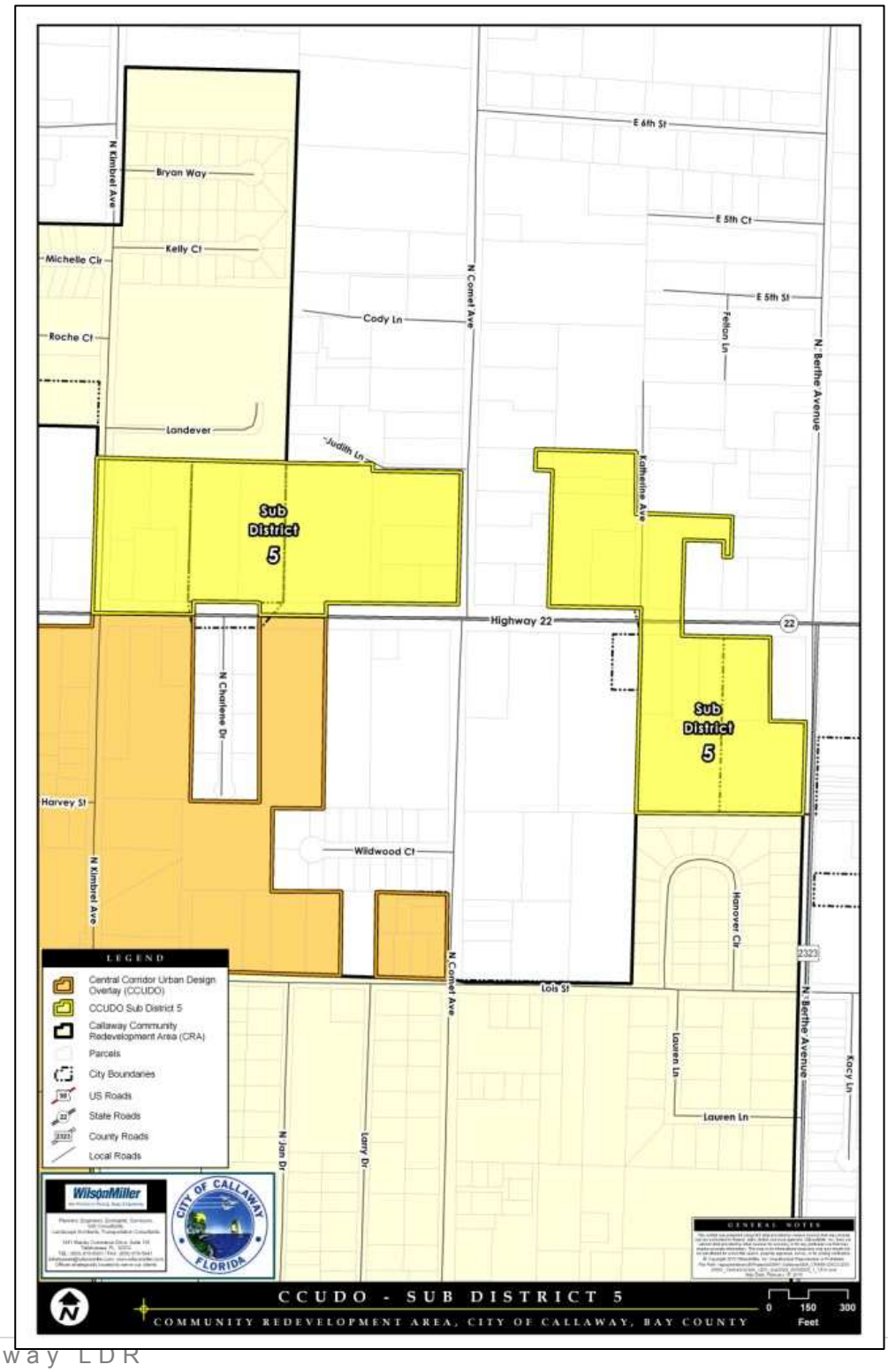


Figure 15.562-h

Sub District #1 – Town Center Lot Layout Diagram

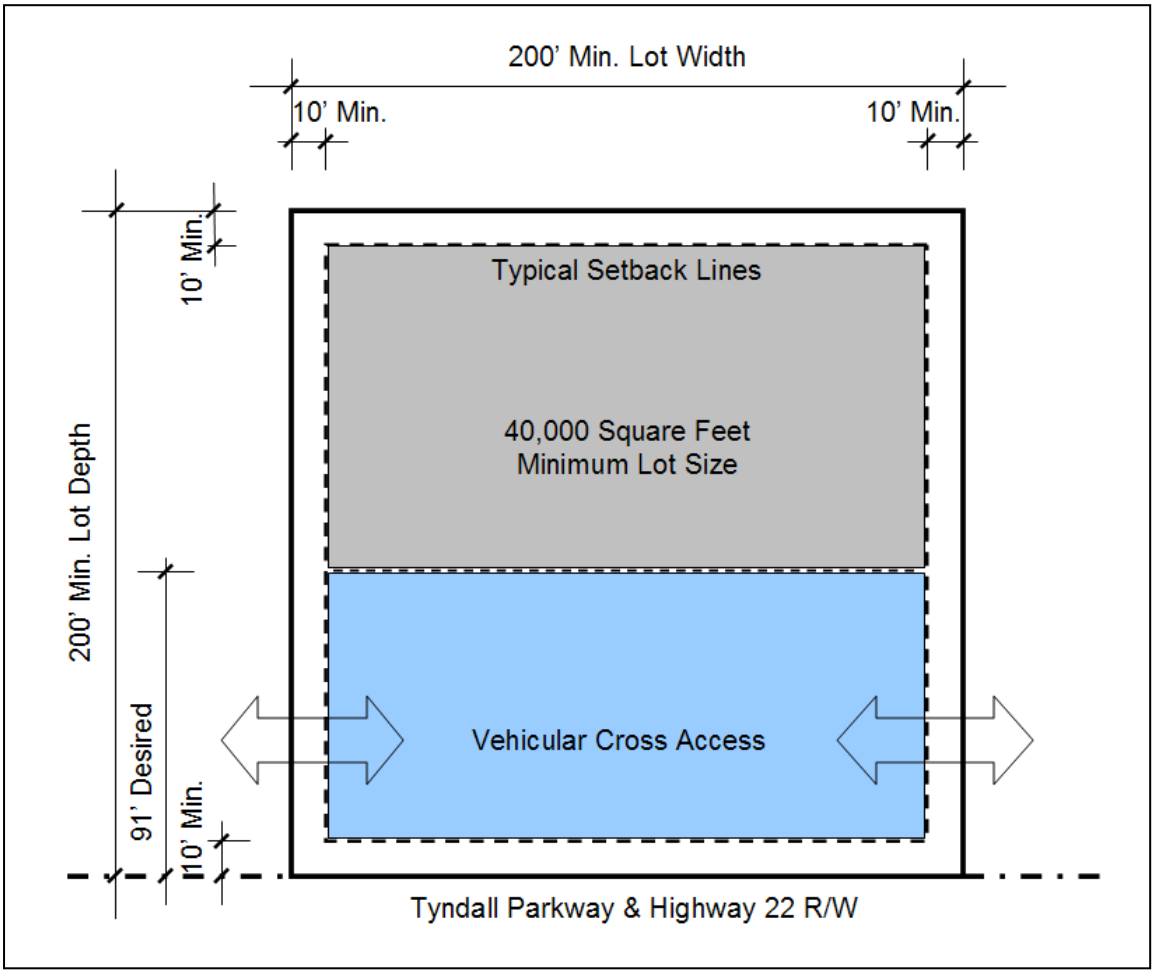


Figure 15.562-i

Building Façade Step Back

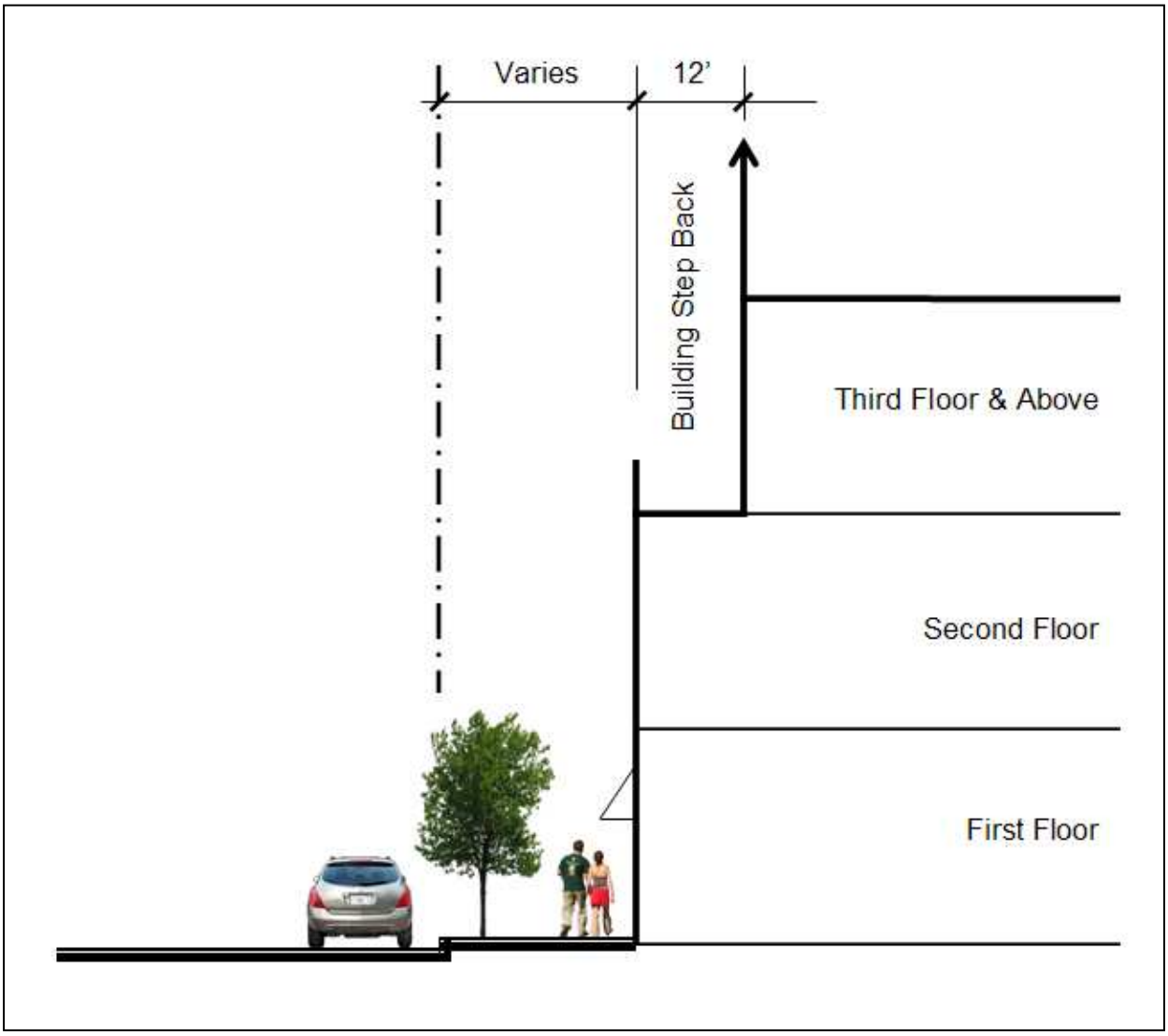


Figure 15.562-j

Parcel Vehicular Cross Access

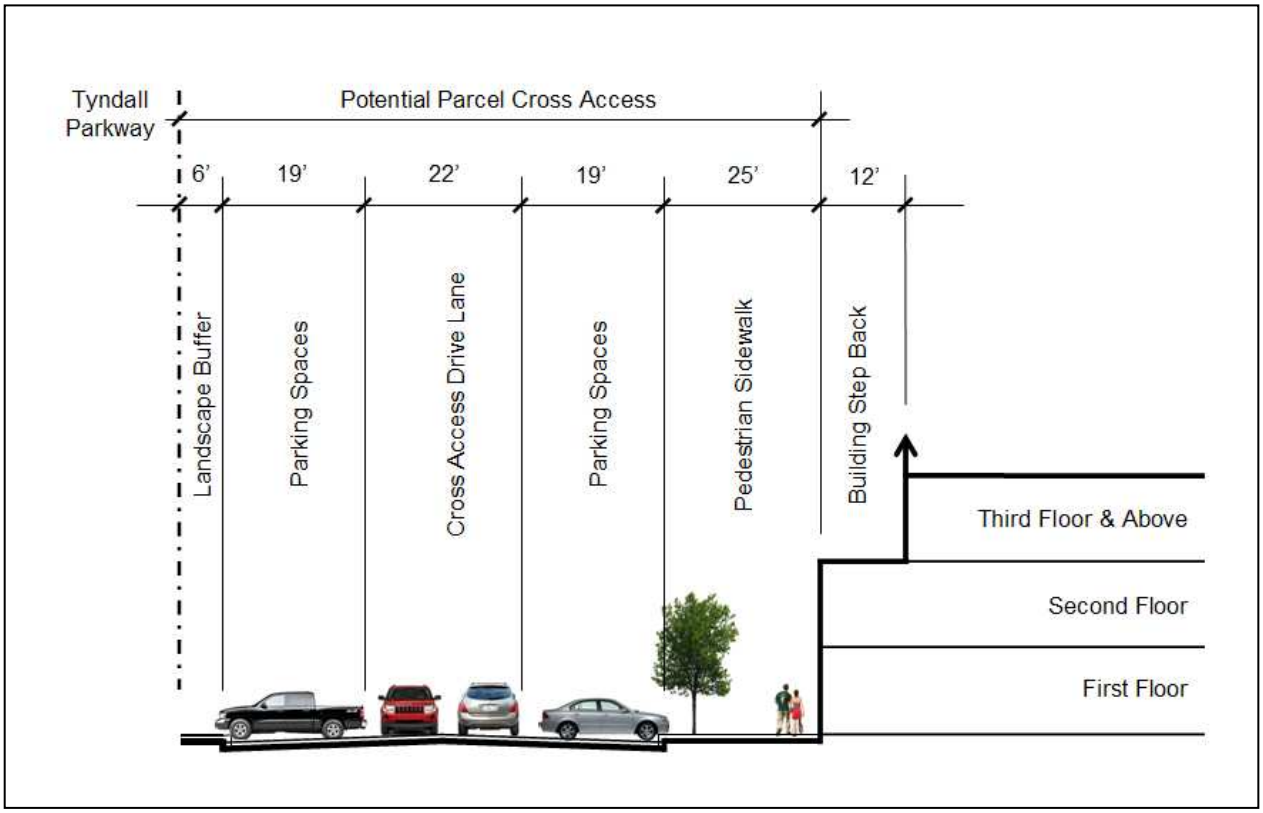


Figure 15.562-k

Sub District #2 – North Tyndall Parkway Lot Layout

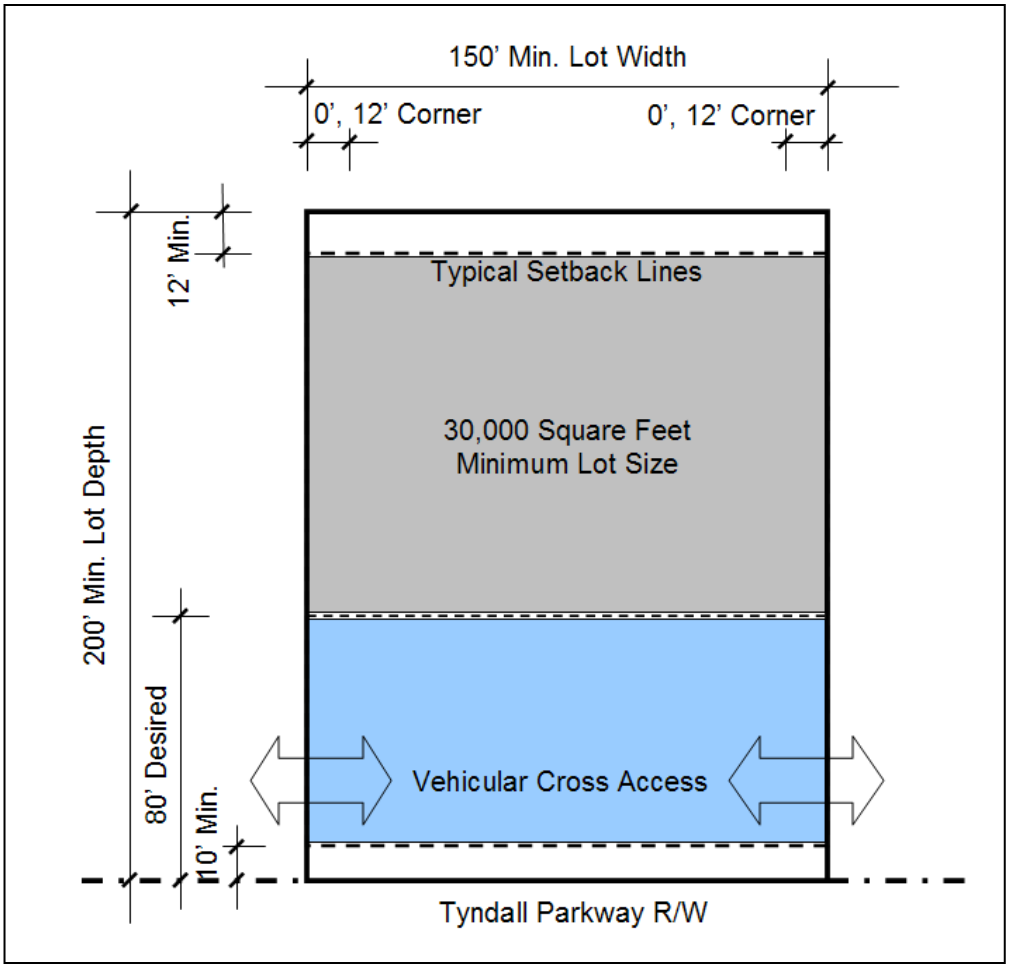


Figure 15.562-I

Sub District #3 – South Tyndall Parkway Lot Layout Diagram

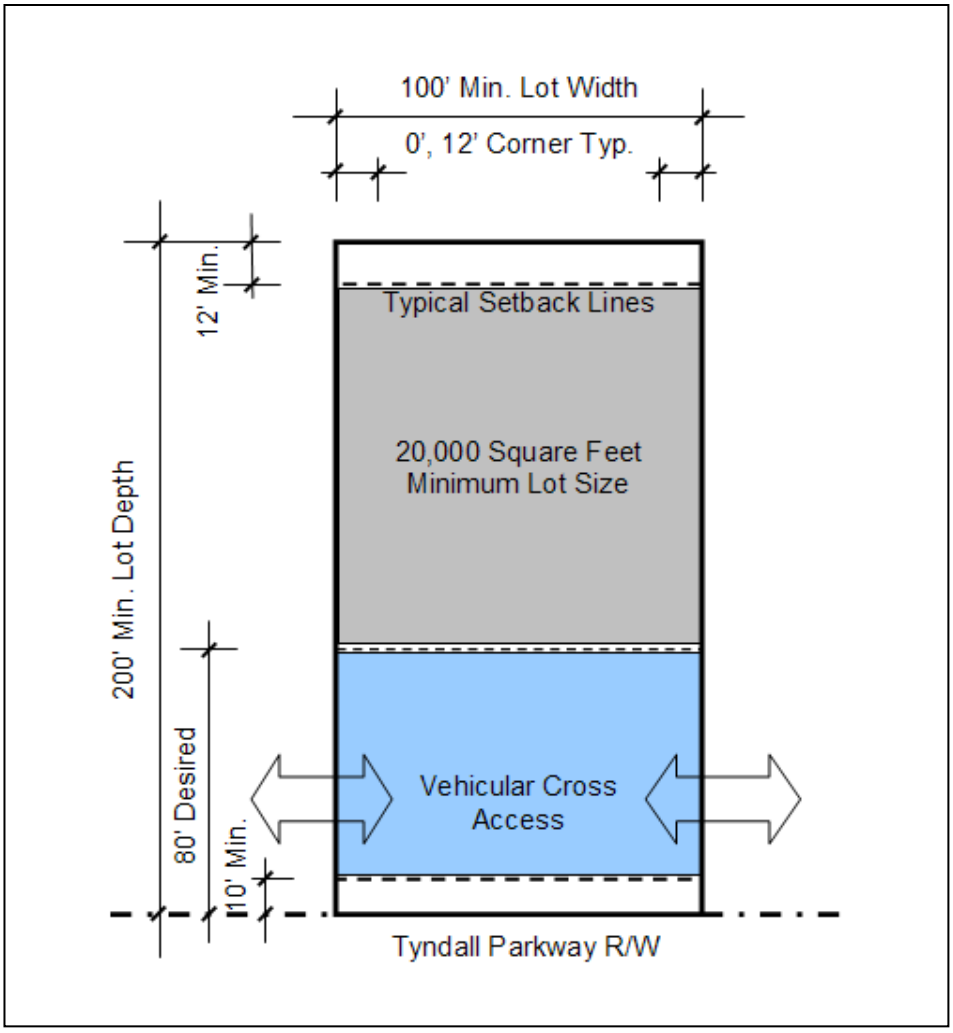


Figure 15.562-m

Sub District #4 – Highway 22 West

Sub District #5 – Highway 22 East

Lot Layout Diagrams (Mixed-Use)

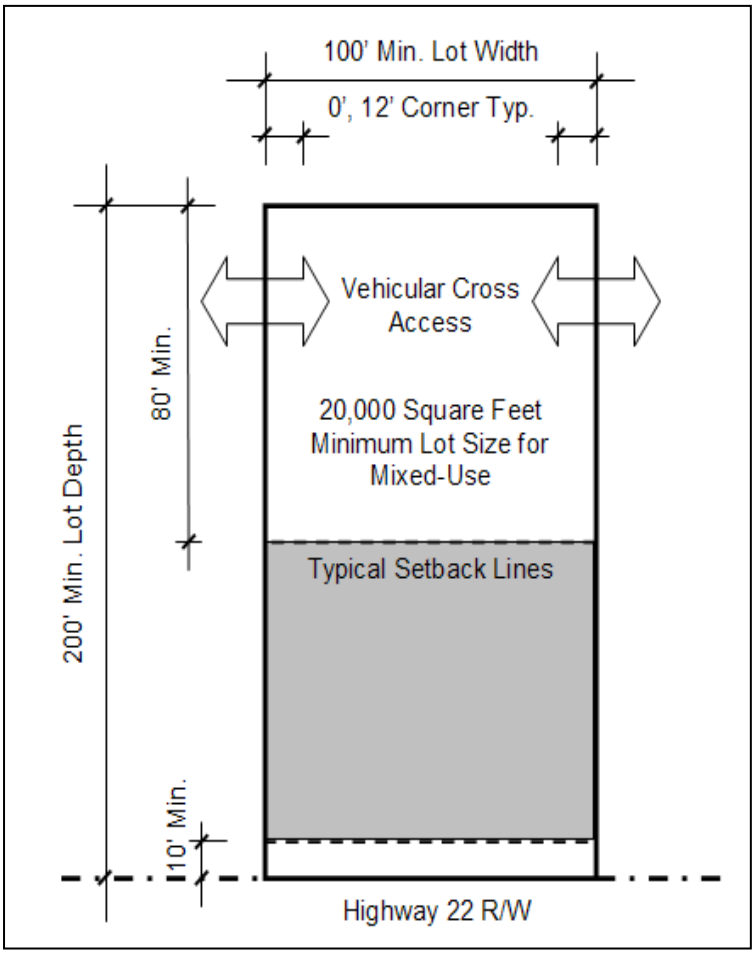
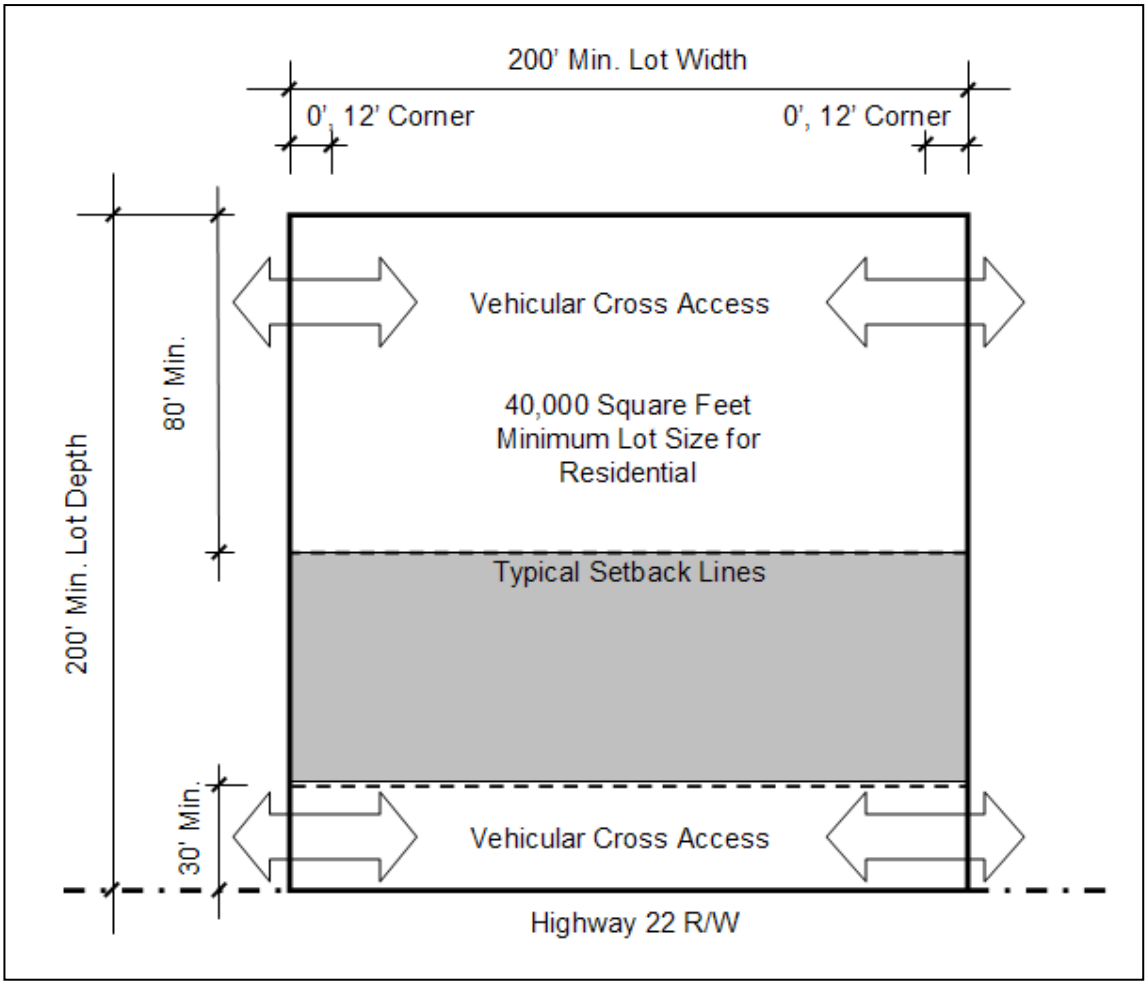


Figure 15.562-n

Sub District #4 – Highway 22 West

Sub District #5 – Highway 22 East

Lot Layout Diagrams (Residential)



SECTION 15.565 PLANNED DEVELOPMENT-ZONING REGULATIONS

(a) **Purpose:** The purpose of the planned development zoning district is to provide an alternative method of land development not available within the framework of the other zoning districts of the City. This classification may be assigned to land which is to be developed as a whole or in a single development, or programmed series of development operations, utilizing innovative design techniques not possible through the structure of other zoning districts of the City, for the purpose of achieving one or more of the following development objectives:

(1) To preserve or be otherwise sensitive to significant environmental or topographical features which exist on the site.
(2) To accommodate a mixture of uses on one or more parcels of land with single or multiple ownerships, zoned, approved, operated and developed as a single unit and made internally and externally compatible through use limitations, sign control, cross easements for access and utilities, coordinated building orientation, design, aesthetics and buffering, with principal and accessory structures substantially related to the character of the development and the context of the neighborhood of which they are a part.
(3) To accommodate a comprehensively planned and phased redevelopment project involving multiple ownerships which provides for interrelated uses, circulation patterns (both vehicular and pedestrian), building orientation, parking areas, architectural motif, signs, open space, amenity areas and like features, which positively contribute to the area being redeveloped and the City. Planned development shall be designed according to comprehensive plans which provide for interrelated uses, circulation patterns (both vehicular and pedestrian), streets, utilities, lots, building orientation, parking areas, architectural motif, signs, open space, amenity areas and like features with a program to provide for the maintenance and operation of all such areas. Planned developments must also provide improvements and facilities for the common use of all or some of the occupants of the development and a provision for the maintenance and operation of all necessary services which the City of Callaway does not agree, in writing, to provide, maintain or operate.

(b) **Permitted areas:** Planned developments of mixed commercial and residential uses, more than one residential use, or more than one commercial use are permitted within the following areas:

(1) All areas shown on the 1990 official zoning map of the City of Callaway, Florida.
(2) All areas annexed into the City of Callaway after January 1, 1991.

(c) **Application for planned development:** The proponents of a planned development shall make a written application in accordance with the provisions of this chapter, to the Callaway City Commission for the approval of a planned development zoning classification.

(d) **Permitted uses:** All uses permitted in a planned development shall be consistent with the comprehensive land use plan designation for the subject site, including densities and intensities of use. Uses permitted in a planned development may include and shall be limited to:

(1) Dwelling units in detached, semi-detached, attached or multi-family structures, or combinations thereof.
(2) Non-residential uses such as commercial, religious, cultural, recreational, governmental, and other uses which are compatible and harmoniously incorporated into a unitary design of the planned development.
(3) Combination of dwelling units and non-residential uses as described in (1) and (2) above.

(e) **Submission of plans and action thereon:** The development plan of the planned development shall meet the requirements of professional land-planning services, promote public health, safety and general welfare; provide adequate light, air, privacy and convenience, conserve the values of surrounding property, and protect against fire, panic, explosion, noxious fumes, flooding among natural watercourses, and other hazards.

Development plans for all planned developments shall be submitted in accordance with City general site specific development plan requirements contained in Section 15.630 (site specific) of the Callaway Code of Ordinances and, where applicable, in accordance with City subdivision regulations contained in Article VII of this Chapter.

In addition to the submission requirements described above, the applicant shall submit a detailed textual statement containing all proposed uses within the planned development and including all restrictions, covenants, limitations, hours of operation, rules, regulations and such other data and information as the City shall require, which the applicant intends to place on the property. Upon approval by the City Commission, this textual statement shall become a part of the City's zoning regulations for that planned development. After final approval of the planned development, including the textual statement, any amendment to the provisions of the textual statement must be made in accordance with this Section.

(f) **Public hearing and zoning action.**

(1) Upon review of the final site plan and consideration of the recommendations of the Director of Planning, the City Commission shall, by resolution, set a public hearing to obtain public input on the proposed planned development rezoning, in accordance with the applicable Florida Statutes and City ordinances.
(2) Following receipt of the recommendations of the Director of Planning and the Planning Board, and upon consideration of public input obtained at the public hearing, and review of the planned development, the City Commission shall, within sixty (60) days from the conclusion of the public hearing, adopt a resolution either denying the application or

instructing the City Attorney to draft the appropriate ordinance to establish the planned development zoning classification on the specified parcel.

(g) **Time periods and extensions thereof:**

(1) Construction shall begin within a period of two (2) years, beginning with the enactment date of the ordinance creating the planned development. Upon the applicant's failure to begin construction within this two (2) year period, the City Commission may rescind or modify the ordinance establishing the planned unit development, unless a request for an extension of time is granted.
(2) An application for an extension of the two (2) year period shall be made to the City Commission of Callaway and shall be accompanied by such evidence as shall be necessary to show substantial need and shall be made before the expiration of the two (2) year period. In its sole discretion, the City Commission may, by resolution, grant the extension; provided, however, that the petitioner shall have no vested right to receive such an extension.
(3) After a planned development has been approved by the City Commission, no substantial modification to the approved plan of development shall be made unless submitted to City Commission and approved by the City Commission.
(4) If the City Commission determines that (1) the plan is abandoned or (2) if construction is terminated after the completion of any state, or (3) if construction is abandoned or discontinued for a period of two years, or (4) if there is evidence that further development is not contemplated, City Commission may rescind or modify the ordinance establishing the planned development.

(h) **Modifications of ordinances and codes:** The requirements of Chapter 15, including, but not limited to, off street parking, landscaping, lot coverage, building heights, setbacks, buffers and walls, of the zoning district most closely resembling the proposed use shall apply to the planned development. The City Commission may waive or modify said requirements on finding that such modifications are not required in the interest of the planned development and that the modification is not inconsistent with the interest of the City and with the uniqueness of the planned development.

SECTION 15.570 AG - AGRICULTURAL ZONING REGULATIONS

(a) **Purpose:** The AG - District is intended to apply to those large areas the present use of which is primarily agricultural vacant, or the future proper development of which is uncertain, and for which a more restricted zoning would be premature and unreasonable. The regulations of this district are intended to permit a reasonable use of property while at the same time preventing the creation of conditions which would blight or prevent the proper use of contiguous or nearby property. The effect being the keeping of such zones in reserve, and providing some measure of

control for future development by requiring rezoning when any substantial development does take place.

(b) **Permitted Use:** Land and buildings with an AG Agricultural Zoning District shall be used for the following purposes:

(1) One family dwellings on a lot at least ten and with one hundred (100) feet street frontage.
(2) Single family dwellings.
(3) Hospital, correctional institution, convalescent home, nursing home; not including communicable diseases, insanity, feeble-mindedness, epileptics, drug addicts, alcoholics, and penal institutions.
(4) Church, convent, monastery, parish house.
(5) Library, museum, and similar institutions of a noncommercial nature.
(6) Public owned or operated buildings and uses, including community buildings, public parks, playgrounds, but excluding dumps, sanitary fill or incinerators.
(7) Golf course, country club, private club, outdoor recreation club, provided all buildings are located at least fifty (50) feet from any street line and at least one hundred (100) feet from any private plot line.
(8) Grove, produce farm, truck garden, horticultural farming, botanical garden, floriculture, nursery, sod farm, crop raising, hydroponic garden greenhouse, slat house, forestry, beekeeping, with use or keeping of animals only as incidental and accessory thereto.
(9) Cattle or stock grazing, dairy farm, not including hog raising.
(10) Raising of less than one hundred (100) poultry as an accessory use on a property whose principal use is residential.
(11) Accessory structures and uses.

(c) **Uses Requiring special approval:**

(1) Cemetery, crematory, columbarium, mausoleum.
(2) Airport, airpark, or airfield.
(3) Public utility and public service buildings.
(4) Dude ranch, riding stable, livery stable, boarding stable.
(5) Animal hospital, veterinary clinic, animal boarding place, dog kennel, fur farm.
(6) Raising of hogs, sheep, goats, raising of one hundred (100) or more poultry, poultry slaughtering and dressing.
(7) Outdoor, or indoor, rifle, shotgun, or pistol shooting range.
(8) Eleemosynary or philanthropic institution.
(9) Radio or television transmitting or receiving station, structure or tower over fifty (50) feet in height above the ground.
(10) Sand, gravel, rock or stone pit or quarry or other operation involving the extraction or mining of natural material, removing of earth or topsoil.

(11) Temporary structures, including wayside stands for display or sale of farm products produced on the premises.

(12) Amusements, mechanical riding devices, carnivals, circuses, animal display, aquarium, menagerie, exhibit, museum.

(13) Off-street parking of motor vehicles accessory to a use not located on the same premises, or which is located outside of the A District.

(14) Hospital, home or institution for contagious, mental, alcoholic, drug, or epileptic cases.

(15) Crushing, screening and processing of materials mined or excavated on the premises.

(d) **Uses Prohibited:** The following uses are prohibited (nor will such uses be allowable under home occupations) and shall not be construed to include, either as a principal or accessory use any of the following which are listed for emphasis:

(1) Manufacture or industrial establishments.

(2) Wholesale warehouse or storage establishments except accessory to agriculture.

(3) Junkyards, house wrecking yards, automobile wrecking, used auto parts, display storage or sale.

(4) Automobile, truck or trailer-display, storage, service, repair or sale.

(5) Oil, asphalt or petroleum products - Storage, processing or sale, except as incidental to an approved oil well drilling.

(6) Building supplies or material-Display, storage or sale.

SECTION 15.575 ACCESSORY USES, BUILDINGS, OR STRUCTURES

Only principal uses are listed as permitted uses within each zoning district. In addition, accessory uses, buildings, or structures as herein defined may be located upon any lot, subject to the following provisions:

(a) Accessory buildings and structures shall be limited to a maximum height of four (24) feet;

(b) Total combined building coverage of all principal and accessory buildings and structures shall not exceed the maximum building coverage allowed within the applicable zoning district;

(c) No permanent building or structure shall be located within a publicly dedicated easement;

(d) There shall be full compliance with the off-street parking and service requirements of the applicable zoning district;

(e) There shall be full compliance with the yard and buffering requirements of the applicable zoning district except as follows: Except as otherwise provided in this section, detached accessory buildings and structures, including, but not limited to, garages, carports, and storage sheds may be located only within a rear or side yard; provided that no such building or structure shall be located nearer than five (5) feet to any property line and not closer than ten (10) feet to the principal structure. An additional setback from a lot

line of one (1) foot shall be required for each foot of total building or structure height exceeding eleven (11) feet until a setback of ten (10) feet is reached.

SECTION 15.580 TEMPORARY USES

Temporary uses, buildings and structures in connection with land development, sales or construction projects may be established, erected, or placed within any zoning district for occupancy other than as dwelling or lodging units. Any such use, building or structure shall require a permit from the Department of Planning; such permit is to specify location, type of construction, maintenance requirements, buffering requirements, time period of operation or utilization of any such use, building or structure and such other requirements as the Director may deem necessary. No permit shall be for a period of more than six (6) months, subject to renewal upon approval of the Director. Failure to obtain a permit or violation of any condition or requirement specified as part of an issued permit shall be a violation of this Chapter.

SECTION 15.590 REZONING

(a) **General Conditions**

This Section, including the zoning map, may be amended by the Callaway City Commission on its own motion, on petition or on recommendation of the Planning Board, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Board for review and recommendation. The Planning Board shall submit its report within thirty (30) days after receiving an amendment proposal from the City Commission for review; otherwise said amendment shall be deemed to have been approved by said Planning Board. Before enacting an amendment to these regulations, the City Commission shall give public notice and hold hearings thereon as set forth in this Section.

(b) **Application for amendment**

(1) **General:** Applications for amendment may be in the form of proposals for amendment of the text of this Article or proposals for amendment of the zoning map; for purposes of this Article, map amendments and text amendments shall be collectively referred to as zoning reclassifications. Applications for zoning reclassifications may be made only by a property owner, contract purchaser or person financially interested in the property to be reclassified, or by a governmental agency. Applications shall be filed in triplicate with the Director of Planning; provided, however, that the City Commission may, on its own motion, commence the procedure for a zoning reclassification without filing a formal application. All nongovernmental zoning reclassifications shall be accompanied by an application fee pursuant to the “Schedule of Fees and Charges” in Section 15.695 of the Land Development Regulations. No application fee shall be refunded unless the application is

withdrawn prior to the time it is ordered to be advertised. In no event shall more than four-fifths (4/5) of the application fee be refunded.

(2) **Signature of applicant required:** All applications for zoning reclassifications shall be signed and verified under oath by the applicant and shall state the applicant's name and address.

(3) **Application for text amendment:** In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(4) **Application for map amendment:** An application for a map amendment shall include the following information: The street address of the land proposed to be reclassified, or if no street address exists, the location with respect to the nearest public roads in common use; The legal description, by metes and bounds, bearings and distances or by reference to the lot, block and appropriate plat references; The present zoning classification and the classification proposed for such land; The name(s) and address(s) of all owners and occupants of the land to be reclassified; The area of the land proposed to be reclassified, stated in square feet, if less than one (1) acre and in acres if one (1) acre or more; and The application number, date of application, and action taken on all prior applications filed for the reclassification of the whole or any part of the land.

(5) **Posting of property:** Within five (5) days after acceptance of an application for a map amendment, the City Clerk shall cause a sign to be erected on the land to be reclassified. Such sign shall be erected within ten (10) feet of the boundary of said land abutting the most heavily traveled public road; and, if no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The lower edge of the sign face shall not be less than two and one-half (2-l/2) feet above the ground. The sign shall have a minimum size of thirty (30) by forty (40) inches, shall state that an application for zoning reclassification is pending and shall state the application number, the present zoning classification, the proposed zoning classification, the scheduled date, time and place of public hearing and the telephone number to call for further information. If the land sought to be reclassified lies within more than one (1) block, as shown on a plat recorded in the land records of Bay County, a sign shall be erected on each such block. The applicant shall maintain such sign at all times unless a decision on the application has been made by the City Commission and for a period of twenty (20) days thereafter. The sign shall then be removed unless a petition for reconsideration shall have been submitted, in which event such sign shall remain until after the City Commission disposes of the petition for reconsideration. It shall be unlawful for any person to remove or tamper with such sign.

(6) **Review by Planning Board:** Within five (5) days after acceptance of any such application, the Director of Planning shall transmit two (2) copies thereof to the City Clerk. Upon receipt of the application from the Director, the City Clerk shall transmit one (1) copy

thereof to the City Attorney, who shall draft an ordinance for consideration by the City Commission in conjunction with the application.

(c) **Hearing procedure**

(1) **Notice of hearing:** The City Clerk shall submit a copy of all zoning reclassification applications to the City Commission. A date, time and place for a public hearing on the application shall be established and the City Clerk shall so notify the City Commission, the Planning Board and the applicant. If the proposed zoning reclassification application pertains to a text or map amendment involving a permitted use change or rezoning of property, public hearings shall be held and notice given in accordance with applicable Florida Statutes. The cost of the legal advertisements required shall be borne by the applicant and paid in accordance with procedures established by the City Commission. No fee is required for applications submitted by a governmental agency. Zoning reclassification applications for all other amendments to the text of this Article shall require a public hearing and notice of said hearing shall be published in a newspaper of general paid circulation in the municipality. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least five days a week unless the only newspaper in the community is published less than five days a week. Said notice shall appear at least thirty (30) days prior to the date of the hearing and shall contain the date, time and place of the hearing, together with a summary of the proposed amendment. If the proposed zoning reclassification requires an amendment to the Comprehensive Land Use Plan or Map, public hearings shall be held and notice given in accordance with the applicable Florida Statutes. The City Clerk shall notify the applicant and the Planning Board of said hearings. The costs of legal advertisements required shall be borne by the applicant and paid in accordance with procedures established by the City Commission. No fee is required for applications for amendments to the Comprehensive Land Use Plan or Map submitted by a governmental agency and the City will be responsible for advertising costs incurred by the Planning Board.

(2) **Conduct of hearing:** Any interested person shall have the right to submit oral or written testimony at the public hearing. All testimony and exhibits admitted at the hearing, including the application, shall promptly be incorporated by the City Clerk in the application file and shall be considered a part of the record on the application. The master plan for the area, with any subsequent amendments for the area within which lies the land proposed to be reclassified, shall be considered a part of the record on the application. Evidence which is immaterial, irrelevant or unduly repetitious may be excluded. The hearing may be adjourned from time to time to a date established by public announcement at the hearing.

(d) **Action by the governing body.**

(1) All applications for amendment of map or text shall be decided on the basis of evidence of record.

(2) An application for a map or text amendment shall be either approved, modified, or denied on the merits, or dismissed, or allowed to be withdrawn.

(3) The City Commission may dismiss any application if it finds that (1) the application does not conform to any procedural requirements of this Article, or (2) the application is not acceptable for filing because it has been filed within twelve (12) months after a previous filing for a similar purpose as herein provided, or (3) the application is frivolous or filed for the purposes of harassment.

(4) The City Commission may allow an applicant to withdraw his application at any time; provided, however, that in the case of an application for map amendment, if the request for withdrawal is made after publication of the notice of hearing, no application for the reclassification of all or any part of the land which is the subject of the application shall be allowed for twelve (12) months following the date of the resolution of the City Commission approving such withdrawal, unless by the resolution allowing withdrawal or subsequent resolution, the governing body specifies that the twelve (12) months limitation shall not apply.

(5) If an application is not dismissed or allowed to be withdrawn as herein provided, it shall either be approved, modified, or denied on the merits, in which case no application for the reclassification of all or any part of the land which is the subject of the application shall be accepted for filing within twelve (12) months following the date of such approval or denial on the merits.

(6) No application for a map amendment shall be approved conditionally for the erection on the land of a structure at a particular location, or within a particular time, or by a particular person, or of a particular type, or on any condition.

(7) No application for a map amendment shall be approved for a greater area than that applied for, but the application may be approved for a smaller area if the reclassification of such small area is supported by the evidence of record and such smaller area is accurately delimited in the record.

(8) The decision of the City Commission approving, denying or dismissing any application for map or text amendment shall be rendered within sixty (60) days after public hearing is held thereon and shall be determined by a majority vote of City Commission, except in case of protest.

(9) All decisions of the governing body shall be made in open sessions and the ordinance or solution embodying the decision approving, modifying, denying or dismissing any application for map or text amendment shall not be valid unless it is incorporated into the minutes of the meeting at which such action was taken.

(10) Such ordinance or resolution embodying the decision of the City Commission, approving, modifying, denying or dismissing any application for map or text amendment, shall be filed in the Office of the City Clerk and a copy shall be submitted by the City Clerk to the applicant, the Director of Planning, the Planning Board and the Board of Adjustment.

(11) The decision of the City Commission on any application for a map or text amendment shall be final except that a petition requesting reconsideration of the City Commission's decision on any application may be filed with the Director by the original applicant or by any person who appeared at the public hearing held by the City Commission on the original application, if accompanied by a receipt from the City showing payment of a filing fee of twenty-five (25) dollars, except in the case of a petition by a governmental agency when no such fee is required, and by affidavit, or the person requesting the reconsideration, that a copy of the petition has been served in person or by mail on all persons or their attorneys who appeared at the said hearing, naming them, as shown by the minutes of the said hearing.

(12) No petition requesting reconsideration of the City Commission's decision on any application for a map or text amendment may be filed later than twenty (20) calendar days following the decision except with the concurrence of the City Commission.

(13) The petition shall briefly state the alleged errors in the decision and the supporting arguments.

(14) Following its review of the petition for reconsideration, the City Commission may reaffirm or rescind its prior decision and the subject application thereafter may be approved, denied or dismissed by the City Commission, with or without further hearings. Nothing herein shall prevent the City Commission from reconsidering any decision on its own motion.

ARTICLE VI - DEVELOPMENT ORDERS

Section 15.600	Platting
Section 15.600.1	Prohibitions on Transfer of Lots In Unapproved Subdivisions
Section 15.600.2	Platting Required
Section 15.600.3	Optional Pre-Submission Conference
Section 15.600.4	Overall Development Plan Review
Section 15.605	Preliminary Plat Review
Section 15.605.1	Optional Technical Design Conference
Section 15.605.2	Subdivision Construction Plan Review
Section 15.610	Final Plat Review
Section 15.615	Condominium Plats
Section 15.620	Variances
Section 15.625	Vacating, Discontinuing, Abandoning, or Closing Streets, Alleys, Roads, Right-of-Way and Easements
Section 15.630	General Site Development Plans
Section 15.635	Preliminary Site Plans
Section 15.640	Final Site Plans
Section 15.645	Deviation from Site Plans
Section 15.650	Development Permits
Section 15.650.1	Definition
Section 15.655	General Provisions
Section 15.660	Surveys - When Required
Section 15.665	Construction in Flood Hazard Areas
Section 15.670	General Site Development Plan
Section 15.675	Site Plan, Plat and Service Plan Review
Section 15.680	Development Permits
Section 15.680.1	Development Authorization
Section 15.680.2	Site Preparation Permits
Section 15.680.3	Infrastructure Permits
Section 15.680.4	Building Construction Permits
Section 15.680.5	Landscaping and Buffering Permit
Section 15.680.6	Accessory Structure Permits
Section 15.680.7	Miscellaneous Permits
Section 15.685	Certificates of Occupancy
Section 15.685.1	Certificates of Occupancy Relative to Land
Section 15.690	Procedures for Processing Water and Sewer Service Applications for New Developments in the Callaway Service Area
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ARTICLE VI. DEVELOPMENT ORDERS

SECTION 15.600 PLATTING

It is the purpose of this Section to establish a procedure for the division of unplatted property and the re-division of recombination of previously platted property to further the orderly layout of property proposed to be divided, redivided, or recombined and to ensure proper legal descriptions and monuments of platted property.

Further, it is the purpose of this Section to assure that the platting processes is applied in a uniform manner to conventional divisions of property for individual lots owned in fee simple and to the division of property for the purpose of conveying ownership in a condominium form.

SECTION 15.600.1 PROHIBITIONS ON TRANSFER OF LOTS IN UNAPPROVED SUBDIVISIONS

It shall be a violation of this Article for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without have the plat approved as required by this Article.

SECTION 15.600.2 PLATTING REQUIRED

Except as specifically exempted below, the division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the immediate or future purpose of sale, legacy, or building development, will require the filing of a plat; or the development of three (3) or more lots, blocks or parcels which elements bear no definable relationships to lot or parcel dimensional criteria of the applicable zoning district will require the filing of a replat, in accordance with the provisions of this Chapter.

(a) **Exempted Activities:**

(1) Any division by inheritance (whether testate or intestate) or by partition or other order of court.

(2) Acquisition of property for public purposes.

(3) The division of air space into units within a building wherein said building is held in common, undivided ownership.

(4) The City Commission may, by resolution, allow building permits to be issued after plat approval and before recordation provided no certificate of occupancy is issued prior to recordation.

(5) The combination of all or portions of previously exempted, platted, or recorded lots or parcels, where no new additional lots or parcels are created or residual lots or parcels result in lots or parcels of less area or width than any one of the original lots or parcels of record.

(6) Divisions of land for purposes of conveyances, where such divisions were lawful under regulations in effect at the time such divisions were made and where vested rights have been acquired by the subdivider (developer) in reliance upon previous regulations.

(b) **Determination of exemptions** - Exemptions or vested rights under this section shall be administratively determined by the Director. Any person aggrieved by the Director's determination, may appeal such determination to the City Commission.

SECTION 15.600.3 OPTIONAL PRE-SUBMISSION CONFERENCE

(a) The intention of this procedure is to provide an opportunity for the applicant and the City staff to confer regarding the concept and basic elements of the proposed subdivision plat. This procedure is intended to provide the foundation for a clear understanding and line of communication between the applicant and the City concerning the applicant's proposal and the City's platting procedures and improvement standards. This procedure is intended to facilitate the formal plat review and approval process by providing the applicant an early opportunity to seek the City's input relative to the proposed plat.

A specific purpose of this procedure is to provide the applicant with staff comments concerning flood prone areas in the proposed subdivision and to provide staff recommendations concerning those flood prone areas and the level of development considered to be acceptable by the development review committee.

(b) The pre-submission conference will be conducted according to the following:

(1) The pre-submission conference will be scheduled with the Director and such other staff members as the director may find appropriate.

(2) The applicant is encouraged to prepare such preliminary information and sketch plat as may be useful to establish a full understanding of the location, nature, and parameters of the proposed subdivision. There will be no fee for the review of any information or sketch plat which may be submitted.

(3) If requested by the applicant, or if determined necessary by the Director, the Department shall distribute copies of any pre-submission information to the development review committee.

(4) All written comments from the development review committee shall be maintained and filed in the Department of Public Works, along with the pre-submission information and any subsequent submissions.

(5) No formal action will be taken on any pre-submission information since its purpose is informational only.

(c) It is recommended that requests for pre-submission conferences be accompanied by the following information:

(1) Aerial photograph.

(2) Site boundaries.

(3) General site topography.

(4) Diagrammatic representation of proposed lot boundaries and dimensions.

(5) Existing and proposed street configuration.

(6) Proposed public or common open space and facilities.

(7) Generalized surface drainage pattern and proposed detention facilities.

(8) Identification of existing and proposed utility system features.

(9) Site access points and adjoining/abutting roadway systems.

SECTION 15.600.4 OVERALL DEVELOPMENT PLAN REVIEW

Where the subdivision of a tract of land is to be carried out in two or more stages, a master plan of the tentative future lot layout and infrastructure system for the entire tract shall be submitted in conjunction with the preliminary plat submittal requirements of this Section.

SECTION 15.605 PRELIMINARY PLAT REVIEW

(a) The preliminary plat review procedure is established to provide sufficient information regarding a proposed subdivision plat in order that the Department can evaluate the site development concept as it related to the City's comprehensive plan in general, and for the property being subdivided in particular, and decide on the merits of the proposed subdivision before the applicant has invested substantial amounts of time and money in the detailed site and

engineering design and plans.

(b) When required - A preliminary plat review is required where the tract of land is proposed to be subdivided into six (6) or more lots and requires the construction of opening of new streets, or the construction of water or sanitary sewer facilities.

(c) The preliminary plat review process shall be initiated upon submittal to the Department of the following:

(1) Fifteen (15) copies of the preliminary plat.

(2) Fifteen (15) copies of either a preliminary plat supplementary drawing or preliminary site plan which incorporates the requisite content of the supplementary drawing.

(3) The appropriate application fee.

The preliminary plat and preliminary plat supplemental drawing shall contain all of the information required below. Any property being platted that is also subject to the site plan review process of this article shall not be required to have submitted the preliminary plat supplementary drawing if a preliminary site plan displaying the required information of the supplementary drawing is submitted with the preliminary plat.

(d) Submittal requirements. The preliminary plat shall be prepared by a surveyor or engineer; be drawn to scale not smaller than one inch equals one hundred (100) feet; and shall include the following:

(1) Title under which the proposed plat is to be recorded.

(2) Name, address, and telephone number of the applicant, property owner (if other than the applicant), and person preparing the plat.

(3) Identification clearly stating that the drawing is a preliminary plat.

(4) Legal description of the property; U.S. Survey section, township, and range lines.

(5) Existing and proposed rights-of-way, easements, and access points.

(6) Proposed street names.

(7) Names (appropriately positioned) of adjoining plats.

(8) Approximate (to the nearest foot) dimensions and area of:

a. The overall plat.
b. Each lot.
c. Street rights-of-way including radii or cul-de-sacs.
d. Common open space or other land to be dedicated for a public purpose.

(9) North arrow, scale and date.

(e) Preliminary plat supplementary drawing. The preliminary plat supplementary drawing shall be prepared by a surveyor or engineer; be drawn to the same scale as the preliminary plat; and shall include the following:

(1) Title of the associated preliminary plat.

(2) Name, address and telephone number of the applicant, property owner (if other than the applicant), and the person preparing the drawing.

(3) Nearest arterial or collector roadway intersection, abutting roads and access points.

(4) Buildings, watercourses, wetlands, tree masses, specimen trees, and other existing features within the area to be platted and similar facts regarding existing conditions on land immediately adjacent thereto.

(5) Inventory of existing natural resources and/or environmentally sensitive areas on the site.

(6) Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the plat or immediately adjacent thereto, including the location and size of the nearest water and sewer lines.

(7) Existing contour lines and proposed spot elevations.

(8) Proposed use of each lot and existing and proposed zoning of all property within the plat.

(9) Zoning district classification for adjoining property.

(10) Location and designation of common open space, parks and other public or semi-public areas or facilities within or immediately adjacent to the property to be platted.

(11) Location and size of sanitary sewers or other sewage disposal facilities planned.

(12) Land to be dedicated to the public including street right-of-way by functional classification, and recreation land, recreational facilities and open space.

(13) Preliminary site drainage system including, general surface drainage pattern (including proposed retention/detention areas), and flood plain definition and effect of applicable local, state or federal standards or elevations.

(f) Property Ownership Documentation. The following documentation shall accompany the submittal of the preliminary plat:

(1) A title opinion of an attorney licensed in the State of Florida or a certification by an abstractor or a title company stating that the public records identify that the title to the land as described and shown on the preliminary plat is in the name of the person, persons, or corporation executing the dedication.

(2) Certification by a registered land surveyor that the plat includes a boundary survey made by that individual and, further, that all the necessary survey monuments are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom or under whose authority and direction the preliminary plat was prepared.

(g) Review. Upon determination that all submission requirements have been met, the Department shall transmit the preliminary plat to the development review committee. Within ten (10) working days after receiving the preliminary plat, the development review committee shall review said preliminary plat and shall prepare a preliminary plat review report which will be presented to the applicant. The development review committee shall review the preliminary plat for accuracy, content, and consistency with the requirements of the City's comprehensive plan and the design standards set forth in this Chapter. The development review committee may, for the purpose of allowing the applicant an opportunity to address unresolved issued, continue consideration of the preliminary plat prior to formulating a decision to approve or disapprove.

(h) Appeal to the City Commission. Upon receipt of the Department's review report, the applicant may appeal any disapproval regarding the preliminary plat to the City Commission.

(i) Lapse period. The applicant shall file a final plat covering all or part of the approved preliminary plat within six (6) months from the date of the issuance of the report from the development review committee or the City Commission's decision in the case of an appeal, otherwise that preliminary plat approval shall be deemed withdrawn. An extension may be

granted by the City Commission for reasons beyond the control of the applicant.
Amended by Ord. 630 10/24/00

SECTION 15.605.1 OPTIONAL TECHNICAL DESIGN CONFERENCE

(a) It is the intent of the optional technical design conference to provide an opportunity for the applicant to voluntarily review with the City Engineer and other appropriate City officials, the City's design and construction standards and levels of service as they affect the applicant's development objectives. This procedure should enable the applicant to receive the benefit of input from the City prior to the design of the subdivision construction plans and preparation of the final plat.

(b) Subsequent to preliminary plat approval, the applicant may submit a letter to the City Engineer requesting a technical design conference. It is the responsibility of the City Engineer to schedule a meeting with the applicant and appropriate City personnel in a timely manner.

(c) No formal action will be taken as a result of any technical design conference since its purpose is informational only. Written direction or confirmation of procedures and standards as may be requested in writing by the applicant shall be provided by the City Engineer.

SECTION 15.605.2 SUBDIVISION CONSTRUCTION PLAN REVIEW

(a) The subdivision construction plan review procedure is established to provide a technical review of the documents upon which improvements shall be based and construction contracts let by the applicant. The plans reviewed shall consist of working drawings and design specifications. The subdivision construction plans shall provide the City with complete design and construction information. This information is necessary for evaluation of the quality and completeness of the proposed engineering design, site and landscape planning, compliance with applicable regulations of the City, and the establishment of a construction schedule for the proposed improvements.

(b) Following certification of the preliminary plat, the applicant shall submit a written request to the City Engineer for review and approval of the subdivision construction plans according to the following:

(1) The applicant shall submit a minimum of seven (7) copies of complete subdivision construction plans for distribution by the City Engineer to other appropriate City departments for review.

(2) The City Engineer shall supervise and coordinate the technical review by the various City departments and shall:

a. Determine the completeness of the plans and compliance with the approved preliminary plat for the subdivision.

b. Evaluate the degree of compliance with the technical requirements in the design standards of this Chapter and other applicable City regulations.

(c) Identify any deficiencies or issues which require further attention and should be considered as conditions of approval.

(3) The City Engineer shall, upon completion of the review, inform the applicant that the plans have been either approved, approved subject to conditions, or disapproved.

(4) The City Engineer shall require all technical design details to be reviewed and authorized or conditioned by the department head responsible for overseeing the respective design or improvement.

(5) If conditions have been placed upon approval of the subdivision construction plans, such conditions shall be resolved to the satisfaction of the City Engineer before a final plat is accepted for review.

(c) Submission requirements/subdivision construction plan documentation. Requirements for submission shall be as follows:

(1) **Letter of transmittal.** The following information shall be completed by the applicant and submitted to the Department:

a. Proposed name of plat.

b. Name, address and telephone number of applicant.

c. Proposed common open space and methods of meeting open space requirements.

d. Water supply, indication of the location and size of existing and proposed water lines, size of valves, and location of fire hydrants.

e. Indication of source of sanitary sewer service and size, location, and design of any extension thereof.

f. Such further information as the applicant wishes to bring to the attention of the City.

(2) **Subdivision construction plan drawings.** Subdivision construction plan

drawings shall be signed and sealed by a professional engineering licensed to practice in the state and shall be drawn at a scale of one inch equals fifty (50) feet or larger, on a sheet size of twenty-four (24) by thirty-six (36) inches, except where a smaller scale may be determined appropriate by the City Engineer. The subdivision construction plans shall be identified by the name of the plat and shall include:

a. Existing and proposed contours shown at intervals of not more than two (2) feet. Additional spot evaluations may be required by the City Engineer. USGS data shall be used with benchmarks shown on the plans. Existing and proposed elevations shown at appropriate intervals shall be extended a minimum of one hundred (100) feet beyond the boundaries of the proposed plat.

b. Proposed site design including streets with proposed street names, lot lines, utility access and service easements, land use and land to be reserved or dedicated for public uses.

c. Data as may be required to determine compliance with the zoning requirements of this Chapter.

d. Natural features within and adjacent to the proposed plat including drainage channels, bodies of water, wetlands, the location of all protected trees four (4) inches or greater in diameter at breast height, significant wildlife habitat, and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated and for all watercourses entering the tract, the approximate drainage area and watershed name above the point of entry shall be noted.

e. Storm drainage analysis showing drainage data for all watercourses or drainageways entering and leaving the plat boundaries. The storm drainage design shall be prepared to comply with current City retention and drainage criteria.

f. Designation of any portion of property within the one hundred-year floodplain, based upon calculations recognized by the Federal Flood Insurance Administration as the most recent and accurate available of the city's floodplain overlay district as set forth in Article VII, "Design Standards and Regulations", whichever shall be the more restrictive.

g. Public facilities existing or to be located within the plat boundaries or within one hundred (100) feet surrounding the proposed plat including streets, bridges, culverts, utility lines, pipelines, power transmission

lines, all easements, park areas, structures, and other public structures and facilities.

h. Exact boundary lines of the tract indicated by a heavy line giving dimensions and all bearings.

i. North arrow and graphic scale.

(3) **Required supporting technical information:**

a. Typical roadway cross-section and profiles. A typical roadway cross-section shall be provided which includes all information for construction of the street within the right-of-way. Also, roadway profiles shall be provided which display the existing and proposed elevation along the street center line. The stationing for the profiles shall be at appropriate intervals based upon the existing terrain and proposed underground construction, but in no case shall the intervals be less than fifty (50) feet.

b. Flood plain analysis. Where a portion of a plat is known or suspected to be flood prone and a Federal Flood Insurance Administration report or City floodplain overlay district is not sufficiently definitive, an engineering analysis shall be required. Such analysis performed by a registered engineer for the applicant shall determine the one hundred-year floodplain line. Regardless of the method of determination, the one hundred-year floodplain line shall be clearly and legibly drawn on the grading and excavation plan.

c. Eroding and stormwater runoff control plan.

Grading and excavation plan. The grading and excavation plan shall seek to minimize the amount of grading necessary, protect to the maximum extent possible the natural features and vegetation on the site, and minimize erosion resulting from the grading activities. It shall include, in addition to existing and proposed spot evaluations of appropriate intervals, the estimated cubic yards of cut and fill.

Detailed storm drainage design plan. The detailed storm drainage plan shall incorporate proposed easement location and dimensions, typical sections, and construction details.

Erosion control plan. This shall include details of soil preparation, erosion control and vegetation or soil stabilization measures to be

taken during construction including construction of berms, diversions or other barriers to siltation, temporary mulching, and landscaping planting consistent with the requirements provided in the printed booklet entitled "Construction Specifications and Standard Drawings" available at the office of the City Engineer. Any erosion control measures to be utilized shall also be identified by location on the grading and excavation plan and storm drainage design plan.

d. **Utilities plan:** This plan shall indicate public and private water and sewer facilities, lines, valves, pumps, fire hydrants, pump stations, and treatment which shall be designed to conform to the development standards for water and sewer services.

(4) Trust indenture. A draft of all trust indenture proposed for the plat describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of construction improvement plan review. In the event the plat includes streets, open space or other facilities commonly usable and accessible to the residents of the development, said trust indenture shall provide for assessments to be levied against the property owners within the development to maintain, repair and replace said facilities or open space areas as necessary. Trust indenture shall include a statement that zoning applies unless covenants are more restrictive.

SECTION 15.610 FINAL PLAT REVIEW

(a) The intent of the final plat review and approval procedure is to establish a legal record of the plat in accordance with the provisions of this Article.

(b) The final plat review and filing process shall be conducted as follows:

(1) Subsequent to submission and approval of the subdivision construction plans, the applicant shall submit fifteen (15) copies of the final plat to the City Engineer.

(2) The City Engineer shall circulate the copies of the final plat to appropriate members of the development review committee to:

Determine the completeness of the final plat and compliance with the certified preliminary plat, and

Verify the accuracy of information provided, and

Evaluate the degree of compliance with the technical requirements in the

design standards of this Chapter and other applicable City and state requirements. Those members reviewing the final plat shall, upon completion of their review, recommend to the City Engineer approval or disapproval of the final plat.

(c) Following review of the final plat by the development review committee, and upon determination by the City Engineer that the final plat is complete, accurate and consistent with the preliminary plat and all conditions of approval, and that an acceptable financial guarantee has been provided for the satisfactory completion of all required site improvements or that the installation of all required improvements has been satisfactorily completed by the applicant in accordance with City specifications, the City Engineer shall forward the final plat to the City Commission for approval.

(d) Following final approval by the City Commission, the City Clerk shall coordinate final plat recording at the office of the clerk of the circuit court.

(e) Any amendment of a final plat other than administrative or scriveners' corrections required by the office of the clerk of the circuit court shall require a revised or amended final plat to be prepared by the applicant and reviewed consistent with the terms contained in this Section for final plat review. The City Engineer shall determine when a correction is administrative or substantive in nature.

(f) Submittal requirements. The final plat shall be suitable for recording at the office of the Clerk of the circuit court. It shall be prepared and scaled by a land surveyor registered by the State of Florida and shall conform with the requirements of Chapter 177, Florida Statutes, as the same may be amended from time to time, and the requirements of this subsection. It shall be drawn at a scale of one inch equals fifty (50) feet or other scale determined appropriate by the City Engineer. The overall sheet size of the plat shall be consistent with the standards established by the clerk of the circuit court for recording. Each sheet shall be provided with a one-inch margin on each of three (3) sides and a three-inch margin on the left side of the plat for binding purposes.

(g) Content. Information required on the final plat in a form satisfactory to the City shall include:

(1) Name of plat.

(2) Location of the plat by U.S. Survey System and political subdivision, including section, township, range, county and state.

(3) Names of existing streets abutting or giving access to the proposed plat.

(4) All plat boundaries based on an accurate transverse, with all angular and linear dimensions shown. Error of enclosure of such boundary survey shall not exceed one foot for each ten thousand (10,000) feet of perimeter survey.

(5) All blocks, lots, streets, crosswalks, easements and waterways within and adjacent to the plat, all of which shall have all angular and linear dimensions given and all radii, internal angles, bearings, points of curvature, tangents and lengths of all curves, so that no dimensions or data are missing which are required for the future location of any of the corners or boundaries of blocks, lots, or streets, as listed above. When any lot or portion of the plat is bounded by an irregular line, the major portion of that lot or plat shall be enclosed by a witness line showing complete data with distances along such lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less" if variable. All dimensions shall be given to the nearest hundredth of a foot. True angles and distances shall be drawn to the nearest established official monuments, not less than three (3) of which shall be accurately described on the plat. The intended use of all easements shall be clearly stated.

(6) Curvilinear lots shall show arc distances and radii, chord and chord bearing. Radial lines will be so designated. Direction of nonradial lines shall be so indicated.

(7) Sufficient angles and bearings shall identify the direction of all lines and shall be shown to the nearest second.

(8) All rights-of-way centerlines shall be shown with distances, angles, bearings or azimuth, points of curvature, arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth or both.

(9) All easements or rights-of-way provided for public services or utilities and any limitations of such easements.

(10) All lot numbers and lines. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet and bearings or angles to street lines.

(11) Accurate descriptions of any area to be dedicated or reserved for public use with the purpose indicated thereon.

(12) Title, date of survey, graphic scale of map, and north arrow. The bearing of azimuth reference shall be clearly stated on the face of the plat in the notes or legend.

(13) Permanent reference monuments shall be placed in accordance with requirements of the county.

(14) Each plat shall show a description of the lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

(15) The clerk of the circuit court's certificate and the land surveyor's certificate and seal.

(16) All section lines and quarters section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The point of beginning in the description shall be tied to the nearest government corner or other recorded and well-established corner.

(17) All contiguous properties shall be identified by plat title, plat book and page number, or as unplatted land. If the area platted is a replatting of a part of the whole of a previously recorded plat, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made and reference to the replatting shall be stated as a subtitle following the name of the plat wherever it appears on the plat.

(18) All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered or lettered in each block, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

(19) Park and recreation parcels shall be so designated.

(20) All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."

(21) The purpose and ownership of all areas dedicated must be clearly indicated or stated on the plat.

(22) When it is not possible to show curve detail information on the map, a tabular form may be used.

(h) Documentation. The following documentation shall accompany the final plat:

(1) A title opinion of an attorney licensed in the State of Florida or a certification by an abstractor or a title company stating that the public records identify that the title to the land as described and shown on the plat is in the name of the person, 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) Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all the necessary survey monuments, lot sizes, and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom or under whose authority and direction the plat was prepared.

(3) Certification that all real estate taxes have been paid.

(4) Every plat of a subdivision or condominium filed for record shall include any required dedication by the applicant. The dedication shall be executed by all owners having a record interest in the land being platted in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the land platted shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or in separate instrument joining in the ratification of the plat and all dedication and reservations thereon in the form of a consent to plat from all mortgage interests acceptable to the City Attorney. When a tract or parcel of land has been platted, and a plat thereof bearing the dedication executed by the developer and approval of the City has been secured by the developer and approval of the City has been secured and recorded in compliance with this Chapter, all streets, alleys, easements, rights-of-way, and other public areas shown on such plat, unless otherwise stated, shall be shown on such plat, unless otherwise stated, shall be determined to have been dedicated exclusively to the public for the uses and purposes stated thereon, notwithstanding any separate action by resolution of the City Commission to formally accept such offers of dedication. However, acceptance of dedication by the City shall not be construed as creating an obligation upon the City to perform any act of construction or maintenance within the dedicated area unless the obligation is assumed voluntarily by the City.

(5) 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.

(6) After a final plat has been approved, three (3) prints of as-built drawings showing the improvements that have been constructed according to the approved subdivision construction plans, and a copy of the financial guarantee for completion of required improvements shall be filed with the City Engineer before said plat shall be recorded. The subdivider shall be responsible for paying the recording fee.

(7) Upon recording by the clerk of the circuit court, the subdivider shall furnish the City one reproducible mylar and two blue line prints of the recorded plat.

(i) Financial guarantee. Unless all required improvements have been satisfactorily completed, an acceptable financial guarantee for required improvements shall accompany every plat which is to be recorded to insure the actual satisfactory completion of construction of all required improvements within not more than two (2) years following the date of recording, or one year if sidewalks are the only required improvement to be completed following the date of recording. An acceptable financial guarantee for required improvements shall be in an amount not less than 110% of the estimated cost of the improvements, as approved by the City Engineer, but may be reduced by the City Engineer from time to time in proportion to the work completed, and may take one of the following forms, subject to the approval of the City Engineer and the City Attorney:

(1) Cash, to be held in escrow by the City: or

(2) An irrevocable letter of credit written by a bank chartered by the State of Florida, or the United States government, or any other state of the United States if the bank is authorized to do business in the State of Florida, and acceptable to the Finance Director. The letter of credit shall include, among other things, an expiration date not earlier than one year from the date of issuance; a provision requiring the issuer of the letter of credit to give at lease thirty (30) days' written notice to the City prior to expiration or renewal of the letter; and a provision that the letter is automatically renewed for a period of time equaling its original term if the required notice is not given; or

(3) A surety bond issued by a surety company authorized to do business in the State of Florida. The surety bond shall include, as a minimum, the provisions required above for letters of credit.

SECTION 15.615 CONDOMINIUM PLATS

Before any condominium plat is filed of record in the office of the clerk of the circuit court, a copy of the ground level survey drawing shall first be submitted to the City Engineer for determination that all requisite easements are properly delineated on the plat, all streets are

properly named without duplication, and the plat comports with other engineering practices of the City

SECTION 15.620 VARIANCES

(a) **Application:** Any request for a variance from the regulations set forth in this Chapter shall be made in writing and submitted to the Document concurrently with the preliminary plat. Such written request shall state fully the grounds for the variance request and all facts relied upon by the applicant. The Department shall identify for the development review committee the variance being sought at the time the committee considers the preliminary plat and for the City Commission at the time the City Commission considers the final plat.

(b) **Determination:** Variances may be granted by the City Commission in approving a final plat upon determining that a hardship will result from the strict application of these platting regulations or that the purpose of these platting regulations may be served to a greater extent by an alternative proposal. In approving any variance, the City Commission shall make a finding that:

(1) The granting of the variance shall not be detrimental to the public safety, health, or general welfare or injurious to any other property or property owner.

(2) The conditions upon which the variance request is based are unique to the property which is the subject of the variance and are not applicable generally to other properties.

(3) Due to the particular physical surroundings, shape or topography of the property which is the subject of the variance, a particular hardship to the owner would result (as distinguished from a mere inconvenience) if the strict letter of these platting regulations are applied.

(4) The variance will not conflict with the zoning district regulations or the land use plan.

(c) **Conditions:** In granting any variance, the City Commission may impose such conditions and restrictions upon the property benefitted by the variance as may be necessary to carry out the purposes of these platting regulations. Failure to comply with any such condition or restriction imposed by the City Commission shall constitute a violation of this Chapter.

SECTION 15.625 VACATING, DISCONTINUING, ABANDONING, OR CLOSING STREETS, ALLEYS, ROADS, RIGHTS-OF-WAY AND EASEMENTS

(a) The intent of this Section is to establish procedures for closing, discontinuing,

abandoning or vacating streets, alleys, roads, rights-of-way and easements.

(b) The City Commission, upon the request of any person or persons, made in accordance with the requirements of this Section, may entertain and consider a petition to vacate, discontinue, close or abandon any street, road, alley, right-of-way, easement or any part or portion thereof.

Any such request shall be addressed to the City Commission and shall petition the City to renounce, disclaim or release any right of the City in any recorded map or plat as a street, road, alley, right-of-way or easement, within the corporate limits of the City. Such petition shall be presented to the City Commission in the following form:

(1) **Form; oath:** The petition shall be typewritten and shall be sworn to by the petitioner(s) and acknowledged before a notary public.

(2) **Contents:** The petition shall include the street address of the petitioner(s) and shall contain an accurate legal description of the street, road, alley, right-of-way, easement or any part of portion thereof petitioned to be closed, discontinued, vacated or abandoned.

(3) **Abstract of title:** The petitioner(s) shall attach to said petition an ownership and encumbrance report or certificate from an abstract company, acceptable to the City, showing the name(s) and street addresses of all owners, encumbrances, mortgage holders, lienors and lessees of all lands abutting any such street, road, alley, right-of-way or any part or portion thereof, or, in the case of an easement, the owners, encumbrances, mortgage holders, lienors and lessees of any part or portion of the easement requested to be vacated, discontinued, closed or abandoned.

(4) **Release and hold harmless agreement:** The petition shall state the reason why the petitioner(s) request the closing, discontinuing, vacating, or abandonment of the street, road, alley, right-of-way, easement or any part or portion thereof and shall recite:

"The petitioner(s) herein named hereby waive, renounce, relinquish, absolve and discharge the City, its officers, employees, representatives and successors, of and from any and all claims, suits, actions, causes of action. responsibilities, duties and liabilities of any nature and kind whatsoever that such petitioner(s) may have, claim or demand, now or in the future, by reason of vacating, discontinuing, closing or abandoning of said street, road, alley, right-of-way, easement or any part or portion thereof and agree to indemnify and hold the City, its officers, employees, representatives and successors, harmless from and against any and all claims, suits,

responsibilities, actions, causes of action, duties and liabilities of any nature and kind whatsoever that any third party may have, claim or assert against the City, its officers, employees, representatives and successors, by reason of the vacating, discontinuing, closing or abandoning of said street, road, alley, right-of-way, easement or any part or portion thereof."

(c) **Hearing notice:** Upon receipt of the petition, the City Clerk shall set a date for a public hearing on said petition. Notice of the hearing shall be published at lease once, thirty (30) days prior to the hearing date, stating the time, date, place and purpose of the hearing. The City Clerk shall also cause said notice to be posted at either end of the street, road, alley, right-of-way, easement or any part or portion thereof which is to be vacated, discontinued, closed or abandoned.

(d) **Recommendations of Director of Public Works and City Engineer:** Upon receipt of the petition, the City Clerk shall also forward a copy of the petition to the Director of Public Works, City Engineer and City Attorney. The Director of Public Works and City Engineer shall study said petition and make recommendations to the City Commission prior to the public hearing.

(e) **Costs.** Filing fees for petitions to vacate shall be paid as follows:

(1) Petitions to vacate, discontinue, close or abandon any street, road, alley, right-of-way, easement or any part or portion thereof within the City shall be submitted to the City Commission with a receipt showing payment by the petitioner(s) to the City of the filing fee, in the amount of one-hundred and fifty ($150) dollars;

(2) No fee shall be required of a governmental agency;

(3) No fee shall be refunded if the petition is withdrawn after the public hearing is ordered to be advertised. If the petition is withdrawn prior to the time the public hearing is ordered to be advertised, four-fifths (4/5) of the fees paid shall be refunded to the petitioner(s).

(f) Vacation of public streets, alleys, way, lands, and rights-of-way may be considered under the following conditions:

(1) The street, alley, way, land or right-of-way is unneeded, unimproved or dead-end; or

(2) Traffic on a minor street should be eliminated; or

(3) The subject area has sufficiently changed since the area was dedicated and vacation or closing is warranted; or

(4) The vacation or closing would be in accordance with the comprehensive plan for that area; and

(5) The location of utilities or drainage patterns will not be adversely affected by the vacation or closing.

(g) Traffic routing. No collector street may be vacated or closed unless sufficient adequate provision is made to handle the affected traffic.

SECTION 15.630 GENERAL SITE DEVELOPMENT PLANS

(a) For all property in the City in zoning districts other than single family residential zoning districts, but including uses requiring special approval and allowing planned developments in single family residential zoning districts, a general site development plan shall be required for any building permit application for new construction or for repair, addition, alteration or rehabilitation of existing construction when the Director determines any of the following are applicable:

(1) The estimated cost of the proposed construction equals or exceeds twenty-five (25) percent of the total estimated cost of the existing structure; or

(2) The proposed construction substantially alters the existing structure, in appearance or otherwise; or

(3) More than twenty-five (25) percent of the total square feet of the existing structure will be affected by the proposed construction; or

(4) The total number of square feet in the proposed structure varies twenty-five (25) percent from the existing structure; or

(5) Traffic patterns, including but not limited to, ingress an egress from the site, will be modified.

(b) As to any building permit application, the applicant shall have the right to request in writing that the City Commission waive the site plan submittal and review requirements on the grounds that the proposed building permit is not intended for construction which will substantially affect the property and, therefore, site plan review for said permit is not necessary to achieve the purpose of this Chapter. Any such appeal shall be filed within thirty (3) days after the Director has advised in writing that the applicant must submit a site plan and City Commission shall consider the grant or deny a waive within thirty (30) days after receipt of any such request. All time limits imposed by this Section shall be stayed during the pendency of a request for waiver.

SECTION 15.635 PRELIMINARY SITE PLANS

(a) A preliminary site development plan and twenty (20) copies shall be filed, along with the appropriate City review fees, with the Department. The preliminary site development plan shall be a dated, scaled plan (1" = 20'), on one or more sheets, 24" x 36" in size, depicting the proposed construction/development as it is to be situated on the zoning lot or tract of land and shall include all of the following information:

(1) The project name, location, legal description, size and type of development;

(2) The existing and proposed land uses by acreage;

(3) A survey showing all existing man-made features and easements of record;

(4) The general location and arrangement of all proposed and existing buildings and structures, including floor area, square footage, height, setbacks and building separation;

(5) For multi-family residential developments, the number of dwelling units and dwelling units by bedrooms and square footage, and the average square footage per unit;

(6) The layout and size of all existing and proposed off-street parking, loading and service areas, including traffic circulation plans and requirement calculations;

(7) All existing and proposed access roads, driveway easements, rights-of-way and points of ingress/egress located on the site and within 200 feet of the site perimeter;

(8) Aerial photograph;

(9) Land uses and zoning of all abutting property and location of existing structures within 250 feet of the development;

(10) Existing and preliminary proposed topography, including lakes, marshes, swamps, watercourses and environmental jurisdictional designations;

(11) Lot coverage calculations;

(12) Proposed location of all public use and open space;

(13) Existing and proposed buffers;

(14) Proposed method of providing for water, sanitary sewer, drainage and solid

waste;

(15) All areas proposed to be conveyed or dedicated;

(16) Phasing plan showing stability and desirability of proposed phasing of project;

(17) Flood plain designations where applicable;

(18) The name, address and telephone number of the owner(s) and developer(s) of the property proposed for development, and where the owner(s) is not involved in the development, proof of authorization by owner for petitioner to proceed;

(19) The name, address and telephone number, firm and titles of all person(s) responsible for preparation of the site development plan;

(20) Such other information as the City Commission or City staff may require to effectuate the intent and purposes of this Chapter.

(b) Within ten (10) working days after the receipt of each completed application for a general site plan review, which is within any one or more of the categories set forth in Section 15.630, whether for initial construction or for expansion or modification to existing buildings or structures on the property, the Director and such department heads as he deems necessary to consider such application, shall meet to consider and discuss the proposed construction.

The Director shall provide the applicant with preliminary responses and concerns regarding the proposed construction within three (3) working days after the preliminary conference.

(c) The application, together with the preliminary site development plans and the preliminary staff responses to the plans, shall be submitted for City Commission preliminary site plan review, as soon as possible after the preliminary conference and in accordance with the City Commission's rules of order and procedure, or, at the written request of the applicant, the applicant may waive the City Commission's preliminary site plan review and proceed as outlined in Section 15.640.

SECTION 15.640 FINAL SITE PLANS

(a) After the City Commission's preliminary site plan review or receipt of the applicant's written waiver of such review, the applicant shall submit to the Department, twenty (20) copies of the final site development plan, which shall include all of the following information, together with an ownership and encumbrance report evidencing the ownership of the entire parcel to be developed:

(1) All preliminary site plan submittal requirements which have been modified as a result of the preliminary site plan review process;

(2) Tree survey and tree removal/replacement and compliance provisions;

(3) Landscape plan;

(4) External public or private lighting features/fixtures;

(5) Projected traffic generation rates and off-site traffic impact analysis;

(6) Signage plans if development is a multi-tenant commercial project;

(7) Consultant certifications;

(8) Preliminary subdivision plat (if applicable);

(9) Renderings of all buildings;

(10) Preliminary engineering plans for all infrastructures;

(11) Covenants, conditions, restrictions, agreements associated with the site;

(12) Such other information as the City Commission or City staff may require to effectuate the intent and purposes of this Chapter.

(b) Upon certifying that the final site development plans meet the requirements set forth above, the Director shall transmit said plans to the appropriate City departments for their review and recommendations. Within thirty (30) days after receipt of said plans, each department shall return its recommendations, in accordance with the criteria set forth below, to the Director; provided, however, that on a showing of good cause, City Commission may grant staff up to an additional sixty (60) days within which to complete its review of said plans. Upon receipt of the departmental review, the Director shall schedule a prehearing conference with designated department heads to discuss their recommendations.

(c) Following departmental review and any prehearing conference, the applicant may alter the general site development plan to conform to the departmental recommendations. The Director shall then determine whether those alterations necessitate further review by any department and if further review is necessary, the Director shall cause said review to be done.

(d) Departmental review of the final site development plans shall include the following criteria:

(1) Compatibility with the specific regulations and standards for appropriate zoning district;

(2) Compatibility with the stated purpose and intent of the specific district regulations;

(3) Compatibility with all existing development in the area surrounding the proposed development;

(4) Harmony with the existing natural features in the area surrounding the proposed development and design and appropriateness of proposed use or structure for the size and configuration of the property;

(5) Availability of public improvements, utilities and facilities;

(6) Impact on traffic volumes and flow in the area surrounding the proposed development and ingress/egress, off-street parking, loading and service area patterns;

(7) Impact on the condition and adequacy of the present abutting rights-of-way and known future City acquisition plans;

(8) Availability of fire protection;

(9) Compliance with adopted buffering, landscape, sign, open space and lighting regulations and standards;

(10) Compatibility with the adopted purposes in the policy element and the land use classifications of the Comprehensive Plan applicable to the site and its surrounding area.

(e) The Director of Public Works shall forward the final site development plans and departmental recommendations to the Mayor and City Commission for review and action.

(f) The Mayor and City Commission shall consider the final site development plans and departmental recommendations at the earliest council meting possible, and in accordance with the City Commission's rules or order and procedure.

General site development plans submitted for uses requiring special approval shall require a public hearing with notice of said hearing published in a newspaper of general circulation in the City ten (10) days prior to the date of the hearing. In addition, notice of said hearing shall be posted on the subject property and mailed to the owners of all property lying within one

hundred (100) feet of the perimeter of subject property ten (10) days prior to the date of the hearing.

(g) City Commission may defer action on any such application for no more than thirty (30) days after considering the departmental recommendations and holding any public hearings that may be required with regard to the application. Commission shall then approve with conditions or deny the application for the building permit and/or special approval. Implicit in any City Commission approval shall be the requirement that the applicant shall comply with all statutory, City, regulatory, building or other codes unless the City Commission specifically waives compliance with any such law, ordinance or regulation. In the event the City Commission fails to act within the time limits set forth herein, the general site development plans shall be automatically denied; provided, however, that on the applicant's written request, an extension of thirty (30) days shall automatically be granted for consideration by City Commission. At the end of said thirty (30) days extension, if Commission has failed to act on the site development plans, they shall be automatically denied.

(h) Fees for the process of required general site development plans shall be established in accordance with City Code.

SECTION 15.645 DEVIATION FROM SITE PLANS

(a) Building permits for construction on property subject to the general site development review process may be issued only for development that does not substantially deviate from the approved site plan.

(b) The building permit or special approval of use issued for the site shall be automatically revoked without action by the City unless site clearing and substantial construction has been commenced within 180 calendar days after the date City Commission approved the site plan; provided, however, City Commission may grant one extension of up to 180 days within which site clearing and substantial construction must be commenced. The applicant must begin and substantially complete the development within two years from the time of final approval. If the development is to be constructed in stages, the applicant must begin and substantially complete the development of each stage within two years of the time provided for the start of construction of each stage in the development schedule.

If the applicant does not begin and substantially complete the development of any stage, within the time limits imposed by the preceding guidelines, the applicant may request an extension of time for completion. The Director of Public Works shall forward the request for extension together with the departmental recommendations thereon to the Mayor and City Commission for review and action at the earliest Commission meeting possible, and in accordance with Commission's rules of order and procedures.

City Commission may defer action on any such request for extension for no more

than one meeting and after consideration of said request and recommendation, shall approve an extension, revoke and approval, or amend the approval with conditions. If City Commission fails timely to act on any such request for extension, it shall be automatically denied.

(c) In the event that proposed alterations, changes or amendments to the approved general site development plans constitute substantial deviations from the approved general site development plans as defined below, such proposed alterations, changes or amendments shall first be submitted to the Director. The Director shall distribute site plans detailing the proposed alterations, changes or amendments to those departments affected thereby.

(d) Each such department shall review said altered or amended site plans and return his recommendations to the Director.

(e) The Director of Public Works shall then forward the revised general site development plans and the departmental recommendations with regard thereto to the Mayor and City Commission for review and action at the earliest commission meeting possible, and in accordance with the Commission's rules of order and procedure.

(f) City Commission may defer action on any such proposed alterations, changes or amendments for no more than one meeting.

(g) City Commission, after consideration of the departmental recommendations, shall approve, approve with conditions or deny the proposed alterations, changes or amendments. In the event that City Commission fails to act within the time limits set forth herein, the alterations to the general site development plans shall be denied.

(h) Fees for the processing of proposed alterations, changes or amendments to the approved general site development plans shall be established in accordance with City Code.

(i) Any one of the following proposed alterations, changes or amendments shall constitute a substantial deviation, requiring initiation of the process described above:

(1) A reduction or relocation of five (5) percent or more of the approved plan's open space;

(2) An increase of more than five (5) percent of the site being occupied by building or structures;

(3) An increase of more than five (5) percent of the approved total floor area;

(4) An increase of more than five (5) percent in the height of any approved building or structure;

(5) An increase of more than one (1) percent in the number of dwelling units, a modification in the original design concept, including, but not limited to, additional or changed proposed uses, substantial changes in traffic patterns, substantial dimensional or locational changes to points of ingress/egress; substantial dimensional or locational changes for off-street parking, loading or service areas;

(6) Any change which would increase total traffic generation by ten (10) percent or more, which in the reasonable, professional judgment of the Director, substantially or materially alters the basis upon which any department or the City Commission made its original recommendation or decision;

(7) Any change or modification not specified above, which in the reasonable, professional judgment of the Director of Public Works substantially or materially alters the basis upon which the departments or the City Commission made their original recommendations or decision.

SECTION 15.650 DEVELOPMENT PERMITS

SECTION 15.650.1 DEFINITION

Development Permit: An official action of the City having the effect of permitting the development or redevelopment of land, including, but not limited to any building permit, site plan approval, subdivision approval, infrastructure permit, tree removal permit, sign permit, or any other permit required in this Chapter.

SECTION 15.655 GENERAL PROVISIONS

(a) **Review of permits, license and use applications:** The Department of Public Works shall review all applications for building permits and land use permits to ensure their conformity with the provisions of this Chapter.

(b) **Permits not to be issued:**

(1) **Non-conforming buildings:** 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 any provisions of this Chapter.

(2) **Non-conforming uses:** No license or permit shall be issued by any building official or by any department, agency 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 Chapter.

(3) **Architect approvals:** No permit shall be issued by the building official for the altering, remodeling or construction of any commercial building or structure, or for any multi-family dwelling or building to be used for public occupancy until the plans and specifications have been approved by an architect registered in the State of Florida.

(c) **Outstanding permits:** Where, at the effective date of this Chapter, or an amendment thereto, there are outstanding valid building permits authorizing the construction of buildings, structures, additions or alterations, the use or construction of which does not conform to the requirements of "zoning" or any amendment thereto, such permits shall be void unless actual construction work, excluding grading or excavating, is substantially underway within six (6) months of the date of issuance of said permit.

(d) **Buildings under construction:** Any building or structure for which a lawful building permit has been issued and the construction of which has been started prior to the effective date of this Chapter, or a subsequent amendment thereto, may be completed and used in accordance with the plans and specifications upon which said building permit was granted, provided said construction is completed within one (1) year after the effective date of this Chapter or any subsequent amendment thereto.

(e) **Uncompleted structures:** 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 twelve (12) months after the construction of such building was begun, except under such conditions and for such period as may be determined as reasonable by the Director, based on conformity with, and promotion of, the spirit and purpose of this Chapter.

(f) Plot plan: Wherever an exterior wall, an increase in cubical content or height, or a new building is involved, all applications for building permits shall contain, or be accompanied by, a "plot plan" in duplicate drawn to scale, showing the actual dimensions of the "plot" involved in the application, the location of the use proposed and/or the building to be erected or altered, yards and setbacks, and all other uses and buildings on the "plot" as well as such other pertinent information as may be necessary for the enforcement of this Chapter.

(g) **Permits for new use of land:** No land heretofore vacant shall hereafter be put to use, or an existing use of land be hereafter changed to a new or different use, unless a building permit is first obtained for the new or different use.

(h) **Permits for new use of buildings:** No building or structure, or part thereof, shall be changed to, or occupied by, a use of a different kind, unless a certificate of occupancy is first obtained for the new or different use.

(i) Permits required: 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. The term "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress or egress, or other changes affected or regulated by the building code of this Chapter, except for minor repairs or changes not involving any of the aforesaid features.

(j) Assignment of street names and numbers: Assignment by the Department of a street name and/or street address number to a projected future building shall be a condition precedent to the issuance of a building permit for any such building.

(k) **Building setbacks:** Plans for all structures proposed to be build in the City shall depict the front, side and rear setbacks in relation to the property boundaries on which they are to be located.

SECTION 15.660 SURVEYS - WHEN REQUIRED

(a) **Required:** Perimeter, foundation, and final surveys are required to support and document applications for building permits, construction activities, and applications for certificates of occupancy.

(b) **Submittal of surveys.**

(1) A "perimeter" survey shall be submitted to the building official with each application for a building permit for new construction. If a previous survey is used as a drawing to satisfy "plot plan" or site plan requirements, a separate unaltered "perimeter" survey shall be provided.

(2) A "foundation" survey shall be submitted to the building official immediately after the placement of the building slab for new construction. (To prevent encroachment into setbacks and other established control areas, the builder/developer should provide field notes, based on actual survey, to the building inspector at time of footing or foundation inspection prior to pouring the concrete. The subsequent receipt of the completed survey can be used to review and confirm the approved field notes.)

(3) A "final" survey must be submitted to the building official with each application for a certificate of occupancy regarding new construction. "Final" surveys of structures previously completed must also be submitted to the building official with each application for a building permit for alterations, modifications, additions, or for any new construction on a developed property which changes existing lot or building coverage factors (percentages).

(4) The building official may reject any survey at any time, and require a more current or a clearer survey or a survey under seal if, for any reason, he deems that the submitted survey is insufficient to meet the purposes and intent of this section, including, but not limited to, age, clarity, accuracy, defect, or any other criteria.

SECTION 15.665 CONSTRUCTION IN FLOOD HAZARD AREAS

(a) When building within areas of special flood hazard, a building permit issued by the building official or his designee in conformity with the provisions of the Design and Construction Standards Section 15.715, Flood Plain Protection, shall be secured prior to the erection, repairs, reconstruction or alteration of, or improvements to, any structure of portion thereof resulting in substantial improvement thereto, or other development, including but not limited to, the placement of a mobile home, dredging, filling, grading, paving or clearing of land lying within areas identified as areas of special flood hazard or floodways, on the flood hazard boundary map.

SECTION 15.670 GENERAL SITE DEVELOPMENT PLAN; REQUISITE TO PERMIT

(a) For all property in the City of Callaway in zoning districts other than single-family residential zoning districts, but including uses requiring special approval and allowing planned developments in single-family residential zoning districts, but including uses requiring special approval and allowing planned developments in single-family residential zoning districts, a general site development plan shall be required for any building permit application for new construction. (Refer to Section 15.630 of this Chapter (Site Plans) for specific plan requirements.)

(b) Construction after site plan approval. RESERVED

SECTION 15.675 SITE PLAN, PLAT AND SERVICE PLAN REVIEW

(a) Filing and review fees are required at the time of submittal of:

(1) A preliminary site plan, or final site plan if preliminary site plan review is waived.

(2) A preliminary plat.

(3) An application for water and/or sewer service.

(4) An application for review of infrastructure plans for new residential subdivisions.

(b) Filing and review fees are required immediately following initial contact regarding a project, or development, and before any extensive discussions or staff reviews take place.

(c) The owner, owner's agent, or developer of the property shall pay the filing fee and all applicable review charges.

(d) Services: In consideration of the filing fee and review charges, the applicant shall receive twenty-five (25) hours of City staff review. For all hours in excess of twenty-five (25) hours, the applicant shall reimburse the City for actual time spent, according to the review fee schedule outlined in Section 15.695.

(e) Payments: The City shall invoice the owner or developer for such additional review charges, and no building permit or certificate of occupancy shall be issued for any building or development until all City invoices have been paid.

SECTION 15.680 DEVELOPMENT PERMITS

(a) Prior to commencement of any land development activity, excluding activity related to the construction of a single family home, the owner or developer must first obtain all development permits applicable and pay the appropriate fees as outlined herein.

(b) Interpretation of standards and fees. The Director of Public Works shall establish procedures for the review and issuance of permits and the required inspections under this Section. In the event of a dispute as to the classification of a development activity, the method by which a permit fee is calculated, or the standard upon which inspections are based, the Director of Public Works shall have the authority of final determination of the appropriate classification, cost or standard.

SECTION 15.680.1 DEVELOPMENT AUTHORIZATION

An authorization to proceed with development in accordance with an approved site plan or subdivision plat outlining all of the agreements, conditions, and understandings pertinent to development approval is required. No on-site development activity shall commence prior to receiving a development authorization. The development authorization may be revoked or suspended by the City upon determination that conditions related to the development activity have been changed or have been altered by the developer for those which were prevailing at the time of development approval, or are not in compliance with the conditions of approval. Revocation of a development authorization shall immediately cause the cessation of all construction and work associated with the project. The development authorization shall supersede all other permits and revocation of same will result in all other permits associated with development on the site to be suspended. A suspended, withdrawn, or revoked development authorization may be reissued

upon the satisfactory correction of the deficiencies.

The fee and charges for a development authorization are as indicated in Section 15.695 of this Chapter.

SECTION 15.680.2 SITE PREPARATION PERMITS

(a) **Conservation Area Permit:** Authorization to install and maintain barriers, buffers, silt screens, hay bales, etc., along the boundaries of established conservation areas to protect water quality and prevent contamination of wetlands in accordance with an approved site development plan.

(b) **Terms and Conditions of the Permit:**

(1) Pursuant to this Chapter, developer/contractor shall install and maintain barriers and buffers to protect the established conservation areas.

(2) This permit is intended to retain the land and water areas of the conservation areas in predominately
their natural, scenic, open or wooded condition; retaining the areas as suitable habitat for fish, plants, or wildlife; retaining the physical appearance of the sites; maintaining existing land uses, and protecting their environmental significance.

(3) Developer/contractor shall install a line of hay bales along the upland sides of the conservation lines (Department of Environmental Regulation (DER) lines) to intercept and/or absorb sheet drainage flow when construction or land clearing activities are to be carried out.

(4) Developer/contractor shall further identify the required buffer zone (extending landward from the DER line) by erecting a wire fence or several strands of wire with flagging markers so that construction will not encroach within the buffer zone.

(5) The specific plan to prevent and/or mitigate erosion, control sedimentation, and/or prevent pollution shall be subject to approval of the City Engineer prior to the commencement of land clearing and tree removal operations.

(6) Failure to obtain the City Engineer's approval as stated above prior to initiation of land clearing and tree removal operations shall be cause for immediate revocation of this permit, and development operations may not be restarted until a replacement permit has been issued. Permit fees shall not

be refunded for revoked permits.

(7) The following activities are prohibited within the conservation areas:

a. Construction or placing of buildings, road, utilities or other structures on or above the ground.

b. Dumping or placing or soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

c. Removal or destruction of trees, shrubs or other vegetation.

d. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such a manner as to affect the surface.

e. Surface use, except for purposes that permit the land or water area to remain predominately in its natural condition.

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

g. Acts or uses detrimental to such retention of land or water areas.

h. Acts or uses detrimental to the preservation of the physical appearance of the site or property of environmental significance.

i. Any other activities prohibited by Florida Statutes 704.06 (1987).

(c) **Tree Removal Permit:** Authorization to remove and/or relocate trees from or to a parcel of land in accordance with an approved site development plan, agreement, or letter of understanding, including those trees located within public rights-of-way abutting the developed parcel of land.

(1) A tree survey is required with every application for site plan or plat approval, and it shall include the following:

a. location of all accountable and protected trees having 5" diameter or more at breast height and identification as to type;

b. location of proposed structure(s) and other planned impervious areas;

c. identification and differentiation of trees to be retained and trees to be

removed, including dead trees, and the percentage of canopy coverage being retained on the plot;

d. number of trees to be detained, removed and/or relocated; and

e. grade changes which might adversely affect or endanger retained trees, with details as to how trees will be protected.

Requested information above shall be field checked by the Director of Public Works or his designated representative, and his approval or disapproval of tree removal plans (with suggestions) shall be expressed in writing on the permit application.

(2) Final approval: Final approval of any tree removal plan will be subject to the planting of new replacement trees, relocation of trees, or payment of equivalent value to the City, as required in Section 15.735 of this Chapter.

(d) **Site Clearing, Grading, Filling Permit:** Authorization to proceed with the clearing, grading, and/or filling of a parcel of land in accordance with an approved site development plan, approved plat, or approved subdivision infrastructure plans.

(e) **Conditions of the permit:**

(1) Land clearing operations shall not create a drainage problem for the adjacent lands or adjacent public rights-of-way. All storm waters shall be retained on site during clearing and after clearing until such time that storm waters can be handled in accordance with approved development plans.

(2) Land clearing operations shall not create or cause a hazard to the health and safety of citizens.

a. Open burning is prohibited within the City limits, except when using forced air systems, as approved by the City's Fire Chief.

b. Cut trees, stumps and other debris will not be buried on site without specific approval of the City Engineer and Director.

c. Routes of travel for equipment and trucks to and from the work site and disposal site, within the corporate limits, will be reviewed and approved by the Director of Public Works and Police Chief.

d. Operations will be conducted in such a manner as to prevent dust from becoming a public nuisance. Water trucks will be immediately available on site during dry weather as requested by the City

Engineer.

e. Operations shall not result in any unattended excavation within fifteen (15) feet of any right-of-way, public or private.

(3) Contractor agrees to comply with any and all reasonable requests of the City to eliminate hazards to the health and safety of citizens.

(4) Tree removal is authorized pursuant to separate permit and letter of understanding. All trees not to be removed shall be protected from clearing activities permitted herein.

(5) Work restrictions are in effect between 5:00 p.m. and 7:00 a.m. weekdays and Saturdays, and no work is permitted on Sundays.

(6) The permit is valid for a period of sixty (60) consecutive days, unless work ceases, in which case the permit is revoked.

(7) Should the Director of Public Works, or his duly authorized representative, find that land clearing operations are being carried out in violation of any of the terms and conditions of the permit, he may give notice of violation, take appropriate steps to obtain compliance and/or take enforcement action as outlined in this Chapter.

SECTION 15.680.3 INFRASTRUCTURE PERMITS

(a) **Excavation Permits:** It shall be unlawful for the owner, occupant or person in control of any lot, parcel or tract of land within the City to alter, excavate, fill or remove any of the land or its surface without first obtaining a permit to do so from the Department.

(1) **Submission of plans for approval:** Permits to alter, excavate, fill or remove land or its surface within the limits of the City shall not be issued by the Director without first obtaining the approval of the City Engineer. The City Engineer shall not be required to give his approval unless and until the applicant for such permit shall have submitted to the Director plans and specifications covering the project and a description of the intended result. The City Engineer shall have the right and privilege of disapproving the application or permit if, in his judgment, the work intended to be done shall cause a substantial difference in the appearance of the lands immediately adjacent thereto or shall create a drainage problem, or shall create or cause a hazard to the health and safety of the citizens.

(2) **Refusal of permit, right of appeal:** Should the City Engineer disapprove

the application for a permit to alter, excavate, fill or remove land or its surface within the limits of the City, such applicant shall have a right of appeal to the Director of Public Works. Appeal from decision of the Director of Public Works may be made to the City Commission.

(3) **Excavation, filling:** No person shall permit any excavation, made for the purpose of mining, quarrying, building or for other purposes, of more than ten square feet of superficial area and more than four (4) feet in depth, to remain open in the City on land belonging to such person for more than ninety days. Such owner shall cause such excavation to be filled with clean sand or dirt or covered over in such a manner and within such time as the City Engineer may direct.

(4) **Sand, filling, etc., prejudicial to health:** Any hole, low-lying ground, pit or excavation, likely to be or become prejudicial to the health of the community shall, upon order of the City, be filled, drained or otherwise placed in sanitary or salubrious condition by the owner thereof.

(b) Public/Private Infrastructure Improvement and Inspection (Water, Sewer, Paving and Drainage).

(1) City inspection shall be required to verify the quality or specifications of materials or installation for the following public and private infrastructure improvements:

a. Public and private streets and roadways and related markers and signs.

b. Public and private storm sewers, drainage systems and detention/retention ponds, including "building storm sewer" lines and parking lot drainage systems.

c. Public and private sidewalks and walkways.

d. Public and private sanitary sewer lift and/or pump stations, gravity and force main collection/transmission lines, including "building sewers".

e. Public and private water mains and lines, including private "water service pipes" and fire lines for hydrants and sprinkler systems.

(2) All costs incurred by the City for inspections outlined in (1) above, shall be paid by the owner or developer. Owner or developer shall deposit with the City a sum equal to five (5) percent of the estimated construction cost (as

prepared by the engineer of record), and the balance, if any, shall be paid prior to acceptance of said improvements or issuance of a building permit. Any excess funds shall be returned to the owner or developer. Inspection fees outlined under this section shall include the cost of City inspection beginning with the pre-construction through final acceptance of the improvements or issuance of a building permit.

(3) In the event of a dispute as to the proper classification of infrastructure improvements, the estimated cost of said improvements, or cost of City inspections, the Director of Public Works shall have the authority of final determination of the appropriate classification or cost.

(c) Curb Cut Permit: Authorization is required to construct or modify a driveway access point, curb cut, or driveway apron area located in the public right-of-way and joining the street surface with a vehicle accommodation area. Curb cuts involving state right-of-way require prior state approval.

(d) Parking Lot Construction Permit - Authorization to construct or repair a private parking lot area:

Plan approval: Except for single or two-family residential uses, prior to the issuance of any permit for resurfacing or paving a parking lot under the provisions of this section, a plot planting or landscaping plan shall be submitted to and approved by the Director of Public Works or his designee. The plan shall be drawn to scale showing the location and size of all buildings including all pertinent dimensions; and shall indicate clearly the existing and proposed parking spaces, other vehicular use areas, access aisles, driveways, hydrants, source of water supply and landscaping, the location and size of all landscape materials, the location of planting protective devices, and the identification of all plants by name.

SECTION 15.680.4 BUILDING CONSTRUCTION PERMITS

Information regarding building construction permits is provided in Appendices to this Chapter, as follows:

Building Permits - Appendix
Electrical Permits - Appendix
Gas Permits - Appendix
Mechanical Permits - Appendix
Plumbing Permits - Appendix

SECTION 15.680.5 LANDSCAPING AND BUFFERING PERMIT

Authorization is required to install landscaping in conformance with Section 15.780 of this Chapter.

SECTION 15.680.6 ACCESSORY STRUCTURE PERMIT

(a) **Sign Permits:** See Section 15.765.

(b) **Swimming Pool Permits**

(1) Definition.

As used in this Section, unless the context otherwise indicates, a swimming pool shall mean: structure designed to contain a body or bodies of fresh water for swimming, wading or other recreational purposes, not available for general public use or owned by social clubs.

(2) Permits; contents of applications.

a. Applications. Before the erection, construction or alteration of any swimming pool is begun, there shall be submitted to the Director an application for permit on appropriate forms to be furnished by the City.

b. Statements. The application shall contain the full name of the owner of the premises upon which the swimming pool is to be erected or altered. The application shall be accompanied by adequate documentation to meet the survey requirements of this Chapter.

c. Plans and specifications. The application shall be accompanied by full and complete plans and specifications, in duplicate, for such proposed work and such detail structural drawings thereof as hereinafter specified. The plans of all swimming pools to be constructed in the City, that are governed by state laws, must have the standard approval of the department having jurisdiction before application is made for permit. Full and complete plans shall consist of the following:

1. Drawings shall clearly show plan at not less than one-fourth inch per foot.

2. Sections of all component parts at three-fourths inch per foot.

3. Location or site plan at not less than one-sixteenth inch per foot.

4. Complete mechanical and electrical layout specifying type and capacity or equipment to be used, including:

(a) source of water;

(b) mechanical equipment;

(c) filtration equipment:

(d) disposal of:

l. pool water for emptying
2. backwash water
3. scum gutter drain

(e) all pool piping and valve arrangement, including main drain
l. inlets
2. vacuum fittings
3. scum gutter

d. **Fencing or safety barrier:**

1. Any pool construction shall have a safety barrier as required by Section 15.775.9 of this Chapter, and appropriate permit shall be obtained for said fencing or safety barrier.

2. It shall be within the discretion of the building inspector of the City to refuse approval of any barrier which, in his opinion, does not meet the safety requirements of this Section.

3. The erection or construction of a safety barrier shall not apply to those pools which are less than thirty (30) inches in depth.

(c) **Fences, Walls:** RESERVED

SECTION 15.680.7 MISCELLANEOUS PERMITS

(a) **Retaining Walls:** RESERVED

(b) **Fire Alarms and Sprinkler Systems:** RESERVED

(c) **Fumigation.**

No permit shall be required for fumigation services, however, the Fire Chief shall be notified, in writing, at least twenty-four (24) hours before any building or structure is to be closed in connection with the use of any toxic fumigant.

(d) **Temporary uses of buildings, structures or land:**

Temporary uses of buildings, structures, or land in connection with land development, sales, or construction projects, may be established, erected or placed within any zoning district for occupancy or use other than as dwelling or lodging units. Any such use shall require a permit, specifying location, type of construction, maintenance requirements, buffering requirements, time period of operation, planned utilization of such building, structure, or land, and such other requirements as the Director may deem necessary. No permit shall be issued for a period of more than six (6) months, subject to renewal upon approval of the Director. Failure to obtain a permit or violation of any condition or requirement specified as part of an issued permit shall be a violation of this Section.

(e) **Moving permits:**

(1) Moving of buildings. No building or structure shall be moved from one lot or premises to another unless such buildings or structure shall thereupon be made to conform with all the provisions of this Chapter relative to buildings or structures herein permitted to be erected upon the lot or premises to which such building or structure shall have been moved.

(2) Code compliance bond. The owner of any real property within the City seeking to apply for a permit to move a ready-made building onto said property within the City's corporate limits, shall, together with his application, post a bond, with a surety acceptable to the Director, which shall guarantee that said building will be refinished, remodeled, and completed within ninety (90) days from the date of said bond in accordance with all requirements in the removal permit and this Chapter.

(3) For the purpose of this section, "ready-made buildings" shall include any "building" or "structure", as defined in Article II of this Chapter.

(4) Upon the issuance of said moving permit, the house moving contractor shall notify the fire marshall, chief of police, utility companies and others whose property may be affected by the building move. All notices shall state the route that will be taken, start time, and approximately time of completion. All moving contractors shall comply with applicable rules and regulations of the State of Florida (Department of Transportation Building Moving Permit

Regulations) and all other provisions of the City Code of Ordinances.

(f) Septic tanks:

(1) Installation and use of septic tanks. Septic tanks or other similar equipment for sewage treatment may be installed and used within the City in areas where the City does not furnish sewer facilities, upon the approval of the Director of Public Works, until such time as such service becomes available.

(2) Permit and final inspection.

a. Construction permit. Prior to application for a permit percolation tests shall be performed under the direction of either the Bay County Health Department or the City, in the area where the absorption field is to be installed, and said tests shall have given satisfactory evidence that the intended drain field will function under normal conditions. No septic tank or/or drain field shall be constructed or installed until a permit for such construction or installation has been obtained from the Bay County Health Department and the City.

b. Non-issuance of permit. A permit shall not be issued for an installation in an area determined to have unsuitable soil characteristics, a high water table during the wet test period of the year, inadequate drainage, or other influencing factors adversely affecting the operation to the extent that the system may not be expected to function satisfactorily as a temporary sewage treatment method.

c. Septic tank and drain fields shall not be installed within two hundred-fifty (250) feet of East Bay or its tributaries.

d. Final inspection. After the completion of construction or installation of a septic tank and drain field and before covering and putting into service, the installation shall be inspected by a representative of the Bay County Health Department and the City. If installation meets all applicable requirements, a "final inspection certificate" will be issued. Permanent connection of city water will not be made to any dwelling or other building until final approval has been given to the installation.

e. Nothing herein is intended to exempt any person from full compliance with the provisions of the Callaway Plumbing Code.

(g) **Privately owned wells:**

(1) Conditions for approval:
Within the City where City-owned water mains are adjacent to a parcel, privately owned wells may be drilled and used only for lawnsprinkling, irrigation, operation of air conditioning units, filling of swimming pools or other similar uses on that parcel. In areas within the City where public water mains are not available, privately owned wells may be drilled and used for domestic supply, provided that said wells and water therefrom are in compliance with all applicable government requirements and regulations; that the water therefrom is analyzed as to suitability for drinking purposes by the local state laboratory of the State Division of Health and Rehabilitative Services, and subsequently approved by the County health officer; that the drilling of the well is permitted by the Northwest Florida Water Management District; and provided further that when city water service becomes available, connection shall be made in accordance with the City Code of Ordinances. No well may be drilled or used within the corporate limits of the City without a permit approved by the Director.

(2) Digging wells - permit required.
Within the City no person shall bore, dig or drill a well by mechanical power or otherwise unless an application has been made and a permit obtained from the Department of Public Works. The application shall include data concerning the proposed size and anticipated depth of the well, its location, intended use, etc.

(3) Refusal of permit if detrimental to health.
A permit to bore, dig or drill a well shall be refused if, in the opinion of the county health officer, the character or location of the well is such that it is liable to be a menace or detrimental to health and safety.

(4) Maintaining well detrimental to health.
It shall be unlawful for any person to maintain a well within the limits of the City if, in the opinion of the county health officer, its maintenance is a detriment to health.

(5) Wells to be inspected and approved.

It shall be unlawful for any person to maintain a well within the corporate limits of the City unless the same has been reported to, inspected and approved, and a permit issued by the Department of Public Works, unless a permit has been previously issued by the Bay County Health Department, the Northwest Florida Water Management District or the City.

(6) Sale of water from private wells.

It shall be unlawful for any person to connect or maintain pipes providing water for sale from private wells to other buildings or property.

(7) Nothing herein shall exempt a person from satisfying all requirements of the Callaway Plumbing Code.

SECTION 15.685 CERTIFICATES OF OCCUPANCY (Amended by Ordinance 509. August, 1996)

(a) A new building shall not be occupied, or a change made in occupancy of a commercial or office building (i.e., a new or different tenant), or a change in nature or use of a building (change in occupancy or group use category; i.e., assembly, business or mercantile, etc.) until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required fire protection systems have been tested and approved.

(b) Prior to the issuance of a certificate of occupancy, the applicant of a development permit ("permittee") shall ensure that every structure complies with the City of Callaway Comprehensive Plan, the City of Callaway Land Development Regulations, applicable law and building codes. Certificates of occupancy shall not be issued for any structure which does not comply with the City of Callaway Comprehensive Plan, the City of Callaway Land Development Regulations, applicable law and building codes. In the event of noncompliance, the violator, if convicted pursuant to Section 15.315 of this Code, shall pay a fine in an amount not to exceed two hundred ($250) dollars per day for a first violation and shall not exceed five hundred ($500) dollars per day for a repeat violation.

(c) New certificates of occupancy shall not be issued for remodeled, altered or repaired buildings unless the building is: enlarged or expanded, remodeled or modified to accommodate a new tenant or a new use or category of tenant, or remodeled or modified so as to increase the number of persons for each floor, the total square footage, or the maximum load per square foot.

(d) Certificates of occupancy will not be issued merely to document completion of construction, however, a letter attesting to completion will be provided on request.

(e) A temporary certificate of occupancy may be issued by the building official for a portion or portions of a building which may safely be occupied prior to final completion of the building. Temporary certificates shall not be issued for a period in excess of six (6) months, and then only when the occupied area meets all requirements of codes.

(f) A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with building codes for the occupancy intended. Where necessary, in the opinion of the building official, two (2) sets of detailed drawings, or a general inspection, or both may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the

Code for such occupancy, a certificate of occupancy may be issued. A fee shall be charged for all plan reviews and inspections performed pursuant to this section.

(g) Certificates of occupancy for new single-family residences will be issued within five (5) working days of the completion of the final building inspection.

(h) Certificates of occupancy for commercial (mercantile), office, and/or institutional buildings and different departments will be issued within ten (10) working days of the completion of the final building inspection.

SECTION 15.685.1 CERTIFICATES OF OCCUPANCY RELATIVE TO LAND

(a) No land upon which a new or different use is established, shall be occupied or used until a certificate of occupancy shall have been issued therefor.

(b) Certificates for dwelling accessory buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

(c) Certificate for non-conforming use. No non-conforming use shall be maintained, continued, renewed, extended or changed unless a certificate of occupancy therefor shall have been issued pursuant to this Chapter.

(d) A certificate of occupancy may be issued and a structure which encroaches no more than two and one-half (2.5) feet into any setback may be allowed to continue, but said encroachment shall not be expanded, extended or enlarged, provided that said structure had received a foundation inspection before the effective date of Ordinance No. 193, and provided further that said minimal encroachment was the result of a good faith error and no foundation survey was required to be submitted as to said structure by any other ordinance, statute or other law.

(e) Unlawful to occupy building pending final approval. It shall be unlawful in the case of a complete new installation for any person to occupy the building or structure until the tag showing final inspection and compliance has been attached to the meter box; and it shall be unlawful for any utility company to connect any premises, upon which a complete installation has been made, to its service lines until said utility company has received written notice from the chief electrical inspector that said work has had final inspection and been found to comply with the requirements of this Chapter.

SECTION 15.690 PROCEDURES FOR PROCESSING WATER AND SEWER SERVICE APPLICATIONS FOR NEW DEVELOPMENTS

IN THE CALLAWAY SERVICE AREA

SECTION 15.690.1 APPLICATION

Before any after line or sewer line extension is made to the water and/or sewer system of the City, the owner of the tract or parcel of land to be served shall make application to the City for permission to make the extension, setting forth the following information:

(a) The full name and address of the owner or owners of the tract or parcel of land to be served, together with evidence of ownership thereof.

(b) The legal description of the tract or parcel of land to be served, together with the recorded plat of all parts or portions thereof subdivided, and if any part or portion thereof has not been subdivided, a map or plot showing the proposed subdivision.

(c) The estimated number of consumers to be served by the City in such tract or parcel of land.

(d) If the proposed development in the tract or parcel of land to be served is for commercial, industrial or manufacturing purposes, the nature of such use and the probable water needs of each establishment, sewer discharge from each establishment and the character of such wastes.

(e) A statement that the applicant agrees that, at the discretion of the City, the water mains and all appurtenances thereto, when installed, shall be the property of the City and the same shall constitute a part of the water distribution system of the City and be subject to all rules and regulations relating to the operation of the water department of the City.

(f) A statement that applicant agrees that, at the discretion of the City, the sewers, house connections, lift stations, force mains and all appurtenances thereto, when installed, shall be the property of the City and that same shall constitute a part of the sewer system of the City and be subject to all rules and regulations relating to the operation of the sewer department of the City.

(g) The name and address of the applicant's consulting engineer.

(h) A preliminary layout of the proposed construction.

(i) If the proposed development is a part of a larger tract, a master plan for the development of the entire tract.

(j) Completion of a "Water Date Sheet" showing all proposed uses, fixtures and connections.

SECTION 15.690.2 SUBMITTAL OF APPLICATION

(a) Applications for water and sewer service and the prevailing filing and review fees shall be sent to the Department. For filing and review fees, refer to Section below.

(b) "Preliminary Application" Review Procedures:

(1) City staff will meet with developer to discuss preliminary development plans.

(2) City staff will evaluate the adequacy of the present water and sewer system to serve the proposed development.

(3) City staff will set up a meeting with the developer's engineers to discuss design and specification parameters.

(4) Staff will notify the developer of acceptability of his application or of required changes, and requirements for execution of Development Agreement with the City.

SECTION 15.690.3 SUBMITTAL OF FINAL CONSTRUCTION PLANS AND SPECIFICATIONS

After acceptance of the application, five (5) sets of final construction plans and specifications must be submitted to the Department (Size 24" x 36" Scale 1" = 50') for final City Engineer approval.

SECTION 15.690.4 DEVELOPMENT AGREEMENT AND IMPROVEMENT FEES

Prior to construction and connection of the development or project to the City's utility system, payment must be made of applicable water and sewer improvement fees in accordance with the terms of a Development Agreement. The Development Agreement shall contain provisions regarding improvement fees, construction, and conveyance and warranty of all "off-site" water and sewer infrastructure. The Development Agreement must be executed and submitted for City Commission consideration.

SECTION 15.690.5 FINAL PROCESSING

Upon compliance with the foregoing, the City staff shall further process the application. Final approval is contingent upon City Commission approval and execution of the Development

Agreement.

SECTION 15.690.6 OTHER PERMITS

DER General Use Permits and other required permits may be transmitted to the City after construction plans are approved. The City will process the permits when the City Commission approves the Development Agreement.

SECTION 15.690.7 PRE-CONSTRUCTION MEETING

(a) The City staff will arrange a pre-construction meeting with the developer's engineers and the project contractor.

(b) The City will give written authorization to proceed with construction after receiving an approved copy of the construction permit application for a DER water and sewer system.

SECTION 15.690.8 POST CONSTRUCTION

The project will be submitted to the City Commission for acceptance by the City of all off-site improvements after:

(a) Receipt of the project engineer's certification of completion.

(b) Receipt of DER approval for water and sewer system

(c) Receipt of the water bacteriological clearance.

(d) Project inspection approval.

(e) City Engineer's approval

(f) Contractor's Release of Lien

(g) Bill of Sale for conveyed improvements.

(h) Bond or Letter of Credit guaranteeing improvements for one (1) year from date of acceptance.

(i) One (1) sepia mylar and two (2) copies of the record plat (as appropriate).

(j) One (1) sepia mylar and three (3) copies of As-Build plans.

(k) All applicable charges have been collected and other considerations for the Development Agreement have been complied with.

SECTION 15.690.9 SERVICE

Water and Sewer service will be activated when all of the terms and conditions of the Development Agreement have been satisfied.

SECTION 15.691 APPLICATION FOR EXTENSION TO SERVE FIRE SPRINKLER SYSTEMS

SECTION 15.691.1 APPLICATION

Before any existing water main of the City shall be extended to serve any fire sprinkler system, application shall be made in writing, setting forth the following information:

(a) The full name and address of the owner or owners of the tract or parcel of land to be served, together with evidence of their ownership thereof.

(b) The legal description of the land to be served.

(c) The general nature of the business or industry to be served and their respective fire sprinkler system water needs.

(d) Size of water main required.

(e) A statement wherein the applicant agrees to be bound by and comply with all the rules and regulations relating to the operation of the water department of the City.

(f) A statement by the owner that, at the discretion of the City, the mains, when installed, will be the sole property of the City.

SECTION 15.691.2 APPLICATION APPROVAL; PAYMENT OF COSTS

Such application will be checked by the City and estimated cost determined. The City will notify the applicant, in writing, of its determinations and the applicant shall thereupon pay to the City a sum of money equal to the cost, at current price, before work is begun.

SECTION 15.691.3 APPLICATION FOR EXTENSION TO SERVE FIRE HYDRANTS ON PRIVATE PROPERTY

Before any existing water main of the City shall be extended to serve fire hydrants located

on private property, application shall be made therefor in the same manner, and with similar payment made to the City as provided for in regard to fire sprinklers above. Such extensions shall be made to the exterior boundary only of the tract, parcel or plot of land in which such fire hydrants are to be located.

SECTION 15.695 (revised October, 2003 – Ordinance No. 678)

DEVELOPMENT PERMITS - SCHEDULE OF FEES AND CHARGES

(a)	Comprehensive Growth Development Plan Amendment Review:	
	Large Scale-(over 10 acres)	$2,045.00
	Small Scale-(under 10 acres)	$1,100.00
(b)	Development Order Review- (plus hourly Attorney, Consulting, and Engineering fees reimbursed as billed)	$500.00
(c)	Residential Subdivision Submittal (plus hourly Attorney, Consulting, and Engineering fees reimbursed as billed)	$500.00
(d)	Final Plat Review (plus hourly Attorney, Consulting, and Engineering fees reimbursed as billed)	$500.00
(e)	Final Inspection of Infrastructure for Commercial and Residential Development	$250.00
(f)	Deviation from Site Plan	$500.00
(g)	Sign Permit	
	Off-Premise	$70.00
	On-Premise	$50.00
(h)	Land Clearing Permit	
	Residential Lot	$20.00
	Other	$35.00
(i)	Tree Removal Permit	
	Commercial	$50.00

	Residential	$0.00
	Dead or Dangerous Tree	$0.00
	Other (over 30" diameter)	$20.00
(j)	Temporary Use Permit	$20.00
(k)	Liquor License Review	
	Office Review Only	$10.00
	Site Inspection Required	$20.00
(l)	Appeals	$250.00
(m)	Variances	$250.00
(n)	Development of Regional Impact	
	New DRI Project	$2,045.00
	(plus hourly Attorney & Consultant fees reimbursed as billed)	
	Substantial Deviation Review	$500.00
	Request for Substantial Deviation	$100.00
(o)	Rezoning	$300.00
(p)	Special Exception	$250.00
(q)	Certificate of Acceptance Inspection	$15.00
(r)	Curb Cut (per curb cut)	$100.00
(s)	Driveway and Culvert Piping Permits	$500.00
	(i) City installation of piping. Applicant to provide pipe at no cost to City. The size of the pipe shall be determined by the City. The City shall install, including dirt and drainage grates as required. The City will install sod if provided by applicant at no cost to the City. No final inspection is required. In the event that greater than 40 feet of piping is required, an additional cost of $10.00 per foot shall be charged to the applicant for the length exceeding 40 feet.	$500.00
	(ii) Applicant installation of piping. Final inspection required.	
	Pipe provided by the Applicant.	$50.00
	(iii) Driveway permit with no piping necessary.	$50.00

(t)	Parking Lot Construction:	
	First 5,000 sq. ft. of paved area	$100.00
	Each Additional 5,000 sq. ft. or Fraction thereof	$75.00
	(plus engineering or attorneys fees as applicable)	
(u)	Conservation Area permit (per each 1,000 linear ft. of conservation line)	$50.00

SECTION 15.696 INTERIM PROPRIETARY AND GENERAL SERVICES FEE

(a) **Purpose:** The purpose of the interim proprietary and general service fee is to defray the cost to the City of providing City services to newly improved property prior to the imposition of ad valorem taxes on such property. Said services provided by the City include, but are not limited to, police protection, fire protection, parks and recreational facilities, library facilities and services, building and grounds maintenance, and administrative services. The fee is not in any manner, directly or indirectly, intended as an ad valorem tax, nor is the amount of the fee established herein related in any way to the valuation of the property receiving said services.

(b) **Fee levied for services to certain properties:** The interim proprietary and general services fee shall apply to those properties for which a certificate of occupancy is issued, either permanent or temporary, for full or partial use of the premises, and shall be paid for each month or part thereof, between the date of "substantial completion", as determined by the Director, and January 1 of the succeeding year.

(c) **Payment of interim proprietary and general services fee:** The interim proprietary and general services fee shall be paid in full upon the issuance of a certificate of occupancy, and the certificate of occupancy shall not be issued until such time as said fee has been paid. The interim proprietary and general services fee shall be thirty (30) dollars per unit per full or partial month. For the purpose of this Section, a "unit" shall be defined as:

(1) Single-family residence

(2) each living unit of a townhouse, duplex or multi-family dwelling

(3) each room of a hotel/motel

If a building does not fall under any of the above definitions, a unit shall be equivalent to 5,250 square feet or part thereof.

(d) **Fee revisions:** The City Commission may revise the interim proprietary and general services fee rate at the beginning of each fiscal year, rounding the monthly rate to the nearest five ($5.00) dollars. The calculation of the revised fee shall be based upon adopted

general fund budgeted expenditures less anticipated franchise fees, utility taxes, fines and forfeitures, charges for services and other revenues from "user-based fees" as may be appropriate, divided by the estimated number of units defined herein, and prorated on a monthly basis; provided, however, that the fee may not be increased by more than twenty-five (25) percent from one year to the next except upon the adoption of a resolution by the City Council approving such increase.

(e) **Exemptions:** The interim proprietary and general services fee shall not be levied upon:

(1) Any improvements which constitute general maintenance, remodeling or additions to units such as additional rooms, pools and fences.

(2) Any improvements to property which is exempt from ad valorem taxation by Florida law, or which is used primarily by an organization the income of which is exempt from federal income taxation.

SECTION 15.697 BUILDING PERMIT FEE SCHEDULE

(a) Fees for building permits for any new building or structure or any alteration or addition to any existing building or structure shall be based on the valuation of the building or structure to be constructed as established in the most recent Building Valuation Table of Cost published by the Southern Building Code Congress International, Inc. The dollar amount of such fee shall be as follows:

Value of Building and Structure	**Permit Fee**
$ l,000.00 and under	No fee, unless inspection required, in which case $10 fee per inspection.
$ 1,001.00 to $50,000.00	$25.00 for the first $1,000.00 plus $5.00 for each additional thousand or fraction thereof
$ 50,00l.00 to $250,000.00	$270.00 for the first $50,000.00 plus $4.00 for each additional thousand or fraction thereof.
$2250,001.00 and over	$1,045.00 for the first $250,000 plus $3.00 for each additional thousand or fraction thereof.

(b) Document review fees: The following fees shall be charged for the review of construction documents. Said fees shall be based on the building structure valuation as established in the most recent Building Valuation Table of Cost published by the Southern Building Code Congress International, Inc.

Valuation of Building or Structure	Review Fee
$ 1,000.00 and under	$ 10.00
1,001.00 to 25,000.00	25.00
25,001.00 to 50,000.00	37.50
50,001.00 to 75,000.00	50.00
75,001.00 to 100,000.00	62.50
100,001.00 to 150,000.00	125.00
150,001.00 to 200,000.00	150.00
200,001.00 to 250,000.00	175.00
250,001.00 to 500,000.00	200.00
500,001.00 and over	300.00

(c) When deemed necessary by the building official, construction documents accompanying an application for building permit for any new building or structure or any alteration or addition to any existing building or structure, may be forwarded to the Southern Building Code Congress International, Inc., for their review and comment. When such a review is necessary, the document review fee charged to the builder/owner shall be based on the actual costs incurred by the City for said review.

(d) Requirement for recording fees. Whenever any document, agreement, etc., is required by the City pursuant to approval of a development action or order, and same is to be recorded in the public records of Bay County, the developer/owner, or other party to the agreement, shall pay all recording fees and other costs.

(e) Refunds. Procedures for refunds of amounts paid for permits are as follows:

(1) No person shall be entitled to any refund of the amount paid for any permit issued by the City unless such refund is applied for in writing within six (6) months from the date of issuance of such permit, or within the extended time thereof if the same has been extended under proper authority.

(2) Service charge. Before making any such refund, retain and deduct therefrom a sum equal to ten (10) percent of the amount originally paid for the permit shall be deducted therefrom, which sum shall constitute a service charge.

ARTICLE VII

DESIGN STANDARDS AND DEVELOPMENT CRITERIA

Section 15.700	Reserved
Section 15.705	Reserved
Section 15.710	Zoning Standards
Section 15.715	Flood Plain Protection
Section 15.720	Environmentally Sensitive Lands
Section 15.725	Storm Water Management
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Section 15.750	Neighborhood Preservation Standards
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Section 15.760	Vehicles: Use Areas; Facilities Standards and Restrictions
Section 15.765	Signs and Advertising
Section 15.770	Reserved
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SECTION 15.700 RESERVED

SECTION 15.705 RESERVED

SECTION 15.710 ZONING STANDARDS

Section 15.710 Zoning Standards

Section 15.710.1 Purpose

Section 15.710.2 Schedule of Area, Height, Bulk and Placement Regulations

Section 15.710.3 Building Standards Exclusive to Specific Zoning Districts Not Included on the "Schedule of Area, Height, Bulk and Placement Regulations"

Section 15.710.4 Accessory Uses, Buildings or Structures

Section 15.710.5 Yard Encroachments

Section 15.710.6 Exclusions from Height Limits

SECTION 15.710 ZONING STANDARDS

SECTION 15.710.1 PURPOSE

The purpose of this Section is to provide the regulations applying in the zoning districts established by the City for area, height, bulk, and placement regulations; together with additional regulations related to building standards.

SECTION 15.710.2 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

Regulations governing the minimum lot area and width; required front, side and rear yard; floor area ratio, height of structure; and related matter are shown in the following schedule of Area, Height, Bulk and Placement Regulations. In addition, certain standards exclusive to specific zoning districts are included in the following section entitled Building Standards Exclusive to Specific Zoning Districts Not Included on the "Schedule of Area, Height, Bulk and Placement Regulations,"

(The next six pages represent the schedules referred to in Section 15.710.1 above.)

SECTION 15.710.3 BUILDING STANDARDS EXCLUSIVE TO SPECIFIC ZONING DISTRICTS NOT INCLUDED ON THE "SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS"

(a) R-10 Single Family Residential, R-9 Single Family Residential, R-7.5 Single Family Residential, and R-7 Single Family Residential, R-6 Single Family Residential, R-6M Single Family Residential, R-5 Single Family Residential, R-5M Single Family Residential Zoning Districts.

Yard Requirements: As to any lot platted after January 1, 1991, no principal structure, swimming pool, accessory building or other structure shall be located nearer than twenty-five (25) feet to any environmental jurisdictional (DER) line or, where no such environmental jurisdictional line has been established, to the established mean high water line of East Bay, or its tributaries.

As to any lot platted before January 1, 1991 no principal structure shall be located nearer than twenty (20) feet to any environmental jurisdictional (DER) line or, where no such environmental jurisdictional line has been established, to the established mean high water line of East Bay, or its tributaries. Further, as to any lot platted before January 1, 1991, no swimming pool, accessory building or other accessory structure shall be located nearer than ten (10) feet to any environmental jurisdictional (DER) line or, where no such environmental jurisdictional line has been established, to the established mean high water line of East Bay, or its tributaries.

(b) R-MF Multi-Family Residential.

Townhouse development standards:

(1) The minimum gross lot acre shall be ten (10) acres and the minimum gross lot width shall be four hundred eighty (480) feet.

(2) Each townhouse dwelling shall have a minimum lot area of one thousand eight hundred (1,800) square feet of usable land and a minimum width of twenty (20) feet.

(3) Each townhouse dwelling shall have a front yard with a minimum depth of twenty-five (25) feet and a rear yard with a minimum depth of twenty (20) feet.

(4) No less than four (4) townhouse dwellings and no more than twelve (12) townhouse dwellings shall be contiguous. No more than two (2) contiguous townhouse dwellings shall be build in a row with a common

front building line, and the minimum difference in building line setback to provide variation shall be two (2) feet. No contiguous group of dwellings shall exceed two hundred forty (240) feet in length.

(5) There shall be a minimum gross floor area of seven hundred (700) square feet of usable interior living area for one or two-bedroom units and a minimum of eight hundred (800) square feet of usable interior living area for three-bedroom units, exclusive of utility area, attics or garages.

(6) No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or shall be closer than twenty-five (25) feet to a property line adjoining the side yard of an adjacent lot not included within the townhouse development. A side yard having a minimum width of twenty (20) feet shall be provided between the side of any townhouse dwelling and a public street or right-of-way.

(7) Townhouse developments shall have a common open area suitably developed for recreation purposes equal to one thousand five hundred (1,500) square feet of open area per dwelling unit. Satisfactory provision for the development and perpetual maintenance of said open area shall be submitted to and approved by the City Commission.

(8) Where a townhouse development is proposed in accordance with a comprehensive plan upon a total site exceeding the minimum gross lot area set forth in subparagraph (1) above, and where interior streets are proposed within said development, the City Commission may permit reasonable variations from the yard and setback provisions set forth herein, provided that no variation shall be made in yard or setback provisions relating to an exterior property line of the total site.

(9) City Commission may approve actual construction of phases, provided that the initial phase shall comprise not less than twenty-five (25) percent of the total area proposed for ultimate development.

(10) Before a building permit for construction shall be issued, a subdivision plat complying with all requirements of the subdivision regulations of the City shall have been approved by the City Commission and recorded in the records of the Clerk of the Circuit Court of Bay County.

(11) Unless otherwise specifically provided in the above subparagraphs, all

provisions and development standards of this Chapter for the applicable zoning district shall apply to townhouse development.

Area requirements:

Each two-family (duplex) dwelling erected or begun after the effective date of this Chapter and each multi-family dwelling having three (3) or more dwelling units and/or group of multi-family dwelling units erected or begun after the effective date of this Chapter shall have a minimum of eight hundred (800) square feet of living area per dwelling unit, excluding porches, breezeways, garages, carports and utility rooms, including only actual living areas.

Yard requirements:

(1) **Group of multi-family dwellings:** Where two (2) or more multi-family dwellings are proposed for construction upon a zoning lot, open space and yard proposals substantially equivalent to the yard requirements as set forth hereinabove shall be submitted on the site development plan. As part of the open space requirements, there shall be a common open area suitably developed for recreational purposes equal to one thousand (1,000) square feet of open area per dwelling unit.

(2) **Inter-yards:** The front, side and rear yard requirements listed in the matrix shall not apply to yard areas between structures within a multi-family residential unit complex which shall be subject only to a requirement that the minimum separation between any two such structures shall not be less than fifteen (15) feet. Where desirable, however, for the preservation of existing trees or under extraordinary or exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, the required minimum separation may be reduced to not less than seven and one-half (7-1/2) feet if the building separation distances of the opposite ends of each affected building are increased above fifteen (15) feet by a combined amount at least equal to the reduction allowed below fifteen (15) feet.

(3) **Perimeter:** The minimum perimeter around any zoning lot used for a group of multi-family dwellings/multi-family residential units complex shall be twenty-five (25) feet, and the provision of said perimeter shall be deemed to satisfy front, side, or rear yard requirements otherwise imposed by this Chapter the specific terms thereof notwithstanding.

(c) F-MFA Alternate Multi-Family Residential

Minimum square footage, living area, per unit:
The minimum square footage of living area per dwelling unit, excluding porches, breezeways, garages, carports and utility rooms including only actual living area, shall be no less than five hundred and fifty (550) square feet. The average square footage of living area for all units located on the zoning lot shall be no less than seven hundred and fifty (750) square feet; and no more than twenty-five (25) percent of the total number of units shall be five hundred and fifty (550) square feet.

Yard requirement:

(1) **Group of multi-family dwellings:** Where two (2) or more multi-family dwellings are proposed for construction upon a zoning lot, open space and yard proposals substantially equivalent to the yard requirements as set forth hereinabove shall be submitted on the site development plan. As part of the open space requirements, there shall be a common open area suitably developed for recreational purposes equal to one thousand (1,000) square feet of open area per dwelling unit.

(2) **Inter-yards:** The front, side and rear yard requirements listed in the matrix shall not apply to yard areas between structures within a multi-family residential unit complex which shall be subject only to a requirement that the minimum separation between any two such structures shall not be less than fifteen (15) feet. Where desirable, however, for the preservation of existing trees or under extraordinary or exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, the required minimum separation may be reduced to not less than seven and one-half (7-1/2) feet if the building separation distances of the opposite ends of each affected building are increased above fifteen (15) feet by a combined amount at least equal to the reduction allowed below fifteen (15) feet.

(3) **Perimeter:** The minimum perimeter around any zoning lot used for a group of multi-family dwellings/multi-family residential units complex shall be thirty (30) feet, and the provision of said perimeter shall be deemed to satisfy and front, side or rear yard requirements otherwise imposed by this Chapter the specific terms thereof notwithstanding.

(d) PROF Planned Research Office Facilities Zoning District

Minimum Site Design Standards:

(1) **Height:** Buildings and structures within a PROF zoning district shall not

exceed sixty-five (65) feet in height; provided, however, that buildings and structures adjacent to a single family detached residential zoning district shall not exceed thirty-five (35) feet in height.

(2) **Lot coverage:** At least forty (40) percent of the total project land area shall be permeable, open area. A minimum of thirty (30) percent of each zoning lot shall be permeable, open area; provided, however, that City Commission may permit the required open coverage to be reduced to twenty-five (25) percent of a zoning lot if the applicant demonstrates that such a percentage of coverage is not inimical to the public health, safety, welfare and aesthetic purposes of this Chapter and does not adversely affect or undermine the purposes of the PROF zoning district, including but not limited to the creation of a park-like atmosphere within the research corporate park.

(3) **Lot area and width:** Each main building or principal use shall be located on a lot having an area of no less than forty thousand (40,000) square feet and a minimum width of two hundred (200) feet at the front property line.

(4) **Building coverage:** Maximum building coverage on zoning lots encompassing two (2) or more areas shall not exceed thirty-five (35) percent and on zoning lots of less than two (2) acres, maximum building coverage shall not exceed thirty (30) percent. The minimum building ground floor area for any zoning lot in a PROF zoning district shall be five thousand (5,000) square feet.

(5) **Setbacks:** The minimum building setbacks shall be:

a. Twenty-five (25) feet along road right-of-way, whether said road rights-of-way are public or private; provided, however, that City Commission may permit a minimum setback of twenty-five (25) feet along private road rights-of-way if the applicant demonstrates that such a setback is not inimical to the public health, safety, welfare and aesthetic purposes of this Chapter and does not adversely affect or undermine the integrity of the PROF zoning district.

b. If the property is located adjacent to a single family detached residential zoning district, two hundred (200) feet therefrom; provided, however that City Commission may permit a smaller setback, to a minimum of twenty-five (25) feet, if the applicant demonstrates that such a setback is not inimical to the public

health, safety, welfare and aesthetic purposes of this Chapter and does not adversely affect or undermine the integrity of the single family residential zoning district or the purposes of the PROF zoning district.

c. If the property is located along East Bay or it's tributaries, two hundred (200) feet therefrom or one hundred (100) feet from the Department of Environmental Regulation (DER) line; provided, however, that the minimum building setback for a hotel may be one hundred fifty (150) feet from the Bay for structures up to thirty (30) feet in height and provided further that, hotel buildings, like other buildings and structures within a PROF zoning district, may be constructed to sixty-five (65) feet in height at a distance of two hundred (200) feet from the Bay. All distances from East Bay shall be calculated by reference to the mean high water line of the Bay.

(6) **Setbacks:** The minimum setbacks for other structures, parking lots, on-site private roads and parking aisles (excluding access drives), private walkways, swimming pools, tennis courts or pads for decorative of recreational use shall be:

a. Twenty-five (25) feet, fully landscaped, from any road rights-of-way, whether said road rights-of-way are public or private.

b. Ten (10) feet fully landscaped from any site or rear property boundaries.

c. If the property is located adjacent to a single family detached residential zoning district, one hundred (100) feet therefrom; provided, however, that City Commission may permit a smaller setback, to a minimum of twenty-five (25) feet, if the applicant demonstrates that such a setback is not inimical to the public health, safety, welfare and aesthetic purposes of this Chapter and does not adversely affect or undermine the integrity of the single family residential zoning district or the purposes of the PROF zoning district.

d. If the property is located along East Bay or it's tributaries, one hundred fifty (15) feet therefrom or fifty (50) feet from the DER jurisdictional line, whichever is greater; provided, however, that other structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or

recreational use may be constructed between that setback and two hundred (200) feet of the Bay, only if a continuous berm is constructed between said structure, parking lot, driveway, walkway, fence, swimming pool, tennis court or pad and the Bay, and provided further that said berm shall comply with the following requirements:

1. As a minimum, the mound or berm shall be configured with smooth, consistent slopes and shall be a minimum of thirty-two (32) inches in height.

2. The mound or berm shall meander and shall be constructed in such a way as to save as many existing trees as possible.

3. In addition to the mound or berm, a continuous hedge shall be planted along the berm and adjacent to the vehicular use area prior to issuance of any certificate of occupancy for any building on the lot.

4. Said hedges shall be of an evergreen variety, planted and maintained to form a continuous, unbroken eighty (80) percent solid visual screen in conjunction with berms and mounds.

5. Plantings shall be planted and maintained at a minimum overall height of six (6) feet.

6. The berm/mound shall not encroach into the conservation easement by more than six(6) feet.

(7) **Off-site impact:** All research, development and related activities shall be conducted entirely within enclosed structures. No materials, supplies, equipment or merchandise shall be stored outside of any building or structure. No use shall create any odor, liquids, smoke, gas, dust, litter, noise, vibration or other obnoxious, offensive or objectionable manner which shall be detectable outside of the zoning lot.

(8) **Underground storage:** Underground storage of hazardous or flammable materials, liquids or chemicals shall not be permitted in a PROF zoning district, except that combustible and flammable liquids and liquified gas as defined in NFPA 30, 54 and 58 to include gasoline, kerosene, petroleum distillates, diesel fuel and liquified gas in

underground tanks which shall be designed, installed, constructed and located to prevent seepage of contained products into surrounding subsurface areas and which shall comply with the NFPA codes and FDER Chapter 17-61 and all prevailing statutory and regulatory requirements and standard. In addition, leak detectors shall be installed and maintained in accordance with City standards and criteria.

(9) **Subdivision requirements:** Development within a PROF zoning district shall be in accordance with Section 15.745 of this Chapter.

(10) **Parking:** Parking area requirements shall conform to the applicable Callaway Code provisions, unless City Commission varies said requirements pursuant to an approved site development plan, or, if the development is a development of regional impact, pursuant to the Development Order, in which case parking within the PROF zoning district shall be subject to such conditions and restrictions as City Commission may impose in connection therewith.

(11) **Landscaping and Buffering:** Requirements as to landscaping and buffering shall conform to the applicable Callaway Code provision, unless City Commission varies said requirements pursuant to an approved site development plan, or, if the development is a development of regional impact, pursuant to the Development Order, in which case landscaping within the DROF zoning district shall be subject to such conditions and restrictions as City Commission may impose in connection therewith.

In addition to the landscaping requirements of this Chapter, where the rear or side property line of a lot adjoins any residential zoning district or a public street adjoining any residential zoning district, suitable buffering in the form of a brick wall or plant material shall be provided along the entire length of the property line, unless this requirement shall be waived by the City Commission pursuant to an approved site development plan or, if the development is a development of regional impact, pursuant to the Development Order. Said buffering shall be at least six (6) feet in height and brick walls shall not exceed eight (8) feet in height. Should a landscape buffer be provided, the plant material shall be of an evergreen variety, planted and maintained to form a continuous, unbroken eighty (80) percent solid visual screen at a minimum overall height of six (6) feet.

(12) **Tree removal:** All tree removal shall be in compliance with the provisions of Callaway Code of Ordinances, unless City Commission

varies said requirements pursuant to an approved site development plan or, if the development is a development of regional impact, pursuant to the Development Order in which case tree removal within the PROF zoning district shall be subject to such conditions and restrictions as the City Commission may impose in connection therewith.

(13) **Conservation easement:** All property located within the Department of Environmental Regulation (DER) jurisdictional line and a fifty (50) feet strip contiguous thereto shall be conveyed to the City of Callaway as a conservation easement in a form and substance acceptable to the City and in accordance with Section 704.06, Florida Statutes; provided, however, that if the area contiguous to the DER jurisdictional line is not contiguous to the Bay and if said area is part of a retention area, pond or lake, said conservation easement may extend only thirty (30) feet into the property contiguous to the DER jurisdictional property.

Property within the conservation easement shall be maintained by the developer, his successor or assigns. Within conservation easements, native plant communities shall not be removed; provided, however, that additional plantings of native vegetation may be permitted with City Commission's prior approval. No filling, excavation or construction of permanent structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or recreational use or other impermeable surfaces, except outfalls and utility lines, may be allowed in conservation easements without prior City Commission approval.

Any and all clearing, landscaping or similar activity in the area between the conservation easement and the setback line for structures other than building, including parking lots, driveways, walkways, fences, swimming pools, tennis courts and pads for decorative and recreational uses, may be done only with prior City Commission approval.

(14) **General site development plan, submittal and review:**
Every zoning application and ever application for a building permit within a PROF zoning district, shall be subject to the provisions of Section 15.630 of this Chapter; provided, however, that applicants for building permits which do not meet the criteria established in Section 15.630 and those for which City Commission has granted a specific waiver pursuant to Section 15.630 of this Chapter, shall not be required to submit site plans for City Commission review and approval.

SECTION 15.710.7 ACCESSORY USES, BUILDINGS OR STRUCTURES

Pool and accessory structure setbacks shall be in full compliance with the yard and buffering requirements of the applicable zoning district, except as follows:

(a) Except as otherwise may be provided in this Section, swimming pools, patios, decks and other outdoor living areas, including screened enclosures, not having a roof impervious to weather, may be located within a rear yard; provided, that no such allowed uses shall be located nearer than five (5) feet to any property line.

An additional setback from the lot line of one (1) foot shall be required for each foot of total height that such an enclosure not having a roof impervious to the weather exceeds eleven (11) feet, until a setback of ten (10) feet is reached.

(b) Except as otherwise provided in this Section, detached accessory buildings and structures, including but not limited to garages, carports and storage sheds, but excluding uses set forth under Subsection (a) above, may be located within a rear yard; provided that no such building or structure shall be located nearer than five (5) feet to any property line and not closer than ten (10) feet to the principal structure.

An additional setback from a lot line of one (1) foot shall be required for each foot of total building or structure height exceeding eleven (11) feet, until a setback of ten (10) feet is reached.

SECTION 15.710.5 YARD ENCROACHMENTS

Every part of a required yard shall be pen and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted by this Chapter:

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

(b) Cornices, eaves, gutters or movable awnings may project not over three (3) feet into a required yard.

(c) Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.

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

(e) Hoods, canopies or marquees may project not over three (3) feet into a required yard, but shall not extend closer than one foot to any lot line.

(f) Accessory parking may be located in a required side yard if the area so used for parking is properly screened from adjacent property by a fence, wall or planting.

(g) Air conditioner units and other mechanical equipment may extend not over four (4) feet into a required side or rear yard.

(h) Entrance stoops, including roof covering, may extend not over four (4) feet into a required yard.

(i) Tree well and planter structures may extend no more than twenty-four (24) inches above ground level as measured from a high point on the ground, which is no more than eight (8) feet from the centerline of the protected tree; provided, however, that such structure shall comply with the following terms and conditions:

(1) Such structure shall be designed and installed in a proper manner to protect trees from grade changes that may adversely affect or endanger said trees;

(2) No such tree well structure shall impair or hinder traffic and visibility from the road; and

(3) The structure shall be constructed of materials appropriate to the purpose and aesthetically harmonious with the location. In no instance shall fiberglass, plastics or any type of corrugated panel or sheet metal be used.

(j) Retaining walls shall be permitted in any yard area, subject to the following restrictions:

(1) No such retaining walls shall be constructed, unless the plans for said retaining wall have been determined by the city to be in compliance with the requirements of this Section and all applicable requirements of the City's building code, and a building permit has been issued for such construction prior to installation or erection;

(2) The wall is necessitated by the unique topography or other extraordinary, exceptional conditions pertaining to the particular piece of property;

(3) The wall shall be constructed of materials appropriate to the purpose and aesthetically harmonious with the location. In no instance shall

fiberglass, plastics, corrugated panel or sheet metal be permitted;

(4) All retaining walls shall have adequate provision for drainage of water from the retaining site; and

(5) Retaining wall shall not adversely affect the natural flow of surface water or create an adverse effect on adjacent property.

(k) Cantilevered, bay windows may not extend over two (2) feet into a required yard.

SECTION 15.710.6 EXCLUSION FROM HEIGHT LIMITS

Penthouses, scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area at maximum horizontal section thirty (30) percent of the room area and flag poles, 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 twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of the building.

SECTION 15.715 **FLOOD PLAIN PROTECTION** (Amended by Ordinance 883. May 2009)

SECTION 15.715.1 PURPOSE
SECTION 15.715.2 OBJECTIVES
SECTION 15.715.3 DEFINITIONS.
SECTION 15.715.4 GENERAL PROVISIONS.
SECTION 15.715.5 ADMINISTRATION.
SECTION 15.715.6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION 15.715 FLOOD PLAIN PROTECTION

SECTION 15.715.1 PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction and throughout their intended life span;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 15.715.2 OBJECTIVES

The objectives of this ordinance are:

(1) to protect human life and health, and to eliminate or minimize

property damage;

(2) to minimize expenditure of public money for costly flood control projects;

(3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, bridges and culverts located in floodplains;

(6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(7) to ensure that potential home buyers are notified that property is in a flood hazard area.

SECTION 15.715.3 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory structure" *Accessory structure (appurtenant structure)* means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Director of Public Works or his designee's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood elevation” means the water surface elevation associated with the base flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Coastal high hazard area" means that area defined in the Coastal Management Element of the City of Callaway Comprehensive Growth Management Plan.

“Datum” means a reference surface used to ensure that all elevation records are properly related.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which many

impede or alter the flow capacity of the a floodplain.

"Existing Construction" means any structure for which the "start of construction" commenced before November 24, 1987, or structures for which the "start of construction" commenced after November 24, 1987, which were built in compliance with the then existing Callaway flood damage prevention plan (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard).

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Callaway on November 24, 1987.

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

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

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

“Flood Boundary and Floodway Map (FBFM)” means the official map of the community in which FEMA has delineated the areas of special flood hazard and regulatory floodways.

"Flood Hazard Boundary Map (FHBM)" means an official map of the City of Callaway issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of the City of Callaway on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" means the individual appointed to administer and enforce the City's floodplain management regulations.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood-prone areas.

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Free of obstruction" means any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hardship" (as related to variances of this chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Callaway requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these

problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or determined by the Florida Department of State as meeting the requirements for individual listing on either registry:

2. Certified or preliminarily determined by the Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Department's Secretary to qualify as a registered historic district; or

3. Individually listed on the state inventory of historic places.

“Increased cost of compliance (ICC)” means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

“Lowest adjacent grade” means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this chapter.

"Manufactured home" means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

"Market value" means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

"Mean Sea Level" means the average height of sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means any structure for which the "start of construction" commenced after November 24, 1987, but does not include any structures for which the "start of construction" was after November 24, 1987, and before September 18, 2002, which were built in compliance with the then existing Callaway flood damage prevention plan. The term also includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 24, 1987.

"North American Vertical Datum (NAVD) of 1988" means a vertical control used as a reference for establishing varying elevations within the floodplain.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to share or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"Public safety and nuisance" means anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay stream, canal, or basin.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is:

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

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

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

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (generally one foot).

"Repetitive loss" means flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

"Special flood hazard area" *(SFHA)* (see "Area of special flood hazard") means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1--A30, AE, A99, AH, V1--V30 or VE.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds

not occupied as dwelling units or not part of the main building. For 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.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvements" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by a Code Enforcement Officer and which are solely necessary to assure safe living conditions.

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse

includes specifically designated areas in which substantial flood damage may occur.

"Water surface elevation"means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 15.715.4 GENERAL PROVISIONS.

a. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Callaway.

b. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the FIS for the City of Callaway, dated June 2, 2009, with accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. The FIS and FIRM are on file at the City of Callaway Planning Department.

c. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provision of this Section prior to the commencement of any development activities.

d. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.

e. ABROGATION AND GREATER RESTRICTIONS.

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, growth planning ordinances or land development regulations. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

f. INTERPRETATION.

In the interpretation and application of this Section 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.

g. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Callaway or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

h. PENALTIES FOR VIOLATION.

Any person who violates this Section or fails to comply with any of its requirements shall, upon adjudication thereof, be fined not more than $500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Callaway from taking such other lawful actions as is necessary to prevent or remedy any violation.

SECTION 15.715.5 ADMINISTRATION.

1. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Commission of the City of Callaway hereby appoints the Director of Planning or his designee to administer and implement the City's floodplain management regulations.

2. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Planning Director ~~of~~ on forms furnished by him prior to the commencement of any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question,~~;~~ existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Application Stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed;
(iii) Certificate from registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in Section 15.715.6(2)(b) and 15.715.6 (5)(b);
(iv) Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

(b) Construction Stage.

Upon placement of the lowest floor, floodproofing by whatever construction means, or upon placement of the bottom of the lowest horizontal structural member, whichever is applicable, it shall be the duty of the permit holder to submit to the Planning Director or his designee a certification of the NGVD or NAVD elevation of the lowest floor, floodproofed elevation, or bottom of the lowest horizontal structural member, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Planning Director or his designee shall review the floor and floodproofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby~~,~~ shall be cause to issue a stop-work order for the project.

3. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties of the Planning Director or his designee shall include, but not be limited to:

(a) Review permits to assure sites are reasonably safe from flooding;

(b) Review all development permits to assure that the permit requirements

of this Section have been satisfied;

(c) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

(d) Notify adjacent communities, the Florida Department of Community Affairs, Division of Emergency Management, the North Florida Water Management District, the Federal Emergency Management Agency and the Florida Department of Environmental Regulation prior to any alteration or relocation of a watercourse;

(e) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

(f) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor (A-zones) or bottom of the lowest horizontal structural member of the lowest floor (V-zones) of all new or substantially improved buildings, in accordance with Section 15.715.5(2)(b);

(g) Verify and record the actual elevation, in relation to mean sea level, to which new or substantially improved buildings have been flood-proofed, in accordance with Section 15.715.5(2)(b);

(h) Review certified plans and specifications for compliance with the floodplain management regulations when flood-proofing is utilized for a particular building;

(i) Interpret the location of boundaries of the areas of special flood hazard where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(h) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when base flood elevation data or floodway data have not been provided in accordance with Section 715.4(b). Obtain and maintain records of lowest floor and floodproofing elevations for new construction and

substantial improvements.

(i) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA.

4. VARIANCE PROCEDURES.

(a) The Planning Board as established by the Callaway City Commission shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Public Works in the enforcement or administration of this Section.

(c) Any person aggrieved by the decision of the Planning Board or any taxpayer living in the City may appeal such decision to the Circuit Court.

(d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger of life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(vi) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(xi) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this Section, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for Variances:

(i) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(ii) Variances shall only be issued upon (A) a showing of good and sufficient cause, (B) a determination that failure to grant the variance would result in exceptional hardship, and; (C) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,

extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(iv) The Public Works Director or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 15.715.6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

1. GENERAL STANDARDS.

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

(a) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~;~~

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.~~;~~

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed or located so as to prevent water from entering or accumulating within the

components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Section shall meet the requirements of "new construction" as contained in this Section.

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Section, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(k) All applicable additional Federal, state and local permits shall be obtained and submitted to the Planning Director. Copies of such permits shall be maintained on file with the development permit.

2. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section F(2) or Section G(3)(i), the following provisions are required:

(a) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of paragraph (c) below.

(b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation.

Non-residential buildings located in A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification shall be provided to the Planning Director as set forth in Section 15.715.5(3)(g).

(c) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(B) The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation that the adjacent exterior grade); and,

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage and building access. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate room.

(d) Standards for Manufactured Homes and Recreational Vehicles.

(i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, be elevated on a permanent foundation to the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(A) The lowest floor of the manufactured home is elevated at least one foot above the level of the base flood elevation, or

(B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

(C) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

(iii) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards outlined in paragraphs (A) and (C) above.

(iv) All recreational vehicles placed on sites must either:

(A) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(B) Be on the site for fewer than 180 consecutive days, or

(C) Meet all the requirements for new construction, including anchoring and elevation requirements outlined in paragraphs d)(i) or paragraphs (ii)(A) and (C) above.

(e) Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

(ii) If the paragraph (i) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

(iii) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes(mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 715.6(1)(b) and the elevation standards of Section 715.6(2)(a) and the encroachment standards of subsection (i) above are met.

(v) Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the City's consent, for a conditional FIRM revision, and receives the approval of FEMA.

(vi) When fill is proposed within the regulatory floodway, the development permit shall not be issued unless certification is provided by a registered professional engineer demonstrating that the proposed fill will not increase the water surface

elevation of the base flood.

(f) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

3. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Section 715.4(b), where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:;

(a) When base flood elevation data or floodway data have not been provided in accordance with 715.4(b), then the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of article III.

(b) Until regulatory floodway is designated, no new construction, substantial improvements, or other development–including fill material shall be permitted within areas of special flood hazard, unless certification by an engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(c) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in Section 715.6(2)(a) above.

(d) Development activities that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the City's consent, for a conditional FIRM revision, and receives the approval of FEMA.

(e) If base flood elevations and floodway data are not available from outside sources, then the following provisions may be used:
i. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than two feet above the highest adjacent grade at the

building site.

ii. No encroachments, including fill material or structures, shall be located within a distance of 30 feet from any stream.

4. STANDARDS FOR SUBDIVISION PROPOSALS.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

5. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established above, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map. If no depth number is specified, the lowest floor, including basement, shall be elevated~~,~~ at least two (2) feet above the highest adjacent grade.

(b) All new construction and substantial improvements of non-residential buildings shall:

(i) have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or;

(ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

6. STANDARDS FOR COASTAL HIGH HAZARD AREAS

Located within areas of special flood hazard areas established in 715.4(b) are coastal high hazard areas, designated as Zones V1—V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following additional provisions shall also apply:

(a) All new construction and substantial improvements in Zones V1—V30, VE and V (if base flood elevation is available) shall be elevated on pilings and columns so that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least one foot above the base flood elevation level; and

ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (a)i. and ii., above.

(c) Obtain a certification of the elevation, in relation to mean sea level, of the bottom of the lowest horizontal structural member of the lowest floor, as built, excluding pilings and columns, of all new and substantially improved

structures.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ii. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

(f) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access or storage. Such space shall not be used for human habitation.

(g) Prohibit the use of fill for structural support of buildings.

(h) All manufactured homes to be placed or substantially improved within Zones V1--V30, V, and VE on the community's FIRM on sites: i.) Outside of a manufactured home park or subdivision, ii.) In a new manufactured home park or subdivision, iii.) In an expansion to an existing manufactured home park or subdivision, or iv.) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood must meet the standards of subsections(a) through (g). Manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V1--

V30, V, and VE on the FIRM meet the requirements of section 8-32(4)a. through b.

(i) Recreational vehicles placed on sites within Zones V1--V30, VE, or V on the community's FIRM either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

iii. Meet the requirements of section 715.5(2), and sections 715.6(2) and 715.6(6).

7. STANDARDS FOR CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 15.720 ENVIRONMENTALLY SENSITIVE LANDS

Section 15.720 Environmentally Sensitive Lands
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SECTION 15.720 ENVIRONMENTALLY SENSITIVE LANDS PROTECTION

SECTION 15.720.1 TITLE

This section shall be known and may be cited as the City of Callaway Environmentally Sensitive Lands Protection section.

(a) Conservation easements shall be established on all environmentally sensitive lands located within jurisdictional wetlands and established wetland buffers, and shall be dedicated to the City when development or redevelopment occurs.

SECTION 15.720.2 AUTHORITY

This section is adopted pursuant to Chapter 163 and Chapter 166, Florida Statutes, and the adopted Comprehensive Plan of the City of Callaway, Florida, with specific reference to the Conservation Element of said Plan.

SECTION 15.720.3 PURPOSE

The purpose of this Section is to protect areas designated in the adopted Comprehensive Plan of the City as environmentally sensitive through the establishment of land use and development regulations and standard consistent with the need to provide for appropriate balance and growth in the maintenance and development of the community. Concurrently, this section shall protect significant wildlife habitat and prevent net loss of areas essential for the well-being and survival of native and endangered wildlife species, particularly in the

SECTION 15.720.4 INTENT

It is intended that this Section be considered to present minimum standards and be interpreted strictly to ensure protection of the public health, safety, and welfare of the inhabitants of the City. It is further intended, however, that this Section shall not be applied so strictly as to deny the reasonable and beneficial use of land by property owners within the City.

SECTION 15.720.5 DEFINITIONS

Where appropriate to the context, words and terms defined in the Conservation Element of the Comprehensive Plan shall have the same definitions herein. All other words and terms shall have the common meaning appropriate to the context unless specifically defined as follows:

(a) **Adverse Impact** - Any impact which would be counter to the purpose and intent, or to the specific provisions of this Section. For the purposes of this Section, the following are examples of adverse impact:

(1) any significant reduction in the quality of surface water reaching environmentally sensitive land, including increases in suspended sediments, pesticide residues, or other pollutants which would affect the ability of the environmentally sensitive area to continue to function in its natural state, OR

(2) any significant increase or reduction in the quantity of surface water reaching environmentally sensitive land, such that the increase or reduction would affect the ability of native plant and/or animal species to continue to thrive; OR

(3) introduction of incompatible land uses in close proximity to environmentally sensitive land, such that the activities associated with the adjoining land uses would threaten the natural operation of the environmentally sensitive land (an example being the presence of domesticated pets which, if allowed to enter habitat area, might threaten native species therein) or such that normal activities necessary in the management of the environmentally sensitive land would be considered a nuisance to the adjoining land uses.

The nature and extent of what constitutes and "adverse impact" is a function of the nature and extent of the environmentally sensitive area in question. Generally, all development activities located within one-thousand (1,000) feet of an environmentally sensitive area shall be reviewed to determine if they create an adverse impact.

(b) **Environmentally Sensitive Lands** are lands located within the City that are characterized by one or more of the following:

(1) Located within the Regulatory Floodway as defined in Ordinance 652. For the purposes of this section, the floodway boundaryshall be as shown on the most current Flood Insurance Rate Map issued under the National Flood Insurance Program administered by the Federal Emergency Management Agency,

(2) Located within a wetland and including wetland buffers. The definition of wetlands shall be the most comprehensive definition used by the Northwest Florida Water Management District, Florida Department of Environmental Protection (FDEP), or United States Army Corps of Engineers (USACOE). Wetland buffers are all areas thirty (30) feet landward of a jurisdictional wetland as defined above. If a wetland buffer is otherwise established by one of the above agencies, the greater shall be used. Averaging of the thirty foot buffer shall be allowed if approved in writing by the City Engineer. In no case shall a wetland buffer be established less than 20 feet landward of the mean high tide line of an estuarine water body.

(3) Located within a wetland or upland habitat for a species listed as either "threatened" or "endangered" by the Florida Game and Freshwater Fish Commission (FWCC) or united States Fish and Wildlife Service (USFWS). For the purposes of this Section, the location of habitat areas shall be as established by the FWCC or USFWS based on area-wide studies or studies of individual sites.

(4) Marine seagrass beds or fisheries nursery areas.

(5) All lands within thirty feet of an estuarine water body or within fifty feet of East Bay or its tributaries as measured from the mean high water line.

SECTION 15.720.6 GENERAL APPLICABILITY AND EXCEPTIONS

Effective upon the date set forth herein, the City shall not approve any application for development on any environmentally sensitive land, or on any land elsewhere when such development will create an adverse impact on environmentally sensitive land, except as provided in this Section as follows:

(a) No final plat under section 15.600 of this Chapter and no final site plan under Section 15.630 of this Chapter shall be approved except as provided in Section

15.720.7 below, and

(b) No building permit for a single family residential structure or major addition or change thereto shall be approved except as provided in Section 15.720.0 below.

This Section shall not be construed to prohibit any activity by the City of other unit of government, undertaken by that unit or on its behalf and under its direction, which activity is undertaken to address an immediate threat to the public health and safety or to protect and maintain operation of public facilities and services in the face of an immediate threat to the continued proper operation of such facilities. Where the responsible administrative official of the relevant unit of government determines that emergency action is necessary and such emergency action is taken, the Director shall subsequently review the effects of such action on areas and features protected by this section and shall recommend to the City Commission any further corrective action or mitigation appropriate to meet the purpose and intent of the Section. The responsible governmental agency shall then undertake such further corrective action or mitigation as may be directed by the City Commission.

Where non-conforming development activity is proceeding under authority of a permit issued prior to the effective date of this Section, such activity may be continued subject to the terms of all applicable regulations. No such non-conforming development activity shall continue more than two years beyond the date of the permit unless it is made to conform to the requirements of this Section. Where individual phases of a multi-phased project are covered by a single final site plan issued prior to the effective date, the individual phases may be continued for no more than four years beyond the date of final site plan approval. Where a development project is not completed in the tow-or four-year completion period set forth above, the site plan shall be review by the City Commission and changes shall be required where necessary and practicable to make the approved plan conform to the standards in this Section.

SECTION 15.720.7 PROCEDURE FOR APPROVAL OF PLATS AND SITE PLAN

Where the Director determines that is section applies to land under consideration for site plan or plat approval, the following procedure shall be followed:

(a) An application, together with plans, maps and other documents necessary to describe the scope and extent of the land development activity within an environmentally sensitive area or where the land development activity will create an adverse impact on an environmentally sensitive area, shall be made to the Director. The number of copies of plans and other documents and the required content of submitted materials shall be as prescribed by the Director. For convenience, the application may be incorporated in and be coincident with an application for site plan or plan approval.

(b) The Director shall review the application for completeness. The director shall

advise the applicant, in writing, within ten working days only if the application is not complete and ready for processing.

Determination that the application is complete shall not prevent the Director from requesting additional information, nor shall it prevent the applicant from voluntarily submitting additional information at a later stage.

(c) The Director shall refer copies of the application and supporting documentation to the Florida Department of Environmental Regulation, the Florida Game and Freshwater Fish Commission and such other agencies as may from time-to-time request to be provided with copies of applications for special permits. The Director shall request comments and recommendations, or an indication that there will be no comments, within twenty working days. Failure to respond within the twenty-day period shall be construed as being an indication of no comment.

(d) The Director shall make a site inspection to determine the boundaries of any environmentally sensitive lands affected, and to determine the effects of the proposed activity on such lands. The Director may request the assistance of appropriate agencies in making this inspection, and may request that all or part of the inspection be made be appropriate officials on his behalf. The applicant shall be notified of the time and meeting place, at least five working days prior to the inspection.

(e) The Development Review Committee shall review the application and supporting materials along with the results of field investigations and reports submitted and shall make its recommendations, including recommendations for appropriate conditions, if any, to be attached to the approval.

(f) The Director shall prepare a report to the City Commission containing the reports and recommendations of the various agencies and the report of the Development Review Committee. The report shall be made available to the applicant, interested agencies (including, at a minimum, all agencies who participated in the review of the application), and the general public prior to the City Commission consideration of the application.

Prior to taking action on the application for final site plan or plat approval, the City Commission shall consider the report and recommendation of the Planning Board Director and all other relevant materials received.

In taking action on an application for final site plan or plat approval, the City Commission may approve, approve with conditions, or deny the application. The City Commission shall consider the standards set forth herein and the necessity for establishing appropriate conditions to ensure the standards are met. Where the City Commission determines that one or more restrictions would have the effect of depriving the property owner of the reasonable, beneficial use of his land, the City Commission may consider alternative restrictions, provided that any variation from the standards herein constitute the minimum variation necessary

to prevent confiscation of the property.

SECTION 15.720.8 STANDARDS FOR AND PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS

(a) **Habitat Protection** - habitats for threatened or endangered species shall be protected to ensure the viability of the habitat to support the continued functioning of the species. This shall be done by preserving the habitat from change, including reduction in size, destruction of major features or vegetation within the habitat, changes in surface water flow patterns, and/or introduction of pollutants. In addition, land development and land uses in areas near the habitat shall be restricted as needed to prevent adverse impacts. Where development in or near an environmentally sensitive area will substantially reduce the viability of the habitat area, the City Commission may require mitigation. Mitigation may include such actions as restoration of contiguous or disturbed areas, either on-site or off-site, to a condition that provides satisfactory habitat or relocation of the species to appropriate non-contiguous areas dedicated for permanent use as habitat areas. Mitigation shall be subject to approval by the Florida Game and Freshwater Fish Commission. The following specific standards shall be applied to protect habitat areas:

(1) Where specific management and recovery strategies for key listed species have been developed by the Florida Game and Freshwater Fish Commission and/or the United States Fish and Wildlife Service, any activity within an environmentally sensitive area shall conform, to the maximum extent feasible, to the strategy.

(2) Exotic nuisance vegetation within environmentally sensitive areas and within nearby areas which may affect environmentally sensitive areas shall be removed and replaced with native plant species. Appropriate native vegetation shall be preserved and/or provided along river banks.

(3) Significant trees and tree species shall be preserved and protected as provided in Section 15.735 of this Chapter.

(4) Examples of upland native plant communities, both within and near environmentally sensitive areas, shall be preserved.

(5) Where new planting or landscaping areas are provided in or near environmentally sensitive areas, xeriscape landscaping shall be used to the maximum extent feasible.

(b) **Water Quality and Flow** - There shall be no reduction in water quality nor shall there be substantial changes in surface water flow characteristics for surface water entering any environmentally sensitive area. Where off-site development drains into such an area, the City Commission may require the provision of retention and detention basins, sedimentation ponds,

and other improvements to ensure that the quality of water remains high and that the natural conditions of environmentally sensitive areas are preserved. The following specific standards shall be applied for protection of environmentally sensitive areas:

(1) Surface water management systems shall be designed so as to minimize destruction of natural vegetation. Natural landform, such as swales and depressions, shall be incorporated into drainage systems as much as possible and consistent with water quality strategies. Wherever possible, basins and swales shall consist of vegetated surfaces rather than land surfaced areas.

(2) Paved areas, including roadways, drives and parking areas, which discharge surface water to environmentally sensitive lands shall be designed so as to minimize water quality deterioration.

(3) Where new drainage outfalls are constructed to East Bay or its Tributaries or into environmentally sensitive areas, detention basins shall be used to prevent surface water from flowing directly into the Bay or environmentally sensitive areas.

(4) New vertical sea walls shall not be permitted along the East Bay. Where practical, existing sea walls will not be repaired. Permitted alternatives shall include rip-rap and/or native wetlands vegetation on appropriate slopes.

(5) Erosion and sedimentation control shall be provided during construction to protect environmentally sensitive areas from the effects of construction or land disturbance activity. Details of erosion and sedimentation control methods shall be reviewed and approved by the Director prior to the commencement of construction. Where land is disturbed, but no work is expected to take place within sixty (60) days, the Director may require that action be taken to reduce erosion of the disturbed lands. Such action may include, but is not necessarily limited to, temporary sedimentation barriers or sedimentation ponds, seeding to produce an interim cover crop, mulching and/or grading of stockpiled materials to reduce erosion. The Director may require that a bond be posted to ensure completion and satisfactory operation of any interim erosion and sedimentation control measure.

(6) Wetlands and other natural water bodies shall not be used for sedimentation during development or post-development except where approved by the Florida Department of Environmental Regulation.

(c) **Archaeological Sites** - Archaeological sites that are known or suspected shall be protected. This shall be done by avoiding excavation and disturbance activities in areas known to have sites, and by evaluating suspected areas before disturbance. Where disturbance is proposed for known or suspected archaeological sites, such sites shall be evaluated in terms of State or Federal criteria to determine eligibility for listing on the National Register of Historic Places. Such evaluation shall be completed before any development or disturbance activity commences. Eligible sites shall be either preserved or excavated and documented prior to destruction.

(d) **Site Design** - Development proposed for environmentally sensitive lands or for nearby uplands shall be designed to maximize the ability of the environmentally sensitive area to function in an undisturbed natural condition. The following specific standards shall be applied for the protection of environmentally sensitive areas:

(1) Uses and activities within environmentally sensitive areas shall be limited to those uses and activities which, by their nature, must be located within these areas. Uses and activities on other lands that might create an adverse impact on environmentally sensitive areas shall be designed to reduce or eliminate such impacts. The City Commission may require the rearrangement of uses or activities on a site plan or the rearrangement of lots on a plat in order to minimize the impact of such uses on environmentally sensitive lands.

(2) Uses of planned unit development design and permitting procedures pursuant to Section 15.745 of this Chapter is encourage for development located within or near environmentally sensitive areas. The City Commission may require use of this technique if it finds such use necessary to ensure adequate protection of environmentally sensitive lands.

(3) Developers shall be required to use innovative development techniques in order to minimize the impact of development on environmentally sensitive lands. The following are examples of innovative development techniques:

(a) Clustering development away from environmentally sensitive lands;

(b) Use of permeable paving, rain gardens, concave medians, and other techniques designed to minimize the impact of stormwater on environmentally sensitive lands, if the City Engineer determines that they are appropriate and will be effective in a given development;

(c) Utilizing low impact construction techniques for uses which by their nature must be located in environmentally sensitive areas.

(4) Developers may cross wetlands or other environmentally sensitive lands only when necessary to reach isolated upland areas and shall design such crossing to minimize the impact to the environmentally sensitive lands.

(e) **Setbacks and Conservation Easements** (Amended by Ordinance 540. June, 1997) The following conservation easements and setbacks shall be required for any development of property, except single-family residences on lots platted prior to January 1, 1991, which occurs adjacent to the environmentally sensitive areas along the East Bay or Callaway or Dotty Cove. For the purposes of this Section, the required easements and setbacks shall be measured from the normal high water level of the Bay.

(1) Conservation easements shall be granted as provided in Section 15.720.10 and shall encompass all areas between the Bay and the landward boundary of the jurisdictional wetland as identified by the Florida Department of Environmental Protection;

(2) No building shall be located closer than thirty (30) feet from the landward boundary of the jurisdictional wetland as identified by the Florida Department of Protection or fifty (50) feet from the Bay, whichever is greater; and

(3) No impervious surface shall be located closer than thirty (30) feet from the landward boundary of the jurisdictional wetland as identified by the Florida Department of Environmental Protection, or fifty (50) feet from the Bay, whichever is greater.

(4) Opaque, non-living buffering, located in rear or side yards of single-family residential property is prohibited within thirty (30) feet of the Bay.

(5) Flood Plain Areas - No activity may be permitted in violation of any applicable local, state, or federal regulation, specifically including, but not limited to, applicable flood plain management regulations. All approvals and conditions thereof shall be consistent with the adopted Comprehensive Plan.

SECTION 15.720.9 REGULATIONS GOVERNING SINGLE-FAMILY STRUCTURES

(a) This Section applies to the review by the Director of any application for a building permit for the construction of or any change to a single-family residence or a structure

accessory thereto which involves land within an area designated as environmentally sensitive. This Section shall not apply to any change which is wholly within a structure or only affects the facade of the structure, or where the Director finds that the change does not create additional impacts on environmentally sensitive areas.

(b) This Section shall not apply to parcels of land platted before the effective date of this Section, provided that the building permit is issued within four years after the date of designation of any wetlands boundary line established by the Florida Department of Environmental Regulation and shown on the recorded plat. Any permit exempted by this Section shall otherwise be in compliance with the general conditions of this Section and the specific conditions placed on the plat at time of approval.

(c) Prior to issuance of any permit by the Director, the applicant shall obtain a statement from the Florida Department of Environmental Regulation identifying any wetlands boundary lines affecting the property in question. Such designation shall be considered valid for a period of not more than two years from the date issued.

(d) No disturbance of land within any wetland area shall be permitted in connection with any activity under a building permit issued under this Section. Where this restriction results in a practical hardship, depriving the property owner of the reasonable use of his land, a variance may be obtained from the Board of Adjustment pursuant to Section 15.310 of this Chapter and provided that any variation form the standard herein constitutes the minimum variation necessary to prevent confiscation of the property.

SECTION 15.720.10 CONSERVATION EASEMENTS

(a) Conservation easements shall be established on all environmentally sensitive lands located within jurisdictional wetlands or where practicable, within one-hundred and fifty (150) feet of East Bay or its tributaries, whichever is greater, and shall be dedicated to the City when development or redevelopment occurs.

(b) Conservation easements shall be created pursuant to Section 704.06, Florida Statutes, and shall be made for the appropriate purposes, which may include, but are not necessarily limited to the following:

(1) to prevent or limit the construction or placing of buildings, roads, signs, billboards, advertising or other structures on or above the subject property;

(2) to prohibit the dumping or placing of soil or other substances or materials, trash, waste, or unsightly or otherwise offensive materials on or under the subject property;

(3) to prohibit the removal, damaging or destruction of trees, shrubs or other vegetation on the subject property, except as is specifically provided for the removal of exotic nuisance vegetation;

(4) to prohibit the excavation, dredging or removal of loam, peat, gravel, soil, rock and other materials and substances from the subject property;

(5) to prohibit any uses on the property except those approved by the City Commission as not adversely affecting, jeopardizing, impairing, or otherwise undermining the aesthetic, scientific, educational, and/or ecological value of the property and that will permit land and water areas to remain predominately in their natural condition;

(6) to prohibit any activities detrimental to drainage, flood control, water conservation, erosion and sedimentation control, or the preservation of fish and wildlife habitat;

(7) to establish wildlife preserve areas on the property; and

(8) to prohibit any other acts or uses detrimental to the subject property.

(c) The rights and limitations established by the easement shall be specified in the agreement, which must be approved by the City Commission at the same time as final approval of the site plan or plat for the development, of may be approved at a later date pursuant to a development agreement under Chapter 163, Florida Statutes.

SECTION 15.720.11 ENVIRONMENT IMPACT REPORTS

(a) In cases where a development under review will produce impacts of unusual or unique character or extent, or where the resources affected are of unusual or unique character and importance, the Director may recommend and/or the City Commission may require the preparation of an environmental impact report by the applicant for the development approval. The City Commission may offer to undertake some or all of the preparation of the environmental impact report.

(b) Where the City Commission has required preparation and submission of a report, the following procedures shall be followed:

(1) The Director shall notify the applicant and the landowner of record that no further action will be taken until an environmental impact report has been prepared and submitted;

(2) The applicant shall prepare and submit his report as directed by the City

Commission within six months of the notification by the Director. Failure to submit the report or to request an extension of time shall be deemed to be withdrawal of the application.

(3) When the report is received by the Director, it shall be processed in the same manner as for site plan or plat approvals as provided in Section 15.720.76 above.

(c) The environmental impact report shall include the following information:

(1) a description of the environmental significance of site based on criteria and policies contained in the adopted Comprehensive Plan, this Section, and other relevant local, state or federal environmental management regulations;

(2) a description of the impacts of the proposed project on the quality and functional viability of environmentally sensitive lands;

(3) identification of conservation measures to minimize or alleviate adverse environmental impacts of the proposed development, including measure to preserve and ensure the long-term viability of environmentally sensitive lands;

(4) where conservation measure are not practicable, identification of mitigation measures; and

(5) identification of the need for public acquisition of environmentally sensitive lands.

(d) Prior to taking any action on approval of a site plan or plat for land subject to an environmental impact report, the City Commission shall hold a public hearing, following public notice as required by Chapter 166.041(3)(c), Florida Statutes. The City Commission shall consider the environmental impact report and the recommendations of the Director and other governmental agencies, and may require as a further condition of approval the acceptance by the applicant of a management plan based on the conservation, mitigation, and acquisition findings of the report and the recommendations of others. It is the intent of this Section that such management plans shall be embodied in multi-party agreements designed to make the City,the property owner and relevant local, state and federal agencies jointly responsible for the protection, preservation and enhancement of important environmental resources.

(e) If the City Commission determines that acquisition of all or part of the land, or some interest in the land, is necessary to avoid adverse environmental impact, it may defer action on all applications for approval of development on the land for a period not to exceed twelve

months from the date of the public hearing on the environmental impact report. This deferral shall be for the purpose of arranging for the acquisition of the land or some interest therein. If no such arrangement has been made at the expiration of the twelve-month period, the applicant shall be entitled to all permits subject to meeting all applicable requirements. For the purposes of this Section, arrangements for the acquisition of the land or some interest therein shall include entering into a valid contract for the acquisition and/or the initiation of condemnation procedures. The twelve-month period may be extended by mutual agreement of the City and the property owner.

SECTION 15.725 STORM WATER MANAGEMENT

Section 15.725 Storm Water Management
Section 15.725.1 Purpose
Section 15.725.2 Objectives
Section 15.725.3 Intent
Section 15.725.4 Prohibitions
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SECTION 15.725 STORM WATER MANAGEMENT

SECTION 15.725.1 PURPOSE

The City Commission has determined that the management of storm water runoff and the preservation of the water resources of the City are critical to the public health, safety, and welfare. Uncontrolled storm water runoff causes erosion, sedimentation and flooding and prevents recharge of the aquifer upon which the public depends for potable, fresh water. The City Commission finds it necessary to impose reasonable restrictions to control storm water runoff and conserve the water resources of the City.

SECTION 15.725.2 OBJECTIVES

The requirements hereafter will allow landowners reasonable use of their property while promoting the following objectives:

(a) Protect the quantity and quality of ground and surface waters;

(b) Prevent the lowering of existing water table elevations to the detriment of these other state objectives.

(c) Perpetuate recharge into the ground water system;

(d) Minimize the production of nuisance and disease vectoring mosquitoes;

(e) Discourage reliance on drainage systems which depend on the use of electrical energy or petroleum fuels to move water, remove pollutants or maintain the systems;

(f) Reduce wind or water caused erosion loss of valuable top soils and subsequent sedimentation of surface water bodies and damage to

adjacent properties;

(g) Alleviate downstream flood hazards;

(h) Prevent significant loss of life and property due to runoff from any foreseeable rainfall event;

(i) Reduce the capital expenditures associated with flood-proofing and the installation and maintenance of storm drainage systems;

(j) Minimize the adverse impact of development on the water resources of the City; and

(k) Maximize protection of Class I waters.

SECTION 15.725.3 INTENT

This Section is intended to allow landowners reasonable use of their property, provided storm water runoff peak rates and volumes and the quality of storm water retained after development shall approximate existing pre-development conditions, and precautions will be taken to prevent erosion, sedimentation and flooding.

SECTION 15.725.4 PROHIBITIONS

No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted in Section 15.725.5 hereinafter, without first meeting the requirements of this Section as provided herein. For the purposes of this Section, the following development may potentially alter or disrupt existing storm water runoff patterns and, as such, will, unless exempt pursuant to Section 15.725.5 hereof, require a permit prior to the commencement of construction:

(a) Clearing and/or draining of land as an adjunct to construction;

(b) Clearing and/or draining of non-agricultural land for agricultural purposes;

(c) Converting agricultural lands to non-agricultural uses;

(d) Subdividing land;

(e) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;

(f) Changing the use of land and/or the construction of a structure, or a change in the size of one or more structures;

(g) Altering the shoreline or bank of any surface water body; and

(h) The permanent (long period) lowering of the water table.

SECTION 15.725.5 EXEMPTIONS

(a) The following activities shall be exempt from this article:

(1) Single family and duplex residences and accessory structures;

(2) Bona fide agricultural pursuits except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land;

(3) Maintenance work performed on existing drainage ditches for the purpose of public health and welfare;

(4) Maintenance work on utility or transportation systems, provided such maintenance work does not alter the purpose and intent of the drainage system as constructed; and

(5) Any maintenance, alterations, renewal, use or improvement to an existing structure not changing or affecting rate or volume of storm water runoff.

(b) Developments which are subject to subdivision and/or site plan approval pursuant to Section 15.630 of this Article, shall not be required to submit a separate permit application for review pursuant to this Section. Compliance herewith shall be included as a part of the review process pursuant to said Section 15.630.

(c) Notwithstanding any other provisions of this Section, there shall be no harmful erosion by water of any soil or refill onto any adjacent public or private property.

SECTION 15.725.6 PERFORMANCE STANDARDS

The performance standards to be followed in the design of the project include:

(a) Storm water runoff shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. Best management practice shall mean a practice or combination or practices determined by the development review committee to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in Chapter 17.3, Florida Administrative Code.

(b) (1) No site alteration shall cause siltation of wetland, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.

(2) No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.

(3) All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met.

(c) Design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the City Engineer pursuant to the standards hereof. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. In order to maintain good water quality in storm water management detention ponds and maximize the provision of fish and wildlife habitat, storm water management systems with permanently wet detention ponds should be designed, operated and maintained so as to resemble a natural pond to greatest extent practicable. A natural pond design should include: A littoral zone comprised of native emergent and submersed aquatic macrophytic vegetation; a deep open water limnetic zone free of rooted emergent and submersed vegetation; and where feasible, an upland buffer of native trees, shrubs and under story vegetation.

(d) A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.

(e) Where possible, natural vegetation shall be used as component of the drainage system. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table

condition.

(f) Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

(g) Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the City Engineer.

(h) Open ditches will not be permitted for any new residential, commercial, or other development, or on any land in actual use or zoned for use as a school, unless they meet the definition abnd requirements for a "vegetated swale" as defined in 15.725.6(I) below. Further, new residential, commercial or other development not specifically exempted herein, shall be required to pipe in ditches on public rights-of-way or easements immediately adjacent to or within the subject property prior to being allowed to connect to the City's storm water system.

(i) A vegetated swale is a manmade trench with a maximum width of six (6) feet, a maximum depth of one (1) foot, and side slopes no greater than 3 feet horizontal and 1 foot vertical. Vegetated swales shall be allowed only where the City Engineer determines that the soil types, topography, water tables, and other factors are such that swales will adequately treat and channel stormwater, that the functionality of the stormwater conveyance and treatment system is not affected in any way, that the design standards set forth in Chapter 62-25 of the Florida Administrative Code are met, and that all other DEP requirements are satisfied. Swales must meet the following general design criteria: (1) swales shall be designed to percolate 80% of the runoff from a three year, one hour design storm within 72 hours after a storm event; (2) swales must be planted with vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; [add additional here]. Swales will be allowed only if a private entity acceptable to the City is established to provide swale maintenance in perpetuity. Such maintenance must include maintaining a healthy vegetative cover, reseeding of bare areas, clearing of debris and blockages, and manual removal of accumulated sediment. Application of fertilizers, herbicides, and pesticides should be minimal.

(j) Direct discharge to Class I waters is prohibited. A workable filter system must be provided prior to any discharge to Class I waters.

(k) For the purpose of this Section, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins

and for the purpose of permanently protecting road construction does not conflict with the stated objectives of this Section if all of the following are met:

(1) The development site is not in an area known to the City based on data collected and interpreted by the U.S. Geological Survey, Northwest Florida Water Management, Department of Environmental Regulations and the City of Callaway, and other professional investigators, as important to recharge or to prevention of discharge of the Florida aquifer.

(2) The proposed lowering of the water table shall be over no more than fifteen (15) percent of the site to a depth of five (5) feet below the surface of the existing undisturbed ground, or an equivalent volume, said area to be measured at the overflow elevation of the retention area(s).

(3) If ditches, under drains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.

(4) The high water table may be lowered up to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales.

(5) The lowering of the water table has no adverse effect on wetlands as defined herein.

(6) The lowering of the water table does not increase flows to the detriment of neighboring lands.

*** Amended by Ord. No. 513**

SECTION 15.725.7 APPROVALS

All proposed drainage systems are subject to review and approval by other regulatory agencies, including the Florida Department of Environmental Regulations (FDER), the Northwest Florida Water Management District (NWFWMD) and the Florida Department of Transportation (FDOT). Obtaining these approvals shall be the responsibility of the design engineer.

SECTION 15.726 EROSION and SEDIMENT CONTROL (NPDES) REQUIREMENTS (Ord. 900 - 10/26/2010)

Section 15.726.1: Introduction / Purpose

(a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

(b) As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Callaway. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth of one acre or greater of land or part of a larger common plan of development that will ultimately disturb one or more acres of land in the City of Callaway.

Section 15.726.2: Permits

(a) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of *one acre* or greater of land or part of a larger common plan of development that will ultimately disturb one or more acres of land without the approval of an Erosion and Sediment Control Plan by the Public Works Director.

(b) No site development permit is required for the following activities:

> (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
>
> (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

(d) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

(e) The applicant will be required to file with the City of Callaway a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the Public Works Director to cover all costs of improvements, landscaping, maintenance of improvements for such

period as specified by the City of Callaway, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section 15.726.3: Review and approval

(a) The Public Works Director will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 10 days after receiving an application, the Public Works Director shall, in writing:

(1) Approve the permit application; or

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

Section 15.726.4: Erosion and Sediment Control Plan

(a) The Erosion and Sediment Control Plan shall include the following:

(1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.

(2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each phase.

(4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and type and quantity of mulching for both temporary and permanent vegetative control measures.

(5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(b) Modifications to the plan shall be reviewed as outlined in Section 15.726.3.

Section 15.726.5: Design Requirements

(a) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of Florida Stormwater Erosion and Sedimentation Control Inspector's Manual.

(b) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in Florida Stormwater Erosion and Sedimentation Control Inspector's Manual, shall be used to the satisfaction of the Public Works Director.

(c) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(d) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Public Works Director.

(e) Erosion control requirements shall include the following:

(1) Soil stabilization shall be completed within *seven days* of clearing or inactivity in construction.

(2) If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or the Public Works Director may require the site to be reseeded or a non-vegetative option employed.

(3) Special techniques that meet the design criteria outlined in the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual on steep slopes or in drainage ways shall be used to ensure stabilization.

(4) Soil stockpiles must be stabilized or covered at the end of each workday.

(5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction project.

(6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(7) Techniques that divert upland runoff past disturbed slopes shall be employed.

(f) Sediment control requirements shall include:

(1) Settling basins, sediment traps, or tanks and perimeter controls.

(2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management.

(3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

(g) Waterway and watercourse protection requirements shall include:

(1) A temporary stream crossing installed and approved by Northwest Florida Water Management District if a wet watercourse will be crossed regularly during construction.

(2) Stabilization of the watercourse channel before, during, and after any in-channel work.

(3) All on-site stormwater conveyance channels designed according to the criteria outlined in Florida Stormwater Erosion and Sedimentation Control Inspector's Manual.

(4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

(h) Construction site access requirements shall include:

(1) A temporary access road provided at all sites.

(2) Other measures as required by the Public Works Director in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Section 15.726.6: Inspection

(a) The Public Works Director or designee shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Public Works Director shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Public Works Director at least two working days before the following:

1. Start of construction
2. Installation of sediment and erosion measures
3. Completion of site clearing
4. Completion of rough grading
5. Completion of final grading

6. Close of the construction project

7. Completion of final landscaping

(b) A Qualified Erosion and Sediment Control Inspector for the permittee shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Public Works Director at the time interval specified in the approved permit.

(c) The Public Works Director or his designee shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section (b).

Section 15.726.7: Enforcement

(a) Stop-Work Order; Revocation of Development Order or other applicable city permit(s): In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(1) The Public Works Director may suspend or revoke the Development Order or other applicable city permit(s).

(2) Violation and Penalties No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine per the fee schedule for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

SECTION 15.730 WELLFIELD PROTECTION

Section 15.730 Wellfield Protection
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SECTION 15.730 WELLFIELD PROTECTION

SECTION 15.730.1 PURPOSE

The purpose of this Section is to protect wellfields through the establishment of land use and development regulations and standards consistent with the need to provide for appropriate balance and growth in the maintenance and development of the community.

It is intended that this Section be considered to present minimum standards and be interpreted strictly to ensure protection of the public health, safety, and welfare of the inhabitants of the City of Callaway. it is further intended, however, that this Section shall not be applied so strictly as to deny the reasonable and beneficial use of land by property owners within the community.

SECTION 15.730.2 DEFINITIONS

Hazardous substance - Any hazardous or toxic substance (including degradation and interaction products) which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactiveness, and toxicity), and/or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic relevant to a particular material that may cause significant harm to human health or the environment (including surface and ground water, plants, or animals).

Regulated hazardous substance or regulated substance - Any hazardous substance found in quantities greater than the following:

(1) The aggregate sum of all quantities of any one hazardous substance on a single parcel (if stored out of doors) or in single building (if stored indoors) exceeds one-hundred and ten (110) gallons if the substance is a liquid, or one-

thousand and one-hundred (1,100) pounds if the substance is a solid; OR

(2) When no single substance exceeds the above referenced limits but the aggregate of all hazardous substances present on a single parcel or in a single building exceeds one-hundred and ten (110) gallons if the substance is a liquid, or one-thousand and one-hundred (1,100) pounds if the substance is a solid.

Sinkhole - An area of subsidence caused by subsurface geological conditions and which results in increased opportunity for migration of surface water and ground water from the surficial aquifer to lower aquifers, and as shown on a map entitle "Wellfield Protection Zone Map" adopted pursuant to Section 15.730.4.

Wellfield - An area containing one or more wells used, whether on a continuous, intermittent, or occasional basis, for public water supply, and including any area designated for future development of such wells by the City Commission.

Wellfield protection zone - An area surrounding a wellfield, based on measurement of a prescribed distance from the individual well locations within the wellfield, and as shown on a map entitled "Wellfield Protection Zone Map" adopted pursuant to Section 15.730.4.

SECTION 15.730.3 APPLICABILITY AND EXCEPTIONS

(a) Effective upon the date set forth herein, no person shall construct, abandon, or plug any well or undertake any development of operate a use or activity regulated by this ordinance within a wellfield protection zone in the City except as provided herein.

(b) This Section shall not be construed to prohibit any activity by the City or other unit of government, undertaken by that unit or on its behalf and under its direction, which activity is undertaken to address an immediate threat to the public health and safety or to protect and maintain operation of public services and facilities in the face of an immediate threat to the continued operation of such facilities. Where the responsible administrative official of the relevant unit of government determines that emergency action is necessary and such emergency action is taken, that official shall, subsequent to taking such action, apply for an operating permit pursuant to the provisions of Section 15.730.8, and shall undertake such further action or mitigation as may be directed.

(c) Where a public agency proposes to undertake uses or activities which would otherwise be prohibited by this Section and where no emergency action is involved, but where the general health, safety, and welfare of the public will be benefitted by the action take, and where no reasonable alternative is available, the City Commission may grant a limited waiver of the provisions of this Section, subject to the issuance of an operating permit as provided in Section 15.730.8.

(d) Where a property owner can show that the intent and purpose of this Section

can be accomplished and the standards of this Section can be accomplished through the application of technology, but which would otherwise be in conflict with the specific regulations of this Section, the Director may permit use of such alternative technology in lieu of the restrictions herein, subject to the issuance of an operating permit as provided in Section 15.730.8.

SECTION 15.730.4 WELLFIELD PROTECTION ZONE MAP

(a) The Wellfield Protection Zone Map is hereby adopted and made a part of this Section. The purpose of the map shall be to depict all areas affected by the provisions of Section 15.730.5. It is the intent of this Section that the initial Wellfield Protection Zone Map shall identify the following areas for application of this Section:

(1) _____ _____ _____;

(2) _____ _____ _____;

(3) _____ _____ _____.

Where there appears to be an discrepancy between these criteria and the actual areas designated on the Wellfield Protection Zone Map, the areas designated on the map shall prevail.

(b) The official map shall be maintained by the Director of Public Works, and the Director may make copies of all or portions of the map available for distribution to the public. For convenience of use, the map may be made a part of the Zoning Map of the City of Callaway, Florida.

(c) The Director shall be responsible for the interpretation of the boundaries shown on the Wellfield Protection Zone Map. In interpreting these boundaries, the following rules shall apply:

(1) Properties located wholly within the wellfield protection zone shall be governed by the restrictions set out in Section 15.730.5.

(2) Where a portion of a property is located within the wellfield protection

zone, the restrictions of Section 15.730.5 shall be applied only to that portion of the property.

(3) Where the boundary of the wellfield protection zone passes through a building or a portion of the property used as a single or unified use area, the entire building or use area shall be subject to the restrictions.

(d) The Director shall review the boundaries shown on the Wellfield Protection Zone Map at least annually and shall report the need for changes in the map to the City Commission. In doing this, the Director shall consult with the Bay County Health Department, the Florida Department of Environmental Regulation, the Northwest Florida Water Management District, and such other agencies as he deems appropriate. In considering the need for changes to the map, consideration shall be given to: the addition of new wells or wellfields, the abandonment of wells or wellfields, changes in pumping volumes at individual wells, changes in the technical knowledge concerning aquifers and groundwater glow characteristics, and the identification of future wellfield sites by the City Commission.

(e) The Wellfield Protection Zone Map may be amended from time to time by the City Commission. The process for amending the map shall be as is set forth in Chapter 166.041(3)(c), Florida Statutes. Prior to making any change in the map, the Director shall refer copies of the proposed change to the Bay County Health Department, the Florida Department of Environmental Regulation, and the Northwest Florida Water Management District. The Director shall request that any comments or recommendations, or an indication that there will be no comments or recommendations, be returned within twenty (20) working days. Failure of any agency to respond within the twenty-day period shall be construed as an indication that there are no comments. The Director shall provide all comments and recommendations to the Development Review Committee (DRC), who shall make any comments or recommendations of its own. The Director shall then make a report to the City Commission and shall include all comments and recommendations, as well as his own recommendations. In taking action on a change in the Wellfield Protection Zone Map, the City Commission shall consider the report of the Director and the comments and recommendations of the various agencies.

SECTION 15.730.5 REGULATIONS WITHIN WELLFIELD PROTECTION ZONE

(a) The following uses and activities shall be prohibited within wellfield protection zones:

(1) The use, handling, production, or storage of regulated hazardous substances, where such activity is not more specifically included under an exempt activity (See subsection (c) of this Section) or under a permitted but regulated activity (see subsection (b) of this Section).

(2) Waste water effluent disposal, except for land application reuse of

treated waste water, as defined and as subject to the conditions set forth in 17-610, Part III, Florida Administrative Code.

(3) Waste disposal, including both liquid and solid wastes.

(4) Earth mining as a principal activity (i.e., not including grading of land for development or construction purposes).

(b) The following uses and activities shall be permitted within wellfield protection zones, subject to the approval of an operating permit as provided in Section 15.730.8:

(1) Storage of regulated hazardous substances in their original, unopened containers for the purpose of storage and/or wholesale distribution, where the use and disposal of the substance does not take place within a wellfield protection zone.

(2) Storage and handling of a regulated hazardous substance in connection with the operation of an automobile service station or similar facility, provided that all bulk storage of motor fuel and lubricants shall be in double walled tanks, or tanks installed with other secondary containment and where adequate provisions are made for monitoring both inside and outside the secondary containment zones to detect any contamination. Monitoring shall mean installation of monitoring wells and collection and testing of samples pursuant to requirements of the Florida Department of Environmental Regulation.

(c) The following uses and activities shall be exempt from the restrictions in Sections 15.730.5(a) and (b) above:

(1) Storage of regulated hazardous substances in their original, unopened containers for the purpose of retail sale, where the use and disposal of the substance is not intended to take place within a wellfield protection zone.

(2) Transportation of regulated hazardous substances through a wellfield protection zone between origin and destination points outside the zone, subject to all applicable laws and regulations governing the transportation of such substances. This includes transportation by motor vehicle, barge, or pipeline.

(3) The use of regulated hazardous substances in motor vehicles or motorized equipment as a motor fuel or lubricant, provided that the operation of a facility to fuel or lubricate a motor vehicle shall not be

exempted.

(4) Storage and/or use of small quantities of regulated hazardous substances as cleaning agents, lawn or garden fertilizers or pesticides, or for other purposes where such use is a normal activity in connection with a household or business use, and where such activity is conducted in accordance with applicable regulations and manufacturers' guidelines.

(5) Approved waste water reuse systems, such as for irrigation.

SECTION 15.730.6 NONCONFORMING USES AND ACTIVITIES

(a) Where a prohibited use or activity identified in 15.730.5(a) exists within a wellfield protection zone on the effective date of this Section, such use or activity shall be discontinued not later than April 1, 1993, and the abandoned site made to comply with the provisions of this Section(c). As an alternative, the owner and operator of the use or activity may apply for and obtain an operating permit pursuant to Section 15.730.8, provided that such operating permit is issued not later than _____. Where a prohibited use or activity is abandoned or ceases to operate for more than ninety (90) days, such use shall not be resumed and the abandoned site shall be made to comply with the provisions of (c) of this Section. No prohibited use or activity shall be expanded or enlarged.

(b) Where a regulated use or activity identified in Section 15.730.5(b) exists within a wellfield protection zone on the effective date of this Section, such use or activity shall be discontinued not later than April 1, 1995, and the abandoned site made to comply with the provisions of Section 15.730.7(c) of this Section. As an alternative, the owner and operator of the use or activity may apply for and obtain an operating permit pursuant to Section 15.730.8, provided that such operating permit is issued not later than October 1, 1990.

(c) Where any use or activity identified in Section 15.730.5(a) or (b), whether or not such use or activity was in existence prior to the effective date of this Section, is discontinued or abandoned, the owner and operator shall be responsible for obtaining an operating permit to address the abandonment and closure of the use or activity. An operating permit issued to regulate the closure of an activity or a site shall include conditions necessary, at a minimum, to assure the following:

(1) monitoring of the site to determine that there is no pollution generated by the site after closure, and that the monitoring program is designed and operated under the direction of a Professional Engineer who shall periodically certify the result of tests to the Director;

(2) provisions for cleanup of pollution and pollution sources if the site produces pollution after the closure;

(3) completion of final site grading, final drainage, and establishment of permanent cover vegetation for those areas where new construction is not contemplated;

(4) posting of adequate notices and recording of appropriate documentation in the land records to identify previous uses and location of possible buried hazardous materials; and

(5) availability of funds to adequately support required post-closure activities.

SECTION 15.730.7 WELLS

(a) All irrigation wells constructed after the effective date of this Section shall be properly constructed to ensure a tight seal at the point where the well passes from the surficial aquifer into the deep aquifer from which the City's potable water supply is drawn, and shall be grouted to ensure that surface contaminants do not travel down along the outside of the well casing. Construction specifications and inspection standards shall be as established by the City with technical assistance from the Northwest Florida Water Management District, the Bay County Health Department, and/or agencies with oversight responsibility for well constructing methods.

(b) The City shall conduct a survey to identify all wells located within the wellfield protection zone and to classify each such well as abandoned, in use but deteriorated or improperly constructed, or in use and not presenting a problem.

(c) When wells which have been improperly constructed and/or which have deteriorated in such a way as to allow expedited travel of contaminants into the deeper aquifer are identified, the owner of the property on which said well is located shall be notified by certified mail and instructed to abandon and plug the well. Failure to plug the well within sixty (60) days shall be a violation of this Section. Prior to plugging such well, any required permits shall be obtained.

(d) Any well located within a wellfield protection zone and which is abandoned for a period of two (2) years shall be plugged. When such a well has been identified, the property owner shall be notified by certified mail and instructed to abandon and plug the well. Failure to plug the well within sixty (60 days shall be a violation of this Section. Prior to plugging such well, any required permits shall be obtained.

(e) All well plugging activities shall be coordinated with the Northwest Florida Water Management District and the Bay County Health Department, and shall be undertaken under their direction or under the direction of a Professional Engineer or Professional Geologist.

SECTION 15.730.8 OPERATING PERMITS

(a) Where this Section requires the issuance of an operating permit to undertake or to continue a regulated activity or to abandon and close a regulated activity, the following procedures shall apply:

(1) An application, together with plans, maps, and other documents necessary to support the amendment shall be made to the Director. the number of copies of plans and other supporting documents and the required content of submitted materials shall be as prescribed by the Director.

(2) The Director shall review the application for completeness and shall advise the applicant in writing within ten (10) working days as to whether or not the application is complete and ready for processing. Determination that the application is complete shall not prevent the Director from requesting additional information, nor shall it prevent the applicant from voluntarily submitting additional information at a later stage.

(3) The Director shall refer copies of the application and supporting documentation to the Bay County Health Department, the Florida Department of Environmental Regulation, the Northwest Florida Water Management District and such other agencies as may from time to time request to be provided with copies of applications for operating permits. The Director shall request comments and recommendations, or an indication that there will be no comments, within twenty (20) working days. Failure to respond within the twenty-day period shall be construed as being an indication of no comment.

(4) The Director may make a formal site inspection to gather information relevant to the consideration of the issuance of a permit and/or appropriate permit conditions. If the Director makes such a formal inspection, the applicant and all agencies which have received copies of the application for reference shall be advised at least five (5) working days prior to the time and meeting place. These provisions regarding a formal inspection are not intended to prohibit the Director from making other inspections, either formal or informal, for data collection or enforcement purposes.

(5) The Development Review Committee shall review the application and supporting materials along with the results of field investigations and comments and recommendations received from other agencies and shall make its recommendations regarding the issuance or denial of the application and appropriate conditions which may be attached to the

issuance of an operating permit.

(6) It is the intent of this Section that, where the use or activity under consideration for an operating permit is concurrently subject to consideration for a final site plan or final plat approval, consideration of the application for an operating permit shall be given concurrently with the consideration of the final site plan or final plat by the City Commission. In these cases, the City Commission shall, following review of the report by the development Review Committee and the recommendation of the Director, issue or deny the application, and may attach such conditions as are appropriate to fulfill the purposes of this section and to ensure compliance with the standards set forth in Section 15.730.8. In cases where no application for final site plan or final plat approval is pending before the City Commission, the Director shall review the report of the Development Review Committee and shall issue or deny the application, and may attach such conditions as are appropriate to fulfill the purposes of this Chapter and to ensure compliance with the standard set forth in Section 15.730.8(b).

(7) Whenever a decision on an application is made by the Director, that decision may be appealed to the City Commission which shall review the reports and recommendations and take final action.

(8) Any operating permit which is approved shall contain a condition giving the date of expiration of the permit, which shall be not later than five years after the date of issuance.

(b) The following standard, at a minimum, shall apply to uses and activities for which an operating permit is required:

(1) Interior storage locations shall be completely enclosed and designed to prevent any drainage of accidentally spilled material through surface drainage or floor drains. A berm or curb shall be incorporated into the design of any storage area sufficient to contain the maximum volume of materials handled within the storage area.

(2) Exterior storage areas shall be enclosed and secured and shall be designed to prevent any drainage of accidentally spilled materials through surface drainage. A berm or curb shall be incorporated into the design of the storage area sufficient to contain the maximum volume of materials handled within the storage area.

(3) Areas where materials are handled or processed shall be designed to

prevent any drainage of accidentally spilled materials through surface drainage or floor drains. A berm or curb shall be incorporated into the design of nay materials handling area (indoors or out) sufficient to contain spilled materials.

(4) Exterior surface drainage areas located where spills might overflow shall be designed with sufficient retention capacity to retain the first one inch of rainfall or the maximum amount of material handled, whichever is greater.

An applicant for an operating permit shall provide a certification by a Professional Engineer that the design for any containment area is adequate to detain any spilled materials and prevent contamination of surface or groundwater.

SECTION 15.730.9 ADMINISTRATION AND APPEALS

(a) The principal authority for the administration of this Section shall be delegated to the Director of Public Works.

(b) The Director shall have the following duties and responsibilities:

(1) Review all permit applications for uses and activities within the City to determine if special measure will be required to comply with provisions of this Section. In reviewing land uses and activities and/or specific materials involved in such activities, the Director shall utilize the assistance of the Waste Management Program operated by Bay County;

(2) Review and process applications for operating permits, including compilation of comments and recommendations made by other agencies or by the DRC, and issue or deny such permit application;

(3) Where a decision on the issuance or denial of a permit, or on the nature of permit conditions is appealed, make recommendation to the City Commission on the consistency of such applications with the provisions of this Section and on any condition or modifications which may be required to ensure compliance with this Section;

(4) Review and inspect uses and land development activities, including uses of activities which are abandoned, to ensure compliance with the conditions of operating permits and/or the provisions of this Section;

(5) Maintain the Wellfield Protection Zone Map, make interpretations of map boundaries, and process proposed changes to the map;

(6) Conduct surveys and other research necessary to identify the location of abandoned wells and cable tooled wells and carry out procedures necessary to ensure compliance with the plugging requirements of this Section; and

(7) Coordinate with appropriate agencies in meeting the requirements of this Section.

(c) In performing any of his duties, the Director may request the assistance of other governmental agencies, including, but not limited to, the Bay County City County Planning Commission, The Bay County Health Department, the Florida Department of Environmental Regulation, and the Northwest Florida Water Management District. The Director may also request the assistance of other City agencies. All City agencies shall be responsible for providing assistance as needed.

(d) Any decision of the Director may be appealed to the Board of Adjustment as provided in Article III of this Chapter. Matters subject to appeal include, but are not necessarily limited to: Interpretations of the meaning of provisions of this Chapter and interpretations of boundaries shown on the Wellfield Protection Zone Map. Decisions in matters which are subject to the jurisdiction of the City Commission may not be appealed to the Board of Adjustment.

SECTION 15.740 SUBDIVISION IMPROVEMENTS

Section 15.740 Subdivision Improvements
Section 15.740.1 Minimum Improvements Required
Section 15.740.2 Financial Guarantee
Section 15.740.3 Waiver of Requirements
Section 15.740.4 Violations
Section 15.741.5 Penalties

SECTION 15.740 SUBDIVISION IMPROVEMENTS

SECTION 15.740.1 MINIMUM IMPROVEMENTS REQUIRED

(a) The subdivider shall provide public improvements in his subdivision in accordance with the following:

(1) Pavement shall be constructed with curb and gutter per Section 15.745.2

(2) Street markers shall be installed per Section 15.745.8

(3) Reference markers shall be placed per Section 15.745.9.

(4) Sidewalks shall be constructed per Section 15.745.6.

(5) Street lights shall be provided per Section 15.745.7.

(6) Stormwater drainage systems shall be constructed per Section 15.745.11

(7) A water distribution system shall be constructed per Section 15.745.12.

(b) **Clearing of Land:** It shall be the responsibility of the developer or builder to dispose of building waste and material from land clearing. It shall be unlawful to bury any such material in any land within the subdivision. Land clearing by means of air curtain incineration may be allowed by special permit approved by the Fire Chief and Director of Public Works with special conditions as deemed necessary.

(c) **Completion of Improvements:** All required improvements shall be completed within two (2) years from the date the final plat is recorded unless the City Commission shall, by resolution, grant an extension of time. Completion of the required improvements shall be guaranteed financially as set forth in Section 15.740.2.

(d) **Building Permit:** No permit to build on any lot shall be issued unless the lot is served by existing or proposed water and waste water systems and approved by the City Engineer. No Certificate of Occupancy shall be issued unless all required improvements have been constructed and accepted, including certification of use by regulatory agencies form the water and waste water systems.

SECTION 15.740.2 FINANCIAL GUARANTEE

(a) **General:** Unless all required improvements have been satisfactorily completed, an acceptable financial guarantee shall accompany every plat which is to be recorded to ensure the actual satisfactory completion of construction of all required improvements within not more than two (2) years following the date of recording, or one (1) year if sidewalks are the only required improvements to be completed. An acceptable financial guarantee shall be in an amount not less than one-hundred and ten (110%) percent of the estimated cost of the improvements, as approved by the City Engineer, but may be reduced by the City Engineer from time to time in proportion to the work completed, and make one of the following forms, subject to the approval of the City Engineer and City Attorney.

(1) Cash, to be held in escrow by the city; or

(2) An irrevocable letter of credit written by a bank chartered by the State of Florida, or the United States government, or any other state of the United States if the bank is authorized to do business in the State of Florida, and acceptable to the Finance Director. The letter of credit shall include, among other things, an expiration date not earlier than one year from the date of issuance; a provision requiring the issue of the letter of credit to give at least thirty (30) days' written notice to the City prior to expiration or renewal of the letter, and a provision that the letter is automatically renewed for a period of time equaling its original term if the required notice is not given; or

(3) A surety bond issued by a surety company authorized to do business in the State of Florida. The surety bond shall include, as a minimum, the provisions required above for letter of credit.

(b) **Conditions:** The financial guarantee posted pursuant to (a) above shall run to the City and shall provide that the subdivider, his heirs, or successors and assigns, and their agents and servants, will comply with all applicable terms, conditions, provisions and requirements of these regulations;will faithfully perform and complete the work of construction and install action of said facilities or improvements in accordance with these regulation, and that the subdivider will save the City from any unnecessary expense incurred through the failure of the subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and installation as required by these regulations, and from any damage growing out of negligence

in performing or failing to perform said construction.

(c) **Duration and Release:** Financial guarantees posted pursuant to these regulations shall be released or returned, as the case may be, at such times as the facilities guaranteed thereby have been installed and accepted. Acceptance shall be in writing, accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable City specifications and requirements.

(d) **Default:** If the construction or installation of any improvements or facilities for which a financial guarantee is posted or deposited is not completed within three (3) months after substantial completion of any buildings or structures for which said improvements or facilities are designed, or within two (2) years after the date of recording of the final plat, whichever is sooner, or if said construction or installation is not in accordance with the applicable City Specifications and requirements, and in the case of the corporate bond or an escrow agreement, the obligor on the bonds or the agreement shall be liable for the expense incurred thereby. The default provision of this section shall be apply when the City Commission acts to permit the subdivider to remove his subdivision from the land records of Bay County in accordance with applicable platting regulations.

(e) **Miscellaneous:**

(1) A combination of financial guarantees shall be held to be in compliance with this section so long as the total is equal to the total required.

(2) If, subsequent to the posting a financial guarantee under these regulations, it can be established that the amount thereof is more than required because subsequent estimates by the City established that the work can be constructed or installed for a lesser amount than the amount posted, the financial guarantee so posted may be released or repaid proportionately.

(f) **Guarantee:** The subdivider is responsible for the satisfactory performance of the required improvements in accordance with the provisions of these regulations, for a period of one (1) year and is required to post with the City a surety bond which is available to the City in the amount of ten (10%) percent of the financial guarantee which was posted for the completion of all the said required improvements. The said bond shall be valid for a period of one (1) year beginning on the date of final acceptance of the said required improvements by the City. If the subdivider does not correct the deficiency or commence work within ten (10) days after receiving notice from the City of the failure of any or all of the improvements required in accordance with these regulations, it shall be deemed to be a failure on the bond or escrow agreements and the City shall have the right to make the necessary repairs, either by public work or by private contract, and the bond or agreement aforesaid shall be liable for the full amount of the cost of said repairs.

SECTION 15.740.3 WAIVER OF REQUIREMENTS

Following a recommendation by the City Engineer, the City Commission may waive the requirements of these regulations where compliance would be a practical impossibility or would cause unnecessary hardship and/or where the owner proposed an alternative which conforms to the general intent and spirit of these regulations.

SECTION 25.740.4 VIOLATIONS

(a) After the effective date of this chapter, it shall be unlawful for the owner or agent of the owner of any land located within a subdivision, to transfer, sell, or agree to sell or negotiate to sell any of said land by reference to or exhibition of, or by other use of a plat of a subdivision before said plat has been approved by the City Commission and recorded by the Clerk of the Circuit Court of Bay County, Florida.

(b) After the effective date of this chapter, it shall be unlawful to convey, obtain a building permit for, or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in this chapter, except those parcels recorded prior to the effective date of this chapter.

(c) After the effective date of this chapter, it shall be unlawful to record a subdivision plat or, once recorded, to make any changes thereon whatsoever, which have not been approved by the City Commission in accordance with the provisions of this chapter.

(d) In addition to all other remedies provided by law, the City Commission, or any property owner or occupant, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful reference or exhibition of a subdivision, plat, construction, property conveyance, property improvements, or recording in any court of jurisdiction.

SECTION 15.740.5 PENALTIES

Every act or omission designated as a violation in this section shall be subject to the penalty set forth in the general provisions of the City Code.

SECTION 15.745 - DEVELOPMENT DESIGN STANDARDS

Section 15.745	Development Design Standards
Section 15.745.1	General
Section 15.745.2	Streets
Section 15.745.3	Blocks
Section 15.745.4	Lots
Section 15.745.5	Easements
Section 15.745.6	Sidewalks
Section 15.745.7	Street Lights
Section 15.745.8	Street Name Signs
Section 15.745.9	Reference Markers
Section 15.745.10	Excavation
Section 15.745.11	Drainage System
Section 15.745.12	Water Distribution System
Section 15.745.13	Wastewater System

SECTION 15.745 DEVELOPMENT DESIGN STANDARDS

The purpose of this section is to establish design standards for orderly development within the City, and to secure adequate traffic, transportation, potable water, wastewater, street lighting, drainage, sidewalks and other public improvement and facilities.

SECTION 15.745.1 GENERAL

Development, including but not limited to, subdivisions, multi-family and commercial sites within the City shall conform to the standards and criteria herein. Water and sanitary sewerage systems within the service area in the unincorporated areas of Bay County shall also conform to these criteria. Development shall:

(a) Conform with plan of development: All proposed subdivisions shall conform to the plan of development of the City.

(b) Comply with zoning regulations: All proposed development shall comply fully with the existing zoning regulations applicable to the land. No parcel of land shall be created which cannot be properly utilized for a permitted use under the existing zoning regulations.

(c) Preserve natural features: To the fullest extent possible, development shall be designed so as to conform to and take advantage of the topographic and other natural features of the land, including the preservation of existing trees and watercourses. It may be required to

show a conservation area on the plat. A conservation area shall be drawn superimposed over parts of lots or common areas on the plat, and shall be stated "Conservation Area Dedicated to the City of Callaway" on the plat.

(d) Public use requirements: In laying out a proposed subdivision, due consideration shall be given to reservation of land for thoroughfares, collector streets, school sites, parks and recreation areas, and other public open space requirements, as such uses may be shown upon the approved plan of development or otherwise deemed necessary by the City Commission and/or the reviewing authorities.

(e) Suitability:

(1) The land proposed for subdivision shall be suitable for development and shall not be subject to flooding, poor drainage, erosion, or other conditions detrimental to the health, safety and general welfare of the public.

(2) Development in floodway areas shall conform to the requirements of Section 15.715.

(3) Construction Plans: Construction plans shall be prepared on mylar, shall be 22" x 36", and shall be at a scale of one inch equals fifty feet (1" = 50'), except that details shall be at a larger standard scale.

Record drawings in the form of one (1) set of reproducible tracings and three (3) sets of blue line prints shall be furnished to the City. Acetate reproducibles are unacceptable.

SECTION 15.745.2 STREETS

(a) Access to public streets: Every subdivision shall have adequate access to a roadway dedicated to public use which has been accepted for maintenance by the City of Callaway, Bay County, or the Florida Department of Transportation.

All lots within a proposed subdivision shall abut a roadway dedicated to public use. However, proposed subdivision lots may abut a privately owned roadway which is constructed and maintained by persons other than the City of Callaway. The responsibilities of the private party(ies) shall be reflected on the proposed subdivision plat and acceptable to the City Commission. When privately owned and maintained improvement facilities are proposed, the plat shall (1) show rights-of-way as a separate and distinct parcel and (2) state "rights-of-way shown as Parcel ____ are not dedicated to public use but are private rights-of-way for the use of lot owners and will be maintained by the division lot owners. Parcel_____ is dedicated to the subdivision lot owners. Each subdivision lot owner has an undivided interest in Parcel _____".

(b) Relation to adjoining and/or proposed street system: The arrangement of streets in new subdivisions shall make provisions for the continuation of existing principal streets from adjoining areas, or for their proper projection where adjoining land is not subdivided. Where street extensions into adjacent undeveloped land are necessary to ensure a coordinated street system, provision for such future street or streets shall be made. When a subdivision abuts or contains an existing or proposed arterial street, it may be required that one or more of the following be provided: marginal access street, screen planting, deeper lots or other such treatment necessary for adequate protection of residential properties and to afford separation of local and through traffic.

(c) Interior streets: The interior streets shall be so arranged that their use by through traffic movements will be discouraged. In order to discourage through traffic movements and high traffic speeds, as well as to increase the desirability and stability of the subdivision by preventing monotonous development, straight portions of street and undue length shall be avoided whenever possible by the use of curvatures.

(d) Half streets: Whenever a street is planned adjacent to the proposed subdivision boundary, the entire street right-of-way shall be platted within the subdivision unless a half street will provide continuity of the existing street system and there is adequate existing half street right-of-way abutting the proposed subdivision, the subdivider shall provide half street right-of-way in the proposed subdivision and construct the entire street. Where a half street would provide continuity of the existing street system and there is inadequate existing half street right-of-way abutting the proposed subdivision, the subdivider shall provide sufficient additional right-of-way in the proposed subdivision and construct the entire street.

(e) Reserve strips: Reserve strips controlling access to streets or utility easements shall be prohibited.

(f) Street dimensions: The minimum street right-of-way and pavement widths are set forth in the following table. Rights-of-way shall be measured from lot line to lot line. Pavement widths shall be measured from edge of pavement to edge of pavement.

Street Classification	Minimum R/W (Feet)	Minimum Pavement Width (feet)
Residential	50	22
Collector	60	33

The widths of major arterials and minor arterials shall be in keeping with the Callaway Plan of Development.

(g) Dead-end streets: Dead-end streets, that exceed six hundred (600) feet in

length shall meet the requirements of NFPA 1, NFPA 1141, and ITE publicaiton guidelines, where not otherwise addressed. All cul-de-sacs shall terminate with a circular right-of-way having a minimum diameter of one hundred (100) feet and a paved turn-around with minimum outside diameter of eighty(80) feet. Where a street is to be temporarily dead-ended at a property line and is to be continued when adjacent property is subdivided, "T"-type turn-around shall be provided.

(h) Right-of-way and pavement radii: Right-of-way at intersections shall be rounded with a twenty-five (25) foot radius. The minimum curb radius at intersections shall be twenty-five (25) feet.

(i) Intersections: Streets shall be so arranged as to intersect as nearly as possible at right angles and in no case shall two streets intersect at an angle of less than sixty (60) degrees. Curved streets shall have a minimum tangent of one hundred (100) feet at intersections unless otherwise approved by the City Engineer.

(j) Street jobs: Street jobs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.

(k) Grades: All streets shall have a minimum gradient of 0.30 percent.

(l) Horizontal curves shall be as follows:

Street Classification	Minimum Radii of Centerline Curvature (in feet)
Streets less than 600 feet	100
Residential	200
Collector	300

(m) Reserve curves: Tangents between curves on all streets shall be at least one hundred (100) feet in length unless otherwise approved by the City Engineer.

(n) Street names: New streets which are extensions of existing streets shall take the same name as the existing Streets. All others shall be named in the following manner:

Direction	Long	Short*
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or circles

* Less than 2,000 feet.

In no case shall a name for a proposed street duplicate an existing street name, irrespective of whether the street is further described as an avenue, boulevard, way, place or court.

(o) The building numbering system, as shown on the map titled "Address Numbering Map," and filed with the Director of Public Works, is incorporated by reference herein. Each plat and each amendment to any plat shall be filed with the Department, and upon filing thereof, the building numbering system and the Address Numbering Map shall be deeded to have been amended in accordance therewith.

(1) Administration and assignment of street names and numbers:

a. The Director of the Planning Department or his designee shall be responsible for coordinating and maintaining the building numbering system and shall assign building numbers in conformity with the building numbering system. The Planning Department, with the advice and consent of the property owner, shall have the authority to name and number any private way, as necessary.

b. Assignment by the Director of the Planning Department or his designee of a number to a projected future building shall be a condition precedent to the issuance of a building permit for any such building.

c. The Director of the Planning Department or his designee shall record and maintain records of the building numbering system, together with all amendments thereto and all street names and numbers assigned. The Director of the Planning Department or his designee shall monitor all projected street name and numbering schemes to ensure that misleading, confusing and duplicate street names and numbers are prevented.

(2) Posting of street numbers. Building address numbers for all buildings in Callaway shall be posted pursuant to Section 15.730.
c.

Amended by Ord. 569 5/12/98 (Ord. No. 569 is in error. Section numbers should be 15.745.__)

(3) Whenever a parcel of land, a subdivision, or any part thereof, becomes annexed into the city, it shall be the responsibility of the Director of Public Works to review the address numbers of such property and to

obtain conformance with the building numbering system in the posting and numbering for such annexed area. Upon determination that the street names and numbers conform to said system, the Callaway building numbering system shall be amended to include said annexed land. The owner, occupant and property manager for a building annexed into the City shall be responsible for compliance with this section.

(p) Improvements within rights-of-way: Improvements within rights-of-way of the subdivision shall be pursuant to Section 14-1, Callaway Code of Ordinances. (Amended by Ordinance 530. March, 1997)

(q) Streets shall meet the following minimum standards:

(1) All streets shall have a standard curb and gutter or Miami curb when authorized by the City Engineer.

(2) All pavements shall be either portland cement concrete or asphaltic concrete on properly prepared base and subgrade in accordance with DOT requirements.

(3) Base course for asphaltic concrete pavement shall be limerock, sahm, shell or soil cement unless other materials are authorized by the City Engineer.

(4) Asphaltic concrete surface shall be Type I or Type II, DOT specifications, and shall have a minimum thickness of 1".

(5) Concrete curb and concrete valley gutter shall meet DOT requirements.

(6) A minimum strip of sod 5' in width shall be placed behind the curb to control erosion and damage to pavement and drainage system.

SECTION 15.745.3 BLOCKS

(a) Residential block sizes. Residential blocks shall not be less than four hundred (400) feet nor more than one thousand eight hundred (1,800) feet in length. The width of a residential block shall be sufficient to allow two tiers of lots of appropriate depth, except where lots abut directly upon an expressway, major arterial, lake, waterway, or a land use other than residential. In the latter case, consideration shall be given in the subdivision design to the proper buffering of the residential lots.

(b) Crosswalks: In blocks over one thousand two hundred (1,200) feet in length or where otherwise deemed necessary to five pedestrian access to schools,local shopping centers and parks, rights-of-way and pavement for pedestrian crosswalks may be required. Right-of-way

for crosswalks shall have a minimum width of ten (10) feet.

(c) Nonresidential block sizes: Blocks laid out for other than residential use shall be of a shape and size as may be suitable for their prospective use. Adequate provisions shall be made to provide areas for off-street parking, loading and unloading, and other service activities.

SECTION 15.745.4 LOTS

(a) General arrangement. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Frontage. All lots shall front on a public street. Lots having double frontage shall be avoided except where essential to provide separation of residential development from railroad or arterial rights-of-way. In such cases, provisions shall be made either for marginal access streets or for lots backing onto said rights-of-way. Lots facing upon such rights-of-way shall have additional depth so that buffering may be provided.

(c) Lot sizes. Lot sizes shall conform to the requirements of the zoning code of the City of Callaway.

(d) Corner lots. Corner lots shall have a width at least ten (10) percent larger than the width of interior lots along both adjacent streets so as to permit the location of buildings in conformance with the setback lines of both streets.

(e) Butt lots. Residential lots in such a position shall have a width of ten (10) percent greater than the width of interior lots.

(f) Lot lines. Whenever possible, lot lines shall intersect streets and each other at right angles, and in no case shall a lot have an interior angle of less than thirty (30) degrees.

(g) Remnants. All odd or left over pieces of land shall be included within adjoining full lots.

(h) Lot numbers. All lots shall be numbered by progressive numbers and, if in blocks, then progressively numbered in each block and the blocks shall be progressively numbered or lettered. Blocks in numbered additions to a plat previously recorded and bearing the same name may be numbered consecutively throughout the several additions.

(i) Municipal limits and lot lines. Lots shall be designed so as not to be divided by municipal boundary lines, except where unavoidable and upon approval of the City Commission.

SECTION 15.745.5 EASEMENTS

(a) Drainage. Where a proposed subdivision is transversed by a water course, drainage way, canal or stream, appropriate dedication of suitable easement provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. Said dedication or easement shall conform substantially with the lines of said water course and be of sufficient width or construction, or both, as to be adequate for the purpose including maintenance thereof.

(b) Utilities. Utility easements shall be provided on rear, front and side lot lines. Easements along front property lines shall be five (5) feet. Easements along rear and side lot lines shall be a minimum of fifteen (15) feet in width, and seven and on-half (7.5) feet on either side of the lot line. Where utility easements are planned adjacent to the subdivision boundary, the full width necessary shall be provided within the proposed subdivision.

SECTION 15.745.6 SIDEWALKS

Sidewalks shall be provided on both sides of all streets except that upon recommendation of the City Engineer, the City Commission may waive these sidewalk requirements on cul-de-sacs, dead end streets and other areas where due to peculiar environmental or topographic conditions sidewalks are deemed inappropriate. Prior to the acceptance of the subdivision and as an express condition thereof, the developer shall install all required sidewalks in accordance with City criteria and specifications, or in the alternate, deposit with the City a cash sum equal to the cost to install the required sidewalks as calculated by the City Engineer guaranteeing the construction of sidewalks in conjunction with individual lot development or two years from the date of acceptance of the subdivision, whichever is earlier.

SECTION 15.745.7 STREET LIGHTS

(a) The subdivider who creates six (6) or more lots shall install a street light at every newly created or existing roadway intersection and street lights at approximately 300 foot intervals along the road right-of-way (public) and on private roadways. The placement of street lights shall be determined after consideration of existing street lights on the opposite side of the street or intersection. The existence of street lights on the opposite side of the roadway shall not eliminate the requirement for new street lights under this section, but shall be considered only in determining the placement of the new street lights.
Amended by Ord. 609 12/14/99

(b) All street lights shall be high-pressure sodium vapor type, and shall be placed on

prestressed concrete or metal poles, unless specifically otherwise approved by the City Engineer.

(c) For street lights on public rights-of-way , the City will assume responsibility for maintenance and electric power. The subdivider shall pay to the City for said street lights, service and maintenance, an amount not to exceed one-fourth (1/4) of an estimated twenty (20) year cost, based on the charges the City is Paying to Gulf Power Company Electric company for such street lights, service and maintenance.

Amended by Ord. 609 12/14/99

SECTION 15.745.8 STREET NAME SIGNS

The subdivider shall provide and install street name signs in accordance with the standards of the City.

SECTION 15.745.9 REFERENCE MARKERS

The subdivider shall provide permanent reference monuments, at lease four (4) in number, no more than eight hundred (800) feet apart, which shall be placed within the tract or on the exterior boundaries thereof, so as to provide definite reference points from which may be located any points, lines, or lots set forth on said plat. All points of curvature, points of reverse curvature, points of tangency and at lease two (2) points in the exterior of each block, shall be permanently marked with such monuments. The location of such points, as are inaccessible, may be established by ties. All monuments so placed shall be of metal not less than three (3) inches in diameter or shall be square and not less than three (3) inches on a side. If smaller, metal markers shall be encased in a solid block of concrete not less than four (4) inches in diameter or four (4) inches on a side if square, having the reference point marked thereon. Monuments shall be twenty-four (24) inches in length. The top of the monuments shall be set flush with the finished grade at their respective locations. They shall have their position in reference to each other indicated by distances and angles and not less than one of said monuments shall have its location indicated on the plat in reference to the nearest government corner or section corner. The position of said monuments shall be indicated on the plat by a small circle and shall be marked "Permanent Reference Monument" or the initials "P.R.M." to designate the same.

SECTION 15.745.10 EXCAVATION

(a) Permits. It shall be unlawful for the owner, occupant or person in control of any lot, parcel or tract of land within the City to alter, excavate, fill or remove any of the land or its surface within the limits of the City without first obtaining a permit to do so from the Director of Public Works.

(b) Submission of plans. Permits to alter, excavate, fill or remove land or its surface within the limits of the City shall not be issued by the Director of Public Works without first

obtaining the approval of the City Engineer. The City Engineer shall not be required to give his approval unless and until the applicant for such permit shall have submitted to the Director of Public Works plans and specifications covering the project and a description of the intended result. The City Engineer shall have the right and privilege of disapproving the application or permit, if in his judgment the work intended to be done shall cause a substantial difference in the appearance of the lands immediately adjacent thereto or shall create a drainage problem, or shall create or cause a hazard to the health and safety of the citizens.

Should said application for a permit be disapproved, the applicant shall have a right of appeal to the Mayor and City Commission at the first regular meeting following the date of denial and the decision of the Mayor and City Commission in this respect shall be final. It shall be the duty of the City Clerk to advise any refused applicant of his right of appeal at the time of such refusal or disapproval.

(c) Violations and notice to correct: The Director of Public Works, or his duly designated representative, shall from time to time ascertain whether there exists any alteration, excavation, filling or removal of land or its surface within the limits of the City, which condition has been created without a duly authorized permit from the City, and should he find such a condition existing in violation of this Chapter, then it shall be the duty of the City Clerk to give notice as hereafter provided to the owner, occupant or person in control of such lot, parcel or tract, to correct the condition by restoration of the land or its surface to the condition which existed prior to the violation, or as nearly as possible to do so and within fifteen (15) days after the service of such notice.

Notice by the City Clerk shall be in writing to the owner, if his address can be ascertained by reasonable diligence, or to the person in control of occupying the premises. If the owner's address cannot be ascertained, and in the event that neither can be ascertained, then by the posting of a notice in a newspaper of general circulation in Callaway, Florida, giving fifteen (15) days notice and reciting that should the work not be done by the owner, person in control of, or occupant, that the work will be done by the City and costs assessed against the property.

(d) Failure of owner to comply and correction by City. Upon the failure of the owner, occupant or person in control of such premises to remedy the conditions existing in violation of the requirements hereof within fifteen (15) days after service of such notice to do so, then the Director of Public Works shall proceed to have the conditions remedied either by direct labor of City employees, or by contract, or by a combination of both methods, and immediately thereafter shall report his doings to the City Commission.

The City Commission by appropriate ordinance may authorize the assessment of the costs of such work against the particular lots, parcels or tracts, and upon the passage of such ordinance, the costs thereafter shall become a lien upon the particular premises and the City shall have the right and privileges granted to municipalities by the Florida Statutes for the enforcement of liens for special assessment and with the same new penalties and same rights of

collection, foreclosure, sale and forfeiture as obtained for special assessment liens, and such liens shall bear interest at the rate of six percent (6%) from the date of assessment. The amounts due thereunder shall be payable thirty (30) days after publication of the notice of assessment.

(e) Violations, penalty. Any owner, occupant or person in control violating any of the provisions of this Chapter upon conviction thereof shall be punished by fine not exceeding fifty dollars ($50.00) or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment.

(f) Enjoining violations. In addition to the right of the City to punish for the failure to obtain a permit as described in this Chapter, and in addition to the right to order the work to be done by the owner, occupant or person in possession, or to do the work and assess the costs as a lien against the lot, parcel or tract, the City shall have the right to cause a discontinuance of any such unlicensed work by injunction.

SECTION 15.745.11 DRAINAGE SYSTEMS

(a) Plan submittal: The following plans and information, prepared by a Florida Registered Engineer, shall be submitted for the proposed drainage system:

(1) Five (5) sets of drawings including:

a. A detailed site plan including a general location and the location of all existing and proposed pavement and structures.

b. Construction plans of sufficient detail to indicate compliance with this section and to enable construction with minimal interpretations by a contractor. Data should include existing and proposed conduits, inlets, manholes, pipe sizes and slopes, invert elevations, and retention/detention basins.

c. Established drainage areas, acreage and boundaries of proposed drainage areas, and sufficient elevations to delineate said drainage areas.

(2) Two sets of supplemental data, including:

a. Topographic maps of the site and all adjacent contributing areas before and after the proposed alterations.

b. Information regarding the types of soils and ground water conditions existing on the site.

c. General vegetation maps of the site before development and a plan showing the landscaping to be performed as part of the project.

d. Design calculations, percolation tests results, and seasonal high water determination.

e. Additional information necessary for determining compliance with this section as the City Engineer may require.

(b) Design criteria. Drainage designs shall be based on the following design criteria unless conditions dictate that such criteria may be modified, or unless more strict requirements are set by other regulatory agencies. Drainage calculations shall be furnished to support proposed drainage features.

(1) Water quality. The drainage system shall provide treatment equivalent to retention, or detention with filtration, of the runoff from the first one (1") inch of rainfall; or as an option for projects with drainage areas less than one hundred (100) acres, the first one-half (1/2") inch of runoff. Facilities which discharge to Class I waters shall be provided with an approved, workable filter system. Development that discharges directly into gulf, bay or estuarine waters will not require flood attenuation; however, compliance with water quality standards and siltation controls shall be required.

(2) Design method. For drainage areas less than two hundred (200) acres, the drainage system shall be designed by the Rational Method.

(3) Design frequency. Rainfall data is to be obtained using Florida DOT Zone 6 Rainfall Survey The design frequency shall be:

Facility	Design Frequency
Ditches, cross-drains, storm sewers for external subdivision drainage	25 year
Ditches, cross-drains, storm sewers within subdivisions	10 year
Retention basins (no outlet)	100 year

24-hour rainfall

(4) Coefficient of Runoff:

Type Development	Runoff Coefficient
Unimproved areas	0.20
Single family residential	0.40
Multi-family including apartments	0.60
Commercial	0.90
Paved areas	0.90

(5) Coefficient of roughness (Manning's coefficient):

Type	Coefficient
Reinforced concrete pipe	0.012
Concrete box culvert	0.012
Corrugated metal pipe	0.024
Bare earthy ditches	
Maintained	0.03
Not maintained	0.08

Others: to be approved by the City Engineer.

(6) Inlets:

a. The flow time to the first inlet shall be determined by standard practice, but shall be a minimum of fifteen (15) minutes.

b. Desirable inlet spacing shall be from 400' to 600'.

c. Other than at intersections, inlets shall be placed as near as possible to common property line.

d. Where City standard details are not available, inlets shall conform to Florida DOT standards.

(7) Manholes:

a. Shall be placed at all grade changes and at changes in alignment.
b. Maximum distance between manholes shall be three hundred

(300) feet.

c. Where City standard designs are not available, manholes shall conform to Florida DOT standards.

d. Conflict manhole: Where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet or junction box because of no reasonable alternative, the utility shall be ductile iron and shall be located in the upper half of the sewer opening.

(8) Conduits (storm sewers)

a. Shall be a minimum of fifteen (15) inches in diameter.

b. Shall have a minimum velocity of 2.5 feet per second, and a maximum velocity of 10.0 feet per second.

c. Minimum clearance between top of pipe bell and bottom of roadway subgrade shall be 0.5 feet.

d. Minimum clearance between outside of crossing conduits shall be 0.5 feet.

e. Pipe material shall be reinforced concrete, ABS, or corrugated aluminum pipe.

(9) Pavement elevation relative to drainage components:

a. The bottom of street subgrade shall be at least six (6) inches above seasonable high ground water elevation.

b. The low edge of street pavement shall be at least one (1) foot above the design high water elevation of the applicable design year storm.

c. The low edge of street pavement near a retention and/or detention basin shall be at least one (1) foot above the design high water elevation of said retention and/or detention basin.

(10) Retention and detention basins.

a. Retention basins shall be designed to retain a twenty-four (24) hour, one hundred (100) year frequency rainfall.

b. Detention basins shall be designed so that the instantaneous peak discharge from the developed site due to a twenty-five (25) year rainfall shall not exceed the instantaneous peak discharge from the undeveloped site due to a ten (10) year rainfall. Development that discharges directly into gulf, bay, or estuarine waters will not require flood attenuation; however, compliance with water quality standards and siltation controls shall be required.

c. Recovery time for basins shall be a maximum of seventy-two (72) hours.

d. An infiltration rate test shall be performed for each one-half (1/2) acre of basin bottom. The test shall be the Standard Double Ring Infiltration Test. A safety factor of 2 shall be used in using the infiltration rate so determined.

e. A soil boring shall be taken for each one-half (1/2) acre of basin bottom, and shall include soil classification and a determination of current water level and seasonal high water table. The soil report shall be included with the drainage calculations.

f. Maximum side slopes for basins shall be 4:1.

g. Minimum freeboard for basins shall be one (1) foot between design high water and top of bank.

h. Unless otherwise directed by the City Engineer, the basin shall be enclosed by a chain link fence, forty-two (42) inches, with a double leaf gate, each leaf being five (5) feet.

i. There shall be a minimum of a ten (10) foot wide berm between the fence and the top of bank.

j. The surface area of the basin complex shall be seeded and mulched.

k. Landscaping and buffering shall be provided as set forth in other sections or as directed by the City.

l. Conditions downstream of the outlet control structure shall be such that will enable said outlet control to function as shown on the design calculations.

m. The basin shall be provided with an emergency overflow spillway to control discharge in the event the basin overflows.

n. Inlet-outlet structures shall be designed to prevent silting, erosion and maintenance problems.

(11) Underdrains.

a. Underdrains may be required by the City Engineer to facilitate ground water control during construction and may be left in place. When the use of underdrains is required, the Road Drainage Plans shall include all details necessary to clearly indicate the underdrain construction.

b. Open drainageways (ditches) will not be permitted within any land shown for residential, commercial, or other use on the Land Use Plan and any land in actual use or zoned for use as a school, unless it can be established to the satisfaction of the Callaway City Commission that such open drainageway will appear and function as a natural watercourse and will require no significant maintenance. (Amended by ordinance 512) Further, new residential, commercial, or other development not specifically exempted herein, shall be required to pipe in ditches on public rights-of-way or eastments immediately adjacent to or within the subject property prior to being allowed to connect to the City′s storm water system.

Amended by Ord. 699 6/8/04

c. A filter fabric envelope shall be used with underdrains and shall be an approved strong, porous nylon, polyester, polypropylene or other fabric approved by the City Engineer, which completely covers the underdrain surface in such a way as to prevent infiltration of surrounding material. The filter envelope shall weigh a minimum of 2.5 ounces per square yard, shall retain soil particles larger than two hundred twelve (2l2) microns (no. 70 sieve) and shall pass particles finer than twenty-five (25) microns. When tested in accordance with ASTM D16812, the grab strength (wet) of the filter fabric shall not be less than one hundred (100) pounds and the grab elongation shall not be less

than sixty (60) percent. Storage and handling of the filter fabric shall be in accordance with the manufacturer's recommendations. Torn or punctured filter fabric shall not be used. The filter fabric shall not be exposed to sunlight for periods exceeding the manufacturer's recommendation of six (6) weeks, whichever is shorter.

d. Underdrain pipe shall be of sufficient size to effectively control the flow. Underdrain pipe shall be concrete, corrugated aluminum, polyvinyl-chloride, corrugated polyethylene or other material approved by the City Engineer. Concrete, corrugated aluminum and polyvinyl-chloride underdrain shall be in accordance with the Florida DOT Standard Specifications for Road and Bridge Construction.

SECTION 15.745.12 WATER DISTRIBUTION SYSTEM

Amended by Ordinance No. 906 - 8/23/11

(a) All water distribution systems, water main extensions and all appurtenant items shall be designed in accordance with applicable regulations of the City, the Bay County Health Department, and the Florida Department of Environmental Regulation, and the standards herein.

(b) The City Commission of the City of Callaway, Florida, hereby approves and adopts as part of this Ordinance the City of Callaway Standard Specifications for the Design and Construction of Water and Wastewater Facilities dated January 2011, three copies of which are and shall remain on file in the office of the Planning Department, City of Callaway.

(c) The Standard Specifications for the Design and Construction of Water and Wastewater Facilities may be amended by resolution of the City Commission from time to time to protect the health and welfare of the residents, and any amendments shall automatically become part of this Ordinance and be enforced in accordance with the enforcement provisions of this Ordinance.

SECTION 15.745.13 WASTEWATER SYSTEM

(a) All sanitary sewers, sewage force mains, lift stations, and appurtenances thereto shall be designed in accordance with applicable regulations of the City, the Bay County Health Department, and the Florida Department of Environmental Regulation, and the standards herein.

(b) The City Commission of the City of Callaway, Florida, hereby approves and adopts as part of this Ordinance the City of Callaway Standard Specifications for the Design and Construction of Water and Wastewater Facilities dated January 2011, three copies of which are

and shall remain on file in the office of the Planning Department, City of Callaway.

(c) The Standard Specifications for the Design and Construction of Water and Wastewater Facilities may be amended by resolution of the City Commission from time to time to protect the health and welfare of the residents, and any amendments shall automatically become part of this Ordinance and be enforced in accordance with the enforcement provisions of this Ordinance.

SECTION 15.750 - NEIGHBORHOOD PRESERVATION STANDARDS

Section 15.750	Neighborhood Preservation Standards
Section 15.750.1	Purpose
Section 15.750.2	Commercial Vehicles in Residential Zoning Districts
Section 15.750.3	Travel Trailers in Residential Zoning Districts
Section 15.750.4	Material and Equipment Storage in Residential Zoning Districts
Section 15.750.5	Fences, Walls and Hedges
Section 15.750.6	Radio, TV Antenna and Satellite Dishes
Section 15.750.7	Provisions for Home Occupations
Section 15.750.8	Adult Bookstores, Adult Theaters and Special Cabarets
Section 15.750.9	Historical and Architectural Preservation - RESERVED
Section 15.750.10	Standards for Manufactured Housing - RESERVED

SECTION 15.750 NEIGHBORHOOD PRESERVATION STANDARDS

SECTION 15.750.1 PURPOSE

The purpose of this Section is to provide reasonable standards and regulations to assure the preservation of quality residential neighborhoods in the City, and provide standards and regulations for the following:

Commercial vehicles in residential zoning districts;
Travel trailers in residential zoning districts;
Material and equipment storage;
Fences, walls and hedges;
Home occupations;
Adult bookstores and theaters;
Manufactured homes; and
Historical and architectural preservation

SECTION 15.750.2 COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

(Amended by Ordinance 524. January, 1997)

(1) All Commercial Vehicles are prohibited from parking on any right-of-way or privately-owned parcel of land located in any residential zoning district except while standing on a temporary basis for the purpose of loading or unloading, or providing other services, common to residential areas, or as may be permitted for nonresidential uses under Section 15.760 of this Chapter.

(2) An owner or operator of a Commercial Vehicle who parks a Commercial Vehicle on a privately-owned parcel of land located in any residential zoning district on the date of the adoption of this ordinance shall be allowed to continue to park the Commercial Vehicle on the

privately-owned parcel until either the Commercial Vehicle is no longer regularly parked on the parcel, the operator of the Commercial Vehicle no longer resides on the parcel or the ownership of the parcel is transferred.

In order to be allowed to continue parking a Commercial Vehicle on a privately-owned parcel pursuant to this section, the operator of the Commercial Vehicle shall register the Commercial Vehicle with the City of Callaway Planning Department at 5708 Cherry Street, Callaway, FL 32404 within 60 days of the adoption of this ordinance. A Commercial Vehicle owner or operator must be in possession of the Commercial Vehicle to which the permit applies when the registration is submitted. The registration shall be in the form and manner determined by the City. Any owner or operator who fails to register a Commercial Vehicle with the City within the 60 day period must comply with the provisions of 15.750.2(1), Callaway Code of Ordinances.

Permits to park a Commercial Vehicle pursuant to this section are non-transferable to other owners, to other operators or to other types of Commercial Vehicles.

SECTION 15.750.3 TRAVEL TRAILERS IN RESIDENTIAL ZONING DISTRICTS

A travel trailer (as defined in Article II of this Chapter) may be parked in a residential zoning district (street or lot) only under the following conditions:

(a) The travel trailer may not be occupied for living purposes.

(b) The maximum height is fifteen (15) feet.

(c) The travel trailer is parked in a rear or side yard no closer than five (5) feet to any property line and is screened from view by a buffer not to exceed seven (7) feet in height; or is parked within an enclosed garage or covered carport.

(d) The travel trailer may be parked in the front yard on a temporary basis as follows:

(1) For a period of up to two (2) days for purposes of loading, unloading and cleaning;

(2) For a period of up to seven (7) days when owned by visitors or house guests of the subject property.

SECTION 15.750.4 MATERIAL AND EQUIPMENT STORAGE IN RESIDENTIAL ZONING DISTRICTS

The storage of materials, supplies, appliances or equipment used or designed for

commercial or industrial use, and the outdoor storage of home appliances and inoperative vehicles is hereby expressly prohibited in any residential zoning district. As used in this Section, the term "inoperative vehicle" shall include:

(a) Any vehicle from which parts, including, but not limited to, the chassis, engine, wheels or tires have been removed; or

(b) Any vehicle without a valid, current registration; or

(c) Any vehicle which is incapable of movement under its own power and will remain so unless major repair or reconstruction occurs.

This subsection shall not apply to the storage of building materials on a lot if said building materials are being used for construction of a building on said lot in conformity with the terms of this Chapter and this Subsection shall not be deemed to prohibit the restoration of vehicles within an enclosed garage or privacy fence.

SECTION 15.750.5 FENCES, WALLS AND HEDGES

No fence, wall or barrier structure shall be placed by beyond the front façade of the house unless exempted by Section 15.750.5(b). Except as may be provided in this Chapter, or by an approved subdivision plat, a wall or fence shall be permitted only within any side or rear yard, subject to the following provisions:

SECTION 15.750.5(a) FENCES, WALLS AND HEDGES

(1) All walls and fences must conform to the following provisions:

(a) No roofing, beams, lattice work, barbed wire, or other material or structure shall be attached to or placed upon such wall or fence, and

(b) Vertical calculation of height shall be made by vertical measurement from the lowest point of natural ground level along the length of a wall or fence; and

(c) The finished side of any such wall or fence (i.e. for a wooden privacy fence, the paneled side) that faces a public road or access way shall face out; and

(d) The maximum height of any such wall or fence shall be eight (8) feet.

(2) Hedges and shrubbery shall be permitted within any yard; provided that said hedges and shrubbery shall be maintained so as not to exceed a height of three (3)

feet above established ground level within twenty (20) feet of the intersection of two (2) street right-of-way lines or the intersection of said lines extended.

(3) All fences and walls shall be regularly maintained to continue their structural integrity, to provide a neat appearance and to preserve the aesthetic character of the neighborhood. In the case of exterior subdivision walls, the homeowner or condominium associations shall be jointly and severally responsible with the residents within the subdivision for the maintenance of said exterior wall.

SECTION 15.750.5(b) EXCEPTIONS

(1) The Board of Adjustment shall grant a special exception for a wall or fence beyond the front facade of the house, if it determines that the following provisions are met:

(a) the fence shall four (4) feet or less in height,

(b) only a non-opaque fence and fence materials shall be used,

(c) the fence shall not encroach on public right-of-ways or easements,

(d) the fences shall not block the sight distance of motor vehicles on the adjacent roadways or exit points, and

(e) the fence shall be consistent with the character of the surrounding neighborhood.

(2) The Board of Adjustment shall grant a special exception to allow bared wire to be attached to the top of a wall or fence if it determines that the wall or fence is at least eight feet tall, the property is zoned commercial or industrial, the barbed wire is reasonably necessary for security purposes, and the wall or fence otherwise complies with these Land Development Regulations.

Amended by Ord 857

SECTION 15.750.6 RADIO, TV ANTENNA, AND SATELLITE DISHES

To the extent not superseded by Federal Law or regulation, radio and television antennae and dishes shall be considered accessory structures subject to the following requirements and conditions:

(a) Single-family residential zoning districts:

(1) Radio and television receiving antenna and dishes shall not exceed the

60 feet height limit specified within the zoning district; and

(2) Freestanding (not affixed on top of a building radio and television receiving antenna and dishes shall set back from all property lines a distance of at least fifty (50) percent of the height of the antenna or dish; and

(3) No installation, including supports, shall be located in any required yard(s) or in any easement or right-of-way; and

(4) No more than one antenna,tower and dish shall be allowed on any residential lot; and

(5) No advertising material shall be allowed on any antenna or dish; and

(6) All antenna and dish installations shall be constructed of materials that blend with the surroundings.

(b) Multi-family residential zoning districts:

(1) Radio and television receiving antenna and dishes shall not exceed the maximum height specified within the zoning district; and

(2) Freestanding (not affixed on top of a building) radio and television receiving antenna and dishes shall set back from all property lines a distance of at least fifty (50) percent of the height of the antenna or dish; and

(3) No installation, including supports, shall be located in any required yard(s) or in any easement or right-of-way; and

(4) Antenna and dishes that are roof mounted shall be located and designed to minimize the visual impact on surrounding properties and from any public right-of-way; and

(5) All antenna and dish installations shall be constructed of materials and in colors that blend with the surroundings and shall be screened by harmonious, architectural features and landscaping; and

(6) No advertising material shall be allowed on any antenna or dish.

(c) Commercial and institutional/professional zoning districts:

(1) Radio and television receiving and transmitting antenna and dishes shall

not exceed the 100 maximum height specified within the zoning district; and

(2) Freestanding (not affixed on top of a building) radio and television antenna and dishes shall set back from all property lines a distance of at least fifty (50) percent of the height of the antenna or dish; and

(3) No installation, including supports, shall be located in any required easement or right-of-way; and

(4) All antenna and dishes shall be erected or maintained within the rear yard; and

(5) Antenna and dishes that are roof mounted shall be located and designed to minimize the visual impact on surrounding properties and from public right-of-way; and

(6) All antenna and dish installations shall be constructed of materials and in colors that blend into the surroundings and shall be screened by harmonious, architectural features and landscaping; and

(7) No advertising material shall be allowed on any antenna or dish.

(d) Exceptions:

(1) Radio and television antenna and dishes installed for use by military and emergency personnel including, but not limited to, civil defense, police and fire personnel and agencies, may be erected and operated in any location and shall be exempt from the provisions of Subsections (a) through (c) above.

(2) Subject to prior review and approval by the City Commission, radio and television receiving and transmitting antenna and dishes in conjunction with churches, synagogues, and educational institutions may be permitted.

(3) Nothing in this Section shall preclude the erection and operation of ham radio transmitting antenna and dishes which comply with Subsections (a) and (b) above.

SECTION 15.750.7 PROVISIONS FOR HOME OCCUPATIONS (Amended by Ordinance 529. March 1997)

All applications for home occupational licenses shall be submitted to the City

Engineer's office. The Public Works Department shall post a public notice in the yard of the residence of the proposed home occupation approximately 10 days prior to consideration of the application by the Planning Board. The public notice shall state that a home occupation application is pending and that interested persons can obtain a copy of the application at the City Engineer's office. Also, the public notice shall state the date that the City Engineer intends to issue the home occupation license.

The City Engineer shall either approve, approve with conditions or disapprove the application. The City Engineer shall not issue an occupational license to a person whose application does not comply with this ordinance.

The following occupations conducted in residential dwellings are expressly prohibited and presumed to be public nuisances in residential land use districts:

(1) Barber shop, beauty shop.
(2) Public dining facility.
(3) Photographic studio.
(4) Film developing or processing.
(5) Repair shop, except watches and jewelry.
(6) Laboratory, involving the conduct of experiments entailing the use of chemicals or matter of energy that creates, or causes to be created, noise, noxious odors, or hazardous dangers to the public health, safety and welfare.

In order to approve the occupational license application, the City Engineer must find that (1) the business activity constitutes a home occupation as defined herein, and (2) the license application complies with the provisions of this ordinance, the City of Callaway Comprehensive Growth Development Plan, the City of Callaway Land Development Regulations and other applicable law. If the City Engineer finds that the occupational license application does not comply with the aforementioned, then the application shall be disapproved. If the license applicant disagrees with the determination by the City Engineer, a written appeal can be made within 30 days to the Callaway City Commission, whose determination shall be final.

SECTION 15.750.8 ADULT BOOKSTORES, ADULT THEATERS AND SPECIAL CABARETS

(a) Definitions:

(1) "Adult bookstore." An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, newspaper, photographs, paintings, drawings, or other publications, or graphic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Section, or

an establishment with a section devoted to the sale or display of such materials.

(2) "Adult theater." An enclosed building or an enclosed space within a building used for presenting either filmed or live plays, dances, or other performances either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Section, for observation by patrons therein.

(3) "Specified sexual activities:"

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated;

c. Fondling or other touching of human genitals, pubic region, buttock, or female breast.

(4) "Specified anatomical areas:"

a. Less than completely and opaquely covered - human genitals or pubic region, buttock, female breast below a point immediately above the top of the areola;

b. Human male genitals in a discernable turgid state, even if completely or opaquely covered.

(5) "Special cabarets." Any bar, dance hall, or other place of business at which food or beverages, alcoholic or non-alcoholic, are served which feature topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any such establishment with advertising for, or a sign or signs identifying which, uses the words, "adult," "topless," "nude," or other words of similar import.

(b) Location standards.

(1) It shall be unlawful to locate any adult bookstore, adult theater, or special cabaret within two thousand (2000) feet of any residentially zoned area in the City.

(2) It shall be unlawful to locate any adult bookstore, adult theater, or special cabaret within two thousand (2,000) feet of any church, synagogue, or other place of worship, school, library, public recreation (community) center, or Callaway City Hall.

(3) It shall be unlawful to locate any adult bookstore, adult theater, or special cabaret within two thousand (2,000) feet of any other such regulated use.

(4) Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

(5) Nothing in this Subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other Section of this Code.

(c) Annexed lands.

No adult bookstore, adult theater, or special cabaret may be established upon any property annexed into the municipal limits of the City until such time as the City has established valid zoning regulations for the annexed property. After the zoning of the property, the provisions of this Subsection shall govern the establishment of adult bookstores, adult theaters, or special cabarets.

SECTION 15.750.9 HISTORICAL AND ARCHITECTURAL PRESERVATION

RESERVED

SECTION 15.750.10 STANDARDS FOR MANUFACTURED HOUSING

RESERVED

SECTION 15.755 - SWIMMING POOLS

Section 25.755	Swimming Pools
Section 15.755.1	Definitions
Section 15.755.2	General Requirements
Section 15.755.3	Inlets and Drains
Section 15.755.4	Scum Gutter
Section 15.755.5	Mechanical Equipment
Section 15.755.6	Supply and Disposal of Water
Section 15.755.7	Structural Requirements
Section 15.755.8	Setbacks and Ground (Lot) Coverage
Section 15.755.9	Fencing or Safety Barrier
Section 15.755.10	Hazards of Swimming Pools and Their Control
Section 15.755.11	Penalties

SECTION 15.755 SWIMMING POOLS

SECTION 15755.1 DEFINITIONS

As used in this Section, unless the context otherwise indicates, a swimming pool shall mean structures designed to contain a body or bodies of fresh water for swimming, wading or other recreational purposes, not available for general public use or owned by social clubs.

SECTION 15.755.2 GENERAL REQUIREMENTS

No swimming pool shall hereafter be built or constructed except in conformity with the provisions of this Chapter. Swimming pools already in existence, or in the process of being constructed, shall conform to the health and safety requirements hereafter set forth under the penalties hereafter provided.

SECTION 15.755.3 INLETS AND DRAINS

Inlets and drains to pool shall be arranged so as to get effective and uniform circulation of the incoming water throughout the pool. A main drain shall be provided at the deepest end of the pool.

SECTION 15.755.4 SCUM GUTTER

All residential swimming pools shall have a minimum requirement of a scum gutter or skimmer at one end or side. A minimum length of ten feet shall be required for any scum gutter, and it shall have a smooth hand finish, or tile.

A two (2) inch drainpipe shall be employed for every scum gutter drain. Drains shall be spaced at intervals of not less than 11 feet and shall have a pitch of one-eighth inch per foot.

SECTION 15.755.5 MECHANICAL EQUIPMENT

Electric motor driven pumps shall be well ventilated. Pumps may be installed above ground or may be installed in a pit on condition that the pit is provided with appropriate drain line to adequate absorption pit, storm sewers, East Bay or other positive outfall facilities.

SECTION 15.755.6 SUPPLY AND DISPOSAL OF WATER

No swimming pools are to be drained into a disposal well unless such well has been approved by the Florida State Board of Health and constructed in accordance with the State's requirements. A well permit must be obtained from both the Board of Health and the City of Callaway.

Drainage of swimming pools may be into the East Bay, storm sewers, an absorption pit or other positive outfall facilities. Facility for pool drainage shall be subject to approval of the building inspector.

SECTION 15.755.7 STRUCTURAL REQUIREMENTS

All swimming pools shall be designed and constructed in accordance with accepted engineering structural principles taking into account all soil and ground water conditions of the site on which the pool is to be located.

Design and sanitation requirements shall meet the requirements of, and be approved by, the appropriate department of the State of Florida having jurisdiction before being submitted to the City of Callaway for a permit.

SECTION 15.755.8 SETBACKS AND GROUND (LOT) COVERAGE

Except as otherwise may be provided as Zoning Standards in other parts of this Chapter:

(a) Swimming pools, patios, decks and other outdoor living areas, including screened enclosures, not have a roof impervious to weather, may be located within a rear yard; provided that no such allowed uses shall be located nearer than five (5) feet to any property line.

(b) An additional setback from the lot line of one (1) foot shall be required for each foot to total height that such an enclosure not having a roof impervious to the weather exceeds

eleven (11) feet, until a setback of ten (10) feet is reached.

(c) The total ground coverage of all principal and accessory structures shall not exceed forty-seven and one-half (47.50%) percent of the lot or lots' area. Ground coverage calculations shall include all structures, pools, decks, driveways, walkways and pads for recreational decorative use.

SECTION 15.755.9 FENCING OR SAFETY BARRIER

Any pool hereafter constructed shall have a safety barrier as hereafter provide:

(a) The safety barrier shall take the form of a screen-in patio, a wooden fence, a wire fence, a rock wall, a concrete block wall or other materials, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property.

(b) The minimum height of the safety barrier shall not be less than four (4) feet.

(c) The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the are entirely, prohibiting unrestrained admittance to the enclosed area; excepting that those premises abutting on a waterway shall not require a barrier along that side which is parallel with the waterway.

(d) Gates shall be of the spring lock type, so that they shall automatically be in a closed position at all times.

(e) Gates shall also be equipped with an adequate lock and shall be locked when the swimming pool is not in use.

(f) In the wooden type fence, the board, pickets, louvers or other such members shall be spaced, constructed and erected so as to make the fence non-climbable and impenetrable.

(g) Walls, whether of the rock or block type, shall be so erected as to make them non-climbable.

(h) Wire fences shall be the two (2) inch chain link or diamond weave non-climbable type, or of an approved equal with top rail. they shall be of a heavy, galvanized material.

(i) It shall be within the discretion of the building inspector of the City to refuse approval of any barrier which, in his opinion, does not furnish the safety requirements of this regulation; i.e., that it is high enough and so constructed to keep the children of preschool age from getting over or through it.

(j) The erection or construction of a safety barrier shall not apply to those pools which are fillable to no greater depth then thirty (30) inches.

Any owner or owners of any swimming pool already in existence, or in the process of being constructed, shall within (30) days from the effective date of this Chapter, erect a safety barrier in accordance with the description appearing in Section 15.755.9.

SECTION 15.755.10 HAZARDS OF SWIMMING POOLS AND THEIR CONTROL

It shall be the duty and responsibility of the owner or custodian of a swimming pool to maintain it, and the safety barrier, in proper and safe condition If at any time it shall be determined by the building inspector, Director of Public Works, or other person who may hereafter have the responsibility of supervising swimming pools, that a swimming pool in the City is so operated and maintained as to constitute a hazard to the health, safety and welfare of the citizens of the City, or that the safety barrier had not been so maintained as to serve its purpose, the Director of Public Works, building inspector or other appropriate official, by registered mail, shall call to the attention of the owner or custodian of the pool the nature of the hazard or health menace, calling upon the required correction of the same within ten (10) days from the date of said notice. Should such owner or custodian fail to obey such directions, the penalties for violation of this Chapter as hereafter specified shall be invoked, and in addition thereto, the City is authorized to remedy the condition through its agents or employees, paying the reasonable cost therefor, and the same shall constitute a lien against the real property upon which such swimming pool is located.

SECTION 15.755.11 PENALTIES

Any person or persons, and the members of any form, partnership, corporation, association or other organization or any combination thereof who shall violate any one or more of the provisions of any Section of this Chapter shall upon conviction be punished as provided by Section 1.145 of the City Code of Ordinances. Each day's violation of any of the terms of this Chapter shall be deemed and considered and is hereby specially declared to be a separate and distinct violation of the terms of this Chapter and punishable as such.

SECTION 15.760 - VEHICLES: USE AREAS; FACILITY STANDARDS AND RESTRICTIONS

Section 15.760 Vehicles: Use Areas; Facility Standards and Restrictions
Section 15.760.1 Purpose and Scope
Section 15.760.2 Reserved
Section 15.760.3 Off-Street Parking and Loading Facilities
Section 15.760.4 Access and Circulation
Section 15.760.5 Provisions for Off-Street Loading Facilities
Section 15.760.6 Off-Street Parking Required
Section 15.760.7 Design and Construction Standards for Parking Lots
Section 15.760.8 Required Landscaping in Off-Street Parking Areas
Section 15.760.9 Standards for Drive-Up Facilities
Section 15.760.10 Commercial Vehicle Restrictions in Residential Districts
Section 15.760.11 Use of Residentially Zoned Property for Parking or Access
Section 15.760.12 Inoperative Vehicles Prohibited
Section 15.760.13 Travel Trailers - Restrictions and Standards

SECTION 15.760 VEHICLES: USE AREAS; FACILITY STANDARDS AND RESTRICTIONS

SECTION 15.760.1 PURPOSE AND SCOPE

(a) Section 15.760 presented: design and construction standards for vehicular use areas; vehicular oriented facilities; and certain restrictions against parking commercial vehicles in residential areas.

(b) This section is intended to consolidate all information on design and construction standards pertaining to vehicle uses and facilities as those subjects related to development projects and activities.

(c) This section includes the following sub-sections and elements:

Off-street loading and parking facilities
Access and circulation
Provisions for Off-street loading facilities
Off-street parking required
Design and construction standards for parking lots
Required landscaping in off-street parking areas (cross reference)
Standards for drive-up facilities
Commercial vehicle restrictions in residential districts
Use of residentially zoned property for parking or access

Inoperative vehicle prohibited

SECTION 15.760.2 RESERVED

SECTION 15.760.3 OFF-STREET PARKING AND LOADING FACILITIES

SECTION 15.760.4 ACCESS AND CIRCULATION

(a) All off-street vehicular facilities shall be designed to have adequate access to a street or alley and in the case of parking facilities shall have adequate access to interior maneuvering areas. New parking facilities shall be arranged so that no vehicle shall be required to back from such facilities directly onto a public street. All driveways and curb cuts shall conform to the standards and specifications established by the city of Callaway.

(b) In addition to the applicable City ordinances and standards, whenever vehicular entrances and exists connect to a state or federal road, the number, size and distance between entrances and exists and the specified design thereof shall comply with the established standards and requirements of the State of Florida Department of Transportation (FDOT). Approval of curb cuts from FDOT shall be obtained prior to submittal of final site plans when curb cuts are planned connecting developments to a state operated and maintained road.

(c) Dead end drive aisles within parking lots shall be provided with "T" type turn-around facilities.

(d) Parking spaces shall not be located so that vehicles backing out interfere with vehicles entering from roadways causing off-site stacking, unless a separate off-site turn lane is provided.

SECTION 15.760.5 PROVISIONS FOR OFF-STREET LOADING FACILITIES

(a) Provisions for every non-residential structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials,goods or things and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of sidewalks, parking lots, streets and alleys.

(b) Effects of expanding existing businesses. Where any non-residential structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure of land,or any part thereof, is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this chapter.

(c) Design standards. For the purpose of this section, an off-street loading space shall be an area at grade level at least ten (10) feet wide by twenty-five (25) feet long with fourteen (14) feet of vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall be accessible from the interior of any building it is intended to serve.

(1) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

a. For each store, market, restaurant, mortuary, laundry, dry cleaning establishment of similar use which has an aggregate gross floor area of:

Area	No. of Spaces
Over 5,000 sq. ft., but not over 25,000 sq. ft.	1
Over 25,000 sq. ft., but not over 60,000 sq. ft.	2
Over 60,000 sq. ft., but not over 120,000 sq. ft.	3
Over 120,000 sq. ft., but not over 290,000 sq. ft.	4
Plus for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof	1

b. For each auditorium, convention hall, exhibition hall, museum, motel, office building, welfare institution or similar use which has an aggregate, gross floor area of over ten thousand (10,000) square feet but not over forty thousand (40,000) square feet, one space; plus one space for each additional sixty thousand (60,000) square feet over forty thousand (40,000) square feet or major fraction thereof;

c. For any use not specifically mentioned in this Section, the requirements for off-street loading for a use which is mentioned and to which the unmentioned use is similar, shall apply.

(2) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

(3) No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for, or be deemed to meet, the requirements of this Section for off-street loading facilities.

(4) It is encouraged that joint or combined provisions of off-street facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or use and are so located and arranged as to be usable thereby.

(5) Plans for buildings or uses requiring off-street loading facilities under the provisions of this Section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

SECTION 15.760.6 OFF-STREET PARKING REQUIRED

(a) Every building, use of structure, instituted or erected after the effective date of this Section shall be provided with off-street parking facilities in accordance with the provisions set forth herein for the use of occupants, employees, visitors or patrons.

(b) Such off-street parking facilities shall be maintained and continued as an accessory use as long as the principal use is continued.

(c) "Grandfathering provisions." See "Nonconforming Development - Article VIII."

(d) It shall be unlawful for an owner or operator of any building, structure or use affected by this Section to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this Section. It shall be unlawful for any person, firm, or corporation to utilize such building, structure, or use without providing the off-street parking facilities required by this Section.

(e) Collective provisions for, or joint use of, off-street parking facilities for two (2) or more uses or buildings, or for two (2) or more uses within a single building or business, or by two

(2) or more owners or operators shall be encouraged; provided, that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses composed separately inn accordance with this Section; and further provided that no part of an off-street parking area required for any building or use shall be included as a part of an off-street parking area similarly required for another building or use.

(f) Off-street parking facilities supplied by the owner or operator to meet the requirements of this Section shall not be used by commercial vehicles over one and one-half (1-1/2) tons owned, operated and used in the business of such owner or operator during regular hours of business.

SECTION 15.760.7 DESIGN AND CONSTRUCTION STANDARDS FOR PARKING LOTS

(a) General.

Except in single, or dual, family residential uses on individually platted lots, this section shall establish the minimum requirements for off-street vehicular parking facilities, including, but not limited to those for automobiles, trucks, boats or heavy construction equipment, self-propelled or not, and for all other property which is used primarily for vehicles to traverse as a function of the primary use (hereinafter referred to as "other vehicular uses"), including, but not limited to, "drive-thru" facilities.

All off street parking areas shall be used for vehicular parking only and not for sales unless a permit is obtained from the City of Callaway. *****

*** Amended by Ord. No. 527**

(b) Standards.

(1) All off-street parking areas shall conform to the following requirements:

a. They shall be surfaced so as to provide a durable, stabilized and dustless surface; and

b. They shall be graded and designed to dispose of surface water; and

c. They shall be subject to City inspection and design approval.

d. No off-street parking area shall be placed in a dedicated or official right-of-way.

e. Off-street parking areas in excess of five (5) spaces under

common ownership shall have individual spaces marked.

f. Off-street parking areas shall be designed with steel stops, guards, or similar devices properly anchored or secured to prevent vehicles from overhanging into public right-of-way, sidewalks or planting areas.

g. All off-street parking areas shall be used for vehicular parking only and not for sales, dead storage, repair work, dismantling or servicing of any kind. The required off-street parking areas in the various districts shall be in addition to the loading spaces normally required for the business or office served.

h. Unless otherwise provided by ordinance, off-street vehicular parking shall be provided on the same lot or premises with the business or office to which it is appurtenant.

(2) Standard dimensions.

Each off-street parking space, except for compact vehicles and handicap use, shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

(3) Handicapped spaces.

Where parking spaces for the handicapped are to be provided, they shall be a minimum width of twelve (12) feet and a minimum length of nineteen (19) feet.

a. All such spaces shall be accessible to a curb ramp or curb cut when necessary to allow ready access to the building structure or use served; and

b. Such spaces shall be so located that users are not compelled to wheel behind parked vehicles; and

c. Each such parking space shall be prominently outlined with paint and posted with a fixed non-movable sign of a color and design approved by the Florida Department of Transportation, bearing the internationally accepted wheelchair symbol and the caption: "PARKING BY DISABLED PERMIT ONLY."

(4) Compacts.

a. Space dimensions. Where compact car spaces are permitted, they shall be a minimum width of eight (8) feet and a minimum length of sixteen (16) feet.

b. Standard-compact ratio. In any parking area of ten (10) or more spaces under common ownership, the percentage of compact car spaces shall not exceed twenty (20) percent of the required number of spaces.

c. Compacts defined. For the purpose of this section, compact car shall mean an automobile which has a width of seventy-two (72) inches and a length of one hundred eighty-six (186) inches or less. Said compact car spaces shall be clearly designated for "Compact Cars Only."

d. Compact space design. The placement of compact car spaces within a parking area shall be designed in accordance with City parking design standards. In no case will extension of the vehicle be permitted over the sidewalk.

(5) Spaces required.

The minimum off-street parking requirements are as follows:

a. Bowling alleys: Five (5) parking spaces for each alley, plus one additional space for each two (2) employees.

b. Business, professional and governmental offices: One parking space for each four hundred (400) square feet of floor space;

c. Churches: One parking space for each four (4) seats in auditorium or chapel area, not including Sunday school classrooms;

d. Dwellings, single-family: Two parking spaces for each dwelling unit; plus one-half (1/2) space for each bedroom in excess of two (2), rounding up for the total number of spaces. On individually platted lots, all on-site parking shall be on a City approved impermeable or semi-permeable surface;

e. Dwellings, multi-family: Two (2) parking spaces for each dwelling unit, plus; one and one-half (1-1/2) parking spaces for each

dwelling unit within a structure having three (3) or more dwelling units; and one-half (1/2) space for guest parking per dwelling unit. All requirements shall be rounded up to determine the total number of spaces per dwelling unit.

f. Space for the parking of one automobile shall be provided upon the lot of each townhouse dwelling.

g. Elementary schools, public, private or parochial: One parking space for each classroom, plus one-half (1/2) of the additional parking space for rooms used for public assembly as otherwise required by this Section;

h. Funeral home or undertaking establishment: One parking space for each four (4) seats in public rooms, plus one addition space for each two (2) employees.

i. Junior and senior high schools and colleges, public, private or parochial: One parking space for each classroom plus one parking space for each ten (10) students, or one-half (1/2) of the additional parking for rooms used for public assembly as otherwise required by this section, whichever may be greater;

j. Medical, dental, chiropractic, etc., clinics (separate buildings): Four (4) parking spaces for each doctor.

k. Service stations: Service stations with bays for wheel alignment, tire service, wash racks, or similar vehicular services shall provide one parking space for each with one-half (1/2) the same requirement for bay areas;

l. Motels: One parking space for each guest room or rental unit, plus one additional space for each two (2) employees;

m. Places of public assembly, including assembly halls, exhibition halls, convention halls, billiard halls, dance halls, skating rinks, sports arenas, community centers, libraries and museums: One parking space for each five (5) seats, or one parking space for each two hundred (200) feet of gross floor areas, whichever may be greater.

n. Restaurants and/or lounges: One parking space for each four (4) seats in the rooms for customer service, plus one additional

space for each two (2) employees;

o. Retail stores, personal service shops, household repair or equipment shops, interior decoration shops: One (1) parking space for each three hundred (300) square feet of floor space;

p. Uses not specifically mentioned: The requirements for off-street parking for any uses not specifically mentioned in this Section shall be the same as provided in this Section for the use more similar to the one sought.

q. Amusements such as Go-Cart Tracks (Slick Tracks), Helicopter Rides and such like, one (1) parking space per employee and one (1) parking space for each one thousand (1,000) square feet of track or pad.

r. Moped operations and paddle boat operations, one (1) parking space for employees and one (1) space for each two (2) bikes or boats.

s. Miniature gold courses, shuffle board courts and water slides, one (1) parking space for employees and one (1) parking space for each two hundred fifty (250) square feet of greens, game and slide area.

t. Amusement parks, one (1) parking space for each four (4) employees and one (1) space for each seven hundred fifty (750) square feet of rides and midway areas (or 58 spaces per acre).

(6) Parking stall and aisle dimensions: parking stall and aisle dimensions shall conform to the following "Minimum Parking Dimensions"

a. Regular car off-street parking stall layout:

Dimension	Diagram	0	45	60	75	90
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	24.5	2l.4	19.5	18.0
Stall depth to wall	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	l4.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlocking to curb face	H	30.0	4l.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	---	6.3	2.7	0.5	0.0
Setback	K	24.0	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	-	24.0	24.0	24.0	24.0	24.0

b. Compact car parking stall layout:

Stall width, parallel to aisle	A	8.0	11.3	9.2	8.3	8.0
Stall length of line	B	22.0	24.0	20.5	l8.2	16.0
Stall depth to wall	C	8.0	l7.0	l7.8	l7.6	16.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	8.0	11.7	14.3	16.0	16.0
Module, wall to interlock	F	28.0	43.2	48.l	53.3	56.0
Module, interlocking	G	28.0	43.2	48.l	53.3	56.0
Module, interlocking to curb face	H	28.0	43.2	48.l	53.3	56.0
Bumper overhang (typical)	I	0.0	l.5	l.8	2.0	2.0
Offset	J	0.0	5.7	2.3	0.6	0.0
Setback	K	22.0	ll.3	8.0	4.l	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross Aisle, two-way	-	24.0	24.0	24.0	24.0	24.0

SECTION 15.760.8 REQUIRED LANDSCAPING IN OFF-STREET PARKING AREAS

(See "Landscaping and Buffering" section of this Article)

SECTION 15.760.9 STANDARDS FOR DRIVE-UP FACILITIES

(a) In recognition of the unique character of drive-thru facilities and the increased frequency of vehicular movement onto and from the site which said uses are designed to generate, it shall be the objective of this Section to guide the location and development of said uses in a manner best deemed to serve public safety and welfare. To this end, the following additional requirements shall be applied in reviewing any proper use having drive-thru facilities.

No drive-thru facility shall be permitted in the following cases:

(1) When the proposed property does not have direct access to the major arterial street.

(2) When the straight-line distance between any point on the proposed property and any point on property occupied by a church, public school, or public library having its primary access to the same street, is five hundred (500) feet or less, unless no undue vehicular traffic is reasonably likely to occur as a result of the approval of the proposed use.

(3) Driveways (curb cuts): There shall be no more than one (1) driveway for each one hundred (100) feet, or major fraction thereof, of lot frontage on any street. Driveways shall be separated by at least fifty (50) feet where they occur on a single property or on adjacent properties shared by adjacent properties. Driveway cuts shall not be over forty-two (42) feet in width at the street line. Measured along the street line, driveways shall be at least fifteen (15) feet from the side or rear property line. On a corner lot, all driveways shall be at lease fifty (50) feet from the intersection of the street right-of-way lines or from the intersection of said lines extended. Driveway access to a minor street providing access primarily to a residential area shall be permitted only if such driveway access may be provided without creating vehicular traffic congestion or a hazard to pedestrian traffic.

(4) Where deemed desirable, a proposed drive-thru facility shall be required to coordinate the location and design of its driveways and curb cuts in accordance with the intent and objectives of this Section.

(5) Drive-thru facilities defined: Any building, structure or portion thereof

designed or used with a window or other opening in the wall of a principal or accessory structure through which goods or services are provided directly to customers who remain in motor vehicles thereby eliminating the need for such customers to exit the vehicle. This definition shall include, but not be limited to, drive-thru restaurants, banks, laundry or dry cleaning establishments and other uses of a similar nature; they shall also include facilities known as "take-out."

SECTION 15.760.10 COMMERCIAL VEHICLE RESTRICTIONS IN RESIDENTIAL DISTRICTS

(a) All "Commercial vehicles," including self-propelled vehicles with or without trailers, having a weight class of one (1) tone or more individually, or combined, and all commercial trailers, are prohibited from parking in any residential zoning district (street or lot) except while standing on a temporary basis for the purpose of loading or unloading, or provide other services common to residential areas, or as may be permitted for non-residential uses as follows:

Permitted non-residential uses may utilize and park on their premises such commercial or other vehicles, or combination of vehicles and trailers, not exceed a weight class of one (1) ton, as may be necessary and customary for such use.

SECTION 15.760.11 USE OF RESIDENTIALLY ZONED PROPERTY FOR PARKING OR ACCESS

(a) The property to be utilized for off-street parking shall be immediately contiguous to the commercial use it is intended to serve, which use shall be located and wholly within a commercial zoning district, (which for the purpose of this section shall include an I-PP, Institutional Professional district), and shall be a permitted use within said zoning district. The off-street parking facility shall not exceed further than one hundred (100) feet as measured along the street on which it fronts, exclusive of footage utilized for landscaping and screening purposes, from the commercial district, nor beyond an intervening public street right-of-way. No such parking facility shall be permitted which, by its establishment, will leave additional land or property in nonconformance of further nonconformance with the provisions of the zoning district in which it is located;

(b) Property utilized for off-street parking facilities serving the business or professional use within the adjacent commercial district shall not itself be used for any other business purpose and no outside storage of any type shall be permitted on said property;

(c) No improvements shall be placed on said property other than paving or an approved surfacing for parking purposes and appropriate landscaping and buffering

improvements;

(d) No vehicle other than passenger cars, or trucks of three-quarter (3/4) ton capacity or less shall be permitted to park on said property and no overnight storage of vehicles shall be permitted;

(e) All parking areas shall be of an approved surface;

(f) Vehicle ingress and egress to the parking area shall be through the related property within the commercial district;

(g) The off-street parking area shall be fully screened at its boundary from all adjacent lines abutting property used for residential purposes in a residential zoning district, by a solid buffer or landscaped buffer, except that this provision shall not apply to a boundary line immediately adjoining an area utilized for off-street parking in accordance with this section. Land between the building line and the property line bordering the street right-of-way shall be landscaped and continuously and properly maintained. The proposed solid buffer or landscape buffer shall be subject to review and approval in accordance with site specific procedures. In addition to the other criteria, City Commission shall consider compatibility of the proposed buffer with the development for which buffer is required and the surrounding area;

(h) Any lights used to illuminate such off-street parking areas shall face directly toward the business and away from adjoining residential district property;

(i) No signs above six (6) feet shall be erected within any such area.

SECTION 15.760.12 INOPERATIVE VEHICLES PROHIBITED

The outdoor storage of inoperative vehicles is hereby expressly prohibited in any residential zoning district. (See also Section 15.750.4, "Neighborhood Preservation Standards" regarding inoperative vehicles.)

SECTION 15.760.13 TRAVEL TRAILERS - RESTRICTIONS AND STANDARDS

See Section 115.750.3, "Neighborhood Preservation Standards" regarding travel trailers.

SECTION 15.765 - SIGNS AND ADVERTISING

Section 15.765	Signs and Advertising
Section 15.765.1	Purpose
Section 15.765.2	Calculating the Areas of a Sign
Section 15.765.3	Signs no Requiring Permits
Section 15.765.4	Illegal Signs
Section 15.765.5	Prohibited Signs
Section 15.765.6	Permitted Signs
Section 15.765.7	Administrative Provisions
Section 15.765.8	Signs Location and Installation Standards
Section 15.765.9	Maintenance Requirements and Standards
Section 15.765.10	Unsafe Signs
Section 15.765.11	Advertising
Section 15.765.12	Political Signs
Section 15.765.13	Nonconforming signs including amortization
Section 15.765.14	Variances
Section 15.765.15	Temporary Signs

SECTION 15.765 SIGNS AND ADVERTISING

SECTION 15.765.1 PURPOSE

It shall be the purpose and general intent of this Section to regulate signs and similar structures within the City; to provide for their appropriate use and location in a manner which will not adversely affect property values, compatibility of land use, community appearance and identify, and to otherwise promote the general welfare, public safety, convenience and order of the City; to supplement and further accomplish the purposes of the zoning codes and building code of the City; to provide for the renovation of sign permits, the annual inspection of signs, identification of signs, the responsibility for maintenance of signs, and procedures to be followed for the removal of any sign which is in violation of, or non-conforming with, the intent and purpose of this Chapter, and to provide for the abatement of any nuisance attributed to any sign within the City.

This Section, together with future amendments thereof, shall be known and may be cited as the "City of Callaway Sign Ordinance."

SECTION 15.765.2 CALCULATING "THE AREA OF A SIGN"

The area of a sign shall be computed to include the entire area within a sign, whether such sign is a parallelogram, triangle, circle or semi-circle, including all of the display area of one side and any part of the surface or any cornice, hood, awning, wall or similar ornamental or structural feature that blends with the sign in such a manner as to appear to be the background or

framing of the sign, and including all of the elements of the matter displayed, regardless of the angle at which such sign is placed in relationship to the building frontage; provided, however, that the area of a wall sign shall be computed to include only the area in which characters, letters, illustrations, insignia or logos are depicted, together with all of the area encompassed by an imaginary border extended in all directions around said characters, letters, illustrations, insignia or logos for a distance equal to one-fourth (1/4) of the size of the largest of said characters, letters, illustrations, insignia or logos.

SECTION 15.765.3 SIGNS NOT REQUIRING PERMITS

No permit is required for the following types of signs, however, said signs shall be subject to all other provisions of this Section:

(a) A non-illuminated, non-activated nameplate not exceeding two (2) square feet in area and attached flat against a building, providing only the name, address and occupation of the building tenant or owner.

(b) Flags and insignias of any governments, except where displayed in connection with commercial promotion.

(c) Legal notices identification, information or directional signs erected by governmental agencies or in compliance with their regulations.

(d) Integral decorative or architectural features of buildings, except letters, logos, insignia, trademarks or moving parts or advertising.

(e) No more than two (2) non-illuminated, non-activated directional signs which do not exceed four (4) square feet each and which bear no advertising other than a logo of the property owner or business for which an occupational license has been granted at the location.

(f) Non-illuminated, non-reflective memorial signs or signs bearing the name of the building and date of erection, provided that said signs do not exceed twelve (12) square feet in area and are either carved into, embossed on or permanently embedded in masonry, bronze or other non-combustible materials, in such a way that they are an architectural detail of a building.

(g) No more than two (2) non-illuminated, non-activated signs of eight (8) square feet or less each, located on buildings or property owned or leased by public, charitable or religious institutions.

(h) One (1) sign not exceeding six (6) square feet in area, in a residentially-zoned area, or thirty-two (32) square feet, in a commercially-zoned area, informing that the property on which the sign is located is for sale, for rent or for lease by the owner of the property or by the owner's agent.

(i) Signs and required regulatory information which are an integral part of, and not simply attached to, gasoline pumps or other similar dispensing or servicing devices.

(j) Signs not exceeding two (2) square feet which advertise that the business for which an occupational license has been issued at the location accepts credit cards;provided that such signs are attached to the commercial building.

(k) Time or temperature signs which contain no advertisement and do not excess eight (8) square feet.

(l) Temporary window signs conforming to the provisions of the section related to temporary window signs.

SECTION 15.765.4 ILLEGAL SIGNS

Any sign which does not exist on the effective date of this Section, and is erected, established, or maintained in violation of the provisions and requirements of this Section is hereby declared to be an illegal sign. Upon notification, either written or oral, by the Director to the owner or lessee of the property under which an illegal sign is placed, said owner or lessee shall immediately remove said sign or bring it into conformity with all provisions and requirements.

SECTION 15.765.5 PROHIBITED SIGNS

The following signs classified by location, type and content are prohibited:

(a) Location.

(1) By zoning districts: any sign not specifically permitted within a zoning district shall be prohibited within such zoning district.

(2) On public property:

a. No sign shall be permitted to extend into, above or be placed in or on any portion of a public street, avenue or alley, nor shall any sign be painted, pasted, posted, printed or nailed to or on any curb, sidewalk, tree, light standard, utility pole, hydrant or bridge, or in any manner displayed within the public property or public right-of-way lines of any street, avenue or alley within the City, except upon the written approval of the Director of Public Works. Said written permission shall be filed in the office of the Director.

b. No political sign shall be posted in any public right-of-way, in any public park or on any other public property. The prohibition

contained in this subsection shall in no way apply to election announcement signs posted by the City or the Supervisor of Elections announcing each election to be held in the City.

(3) Obstructing egress: No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall any sign be placed in such a manner as to interfere with any opening required for ventilation.

(4) Encroachment onto public lands: Any private sign located on or over public land or public right-of-way, unless authorized by the City Commission, shall be considered unlawful and shall be subject to immediate removal by the Department of Public Works at the direction of the Director of Public Works and at the sign owner's cost.

(5) Blocking utilities and drainage: Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground utilities. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.

(6) East Bay, Callaway Bayou, or Doty's Cove: Unless otherwise provided by law, it shall be unlawful to erect, relocate, maintain or use any sign in or upon the East Bay, Callaway Bayou or Doty's Cove, or other body of water within the limits of the City.

(7) Hazardous or dangerous: No permit shall be issued for the erection, construction, display or use of any sign which, in the opinion of the Director is hazardous or dangerous or a potential impediment to rescue personnel in the event of an emergency, or which constitutes a public nuisance.

(b) Type.

(1) Portable and vehicular signs: Except as may be otherwise expressly provided within this section, no portable sign, sandwich sign, or snipe sign shall be permitted within the City, and no motorized vehicle or trailer shall be parked upon public or private property within the City for the obvious purpose of advertising; provided that commercial vehicles may be identified only by business name, type of business, business address and telephone number.

(2) Motion pictures: No sign shall be permitted which employs motion picture projection or has moving parts or gives the illusion of motion except as permitted by this section.

(3) Sound trucks and sound amplifying devices:

a. No person may operate or permit to be operated in the City, any "sound amplifying equipment," whether the same be stationary or operated from a vehicle unless a permit therefor has been obtained from the Department; provided, however, that any such permit shall be immediately revoked if said "sound amplifying equipment" creates loud, raucous noises which disturb the peace.

b. No person may maintain or operate any radio device or musical instrument of any kind whereby the sound therefrom is cast directly upon the public streets creating unreasonable loud, excessive or disturbing noises.

(4) Nuisance: No sign shall be permitted which emits audible sound, vapor, smoke, odor particles or gaseous matter.

(5) Interference with communications prohibited. No sign shall be permitted which may cause radio, television or other communication interference.

(c) Content.

(1) Obscene matter: No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.

(2) Traffic safety: No sign shall be erected or continue in use within the City, which:

a. Obstructs the sight distance in a straight line approach along a public or private right-of-way.

b. Uses admonitions such as "stop," "go," "slow," and "danger," which might be confused with traffic direction signs.

c. Would, by its location, color or nature, tend to be confused with or obstruct sight of traffic signs or traffic signals by motorists or pedestrians, or which would otherwise constitute a hazard to the safe and efficient operation of vehicles, or would create a condition which might endanger the safety of persons.

SECTION 15.765.6 PERMITTED SIGNS

(a) Signs permitted under the provisions of this section are itemized on matrices according to zoning districts. The matrices indicate whether the sign is "permitted," "permitted conditionally," or "not permitted" in these districts. The matrices also include significant characteristics or attributes of each sign by type and are further cross-referenced to a series of "footnotes." This format attempts to present all information pertinent to a particular sign under investigation or review without extensive need to cross-reference or resort to excessive repetition. However, the "Administrative Provisions" in Section 15.765.7 and certain general "Sign Location and Installation Standards in Section 15.765.8 may also be applicable. "Advertising" matters and "Political Signs" are considered sufficiently detailed and complex to justify separate additional treatment, therefore, additional regulatory provisions and standards are found in Sections 15.765.11 and 15.765.12 of this Chapter.

(b) The following matrices with qualifying footnotes are included herein:

Matrix #1	Signs in R-7, R-7.5, R-9, R-10, R-6, R-6M, R-5, and R-5M zoning districts
Matrix #2	Signs in R-MF and R-MFA zoning districts
Matrix #3	Signs in I-P zoning districts
Matrix #4	Signs in PROF zoning districts
Matrix #5	Signs in C-C, C-S and C-H zoning districts
Matrix #6	Signs in shopping centers

SIGN MATRIX #1
R–7, R–7.5, R–9 AND R–10 ZONING DISTRICS

TYPE	CONDITIONS (SEE FOOT NOTES)	NOT PERMITTED	MAX SIGN AREA	SETBK TO R/W	SETBK TO RES	MAX # SIGNS	MAX # DAYS	MAX TOTAL AREA	MAX HEIGHT	SETBK TO PROP LINE
ACTIVATED		*								
ANIMATED		*								
AWNING CANOPY		*								
BANNER	D									
BEACON SPOTLIGHT		*								
BILLBOARDS		*								
CHANGEABLE COPY	E,G		32 sq ft			1				
CLOCK / TEMP		*								
CONTRACTOR	B		32 sq ft			1				
DIRECTIONAL	E,G		2 sq ft							
DIRECTORY		*								
DIRECTORY PANEL		*								
DOUBLE – FACED		*								
FLAT	E,G		12 sq ft			1				
FLUORESCENT		*								
FREE – STANDING		*								
GOVERNMENTAL	C,G									
GROUND	Q		125 sq ft	25′					15′	5′
ILLUMINATED		*								
INFORMATIONAL	E,G		32 sq ft			1				
MOTION PICTURE PROJECTION		*								
MOVEABLE	Z		6 sq ft							
NEON / FLASING		*								
PAINTED		*								
PERMANENT WINDOW		*								
POLITICAL	F,G									
PORTABLE / SNIPE		*								
PROJECTING		*								
PYLON		*								
RAILROAD										
REAL ESTATE	A,G		6 sq ft			1	180			
ROOF		*								
ROATATING		*								
TEMPORARY	D,G					2	14	20 sq ft		
TEMPORARY FLAG / BANNER	D						14			
TEMPORARY WINDOW		*								
VEHICULAR		*								
WALL	E,G		12 sq ft			1				

SIGN MATRIX #2
R–MF AND R–MFA ZONING DISTRICTS

TYPE	CONDITIONS (SEE FOOT NOTES)	NOT PERMITTED	MAX SIGN AREA	SETBK TO R/W	SETBK TO RES	MAX # SIGNS	MAX # DAYS	MAX TOTAL AREA	MAX HEIGHT	SETBK TO PROP LINE
ACTIVATED		*								
ANIMATED		*								
AWNING CANOPY	T									
BANNER	D									
BEACON SPOTLIGHT		*								
BILLBOARDS		*								
CHANGEABLE COPY	E,G,T,W		32 sq ft			1				
CLOCK / TEMP	G,T									
CONTRACTOR	B		32 sq ft			1				
DIRECTIONAL	E,G		2 sq ft							
DIRECTORY	G, J, K,T									
DIRECTORY PANEL	J,K,L,M									
DOUBLE - FACED	T									
FLAT	G,S		12 sq ft			1				
FLUORESCENT		*								
FREE - STANDING	H,J,T,U,V,W		100 sq ft		25'	1			25'	
GOVERNMENTAL	C,G									
GROUND	E,J,K,P,Q,R,U,V		125 sq ft	25'	25'	1			15'	5'
ILLUMINATED	G,T									
INFORMATIONAL	E,G,O		32 sq ft			1				
MOTION PICTURE PROJECTION		*								
MOVEABLE	Z		6 sq ft							
NEON / FLASING		*								
PAINTED	G,T									
PERMANENT WINDOW	H,I,T									
POLITICAL	F,G									
PORTABLE / SNIPE		*								
PROJECTING	G,T									
PYLON	H,J,T,U,V,W		25 sq ft		25'	1			25'	
RAILROAD										
REAL ESTATE	A,G		6 sq ft			1	180			
ROOF	T									
ROATATING	G,T									
TEMPORARY	D,G					2	14	20 sq ft		
TEMPORARY FLAG / BANNER	D									
TEMPORARY WINDOW	H,I,T						28			
VEHICULAR		*								
WALL	E,G,S		12 sq ft			1				

SIGN MATRIX #3
INSTITUTIONAL – PROFESSIONAL ZONING DISTRICTS

TYPE	CONDITIONS (SEE FOOT NOTES)	NOT PERMITTED	MAX SIGN AREA	SETBK TO R/W	SETBK TO RES	MAX # SIGNS	MAX # DAYS	MAX TOTAL AREA	MAX HEIGHT	SETBK TO PROP LINE
ACTIVATED		*								
ANIMATED		*								
AWNING CANOPY		*								
BANNER	**D**									
BEACON SPOTLIGHT		*								
BILLBOARDS		*								
CHANGEABLE COPY	**E,G,W**		**32 sq ft**			**1**				
CLOCK / TEMP		*								
CONTRACTOR	**B**		**32 sq ft**			**1**				
DIRECTIONAL	**E,G**		**2 sq ft**							
DIRECTORY	**G,N**		**32 sq ft**			**1**				
DIRECTORY PANEL	**L,M**		**2 sq ft**			**1**				
DOUBLE - FACED		*								
FLAT	**E,G**		**12 sq ft**			**1**				
FLUORESCENT		*								
FREE - STANDING		*								
GOVERNMENTAL	**C,G**									
GROUND	**E**		**125 sq ft**	**25′**					**15′**	**5′**
ILLUMINATED		*								
INFORMATIONAL	**E,G**		**32 sq ft**			**1**				
MOTION PICTURE PROJECTION		*								
MOVEABLE	**Z**		**6 sq ft**							
NEON / FLASING		*								
PAINTED		*								
PERMANENT WINDOW		*								
POLITICAL	**F,G**									
PORTABLE / SNIPE		*								
PROJECTING		*								
PYLON		*								
RAILROAD										
REAL ESTATE	**A,G**		**6 sq ft**			**1**	**180**			
ROOF		*								
ROATATING		*								
TEMPORARY	**D**					**2**	**14**	**20 sq ft**		
TEMPORARY FLAG / BANNER	**D**						**14**			
TEMPORARY WINDOW		*								
VEHICULAR		*								
WALL	**E,G**		**12 sq ft**			**1**				

SIGN MATRIX #4
PROFESSIONAL ZONING DISTRICTS

TYPE	CONDITIONS	NOT	MAX	SETBK	SETBK	MAX	MAX	MAX	MAX	SETBK

	(SEE FOOT NOTES)	PERMITTED	SIGN AREA	TO R/W	TO RES	# SIGNS	# DAYS	TOTAL AREA	HEIGHT	TO PROP LINE
ACTIVATED		*								
ANIMATED		*								
AWNING CANOPY		*								
BANNER	**D**									
BEACON SPOTLIGHT		*								
BILLBOARDS		*								
CHANGEABLE COPY	**E,G**		**32 sq ft**			**1**				
CLOCK / TEMP		*								
CONTRACTOR	**B**		**32 sq ft**			**1**				
DIRECTIONAL	**E,G**		**2 sq ft**							
DIRECTORY		*								
DIRECTORY PANEL		*								
DOUBLE - FACED		*								
FLAT	**E,G,S**		**12 sq ft**			**1**				
FLUORESCENT		*								
FREE - STANDING		*								
GOVERNMENTAL	**C,G**									
GROUND	**P,Q,R**		**125 sq ft**	**25 sq ft**		**1**			**15′**	**5′**
ILLUMINATED		*								
INFORMATIONAL	**E,G,O**		**32 sq ft**			**1**				
MOTION PICTURE PROJECTION		*								
MOVEABLE	**Z**		**6 sq ft**							
NEON / FLASING		*								
PAINTED		*								
PERMANENT WINDOW		*								
POLITICAL	**F,G**									
PORTABLE / SNIPE		*								
PROJECTING		*								
PYLON		*								
RAILROAD		*								
REAL ESTATE	**A,G**		**6 sq ft**			**1**	**180**			
ROOF		*								
ROATATING		*								
TEMPORARY	**D**					**2**	**14**	**20 sq ft**		
TEMPORARY FLAG / BANNER	**D**									
TEMPORARY WINDOW		*								
VEHICULAR		*								
WALL	**E,G,S**					**1**				

SIGN MATRIX #5
COMMERCIAL COMMUNITY, SERVICE AND HIGHWAY ZONING DISTRICTS

TYPE	CONDITIONS (SEE FOOT NOTES)	NOT PERMITTED	MAX SIGN AREA	SETBK TO R/W	SETBK TO RES	MAX # SIGNS	MAX # DAYS	MAX TOTAL AREA	MAX HEIGHT	SETBK TO PROP

										LINE
ACTIVATED		*								
ANIMATED		*								
AWNING CANOPY	G,X				25'				25'	5'
BANNER	D				25'				25'	5'
BEACON SPOTLIGHT		*								
BILLBOARDS		*								
CHANGEABLE COPY	E,W,X,Y		32 sq ft		25'	1			25'	5'
CLOCK / TEMP	G,X				25'				25'	5'
CONTRACTOR	B		32 sq ft		25'	1			25'	5'
DIRECTIONAL	E,G,X		2 sq ft		25'				25'	5'
DIRECTORY	G,J,K,L,M,X,Y				25'				25'	5'
DIRECTORY PANEL	G,L,M									
DOUBLE - FACED		*			25'				25'	5'
FLAT	E,G,S,X				25'	1			25'	5'
FLUORESCENT		*								
FREE - STANDING	H,J,K,L,M,T,U,V,W,X,Y		100 sq ft		25'				25'	5'
GOVERNMENTAL	C,X									
GROUND	E,J,K,L,M,P,R,U,V,Y		125 sq ft	25'	15'	1			15'	5'
ILLUMINATED	X				25'				25'	5'
INFORMATIONAL	E,G,X		32 sq ft		25'	1			25'	5'
MOTION PICTURE PROJECTION		*								
MOVEABLE	Z		6 sq ft		25'				25'	5'
NEON / FLASING		*								
PAINTED	G,X				25'				25'	5'
PERMANENT WINDOW	G,H,I,X				25'				25'	5'
POLITICAL	F									
PORTABLE / SNIPE		*								
PROJECTING	G,X				25'				25'	5'
PYLON	J,K,L,M,T,U,V,W,X,Y				25'				25'	5'
RAILROAD		*			25'				25'	5'
REAL ESTATE	A,G,X		6 sq ft		25'	1	180		25'	5'
ROOF	X				25'				25'	5'
ROATATING	G,X								25'	5'
TEMPORARY	D				25'	2	14	20 sq ft	25'	5'
TEMPORARY FLAG / BANNER	D				25'				25'	5'
TEMPORARY WINDOW	G,H,I,X				25'				25'	5'
VEHICULAR		*								
WALL	E,G,S,X				25'	1			25'	5'

SIGN MATRIX #6
SHOPPING CENTERS

TYPE	CONDITIONS (SEE FOOT NOTES)	NOT PERMITTED	MAX SIGN AREA	SETBK TO R/W	SETBK TO RES	MAX # SIGNS	MAX # DAYS	MAX TOTAL AREA	MAX HEIGHT	SETBK TO PROP LINE
ACTIVATED		*								
ANIMATED		*								

AWNING CANOPY		*								
BANNER	D									
BEACON SPOTLIGHT		*								
BILLBOARDS		*								
CHANGEABLE COPY	E,G,W,Y,Z		32 sq ft			1				
CLOCK / TEMP		*								
CONTRACTOR	B		32 sq ft			1				
DIRECTIONAL	E,G		2 sq ft			2		100 sq ft		
DIRECTORY	G,JK,L,M,W,Y									
DIRECTORY PANEL	G,J,K,L,M,Y									
DOUBLE - FACED		*								
FLAT	E,G,S					1				
FLUORESCENT		*								
FREE - STANDING	J,K,L,M,T,U,V,W,Y		100 sq ft		25'				25'	
GOVERNMENTAL	C,G									
GROUND	E,J,K,L,M,P,R,U,V,W,Y		125 sq ft	25 sq ft	25'	1			15'	
ILLUMINATED		*								
INFORMATIONAL	E,G		32 sq ft			1				
MOTION PICTURE PROJECTION		*								
MOVEABLE	Z		6 sq ft							
NEON / FLASING		*								
PAINTED		*								
PERMANENT WINDOW	I									
POLITICAL	F									
PORTABLE / SNIPE		*								
PROJECTING		*								
PYLON	J,K,L,M,T,U,V,W,Y		100 sq ft		25'				25'	
RAILROAD										
REAL ESTATE	A,G		6 sq ft			1	180			
ROOF		*								
ROATATING		*								
TEMPORARY	D,G					2	14	20 sq ft		
TEMPORARY FLAG / BANNER	D,G									
TEMPORARY WINDOW	I									
VEHICULAR		*								
WALL	E,G,S,X					1				

(c) The following "legend" pertains to sign characteristics or attributes as found on each matrix - sign types are further defined in Article II of this Chapter:

LEGEND

(1)	Perm	Permitted
(2)	Perm Cond	Permitted conditionally. See referenced footnotes and characteristics for specific conditions.
(3)	Not Perm	Not permitted
(4)	Max sign area	Maximum sign area for each individual sign.
(5)	Setbk to ROW	Minimum setback distance of sign from right-of-way lines
(6)	Setbk to RES	Minimum setback distance of sign from any residentially-zoned property
(7)	Max # signs	Maximum number of signs allowed.
(8)	Max # days	Maximum number of days sign is allowed to be displayed.
(9)	Max totl area	Maximum total area of all signs.
(10)	Max hght	Maximum height - measured from ground to top of sign or any appurtenances.
(11)	Setback to PL	Distance from any vertically projected point on sign and any property line.

SECTION 15.765.7 ADMINISTRATIVE PROVISIONS

(a) Permits Required.

(1) No person shall erect, demolish, alter, rebuild, enlarge, extend, relocate, attach to or support by a building or structure any sign unless a permit for such sign has been issued by the Department, or unless such sign is specifically exempted from permit requirements as outlined in this Section.

(2) It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit.

(3) If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, said permit shall become null and void and there shall be no refund of any fee required by this Section.

(4) Electrical permits, in addition to sign permits, shall be required for any sign embodying any electrical equipment and such signs shall be inspected and approved by the City's electrical inspector.

(b) Application, Schedule of Fees.

(l) Permit application. No sign permit shall be issued by the City prior to receipt of a property executed application form, suitable drawings as required, and payment of the required fee.

(2) Fees. The fee schedule for the issuance of all sign permits shall be as described below:

FEE SCHEDULE - SIGNS

A.	Processing fee - all signs	$ 5.00
B.	Permit fees; signs by type:	
	Pylon sign	30.00
	Ground, free-standing, roof, clock-temperature	25.00
	Changeable copy, directory sign	15.00
	Wall sign (each)	15.00
	Portable sign	10.00
	Deposit for portable sign	100.00
	All other signs (each)	5.00
C.	Erector fee	10.00
D.	Installation Fees (Construction):	

Fees for building permits for any new sign or any alteration or addition to any existing sign shall be based on the job contract including labor and materials. The dollar amount of such fee shall be as follows:

Job Contract	Permit Fee
$1,000.00 and under	No fee, unless inspection is required, in which case $10 fee per inspection.
$1,001.00 to $50,000.00	$25 for the first $1,000 plus $5.00 for each additional thousand or fraction thereof.
$50,001.00 to $250.000.00	$2270 for the first $50,000 plus $4.00 for each additional thousand or fraction thereof.
$250,001.00 and over	$l,045 for the first $250,000 plus $3.00 for each additional thousand or fraction thereof.

E. Document Review Fees: The following fees shall be charged for the review of construction documents. Said fees shall be based on the job contract including labor and materials.

Job Contract	Review Fee
$ l,000.00 and under	$ 10.00
$ l,00l.00 to $ 25,000.00	25.00
$ 25,00l.00 to $ 50,000.00	37.50
$ 50,00l.00 to $ 75,000.00	50.00
$ 75,00l.00 to $100,000.00	62.50
$100,00l.00 to $150,000.00	125.00
$125,00l.00 to $200,000.00	150.00
$200,00l.00 to $250,000.00	175.00
$250,00l.00 to $500,000.00	200.00
$500,001.00 and over	300.00

(c) Signs requiring erection vehicle; permit, fee, insurance coverage required.

(1) Application for permit shall be accompanied by such drawings and information necessary to fully acquaint the Director with the location, construction, weight, materials, wind stress calculations, method of securing and manner of illuminating such sign, and the drawings shall bear the certification of approval of a duly licensed structural design

engineer registered in the State of Florida. Permission of the owner of the property on which the sign is to be located shall be indicated either by letter or by signature on the drawings, and such letter or signed drawing shall be filed as may be required by the Director. Proof of public liability insurance coverage may be required by the Director.

(2) Sign identification data: All signs installed by sign erectors or sign contractors shall carry the name of the sign manufacturer, the name of the firm or person erecting the sign, and the permit number issued by the City for such sign.

(d) Special Events Signs; Permits; Deposit Required.

Special events signs or public auction signs are declared to be special exceptions, and the Director may grant permits for their use upon payment of the applicable fee and an additional deposit of no less than twenty-five ($25) dollars. The use of portable, non-activated, chargeable copy signs shall be restricted to initial grand openings of any business, occupation, site, center or complex for a period not to excess two (2) weeks. If any such sign is not removed within seventy-two (72) hours after the permit expires, the deposit shall be forfeited.

(e) Special Exception Approval.

(1) Upon prior approval of the City Manager, informational and directional signs may be constructed or located within a right-of-way or easement, only in such locations and of such size and nature as not to interfere with proper movement of traffic, and not to cause a cluttered or unsightly condition.

(2) Upon approval of the Director, temporary signs may be permitted for a period not to exceed twelve (12) months, relating to proposed use, development, or sale of property.

SECTION 15.765.8 SIGN LOCATION AND INSTALLATION STANDARDS

(a) Sign Lighting

(1) No light provided in conjunction with a sign shall cause glare which impairs visibility for vehicular or pedestrian traffic upon any private or public property or right-of-way located within one hundred (100) feet of said sign or on any pedestrian traffic lane located within two hundred fifty (250) feet of said sign.

(2) Business or commercial lighting which illuminates residentially-zoned

property during hours when the business or commercial activity has ceased shall be prohibited when and if any residential property owner whose property is illuminated by such lighting shall file a complaint with the Department and said complaint is determined to be valid.

(b) Signs Near Electrical Conductor.

No sign shall be erected closer than five (5) feet to any overhead electrical conductor, where the difference in potential between any two (2) conductors or between any one conductor and ground exceeds seven hundred fifty (750) volts.

(c) Reserved.

(d) Structural Requirements.

All signs shall comply with all structural and construction requirements of the Southern Standard Building Code as adopted by the City; provided, however, that in the event of a conflict between the terms of requirements of this Section and those of the Southern Standard Building Code, the requirements of this Section shall supersede.

(e) Height Clearances.

(1) The bottom of any sign which extends over an area designed for or utilized for pedestrian traffic shall be a minimum of seven (7) feet from ground level. The bottom of any sign which extended over an area designed for or utilized for vehicular traffic shall be a minimum of fourteen (14) feet from ground level. Unless otherwise authorized by City Commission, no sign shall encroach upon or extend over any public right-of-way.

(2) Any "free-standing sign" which does not meet the applicable minimum height requirements set forth in subsection (1) above, shall be located in a grassed or landscaped area.

SECTION 15.765.9 MAINTENANCE REQUIREMENTS AND STANDARDS

All signs shall be made in a professional and workmanlike manner and be maintained in good repair, clean and neat, and shall not obstruct visibility from the road. The premises under and within ten (10) feet in all directions of any sign shall be kept clear of all litter, rubbish, trash, weeds, refuse and waste materials.

SECTION 15.765.10 UNSAFE SIGNS

If the Director finds that any sign or other advertising structure regulated herein is dangerous, hazardous, unsafe or insecure, or is a public nuisance, he shall send a written notice thereof by certified mail to the owner of such sign. If the owner fails to remove or alter the structure to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed by the City at the expense of the owner. The Director may cause any sign or other advertising structure which is and immediate peril to persons or property to be removed summarily and without notice.

SECTION 15.765.11 ADVERTISING

(a) Posting Advertisements on Unoccupied Buildings or Temporary Structures.

No signs or other advertisement shall be posted, erected, displayed or constructed on any unoccupied building or temporary structure within the City, except as may be otherwise specifically permitted in this Section.

(b) Advertising Matter, Handbills, Distribution on Streets

No person shall distribute or cause to be distributed, paper handbills, circulars, dodgers or other advertising matter on public property within the City unless he has first obtained a permit therefor from the Department.

(c) Advertising Leaflets; Restrictions.

It shall be unlawful for any person to scatter upon any street or the City leaflet, poster, bills or other loose sheets of paper constituting advertising matter, or to affix such leaflets, posters, bills or other loose sheets of paper on any public place along or on the streets, alley or sidewalks of the City so that the same may be scattered by the wind.

(d) Advertising Material, Placing in or on Automobiles.

(1) No person shall place or cause any commercial handbill to be placed within or upon, or under the windshield wiper of any private automobile parked upon any public street or in any public parking area utilized by the general public. Such handbills may be delivered to any person present and in charge of the vehicle, provided that the person is willing to accept and receive the same and, further provided that the distributor of such handbills has first obtained a permit therefor from the Department.

(2) No owner of private property within the City, which is utilized by the general public for parking, shall permit any vehicle, including, but not limited to automobiles, motorcycles, mopeds,boats, trailers, trucks, campers, mobile homes, recreational vehicles and other conveyances,

(hereafter "vehicle") with a "for sale" or "for lease" sign to be parked abutting, adjacent to, or facing any street, right-of-way, sidewalk or public property. Owners of such private property may erect one (1) or more informational signs prohibiting parking of vehicles with "for sale" or "for lease" signs in such areas. Said signs shall comply with the notice requirements established in Section 715.07, Florida Statutes, and with the specification provided by the Director of Public Works or his designee. Both the owner of the real property on which the vehicle is parked, and the registered owner of the vehicle, shall be liable for the violation of this subsection; provided, however, that upon proof by the owner of the real property that he:

a. Has erected informational signs prohibiting such parking, as provided above; and

b. Has made good faith attempts to enforce said signs, the owner shall have a complete defense in any action to enforce this subsection and the vehicle owner shall be solely liable for the violation.

(3) Owners of vehicles shall not be permitted to park said vehicles with "for sale" or "for lease" signs on any publicly owned property abutting, adjacent to, or facing any street, right-of-way or sidewalk, except while conducting business or visiting said public facility.

SECTION 15.765.12 POLITICAL SIGNS

2. 15.765.12(b)(3) IS HEREBY REPEALED

3. 15.765.12 is hereby amended to read as follows:

SECTION 15.765.12 POLITICAL SIGNS

(a) All political signs shall be removed no later than ten (10) days following the date of the election to which they pertain. Failure to timely remove political signs shall constitute a violation of the City Code. All signs shall be discarded in a proper manner so as to prevent litter and trash from accumulating within the City.

(b) Locations:

(1) No political sign shall be posted in any public right-of-way, in any public

park or on any other public property. The prohibition contained in this subsection shall in no way apply to election announcement signs posted by the City or the Supervisor of Elections announcing each election to be held in the City.

(2) Pennants, banners and portable political signs are permitted only during the campaign.

(c) Setbacks:

Political signs shall be sufficiently set back from roadway intersections to avoid obstructing the view of motorists.

Amended by Ord. 614 4/25/00

SECTION 15.765.13 NON-CONFORMING SIGNS INCLUDING AMORTIZATION

See Article VIII of this Chapter (Nonconforming Development and Variances.)

SECTION 15.765.14 VARIANCES

See Article VIII of this Chapter (Nonconforming Development and Variances)

SECTION 15.765.15 TEMPORAY SIGNS

The following signs are classified as temporary signs, which are designed, constructed, and intended to be used on a short-term basis not to exceed 12 months, unless an extension has been applied for and granted by the Planning Department. The following temporary signs shall not require a permit:

(a) One (1) sign not exceeding six (6) square feet in area, in a residentially-zoned area, or thirty-two (32) square feet, in a commercially-zoned area, informing that the property on which the sign is located is for sale, for rent or for lease by the owner of the property or by the owner′s agent.

(b) Temporary window signs conforming to the provisions of the section related to the temporary window signs.

(c) Construction/ Land Development signs not exceeding 32 square feet in area which may include such information as maps, diagrams, and other project information.

Amended by Ord. 856

FOOTNOTES TO MATRICES - ALL ZONING DISTRICTS

a. Such real estate sign shall refer only to the sale, lease or rental of buildings or structures on which sign is displayed or shall be displayed on only one (1) of a series of contiguous unsold parcels of land. Those real estate signs which offer for sale multiple lots within a subdivision shall be limited to a period not to exceeded six (6) months from the date of issuance of a sign permit.

b. Such contractor sign shall be removed from the property within fifteen (15) days after completion of construction.

c. Such governmental sign erected by the City in conjunction with a City building or facility shall comply with the requirements applicable to the zoning district in which such sign is located.

d. The City Commission may grant a temporary permit to allow a banner or flag advertising civic or charitable events to be hung over the public right-of-way for a period of not more than fourteen (14) consecutive days, not more than fourteen (14) days in a single year. Temporary banners or flags shall be attached to poles designed expressly for those purposes and shall not be affixed to vehicles, buildings or utility poles.

e. Such signs shall be permitted in connection with a non-profit, community or neighborhood center, public building, church building, private school or hospital. Informational and changeable copy signs shall be permitted for each building or facility. Flat signs and wall signs shall identify the name of the building or facility located on the property, and limited to an area of twelve (12) square feet. Ground signs shall be architecturally designed and landscaped and shall be used only to identify the institution or facility for which the occupational license has been issued. Such sign shall be constructed of materials capable of withstanding the elements for a reasonable period of time. All planting and landscaping around any such ground sign shall be regularly watered, maintained and replaced if necessary.

f. Such political signs are permitted provided they are in compliance with all the terms, conditions and standards of Section 900.7312.

g. No more than twenty (20) percent of any building facade or side may be permanently covered by signs. In any shopping center the total permitted area shall not exceed twenty (20) percent of the building facade for each business.

h. "Free-standing" and "permanent window" sings shall consist of only the name, corporate logo, corporate slogan, a single special service feature and the name of the professional, service or business being conducted at the site, center or complex and paying the

occupational license fee at the site. "Temporary window" signs advertising particular products or services of the business being conducted and paying the occupational license fee at the site shall be permitted.

i. Both temporary and permanent window signs shall be limited in total areas to twenty-five (25) percent of the total window display area on each side of the building; provided, however, that in no case shall such signs collectively exceed twenty (20) percent of any building facade or side.

j. Directory signs shall meet the following criteria:

1. They shall be an integral part of the ground, free-standing or pylon sign.

2. They shall not comprise more than forty (40) percent of the total sign area on the ground, free-standing or pylon sign.

3. They shall have no flashing or moving parts.

4. A directory sign shall be allowed only on a ground, free-standing or pylon sign when four (4) or more separate businesses paying separate occupational licenses are operated on a single site, center or complex.

k. Up to two (2) uniformly designed, permanent directory signs may be located other than on a ground, free-standing or pylon sign, provided that such signs shall meet the following criteria:

1. The sign(s) are located no closer than forty (40) feet from any abutting road and one hundred (100) feet from any other free-standing or pylon sign.

2. The sign(s) are located in a landscaped area and all plantings and landscaping around such signs shall be regularly watered, maintained and replaced if necessary.

3. Each sign (if more than one) shall be uniform in design, size and construction material.

4. The combined area of all directory signs does not exceed one hundred (100) square feet.

l. Directory panels must meet the following criteria:

1. Each individual directory panel shall be uniform in size, construction,

materials and style.

2. All lettering for directory panel shall be the same size, style and color.

3. The background for all lettering and/or numerals shall be uniform and of single color.

4. Only logos pertaining to the businesses for which occupational licenses have been issued and which are located in the complex may be included on the individual directory panels and they shall comprise no more than one-third (1//3) of the area of said panel.

5. No business may have more than one (1) directory panel on the directory sign.

6. Advertising space on a directory sign shall be included in the total sign area allowed a business or profession.

m. Such directory panel sign shall be non-activated and non-fluorescent.

n. Such sign may contain more than one (1) directory panel, total area of which, including appurtenances thereto, shall not exceed thirty-two (32) square feet.

o. Such informational signs shall not be visible beyond the boundaries of the zoning lot upon which they are situation or from any public thoroughfare or right-of-way, and signs oriented inward upon a lot and intended solely for the information of employees and visitors.

p. Ground signs shall be architecturally designed and landscaped and shall be used only to identify the institution or facility for which the occupational license has been issued. Such sign shall be constructed of materials capable of withstanding the elements for a reasonable period of time. All plantings and landscaping around any such ground sign shall be regularly watered, maintained and replaced if necessary.

Those ground signs associated with an apartment, townhouse or multi-family development shall require a permit authorizing the location, design, material, lettering and size of said sign(s).

q. Such signs shall be permitted only as follows:

1. Those signs associated with a platted subdivision shall denote only the approved name of the subdivision and shall require a permit authorizing the location, design, material, lettering and size of the sign and shall be located only at the entrances to the subdivision.

2. Those signs associated with a non-profit, community or neighborhood center, public building, church building, private school or hospital, provided that such sign shall be used only to identify the institution or facility for which an occupational license has been issued or its location.

In all cases above, such signs shall be architecturally designed and landscaped. Such sign shall be constructed of material capable of withstanding the elements for a reasonable period of time. All plantings and landscaping around any such ground sign shall be regularly watered, maintained and replaced if necessary.

r. On corner lots, two (2) such ground signs, one (1) facing each roadway may be permitted. No more than one (1) ground sign may be erected at each major entrance.

s. Flat signs and wall signs are permitted under the following conditions:

1. When associated with an approved hotel/restaurant complex or a motel/restaurant complex which is being treated as a unified whole.

2. Shall consist of only the name, corporate logo,corporate slogan, a single special service feature and the nature of the profession, service or business being conducted at the site, center or complex, and paying the occupational license at the site.

t. Such signs shall be permitted in an approved hotel/restaurant complex or a motel/restaurant complex which is being treated as a unified whole; provided, however, that no more than one (1) pylon or free-standing sign may be constructed to advertise the hotel or motel and the restaurant components of such complex.

u. Such signs shall only be permitted upon compliance with all of the following conditions:

1. The sign permit application shall include a full legal description of the property involved, together with evidence of the applicant's ownership of said property, and

2. All structures upon the property shall be completely detached and separated from the structures upon adjacent property, and

3. The property involved shall abut a public street and shall have separate, direct access therefrom; and

4. Except with regard to an outparcel, the property involved shall have

separate off-street parking and service facilities in compliance with all applicable regulations.

v. Except signs located in I-P zoning districts, any shopping center or parcel of commercially-zoned land under single ownership shall have no more than one (1) ground, free-standing or pylon sign on each side of said parcel which abuts a street, and such sign may bear only the following: name, corporate logo, corporate slogan, a single special service feature and nature of the profession, service or business being conducted at the site, center or complex; provided, however, that an outparcel may have one (1) ground sign in addition to the ground, free-standing or pylon sign is erected on a single site, such signs must be located a minimum of one hundred (100) feet apart.

w. Changeable copy signs shall meet the following criteria:

1. They shall be an integral part of the free-standing or pylon sign.

2. They shall not comprise more than twenty(20) percent of the total sign area of the free-standing or pylon sign.

3. They shall have no flashing or moving parts.

4 Each line shall be uniform in height.

5. All lettering shall be of the same size and color on a solid color background.

x. Signage for a single business not located in a shopping center and with its own parking is limited to three (3) square feet per linear foot of building frontage, or 1.5 square feet per foot of property abutting the road right-of-way, whichever is greater.

y. A shopping center with more than ten thousand (10,000) square feet of building area is permitted a ground, free-standing or pylon sign on each side facing a street abutting the shopping center. Lettering on any ground, free-standing or pylon sign shall indicate only the name of the shopping center,corporate logo, corporate slogan, a single, special service feature and the nature of the profession(s), service(s), or business(es) being conducted and paying the occupational license fees at the site, center or complex; provided, however, that either a directory or changeable copy sign, but not both, may be affixed to a free-standing or pylon sign and only a directory sign may be affixed to a ground sign and, further provided that in no case shall the total area of all such combined signs exceed one hundred (100) square feet on the free-standing or pylon signs, or one hundred twenty-five (125) square feet on the ground signs.

z. A single use or business is permitted a moveable, no-illuminated sign not exceeding six (6) square feet in area to inform that the business is being open, closed or

remodeled. No such sign shall be placed upon or over a public walkway or right-of-way.

SECTION 15.780 - LANDSCAPING AND BUFFERING

Section 15.780	Landscaping and Buffering
Section 15.780.1	Purpose
Section 15.780.2	Plant Material
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Section 15.780.14	Security Fence Screening Requirements

SECTION 15.780 LANDSCAPING AND BUFFERING

SECTION 15.780.1 PURPOSE

The purpose of this Section is to establish minimum landscaping and buffering standards for all construction except single and two-family residential uses on individually platted lots. Standards are provided for interior landscaping, perimeter landscaping and buffering and the maintenance thereof.

SECTION 15.780.2 PLANT MATERIAL

(a) Quality. Plant materials used in conformance with the provisions of this Section shall conform to the standards for Florida No. I, or better, as given in "Grades & Standards for Nursery Plants," Part I, 2963 and Part II, State of Florida Department of Agriculture, Tallahassee, or equal thereto as approved by the Director of Public Works or his designee.

(b) Trees. All trees shall be species having an average mature spread or crown of greater than fifteen (15) feet in the Callaway area and having trunks which can be maintained in a clean condition and have five (5) feet of clear wood. Trees having an average mature spread or crown/less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread at maturity. Immediately after planting, trees shall be a minimum of five (5) feet overall height and have a trunk four (4) inches or greater in diameter, when measured (54) inches above the ground. Trees of species whose roots are known to cause damage to public roadways, or other public works shall not be planted. Those species of trees listed on the City's recommended tree list shall be deemed to comply with the requirements of this Section.

However, trees planted under or within a space of fifteen (15) feet of either side of overhead or underground utilities shall be selected from the approved tree list for planting near utility lines. Trees planted shall measure a minimum of one (1) inch in diameter at breast height.

TREE REPLANT LIST FOR USE NEAR OVERHEAD AND UNDERGROUND UTILITY LINES

1. Clossy Privet (Liqustrum lucidum)
2. Loquat (Eriobotrya japonica)
3. Red Buckeye (Aesculus pavia)
4. Hawthorns (Crateagus spp.)
5. Silverbell (Halesia coroliniana)
6. Yaupon Holly (Ilex vomitoria)
7. Ashe Magnolia (Magnolia ashei)
8. Wax Myrtle (Myrica cerifera)
9. Flatwoods Plum (Prunus umbellata)
10. Hoptree (Ptelea trifoliata)
11. Myrtle Oak (Quercus myrtifolia)
12. Virginia Stewartia (Stewartia malacodentron)
13. Rusty Blackhaw (Viburnum rufidulum)
14. Crape Myrtle (Lagerstroemia indica)
15. Crab Apple (Malus angustifolia)

* Trees numbers 3-14 are native

Source: Native trees for North Florida
Florida Cooperative Extension Service
University of Florida

(c) Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of two (2) years after time of planting.

(d) Vines. Vines shall be a minimum of thirty (30) inches in height immediately after planting and may only be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.

(e) Ground covers. Ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage, and shall be used with a decorative mulch such as pine or cypress bark or other organic material. In no instance shall stone or gravel be utilized.

(f) Lawn grass. Grass areas shall be planted in species normally grown in permanent lawns in the Callaway area.

SECTION 15.780.3 PLAN APPROVAL

Except for single or two-family residential uses, prior to the issuance of any permit for development under the provisions of this Chapter, a landscape plan shall be submitted to and approved by the Department of Community Development. The landscape plan shall be drawn to scale and shall include all permanent dimensions and indicate clearly the existing and proposed parking spaces or other vehicular use areas, access aisles, driveways, hydrants, source of water supply for planting and the location and size of all landscape materials, including but not limited to, location of planting protective devices, the location and size of buildings, and shall designate plants by scientific (genus and species) and common name and by location of the plant material to be installed or, if existing, to be used, in accordance with the requirements hereof.

SECTION 15.780.4 INSTALLATION

All landscaping shall be installed in accordance with the landscape plan as finally approved prior to the issuance of a certificate of occupancy.

SECTION 15.780.5 MAINTENANCE

The owner or tenant and their agent(s) shall be jointly and severally responsible for the maintenance of all landscaping and landscaped areas which shall be maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Maintenance shall include replacement of dead and damaged plant material.

SECTION 15.780.6 REQUIRED INTERIOR LANDSCAPING

(a) Off-street parking areas. Off-street parking areas in excess of five (5) spaces shall have at least ten (10) square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by Sections 15.780.8 and 15.780.9.

(b) Other vehicular use areas. Other vehicular use areas (i.e., drive aisles, roadways, access points, loading zones, etc.) in excess of one thousand-five hundred (1,500) square feet, shall have ten (10) square feet of landscaped area for each five hundred (500) square feet or fraction thereof. Said landscaping shall be along interior lot lines or within the interior; however ,no distance greater than one hundred-fifty (150 feet may exist between plantings.

Each required separate landscaped area shall contain a minimum of twenty-five (25) square feet and shall include shrubs, ground cover or other authorized landscaping material.

(c) Trees. Each development site shall have the equivalent of at lease one tree for every two thousand-five hundred (2,500) square feet of parking area or vehicular use area. Each

tree shall be planted n an area at least five (5) feet square; provided, however, that the Director of Public Works may approve, on adequate proof of the property owner, other methods for tree protection and growth.

SECTION 15.780.7 REQUIRED PERIMETER LANDSCAPING BETWEEN RIGHTS-OF-WAY AND OFF-STREET PARKING

Wherever an off-street parking or other vehicular use area abuts a street right-of-way, said area shall be buffered and landscaped by either of the following: (a) plus (1) and (b), or (a) plus (2) and (b).

(a) A strip of land three (3) feet in depth landscaped with grass, ground cover or other materials, including an average of one tree for every fifty (50) linear feet or fraction thereof and either:

(1) A hedge or other landscape treatment of at least two (2) feet in height with periodic break for pedestrian access; or

(2) A three (3) foot high "solid" or "wood fence" buffer, with periodic breaks for pedestrian access, with an average of one shrub or vine for each ten (20) feet or fraction thereof; provided, however, that any such shrub or vine shall be planted along the street side of said solid buffer, unless it is of sufficient height, at the time of planting, to be readily visible over the top of said solid buffer, and provided further, that all such shrubs and vines shall be continuously maintained; or

(b) One or more landscaped areas equivalent in total area to that required pursuant to Subsection (a) hereinabove, and located in such a way to screen no less than twenty (20) percent of the frontage (excluding driveways) abutting each street right-of-way in accordance with the requirements contained in Subsection (a) hereinabove. Each planting area shall be spaced no more than one hundred-fifty (150) feet apart, both along the street right-of-way or within the interior parking areas. The equivalent of one tree for every (40) feet of street right-of-way must be included in these planting areas.

SECTION 15.780.8 REQUIRED PERIMETER LANDSCAPING BETWEEN OFF-STREET PARKING AND RESIDENTIAL PROPERTY

Development containing an off-street parking area or other vehicle use area shall provide for the following landscaping adjacent to interior property lines:

(a) Where such parking area abuts property used and zoned for residential purposes, every portion of such area shall be entirely screened by a solid buffer or landscaped buffer. Any such landscaped buffer shall be designed and planted no less than six (6) feet in

height and eight (80) percent opaque within two (2) years of the date of planting and shall be continuously maintained. Such landscaped buffer shall be located between the common lot line and the off-street parking area or other vehicular use area and shall have the equivalent of one tree for every forty (40) feet. Said landscaping for interior property lines abutting residential property shall be in addition to that required elsewhere in this Section.

(b) The type of solid buffer or landscaped buffer proposed by the property owner shall be subject to review and approval by City Commission in accordance with the site plan review procedures of Article VI of this Chapter. In addition to the other review criteria, City Commission shall consider the compatibility of the proposed buffer with the development for which the buffer is required and the surrounding area.

SECTION 15.780.9 REQUIRED PERIMETER LANDSCAPING BETWEEN OFF-STREET PARKING AND COMMERCIALLY ZONED PROPERTY

Development containing an off-street parking area or other vehicular use area shall provide for the following landscaping adjacent to interior property lines:

Where such parking area abuts other commercially zoned property or another buffer meeting the requirements of this Chapter, no additional buffering is required; however, in the corridor, seventy-five (75) feet from the adjoining commercial property, plantings may not be more than seventy-five (75) feet apart. Where off-street parking facilities abut each other, only one buffer, meeting the requirements of this Chapter, shall be required between the two facilities, with periodic openings for pedestrian access.

SECTION 15.780.10 ADDITIONAL BUFFERING REQUIREMENT

(a) In addition to the other landscaping and buffering requirements of this Chapter, where the rear or side property line of a commercially zoned lot adjoins a lot line of property used and zoned for residential purposes, a "solid" buffer, as defined in Article II of this Chapter, shall be provided along the entire length of the property line, with periodic breaks for pedestrian access.

(b) Where the rear or side property line of a lot abuts a public street adjoining property used and zoned for residential purposes, a solid buffer or a landscaped buffer shall be provided along the entire length of the property line, with periodic breaks for pedestrian access.

(c) The proposed solid or landscaped buffer shall be subject to site plan review and approval in accordance with the provisions of Article VI of this Chapter. In addition to the other review criteria, City Commission shall consider the compatibility of the proposed buffer with the development for which the proposed buffer is required and the surrounding area.

SECTION 15.780.11 SIGHT DISTANCE FOR LANDSCAPING AND BUFFERING ADJACENT TO PUBLIC RIGHT-OF-WAY AND POINTS OF ACCESS

When an access way intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping and buffering within the triangular areas described below shall allow unobstructed, cross-visibility between the level of three (3) and six (6) feet; provided, however, trees having limbs and foliage trimmed to that no limbs or foliage extend into the cross-visibility area shall be allowed, and provide further, such trees shall be located so as not to create a hazard. Landscaping, except required grass or ground cover, shall not be located closer than one and one-half (1-1/2) feet from the edge of any access way pavement. The triangular areas referred to above are:

(a) The areas of property on both sides of an access way formed by the intersection of each side of the access way and public right-of-way lines with two (2) sides of each triangle being twenty (20) feet in length from the point of intersection and the third side being a line connecting the ends of the two sides;

(b) The area of property formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being thirty (30) feet in length along the abutting right-of-way lines, measured from their point of intersection and the third side being a line connecting the ends of the two (2) lines.

SECTION 15.780.12 EXISTING PLANT MATERIAL

Instances where healthy plant material exists on a site prior to its development, in part or whole, the Director of Public Works or his designee may adjust the application of the above mentioned standards, to allow credit for such plant material if, in his opinion, such an adjustment is in keeping with and will preserve the intent of this Section.

SECTION 15.780.13 ABOVE-GROUND PORTABLE PLANTS

Up to twenty-five (25) percent of the required area for landscaping may consist of above-ground portable plants, provided that such planters are of sufficient size and quality to support and protect the landscaping to be placed in such planter.

SECTION 15.780.14 SECURITY FENCE SCREENING REQUIREMENTS

All public or private utility structures and facilities, including, but not limited to, retention ponds, sanitary sewer lift stations, water supply or irrigation wells, pumps or meters, telephone switching facilities, electric generation or transmission facilities, and cable television receiving and transmission facilities which, for security, safety or other considerations, are enclosed on any side by a security fence not complying with the requirements of this Chapter for solid buffers or wood

fence buffers, shall be subject to City approval and shall be screened by a landscaped buffer so as to screen said fence from view of all exterior sides, except where gates providing pedestrian or vehicular access are located.

SECTION 15.785 TREES: PROTECTION

SECTION 15.785.1 GENERALLY

No developer, or any agent or representative thereof, shall cut down, destroy, remove or move, or effectively destroy any protected tree located on any public or private real property within the City without approval from the Director, or as exempted in Paragraph 3 of this subsection.

This section does not apply to existing activities or operations but applies to future activities and operations.

SECTION 15.785.2 PROTECTED TREE

Protected trees shall include:

(a) All trees, other than pine trees, which have a diameter at breast height of eight (8) inches or more; and *

(b) All Flowering Dogwood, Redbud, or Weeping Willow trees with a diameter at breast height of three (3) inches or more.

Diameter at breast height shall be measured around the trunk 54 inches from the ground at the base of the tree.

*** Amended by Ord. No. 507**

SECTION 15.785.2 EXEMPTIONS

The following activities or operations shall be exempt from the requirements of this subsection.

(a) Removal or trimming of trees by owners of single-family dwellings undertaken on the single lot or parcel upon which the dwelling is located.

(b) Emergency Conditions

The City Commission or its designated representative may waive all or part of these

requirements in the event of natural disaster such as hurricanes, tornadoes, floods, or hard freezes. In such cases, the period of waiver shall not exceed ten (10) days, unless extended by the City Commission.

(c) Commercial Tree Growers

Licensed plant and tree nurseries shall be exempt from the terms and provisions of this subsection when trees planted or growing on the premises of said licenses are so planted and growing for the sale to the general public in the ordinary course of business.

(d) Utility Operations

Tree pruning and removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. All pruning and trimming shall be done in accordance with National Arborist Association Standards.

(e) Rights of way

The clearing or a path for existing or new roadway rights of way, provided that the rights of way are for existing roadways that are built in conformance with City standards or for new roadways that will be built in conformance with City standards. The width of the path shall not exceed the right of way width standards for each type of roadway established in this Code.

SECTION 15.785.4 CONDITIONS FOR TREE REMOVAL

(a) It is the intent of this subsection to minimize the removal of protected trees and that no approval shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.

(b) No approval for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:

1. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

2. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

3. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.

4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

5. The tree is diseased, insect ridden, or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.

6. Any law or regulation requires the removal.

SECTION 15.785.5 REPLACEMENT OF REMOVED TREES

(a) Protected trees removed without authorization shall be replaced at the expense of the developer. Removed protected trees shall replaced with a protected tree species or a species identified on the Tree Replant List.

(b) Each removed tree shall be replaced with new tree(s) having a total tree caliper equivalent to that of the removed tree.

(c) Single-truck replacement trees shall be a minimum of one inch (1") caliper and a minimum of six feet (6') in overall height.

(d) A replacement tree may be a tree moved from one location to another on the site.

(e) If the applicant demonstrates to the satisfaction of the Director that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the applicant shall provide a monetary contribution to the Tree Protection and Related Expenses Trust Fund. The amount of such contribution shall be determined as follows: For every two caliper inches, or fraction thereof, of replacement
trees which would otherwise be required, the contribution shall be equal to the retail value of a planted two inch (2") caliper nursery grown shade tree. The retail value shall be calculated by taking the average of the median current wholesale price, published by North Florida nurseries, for a container grown, and a balled and burlaped two inch (2") caliper laurel oak, multiplied by two (2). The retail value shall

be recalculated and adjusted annually on October 1st.

(f) Any replacement tree, planted for credit, which dies within one (1) year of planting shall be placed by a tree of a minimum of three inches (3') in diameter at the time of planting.

(g) No replacement tree with the potential to reach a height of eighteen (18) feet or greater shall be planted or otherwise located under or within ten (10) feet on either side of overhead utility lines.

SECTION 15.785.6 TREE REPLANT LIST

A. Crapemyrtle (Lagerstroemia indica)
B. Devil's Walkingstick (Aralia Spinosa)
C. Fring Tree (Chionanthus viginicus)
D. Goldenrain Tree (Koelreuleria elegns)
E. Holly, Dahoon (Ilex cassine)*
F. Hop-hornbeam (Carpinus viginiana)
G. Hornbeam (Carpinus caroliniana)
H. Plum, Wild (Prangustifolia)
I. Magnolia, Oriental (Magnolia spp.)
J. Mimosa (Albizia julibrissin)
K. Sparkleberry Tree (Vaccinium arboreum)
L. Plum, American (Prunus americana)
M. Fringe Tree, Chinese
(Chionanthus retusa)
N. Smooth, Redbay (Persia borbonia)*
O. Pear, Bradford (Pyrus calleryana Bradford)
P. Glossy Privet (Ligustrum lucidum)
Q. Loquat (Eriobotrya japonica)
R. Red buckeye (Aesculus pavia)
S. Hawthorns (Crateagus spp.)
T. Silverbell (Halesiacoroliniana)
U. Yaupon Holly (Ilex vomitoria)
V. Ashe Magnolia (Magnolia ashei)
W. Crab Apple (Malus angustifolia)
X. Wax Myrtle (Myricacerifera)
Y. Flatwoods Plum (Prunus umbellata)
Z. Hoptree (Ptelea trifoliata)
AA. Myrtle Oak (Quercus myrtifolia)
BB. Virginia Stewartia (Stewartia malacodendron)
CC. Rusty Blackhawk (Biburnum rufidulum)

(Trees numbered r. - cc. are native.)
(Trees numbered p. - cc. are suitable for planting underneath utility lines)

MEDIUM AND LARGE TREES

A. Ash, White (local) (Fraxinum americana)*
B. Birch, River (Betula nigra)*
C. Basswood (Tilia caroliniana)
D. Catalpa, Southern (Catalpa bignonoides)
E. Cedar, Atlantic White (Chamaecyparis thyoides)
F. Cherry baurel (Prunus caroliniana)*
G. Cottonwood (Populus deltoides)
H. Cypress, Pond (Taxodium ascendens)
I. Elm, Florida (Ulnus americana floridana)*
J. Elm, Winged (Ulmus alata)*
K. Hickory (Carya spp.)*
L. Loblollybay (Gordonia lasianthus)
M. Maple, Florida (Acer barbatum floridanum)*
N. Mulberry, Red (Morus rubra)
O. Oak, Post (Qucrcus stellata)*
P. Oak, Shumard (Quercus shumardii)*
Q. Oak, Southern Red (Quercus falcata)*
R. Oak, Swamp Chestnut (Quercus michauxii)*
S. Oak, White (Quercus alba)*
T. Palm, Cabbage (Sabal palmetto)
U. Palm, Pindo (Butia capitata)
V. Persimmon (Diospyros virginiana)
W. Pine, Longleaf (Pinus palustris)
X. Pine, Slash (Pinus elliottii)
Y. Pine, Spruce (Pinus glabra)
Z. Sweetbay (Magnolia virginiana)*
AA. Tulip Tree (Liriodendron tulipifera)
BB. Tuplo, Water (Nyssa aquatica)
CC. Walnut, Black (Juglans nigra)*
DD. Waxmyrtle (Myrica cerifers)*

*Shade Trees

Source: Native trees for North Florida, Florida Cooperative Extension Service, University of Florida.

SECTION 15.785.7 HISTORIC, SPECIMEN, CHAMPION, AND HERITAGE TREES

A. Historic tree is one that has been designated by the City Commission as one of notable historical interest and value to the City because of its location or historical association with the community. A public hearing shall be held by the City Commission on the designation with due notice to the owner of the tree.

B. A specimen tree is one that has been officially designated by the City Commission to be of high value because of its type, size, age, or other relevant criteria. A Public Hearing on the designation shall be held by the City Commission with due notice to the owner of the tree.

C. A champion tree is one that has been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as being the largest of their species in the United States. Any tree in the City selected and duly designated a Florida State Champion, United States Champion or World Champion by the American Forestry Association shall be protected.

D. A heritage tree is any tree with a diameter of at least thirty inches (30") or seven feet ten inches (7'10") in circumference, whichever dimension is less, measured at at point fifty-four inches (54") above ground level. Heritage trees shall be considered protected trees.

E. No historic, champion, heritage or specimen tree shall be removed without a finding by the Director that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.

Protection of Trees During Development Activities

A. Generally

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

i. Mechanical injuries to roots, trunk, and branches;
ii. Injuries by chemical poisoning;
iii. Injuries by grade changes;
iv. Injuries by excavations; and
v. Injuries by paving.

B. Tree Protection Zone

A circular tree protection zone shall be established around each protected tree as follows:

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

C. Development Prohibited Within the Tree Protection Zone

All development activities except those specifically permitted by paragraph e below shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces, and stormwater retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, storage of construction material, and parking of construction vehicles.

D. Fencing of Tree Protection Zone

Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:

i. Wooden. or similar, posts at least 1.5 x 3.5 inches shall be implanted in the ground deep enough to be stable and with at least (3) feet visible above ground.
ii. The protective posts shall be placed not more than six (6) feet apart, and shall be linked together by a rope or chain.

E. Permitted Activities Within the Tree Protection Zone

i. Trenching by duly constituted utilities shall be allowed except where the trees are Historic, Specimen, Champion or Heritage, which will be tunnelled.
ii. Sodding and Ground Cover- Placement od sod or other ground covers, and the preparation of the ground surface for such covers.

Preservation of Native Vegetation

In addition to the tree preservation requirements, development sites shall comply with the

following requirements for the preservation of native shrubs and ground cover:

a. Within the Conservation Special Treatment Zone, a minimum of twenty-five percent (25%) of the total acreage of the site that is populated by native shrubs and/or ground cover shall be preserved.
b. Within all other districts, a minimum of ten percent (10%) of the total acreage of the site that is populated by native shrubs and/or ground cover shall be preserved.
c. The native shrubs and ground cover occurring on the site may be used to satisfy the landscaped buffer and vehicular use landscaping requirements of Section 5-4.

Preservation of Protected Trees and Native Vegetation as Grounds for Reduction in Required Parking

a. A reduction of required parking spaces may be allowed by the Director when the reduction would result in:

    i. The preservation of a protected tree with a trunk of twelve (12) inches in diameter or greater; or,
    ii. The preservation of native shrubs and/or ground cover in a quantity exceeding the minimum requirements of Paragraph 9.

b. The reduction in required parking may be granted only if it will prevent the removal of a protected tree or native vegetation that is located within the area of the site designated as a vehicular use area. The following reduction schedule shall apply: [] year maturity, he shall not be required to replace more than five (5%) percent lost canopy.

    1. If after removing fifty (50%) percent of the protected trees, a parcel still has more than a twenty-five (25%) percent protected tree canopy coverage, the developer may remove additional protected trees provided they do not degrade the protected tree canopy coverage below twenty-five (25%) percent; however, the additional trees allowed to be removed pursuant to this paragraph shall be replaced in accordance with the Tree Equivalency Table (Table 2 of this Section) and the excess removal requirements outlined in paragraph (b)(1)d. below.

    2. Protected tree removal resulting in a protected tree canopy coverage of less than seventeen (17%) percent is prohibited.

    3. Excess removal requirements. Where protected trees are removed

from wooded land as provided for in paragraph (b)(1)b. above, either of the following excess removal requirements hall be invoked to compensate for each protected tree removed:

A. Replacement. The developer shall be required to replace a protected tree by an equivalent number of approved trees, in accordance with the provisions of Table 2 of this Section, elsewhere on the same parcel undergoing development, or on the public right-of-way contiguous to the parcel, upon approval of the City. Replacement trees on the parcel under-going development shall be maintained in perpetuity by the developer or his assignee.

B. Contribution. The developer shall donate protected trees to off-set the removal of a protected tree pursuant to either of the following:

i) Donating an equivalent number of protected trees in accordance with the provisions of Table 2 of this Section to the City for planting on public lands, the responsibility for which shall be assumed by the City, or

ii) Donating the dollar value or the equivalent in accordance with the provision of Table 2 of this Section pursuant to the then current wholesale cost of a five (5") inch D.B.H., live oak tree, including the cost of transportation and planting as determined by the City Manager, to the City's Tree and Landscape Beautification Fund.

F. **Protected Trees on semi-wooded land.**

1. Fifty (50%) percent of the protected trees on a site may be removed provided a minimum protected tree canopy coverage of twenty-five (25%) percent remains.

2. If removal of fifty (50%) percent of the protected trees would result or does result in a protected tree canopy coverage that is below the twenty-five (25%) percent standard, the deficit shall be made up by receiving credit for new trees planted, including those trees planted pursuant to the landscaping regulations contained in the City Code. The developer shall receive one hundred (100%) percent credit for the tree canopy created by new plantings, assuming the trees are at a

ten-year maturity.

3. Protected tree removal resulting in a protected tree canopy coverage of less than ten (10%) percent is prohibited.

G. **Protected trees on non-wooded land.**

1. Thirty (30%) percent of the protected trees on a site may be removed; however, the goal of this Section is to achieve at least a twenty-five (25%) percent canopy coverage subsequent to development. The deficit below the twenty-five (25%) percent canopy coverage goal shall be made up by receiving credit for new trees planted, including those trees planted pursuant to the landscaping regulations contained in the City Code. The developer shall receive one hundred (100%) percent credit for the tree canopy created by the new plantings, assuming the trees are at a ten-year maturity.

2. When a developer is required to provide additional canopy pursuant to paragraph (b)(3)a. above he shall not be required to provide more than ten (10%) percent new canopy.

H. **Subdivision.** No more than thirty (30%) percent of the protected trees (at least five (5") inches in diameter at D.B.H.) shall be removed for infrastructure improvements in conjunction with the development of a single-family subdivision.

I. **Phase developments.** For phased developments, the regulations contained in this Section 15.735 shall be applicable to the entire development parcel, however, permits will only be issued for the phases under construction.

J. **Relocation.** The relocation of a protected tree elsewhere on the same parcel undergoing development, or on public right-of-way contiguous to parcel, or on other public lands upon approval of the City, shall not be counted as removed under the provisions of this Section. In the event a relocated tree is subsequently removed from the developed parcel for any reason, the replacement or contribution requirement provided for a paragraph (b)(1)d. shall be imposed.

K. **Tree plot plan requirements.**

1. A tree plot plan is required to support every application for a building permit for new construction, except building permits for single-family residential dwelling units, said plot plan shall include the following:

a. General location of all protected trees and identification by type

and size (D.B.H.).

b. Location of purposed structure(s), "footprints" and other impervious surfaces.

c. Indication of protected trees to be retained and protected trees to be removed, including dead trees.

d. The above items shall be field-checked by the Department and approval or disapproval (with suggestions) shall be expressed in writing on the permit application.

2. A plot plan in support of tree removal relative to a single-family dwelling unit shall show every tree having a twenty (20") inch diameter or larger. A permit for the removal of any such tree is required.

SECTION 15.785.5 PENALTIES

A. In the event a protected tree or a grand tree is removed intentionally despite a prohibition to do so; inadvertently removed or must be removed due to damage and/or carelessness during construction, replacement of the tree(s) will be made pursuant to the following:

(1) The "additional penalty" formula shall be based on cross-section square inches D.B.H. The cross-sectional area of the trunk shall be determined by applying the formula:

$\frac{C^2}{4Pi}$ (where C = circumference and "Pi" "Pi" = 3.1417, or $\frac{22}{7}$)

after measuring circumference 4'6" above grade.

(2) A minimum of fifty (50%) percent of the cross-sectional inches required pursuant to this penalty shall be located on the subject site.

(3) Additional penalties shall be applied to all tree losses incurred for a period up to six (6) months of the date of completion of construction.

(4) Notwithstanding any provision to the contrary, the penalty defined herein shall also be invoked against any person removing a protected tree without a permit to do so.

SECTION 15.785.6 PROTECTION DURING CONSTRUCTION

A. Prior to construction, the developer shall erect an approved protective barrier around all trees to be preserved and it shall be unlawful to place construction materials or temporary solid deposits within six (6) feet of the protective barrier.

B. Except with specific approval from the Director, no land clearing or construction activity shall occur within ten (10') foot radius from the trunk of any tree to be retained; or within a ten (10') foot radius from the trunk of any tree within a "cluster" to be retained; and no land clearing or construction activity shall occur within a twenty-five (25') foot radius from a trunk of any grand tree.

C. No attachments, wires (other than protective guy wires), signs, or permits may be fastened to any retained or relocated tree during land clearing or construction activity.

SECTION 15.785.7 FINAL APPROVAL AND PERFORMANCE BOND

A. Final approval of any development activity involving tree removal will be subject to the satisfactory relocation, replacement, or contribution of trees as required in this Section.

B. Prior to commencing any land development activity, developer/builders shall provide the City with an irrevocable letter of credit covering the value of all trees to be relocated, replaced, or contributed prior to commencing the clearing of land or removal of trees. The amount of the letter of credit shall be based on the number of cost of replacement trees as determined by Table 2 in this Section, at the current wholesale cost of said tree, to be determined by the City Manager.

SECTION 15.785.8 TREE TRIMMING/NUISANCE TREES

A. All tree trimming shall be in accordance with standard pruning practices as set forth in "Pruning Standards for Shade Trees," National Arborist Association, 1979. Said standards as they are now written, or may be amended, are incorporated herein by reference.

B. No "grand tree" or any "protected tree" shall have branches trimmed without a permit when said branches to be trimmed measure ten (10") inches in diameter or greater.

C. Nuisance trees. The elimination and removal of nuisance trees listed in Table 3 of this Section is encouraged.

SECTION 15.785.9 APPEALS

Any person adversely affected by a decision of the Director of Public Works in the enforcement or the interpretation of any of the terms or provisions of this Section may appeal such decision to the City Commission. Such appeal shall be taken by filing written notice thereof with the City Clerk, and no public hearing shall be required.

SECTION 15.785.10 BI-ANNUAL REVIEW

The City Commission shall review the provisions of this Section and the requirements specified herein at least once every two years to confirm the provisions of this Section are adequately meeting the City's goals of tree preservation without unduly prohibiting the beneficial use of land.

SECTION 15.785.11 ENFORCEMENT

A. Whenever, by the provisions of this Section, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions of this Section shall constitute a violation of this Section. Each day of any violation shall constitute a separate violation and separate offense for the purposes of any penalty or fine.

B. Violations of this Section shall be punished pursuant to Florida Statutes and the City Ordinances and regulations establishing the Municipal Code Enforcement Board or the procedures established by the County Court of Bay County to prosecute municipal ordinance violations. In addition, nothing herein shall prohibit the City from instituting any appropriate civil action or proceeding to prevent, restrain, correct, or abate a violation of this Section.

TABLE 1
APPROVED TREE LIST

Ash	Fraxinus Spp.
Bay Tree	Persea Spp.
Bottlebrush	Callistemon Spp.
Camphor	Cinnamomum Camphora
Chinese Fan Palm	Livistona Chinesia
Chinese Tallow	Sapium Sebiferum
Crape Myrtle	Lagerstroemia Indica
Cypress	Taxodium Spp.
Date Palm	Phoenix Spp.
Dogwood	Cornus Spp.
Elm	Ulmus Spp.
European Fan Palm	Chamoerops Humilis
Golden Rain Tree	Koelreuteria Elegans
Holly	Ilex Spp.
Hornbeam	Carpinus Spp.
Jerusalem Thorn	Parkinsonia Aculeata
Ligustrum	Ligustrum Spp.
Loblolly Bay	Gordonia Lasianthus
Magnolia	Magnolia Spp.
Maple	Acer Spp.
Needle Palm	Rhapidophyllum Hystrix
Oak	Quercus Spp.
Pecan	Carya Spp.
Pine	Pinus Spp.
Podocarpus	Podocarpus Spp.
Redbud	Cercis Canadensis
Red Cedar	Juniperus Spp.
River Birch	Betula Nigra
Sabal/Cabbage Palm	Sabal Palmetto
Sycamore	Platanus Spp.
Sweetgum	Liquidambar Styraciflua
Washington Palm	Washington Robusta
Wax Myrtle	Myrica Certera
Willow	Salis Spp.

TABLE 2
TREE EQUIVALENCY TABLE

D.B.H. OF PROTECTED TREE	EQUIVALENT NUMBER OF REPLACEMENT TREES 5" DIAMETER
5 - 7 inches	1
8 - 13 inches	3
13 - 19 inches	4
20 - 23 inches	5

Grand trees and cluster of trees shall be replaced on a two hundred (200) percent actual diameter inch basis (D.B.H.)

Example:

Grand tree 24 inches D.B.H. = 48 replacement diameter inches.
Replace with ten 5" diameter trees.

TABLE 3
NUISANCE TREES

Australian Pine	Casuarina Spp.
Brazilian Pepper	Schun Terebinthifolius
Cherry Laurel	Prunus Caroliniana
Chinaberry	Melis Azedarach
Ear Tree	Enterolobium Contortisiliquum
Eucalyptus	Eucalyptus Spp.
Monkey Puzzle	Aauracaria Wrightii
Mulberry	Broussonetia Papyrifera
Punk Tree	Melaleuca Quinquenervia
Queen Palm	Arecastrum Romanzoffianum

ARTICLE VIII - NONCONFORMING DEVELOPMENT AND VARIANCES

Section 15.800	Purpose
Section 15.805	Sources of Nonconforming Development
Section 15.810	Standards and Conditions for Continuation, Expansion, Discontinuance or Amortization of Nonconforming Development
Section 15.810.1	Existing Uses and Nonconformity
Section 15.810.2	Nonconforming Uses of Land or Lots
Section 15.810.3	Nonconforming Structures
Section 15.810.4	Nonconforming Use of Structures
Section 15.810.5	Other Nonconforming Repairs and Maintenance
Section 15.810.6	Illegal Use
Section 15.815	Nonconforming Lots - Infill Development
Section 15.820	Adult Bookstores, Adult Theaters and Special Cabarets
Section 15.825	Other Nonconforming Structures
Section 15.825.1	Nonconforming Buffers
Section 15.825.2	Nonconforming Signs
Section 15.825.3	Nonconforming Landscaping
Section 15.825.4	Nonconforming Off-Street Vehicle Use and Parking Areas
Section 15.825.5	Storm Water Management
Section 15.830	Variances
Section 15.830.1	Zoning Standards
Section 15.830.2	Signs and Buffers

ARTICLE VIII. NONCONFORMING DEVELOPMENT AND VARIANCES

SECTION 15.800 PURPOSE

The purpose of Article VIII, Nonconforming Development and Variances, is to provide mechanisms for obtaining relief from the provisions of these regulations where hardship would otherwise occur. Forms of hardship may occur which will be addressed in this Article: (1) hardship that would be caused if nonconforming development were required to immediately come into compliance with these Regulations; and (2) the hardship that may be caused in particular cases by the imposition of development design standards imposed elsewhere in the City of Callaway Land Development Regulations.

SECTION 15.810 EXISTING NONCONFORMING DEVELOPMENT

Nonconforming development is development that does not conform to the use regulations and/or the design standards in development criteria.

SECTION 15.810.1

SECTION 15.810.1 Nonconforming development.

A. Generally. Nonconforming developments are those land uses, buildings or structures which are in existence on the effective date of this Code and which by use, design or construction do not comply with the provisions of this Code. Nonconforming development may remain in a nonconforming state subject to the following restrictions:

1. **Public hazard.** The development must not constitute a threat to the general health, safety and welfare of the public.

2. **Ordinary repair and maintenance.** Normal and ordinary maintenance and repair necessary to continue a nonconforming development shall be deemed an authorized activity.

3. **Expansions or extensions.** The gross floor area of nonconforming uses shall not be expanded, modified, enlarged or extended onto adjacent properties by more than ten (10%) percent, or more than four thousand (4,000) square feet, whichever is less, unless approved by the City Commission. Repeated expansion of a development, constructed over any period of time commencing with the effective date of these regulations, shall be combined in determining whether this threshold has been reached.

4. **Abandonment or discontinuance.** Where nonconforming development is

abandoned or a nonconforming use is discontinued or abandoned for a period of six consecutive months, the existence of the nonconforming use or development shall terminate, and any further use or development of the premises shall comply with the provisions of this Code.

5. **Damage or destruction.** Where nonconforming development is substantially damaged or destroyed, reconstruction of such development shall comply with the provisions of this Code. A structure shall be considered substantially damaged or destroyed if the cost of reconstruction or repair is 50 percent or more of the fair market value of the structure at the time of the damage or destruction. If the nonconforming development is comprised of multiple structures, the cost of reconstruction shall be measured against the combined fair market value of all of the structures in determining the issue of substantial damage.

6. **Change of ownership.** Change of ownership or other transfer of an interest in real property on which a nonconforming use is located shall not in and of itself terminate the nonconforming status of the premises.

7. **Change in use.** Should nonconforming use be converted in whole or in part to conforming use, that portion of the nonconforming use so converted shall lose its nonconforming status.

8. **Removal from Property.** Should a nonconforming development be removed from real property for any reason, it shall be replaced by development which complies with applicable law.

9. **Mobile Home Developments.** Mobile Home Developments existing on the effective date of this ordinance may remain in a nonconforming state unless and until the Mobile Home Development becomes an Expanded Mobile Home Development or other provisions of this ordinance apply. Expanded Mobile Home Developments must comply with the provisions of Section 15.700.1, Land Development Regulations of Callaway, Regulations for Mobile Homes. Replacement of an existing Mobile Home onto a permitted space or Lot of Record in an existing Mobile Home Development does not constitute expansion or extension for purposes of Section 15.810.1(A)(3) above.

SECTION 2. REPEAL OF SECTION 15.810.2, NONCONFORMING USES OF LAND OR LOTS, LAND DEVELOPMENT REGULATIONS OF CALLAWAY.

1. Section 15.810.2, Land Development Regulations of Callaway, is hereby repealed.

SECTION 15.810.3 PARKING AND LOADING SPACES

In addition to the activities listed above, full compliance with the requirements for parking and loading spaces shall be required where a development permit for the expansion or modification of a structure is issued.

SECTION 15.810.4 SIGNS

Any sign within Callaway on the effective date of these regulations which is prohibited by, or does not conform to the requirements of, these regulations: except that signs that are within ten (10) percent of the height and size limitations of these regulations, and that in all other respects conform to the requirements of these regulations, shall be deemed to be in conformity with code.

All nonconforming signs with a replacement cost of less than One Hundred Dollars ($100.00), and all sign prohibited by Section 15.765 (Prohibited Signs) of these regulations, shall be removed or made to conform within one (1) year of the enactment of these regulations.

All other nonconforming signs, shall be removed or altered to be conforming by January 1,2000, unless an earlier removal is required as outlined above.

SECTION 15.810.5 VEHICLE USE AREA

A vehicle use area is any portion of a development site used for circulation, parking and/or display of motorized vehicles, except junk automobiles salvage yards. When the square footage of a vehicle use area is increased, compliance with these regulations is required as follows:

(a) Expansion by ten (10) percent or less. When vehicle use area is expanded by ten (10) percent or less, only the expansion area must be brought into compliance with these regulations.

(b) Expansion by more than ten (10) percent. When a vehicle use area is expanded by more than ten (10) percent, the entire vehicle use area shall be brought into compliance with these regulations. land outside such building.

(c) Repeated expansions. Repeated expansions of vehicle use area over a period of time commencing with the effective date of these regulations shall be combined in determining whether the above threshold has been reached.

SECTION 15.820 VARIANCES

SECTION 15.820.01 GENERALLY

(a) Granted by the development review board. The development review board may grant a variance from the strict application from any provision of these regulations, except provisions in Article IV (Relation to Comprehensive Plan and Land Use). Variances to the provisions in land use shall be limited to those necessary to restore an existing (as of the date of adoption of these regulations) nonconforming use, provided that the nonconforming uses restored to the same size in cubic feet. The following procedures must be followed and findings made in order to grant a variance from the strict application of these regulations.

(b) Variances to be considered to be part of the development review. Any person desiring to undertake a development activity nonconformance with these regulations may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the Director must be approved by the Development Review Board if a variance is sought. The variance shall be granted or denied in conjunction with, but prior to, any action to be taken on the application for development of review.

SECTION 15.820.02 LIMITATIONS ON GRANTING VARIANCES

(a) Initial determination. The Development Review Board shall first determine whether the need for the proposed variance arises out of the physical surrounding, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Board shall make the following required findings based on the granting of the variance for the site alone. If, however, the conditions, the numerous sites so the request for similar variances are likely to be received, the Board shall make the required findings based on the accumulative effect of granting the variance to all whom may apply.

(b) Required findings. The Development Review Board shall not vary the requirements of any provision of these regulations unless it makes a positive finding, based on substantial competent evidence, on each of the following;

1. Their practical or economic difficulties in carrying out the strict letter of the regulation.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazards to the public.

4. The proposed variance will not substantially diminish property, values in, or

alter the essential character of, the areas surrounding the site.

5. The fact that the proposed variances in harmony with the general intent of these regulations are the specific intent of the relevant subject areas of the regulations.

(See Imposition of Conditions)

In granting a development approval involving a variance, the Development Review Board may impose such conditions and restrictions upon the premises benefited by variance as may be necessary to allow pause to be made on any of the foregoing factors, or to minimize the endurance effect of the variance.

SECTION 15.820.03 SPECIAL PROVISIONS WHERE VARIANCES ARE SOUGHT FOR REQUIREMENTS TO FLOOD DAMAGE PREVENTION REGULATIONS

(a) Additional finding. In addition the findings required above, the Development Review Board shall find that the requested variance will not result in an increase in the base flood elevation, additional threat to public safety, additional public expense, that the creation of nuisances, fault or victimization of the public, or conflicts with other local ordinances.

(b) Considerations. Before granting a variance, the Development Review Board shall consider:

1. The danger that materials may be swept from site onto other lands.

2. The danger of life and property from flooding or erosion.

3. The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.

4. The importance of the services provided by the proposed facility of the community, and whether it is a functionally dependent facility.

5. The availability of alternative locations, not subject to erosion, to the proposed use.

6. The compatibility of the proposed use for the existing and anticipated neighboring development.

7. The relationship of the proposed use to the Comprehensive plan and flood plan management program for the area.

8. Safe vehicular assess to the property in times of flood.

9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, a fact that will come at the site.

10. The cost of providing governmental services during and after floods including maintenance and repair of public utilities of the facilities.

(c) Special restriction for regulatory flood ways. Variances that would increase flood levels during the base flood shall not be issued within any regulatory flood way.

(d) Flowage easements. No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the Base Flood more than one (1) foot.

(e) Notification. All variances to the flood damage prevention regulations shall [allow public notice and participation as required for variances as outlined in the Land Development Regulations.]

SECTION 15.821 ADULT BOOKSTORES, ADULT THEATERS OR SPECIAL CABARETS

Adult bookstores, adult theaters, or special cabarets which were established at their existing locations in unincorporated Bay County prior to the effective date of annexation of property into the municipal limits of the City of Callaway, may continue to operate for a period of one (1) year from the effective date of annexation. Thereafter, unless such adult bookstore, adult theater, or special cabaret conforms to the requirements of this Chapter, it shall not be allowed to continue to operate.

SECTION 15.825.1 NONCONFORMING BUFFERS

(a) Buffer walls constructed of block, stucco or poured cement walls, or combinations thereof, which were in existence and conforming as of January 8, 1991, may continue in existence so long as said buffers conform to the City's construction design criteria and are maintained in accordance with acceptable maintenance standards outlined in subsection (c) below.

(b) Buffer fences constructed of chain link, wood or other like materials, which were in existence and conforming as of January 8, 1991, shall be modified by January 8, 1991, to conform to the provisions of this Chapter, or the current minimum construction design criteria for wood fence buffers and subject to the maintenance standards, as outlined in subsection (c) below.

(c) Acceptable maintenance standards:

(1) Buffers shall remain structurally sound at all times as determined by the Director of Public Works or his designee.

(2) At all times, buffers shall remain in aesthetically good condition and shall be kept free from graffiti, undergrowth, weeds and other unsightly manner.

(3) Perimeter buffers constructed in residential zoning districts such as buffers surrounding apartment complexes, condominiums, and subdivisions, shall remain uniform in design and color.

(d) Landscaped buffers which were in existence and conforming as of January 8, 1991, shall be brought into full compliance with the provisions of this Chapter related to landscape buffers no later than January 8, 1993.

(e) No buffer may be enlarged or altered in a way which increases its nonconformity.

(f) If any nonconforming buffer is destroyed to an extent of more than fifty (50) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Chapter.

(g) Any fence or decorative fence, which was lawfully permitted when erected, which is prohibited under the provisions of this Chapter, and which existed in a residential zoning district on January 8, 1991, may continue in existence.

(1) No fence or decorative fence may be enlarged or altered in any way which increases its nonconformity.

(2) Existing wrought iron fences or decorative fences may continue in existence subject to provision (3) below.

(3) If any nonconforming fence or decorative fence is destroyed to an extent of more than fifty (50) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Chapter.

SECTION 15.825.2 NONCONFORMING SIGNS

A nonconforming sign, defined as any sign within the City/County legally permitted before January 8,1991, or any sign existing within any area annexed to the City after the effective date of this Chapter which does not conform to the requirements of this Chapter, is declared to be a nonconforming sign. However, signs that are within ten (10) percent of the height and size limitations of this Chapter and in all other respects conform to the requirements of this Chapter, shall be deemed to be in conformity with this Chapter.

(a) Amortization of nonconforming signs.

(1) A nonconforming sign upon permanent mountings may be continued in use until January 8,1991, or ten (10) years from the issuance of the sign permit

therefor, whichever date is later; provided, however, that the maintenance and safety requirements of this Chapter shall be met.

(2) A nonconforming sign shall be required to be in conformance with all provisions of this Chapter within thirty (30) days after a change in any of the following: name, site or nature of the business.

(3) Upon expiration of the amortization period for any nonconforming sign, the Director of Public Works shall give notice to the owner of the property on which the sign is located, to remove the sign within fifteen (15) days from the receipt of said notice. Said notice shall be by certified mail to the owner of the property as reflected on the current Bay County tax roll.

(4) A nonconforming sign which constitutes a hazard or danger to persons or property shall be removed immediately, without notice, by the Director of Public Works or his designee.

(5) No additions, repairs and/or alterations to a nonconforming sign shall be permitted except as may be required and approved by the Director of Public Works or his designee to meet safety requirements.

(6) A nonconforming sign may not be:

a. Structurally altered to prolong the life of the sign, except to meet safety requirements.

b. Altered in any manner that increases the degree of nonconformity.

c. Expanded.

d. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Director of Public Works.

e. Continued in use when the structure housing the occupancy is demolished or requires renovations, the cost of which exceeds fifty (50) percent of the assessed value of the structure.

f. Continued in use after the structure housing the occupancy has been vacant for six (6) months or longer.

(b) Nonconforming signs along federal highways. If it is determined that nonconforming signs along a federal interstate or primary aid highway may not be removed pursuant to the above provisions, the City Commission shall develop a plan for their expeditious removal in accordance

with state and federal law.

SECTION 15.825.3 NONCONFORMING LANDSCAPING

The purpose of this subsection is to encourage existing commercial facilities to provide landscaping commensurate with that required in this Chapter and to protect all landscaping areas from vehicular encroachment by curbs, wheelstops or other similar devices.

(a) Approved landscape plans. Every existing facility, except duplex and single-family residential uses with landscape plans approved in conjunction with final site plan approval or by a previously accepted landscape plan, as specifically approved by the Director of Public Works, or his designee, may continue in existence provided the maintenance provisions of this Chapter are met.

(b) Existing facilities which are altered, enlarged or remodeled to an extent requiring site plan approval in accordance with the provisions of this Chapter, shall require the existing landscaping plan to be brought into conformance with the current landscape requirements in conjunction with the final site plan approval unless City Commission determines that substitutions or modifications not in conflict with the purpose and intent of this Chapter are necessitated due to the physical limitations of the property.

(c) Other nonconforming landscaping. By January 8, 1991, owners or representatives of all facilities, except duplex and single-family residential uses, without an approved landscape plan on file with the Department, shall meet with the Director, or his designee, and prepare an acceptable site landscape plan which shall conform to the purpose and intent of this Chapter; but shall provide for such substitutions or modifications from the requirements of this Chapter as may be necessitated by the property's physical limitations. Said landscape plan shall be completed within one hundred eighty (180) days of the agreement thereto.

If the property owner or authorized representative is unable to reach agreement with the Director, or his designee, the property owner or representative may petition the City Commission for a final approved landscape plan. The City Commission may grant such relief if it is solely determined that it is not in conflict with the purpose and intent of this Chapter.

SECTION 15.825.4 NONCONFORMING OFF-STREET VEHICLE USE AND PARKING AREA

(a) Compliance upon replacement or resurfacing. In addition to the maintenance activities required for off-street vehicle use and parking areas under this Chapter, an area existing prior to January 8,1991, must be brought into full compliance as it related to the dimensional requirements of this Chapter when twenty-five (25) percent or more of the area is replaced or resurfaced.

(b) Compliance upon expansion. When the square footage of a vehicle use and parking

area is increased or enlarged, compliance with this Chapter is required as follows:

Expansion by ten (10) percent or less - when a vehicle use and parking area is expanded by ten (10) percent or less, only the expansion area must be brought into compliance with the dimensional provisions of this Chapter.

Expansion by more than ten (10) percent - when a vehicle use and parking area is expanded by more than ten (10) percent because the searing capacity or other factor controlling the number of spaces is increased, the entire vehicle use area shall be brought into full compliance with the provisions of this Chapter.

(c) Repeated expansions. Repeated expansions, or resurfacing (black top seal or additional asphalt) or replacement of paving of a vehicle use area over a period of time shall be combined in determining whether the above threshold has been reached.

(d) Increased intensity of use. When a replacement or new use of a structure results in parking requirements thereby increasing the nonconformity, the additional parking requirements must be provided for or the new or replacement use will be denied.

(e) Vehicle use areas with excess capacity. Any vehicle use and parking area in existence on January 8,1991, with area in excess of the minimum necessary and which must be brought into conformity due to the conditions of subsections (a) and (b) above, and/or which has more than the minimum number of parking spaces required by this Chapter, shall be required to bring the vehicle use and parking area into full compliance with the provisions of this Chapter.

SECTION 15.825.5 STORM WATER MANAGEMENT

A development existing prior to January 8, 1991, which does not comply with the storm water management requirements of this Chapter, must be brought into full compliance with the storm water requirements of this Chapter when the use of the development is intensified resulting in an increase in storm water runoff or added concentration of pollutants in the runoff.

SECTION 15.830 VARIANCES

Provisions for variances related to certain development regulations contained in this Chapter are further detailed in this Section.

SECTION 15.830.1 ZONING STANDARDS

The Board of Adjustment may grant variances, in accordance with the procedures outlined in Article III of this Chapter, from the following Sections of Article VII of this Chapter:

(a) Flood Plain Protection

(1) The Flood Control Board shall be the Board of Adjustment and shall hear and decide appeals and requests for variances from requirements of the flood plain protection section of this Chapter and appeals when it is alleged there is an error in any requirement, decision or determination made by the flood damage control administrator in the enforcement or administration of this Chapter.

(2) Any person aggrieved by the decision of the Flood Control Board, or any taxpayer, may appeal such decision to the appropriate court of appropriate jurisdiction by petition for writ of certiorari.

(3) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

(4) In passing upon applications for variances, the Flood Control Board shall consider all technical evaluations, all relevant facts, all standards specified in this Section, and:

a. The danger that materials may be swept into other lands to the injury of others;

b. The danger of life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations, not subject to flooding or erosion damage for the proposed use;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;

i. The safety of access to the property in times of flood for ordinary and

emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action if applicable, expected at the site; and

k. The costs of providing governmental services during the after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) Upon consideration of the factors listed above, and the purposes of flood plain protection, the Flood Control Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

(6) Variances shall not be issued within a designed floodway if an increase in flood levels during the base flood discharge would result.

(7) Conditions for the granting of variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in an unusual and unnecessary hardship relative to the land, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice that when a structure is permitted to be built with the lowest flood elevation being lower than eighteen (18) inches above the base flood elevation, the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

d. The flood damage control administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration on an annual basis.

(b) Historic properties.

Notwithstanding the foregoing requirements related to nonconformity, special variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on, the National Register of Historic Places, the local register of historic places, or the State Inventory of Historic Places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No specific variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.

SECTION 15.830.2 SIGNS AND BUFFERS

(a) Requests for sign or buffer variances shall be made on forms provided therefor by the Director of Public Works. All information required for such forms shall be completed and the application fee shall be paid prior to consideration of any sign or buffer variance application.

(b) Before making its decision on any request for sign or buffer variances, the City Commission shall consider said request at a public meeting.

(c) At least ten (10) days notice of the time and place of such meeting shall be sent to the petitioner and to the owners of all properties lying within one hundred (100) feet of the perimeter of the property on which the sign or buffer is to be located.

(d) Prior to granting any such sign or buffer variance, City Commission must find that the proposed sign or buffer will not be contrary to the public interest; that owing to special conditions, a literal enforcement of this Chapter will, in the individual case, result in unnecessary hardship, and that the variance is within the spirit of these regulations, the public safety and welfare will be secured and substantial justice will be done. Sign and buffer variances may be granted only upon a finding by the Commission that:

(1) The application of the provisions of this Chapter to the particular piece of property would create an unnecessary hardship; and

(2) Such conditions are peculiar to the particular piece of property involved; and

(3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Chapter. In permitting any variance for signs and buffers from the terms of this Chapter, the City Commission shall prescribe any conditions it deems to be necessary or desirable to promote the public interest and shall fully set forth, in its findings, the reasons for permitting any variance from the terms of this Chapter. Any variance which is granted shall be the minimum practicable variance.

(e) Consideration of any sign or buffer variance request may be continued from time to time and the time and place for the continued consideration shall be publicly announced at the

time of adjournment. No further notice of such continued hearings shall be required.

(f) An application for reconsideration may be made in the same manner as provided for an original variance; provided, however, that an application for reconsideration shall be denied if City Commission finds that there has been no substantial change in facts, evidence or conditions.

(g) If City Commission has not acted finally upon a sign or buffer variance application within forty-five (45) days following the conclusion of the initial public meeting thereon, said application shall be deemed to have been denied.

ARTICLE IX - LEVEL OF SERVICE MAINTENANCE REQUIREMENTS

Section 15.900	Concurrency Management Program and Monitoring Requirements
Section 15.905	Vested Development and Development Orders
Section 15.910	Facility Capacity Reservation Periods
Section 15.915	Minimum Requirements for Concurrency
Section 15.920	Responsibility for Implementation

Section 15.925 Implementation and Monitoring
Section 15.930 Specific Guidelines for Concurrency Management
Section 15.935 Level of Service Reporting

SECTION 15.900 CONCURRENCY MANAGEMENT PROGRAM AND MONITORING REQUIREMENTS

Purpose and Intent: This Article outlines the schedule and identifies the mechanisms for concurrency management and Level of Service (LOS) measuring and monitoring required by Chapter 163, Fla. Stat., Florida Administrative Code 9J-5, 9J-11, 9J-29 and the City's Comprehensive Plan.

Public facilities' LOS monitoring and annual reporting, adopted in the City's Comprehensive Plan, is the administrative mechanism that identifies the impact of additional development on these facilities.

SECTION 15.905 VESTED DEVELOPMENT AND DEVELOPMENT ORDERS

(a) Purpose and intent. This Section outlines the conditions under which the issuance of development permits is exempt from the concurrency requirements and monitoring requirements of this Article.

(b) Extension for concurrency review. As of January 8,1991, outstanding development permits, as described in Section 15.910 will be considered exempt from the concurrency provisions of this Article for a period of one year, within which time the development must obtain further development permits as described in Section 15.910 and shall then be subject to the concurrency exemption provisions described therein. Failure to proceed in accordance with the described time schedule shall divest the development as it relates to concurrency.

(c) Single-family exemption. All single-family subdivision lots lawfully platted before January 8, 1991 are exempt from the concurrency provisions of this Article.

(d) Development of regional impact. Developments of regional impact and development orders issued pursuant to Chapter 380, Fla. Stat, which were approved prior to January 8, 1991, are exempt from the provisions of this Article to the extent provided for in Chapter 163.3167(8), Fla. Stat.

(e) Reconstruction exemption. Reconstruction of facilities in existence on January 8,1991, as a result of fire, storm or other disaster are exempt from the concurrency provisions of this Article, so long as the facility is not enlarged by more than five (5) percent or the use changed resulting in an increased demand on required facilities.

SECTION 15.910 FACILITY CAPACITY RESERVATION PERIODS

(a) Development permits, described below, issued after January 8, 1991 or which review has been completed under the provisions of this Article and for which required facility

capacity has been determined available, shall complete development activity consecutively under the specific development permit approval period to retain their reservation of acquired facility capacity for purposes of concurrency.

(b) Approval periods.

Development Permit	Approval Period
Final site plan approval	24 months
Infrastructure permit	12 months
Building permit	12 months

(c) Continuation of development activity. Upon approval of a final site plan or issuance of an infrastructure or building permit, the development activity related to the development permit must be substantially completed and subsequent development permit obtained during the timeframe in Subsection 15.910(b) above to retain the facility capacity reservation.

(d) Extensions. The Director of Planning may grant one extension, not to exceed six (6) months, for each development permit due to the complexity or magnitude of a particular development activity or as a result of acts of nature.

SECTION 15.915 REQUIREMENTS FOR CONCURRENCY

(a) Analysis on affected facilities. Required facilities include any utility, amenity, service or system that is required to maintain a level of service (LOS) as adopted in the City's Comprehensive Plan. The impact on the LOS and the need for additional required facilities shall be identified by the development permit applicant and reviewed for concurrency by the City in compliance with the adopted Comprehensive Plan.

(b) Conditions for concurrency. Prior to the issuance of a development permit, concurrency requirements will be considered met if the following conditions are addressed for each of the facility LOS requirements:

(l) Potable water, sanitary sewer, solid waste, drainage.

a. The required facilities are in place at the time a development permit is issued; or

b. A development permit is issued subject to the condition that the required facilities will be in place when the development impacts occur; or

c. The required facilities are under construction at the time a permit is issued; or

d. The required facilities are guaranteed in an enforceable development agreement that includes the provisions of subsection (b)(1)a. through c. above.

(2) Recreation

a. Compliance with Section 15.925(b)(1)a. through c. of this Article.

b. At the time the development permit is issued, the required facilities are the subject of a binding, executed contract that provides for the commencement of the actual construction of the required facilities or their provision within one year of the development permit's issuance.

(b) (3) Transportation (City limits). In compliance with Section 15.915(b)(1)a. through d. or Section 15.915(b)(2)b. of this Article and as required for compliance with the Proportionate Fair-Share Ordinance as demonstrated in Section 15.940 of this Article.

SECTION 15.920 RESPONSIBILITY FOR IMPLEMENTATION

(a) Coordinating Department. The Department of Planning shall coordinate the implementation and measurement of level of service for potable water, sanitary sewer, solid waste, drainage, and recreation by November 1 of each year by providing the lead department/division with the following information listed below. The Department of Planning shall coordinate the implementation and measurement of level of service for transportation by following the procedures outlined in Section 15.930 (c)

(1) City limits and the reserve area current population estimates and projects for a five-year period;

(2) Building permit activity for the previous three years and three-year projections;

(3) Additional statistical information the lead department/division may request.

(b) Lead department/division. The following department/division will be responsible for the individual monitoring and reporting schedules outlined in this Chapter and for sending them to the Planning Department.

Lead Department/Division	Facilities
Public Works	Potable water, sanitary sewer, solid waste and drainage

Leisure Services	Park land and recreation facilities.
Engineering/Planning	Transportation.

(c) Standards establishment. The Department of Public Works shall establish a "persons per unit" standard for residential structures and an equivalent standard "per square footage" for commercial use. These standards shall be applied to building permit applications to document the growth and allocation of service capacity as it relates to the adopted LOS for required facilities.

SECTION 15.925 IMPLEMENTATION AND MONITORING

To ensure that the goals, objectives, policies and programs established in the capital improvements element of the Comprehensive Plan will be achieved, the following review procedure is hereby enacted:

(a) Development permit review (site plan review). When application is made for a development permit, it will outline the development's impact on the LOS of required facilities, what facilities must be provided, and how the facilities will be provided concurrently.

(b) Building permit review. The application review of a building permit will outline the impact on the LOS of required facilities, what facilities must be provided, and how the facilities will be provided concurrently.

(c) Annual budget. The annual budget will identify projects required to maintain or attain an adopted LOS. Capital projects which are required for LOS maintenance or attainment, but are unfunded in the annual budget, shall cause the revocation of any development order or building permit that was issued contingent upon the construction of the project.

(d) Comprehensive Plan amendments. The semi-annual report to the Department of Community Affairs relative to plan amendments will report any changes to adopted goals, objectives, policies, and programs in the capital improvements element.

(e) Monitoring. Each required facility with an adopted LOS will be measured at least annually, except as follows, to document the current LOS and ensure that the adopted LOS is maintained.

If the annual report indicates the current LOS is within 10% of the adopted LOS, with the exception of transportation concurrency, monitoring for that required facility shall begin on a quarterly basis until the current LOS exceeds the adopted LOS and service and action are commenced under Section 15.935(b) of this Article. Please see Section 15.930 (c) for the specific monitoring requirements for transportation concurrency.

The specific methodology for each monitoring schedule and report is outlined in the specific guidelines for concurrency for each required facility.

SECTION 15.930 SPECIFIC GUIDELINES FOR CONCURRENCY MANAGEMENT

(a) Recreation facilities and park land.

(1) Required facilities (see Comprehensive Plan for adopted LOS)

a. Recreation facilities that have adopted LOS standards: golf courses, swimming pools, tennis courts, basketball courts, baseball fields, softball fields, football/soccer fields, exercise trails, handball/racquetball courts, gymnastics, volleyball courts, track and field, multi-purpose courts, hiking/nature trails, and bicycling paths.

b. Neighborhood park - park land that serves a particular neighborhood by foot or bike.

c. Community park - park land that serves more than one neighborhood.

d. District park - park land and open space that serves many neighborhoods and communities.

(2) Responsibility for implementation. The Leisure Services Department shall be the lead Department in all monitoring and reporting activities related to recreational facilities and park land.

(3) Methodology. LOS measurement and concurrency management for park land and recreational facilities shall be on a City-wide basis. Recreational facilities and park lands will be cited using existing inventory and the projections provided under Section 15.920(a) and (c) of this Article.

(b) Potable water, sanitary sewer, drainage and solid waste.

(1) Required facilities (see Comprehensive Plan for adopted LOS)

<u>Potable water</u>

a. Average daily flow (ADF) per capita - the total number of gallons of water pumped in a year divided by 365 and then divided by the population of the area served.

b. Peak daily flow per capita - the highest number of gallons of water pumped in one day, in a given year, divided by the population of the area served.

c. Storage capacity - the total volume of water stored in advance of its use excluding water stored in transmission and distribution lines.

Sanitary Sewer

a. Minimum daily flow per capita - the lowest number of gallons of sanitary sewage discharged into the City's sanitary sewer system, in one day, in a given year, divided by the population of the area served.

b. Maximum daily flow per capita - the highest number of gallons of sanitary sewage discharged into the City's sanitary sewage system, in one day, in a given year, divided by the population of the area served.

Solid waste

Pounds per capita per day - the total number of pounds of residential solid waste delivered for disposal, in a year, divided by 365 and then divided by the population of the area served.

Drainage

Storm return frequency - the expected period of times, in years, of a reoccurrence of a rainfall event of the same magnitude, volume and intensity. (Example: over a 50 year period, five, ten year storm events are expected to occur.)

(2) The Public Works Department shall be lead department in monitoring and reporting all activities related to potable water, sanitary sewer, solid waste and drainage facilities. The Engineering Division shall be the lead department in monitoring and reporting all activities related to drainage.

(3) Methodology.

Potable water - LOS measurement and concurrency management for potable water facilities shall be conducted on a City and service area-wide basis utilizing the projections provided under Section 15.920(a) and (c) of this Article.

Sanitary sewer - LOS measurement and concurrency management for sanitary sewer facilities shall be conducted by service area tributary to each of the points of discharge into the City of Callaway sanitary sewer collection system.

Solid waste - LOS measurement and concurrency management for solid waste equipment shall be conducted on a City-wide basis utilizing the projections provided under Section 15.920(a) and (c) of this Article, and the

existing inventory of solid waste vehicles.

Drainage - LOS measurement and concurrence management for drainage (stormwater) shall be conducted on an individual development site basis in accordance with "pre" and "post" development LOS.

(c) Concurrency Management System Instructions
I) Introduction and Purpose

The purpose of this document is to provide the users and administrators of the Concurrency Management System (CMS) with guidance as to how the CMS is to be maintained and applied. The following will provide guidance on both short-term and long-term maintenance of the CMS data sets and tables and provides information on how best to apply the CMS for new applicants.

II) Existing Level of Service Standards

The existing level of service (LOS) standard on all roadways within the CMS is LOS D, as defined by the Comprehensive Plan.

III) Comprehensive Plan Amendment Application Analyses

Comprehensive plan amendment applications should follow the analysis guidelines provided by the City and all analyses, unless limited by an associated text amendment, should be for the maximum development intensity allowed under the proposed land use. The guidelines for trip generation, based upon the latest available ITE data, should be followed and the distribution of trips should be out to the five percent threshold, five percent of the service volume at the adopted level of service. A five-year and ten-year analysis should be completed for the proposed development, unless a more appropriate analysis horizon is identified. The results of the analysis should summarize any future anticipated deficiencies and opportunities for mitigation of impacts should be identified and provided.

IV) Structure and Basis of the Concurrency Database

The CMS database was developed and is maintained as a Microsoft Excel workbook. The roadways included in the CMS are as follows:

7th Street
Boat Race Road
SR 22
Cherry Street

Old Bicycle Road
US 98 (Tyndall Parkway)
Berthe Avenue
Star Avenue
Bob Little Road

These roadways were segmented at logical termini such as the limits of the City, the terminus of the roadway, or at intersections with significant cross streets. The segmentation adopted as part of the CMS must be maintained in the analyses completed by applicants. The only deviation from the segmentation included in the CMS that may be permitted would be for alternative capacity analyses. The applicant may choose to adjust the segmentation to complete a more accurate or appropriate alternative capacity analysis.

The CMS is based on p.m. peak hour peak direction information.

At implementation of the CMS the base year data was year 2006; this information was collected in the spring of the same year. Each year in May, updated base year data will be collected for each of the roadway segments and updated base year data will be published annually on July 1. The base year data will include any roadway characteristic modifications that have changed in the previous year and have not been accounted for in the CMS. Additionally, the city will collect 72-hour traffic volume data for each of the roadway segments in the CMS and will publish this data as part of the same annual update. The growth rates associated with traffic volume data will also be updated at this same time. The previous three years of traffic volume data will be reviewed to determine the appropriate growth rate that should be applied to best estimate the future traffic volume demand on the CMS roadway segments. FDOT traffic volume data will be used to fill those gaps in data for the first three years of the CMS, until the City has the historical volume data collected needed to independently calculate the growth rate for the CMS roadway segments. Directions for the calculations to convert the 72-hour counts into peak season peak hour peak direction counts can be found in the *FDOT 2002 Quality/Level of Service Handbook*.

V) Applicability and Uses of the Database

The CMS was established as a tool to assist with monitoring and planning for both short-term and mid-term needs and as a supplement to the Bay County Transportation Planning Organization's (TPO's) Long-Range Transportation Plan. The use of an annually updated growth rate to project volumes into the future will help better estimate the needs through the ten-year horizon of this CMS. These projections, to any future year, can be completed by simply inputting the desired future year into the cell at the top of the growth column that contains a year highlighted in blue in the future year spreadsheet. By modifying the year noted in blue text, the user can determine, based upon the currently applied growth rates, what the projected future available capacity or areas of concern might be along the roadway segments contained within the CMS.

The CMS should also be used in completing traffic impact analyses for minimal, small, and large developments. “Minimal Developments” are defined as those developments that are projected to generate 15 or fewer p.m. peak hour trips at the site access(es) to the public roadway network. “Small Developments” are defined as all developments that are projected to generate 15 to 50 p.m. peak hour trips at the site driveway access(es) to the public roadway network. All developments that are not considered “Minimal Developments” or “Small Developments” are classified as “Large Developments”.

VI) Pre-application Methodology Meeting

A pre-application methodology meeting shall be scheduled with City staff to discuss and review the proposed methodology for the concurrency analysis and the operational traffic impact analysis that is required by the City. The attendees at the meeting are to include the registered professional individual that will be completing the traffic analyses on behalf of the applicant, as well as the City’s staff. At this meeting a review of the requirements associated with the analysis will be discussed. The applicant should prepare and bring a site plan to the meeting as well as any materials supporting alternative analyses, beyond those analyses required as part of the CMS and operational traffic analysis submittal.

The City will make available summaries of the transportation impact requirements for those submitting for Comprehensive Plan Amendment Applications as well as for those submitting Transportation Concurrency Applications.

VII) Trip Generation

Trip generation calculations should follow the currently published guidelines and methodologies provide by the Institute of Transportation Engineers for completing p.m. peak hour calculations, unless otherwise specified and agreed to by City staff. Alternative trip generation methodologies may be recommended and provided for City staff review and approval. It is recommended that these alternative methodologies or supporting data sets be provided to the City prior to the pre-application methodology meeting in order to expedite the review and approval process of the overall analysis.

A phased trip generation, concurrency analysis, and operational analysis are to be completed for those developments that are anticipated to have a buildout period of more than three (3) years from the date of the certificate of concurrency. The phasing should be consistent with the following schedule.

Phase I – up to three (3) years from the date of certificate of concurrency
Phase II – up to, but not beyond, six (6) years from the date of certificate of concurrency

Any phase anticipated to be built out beyond six (6) years from the anticipated date of the

current application for certificate of concurrency will be required to complete a cumulative concurrency analysis, for all previous phases of development built or planned for in the schedule of development, before a certificate of concurrency will be provided for the additional phases. The cumulative concurrency analysis will be subject to the requirements and regulations in place at the time of submittal of the application for certificate of concurrency for the future phases of development.

Developers may apply for extensions to the certificate of concurrency for those phases of development previously approved, but not yet completed. An extension up to, but not to exceed, twelve months for each phase of development may be permitted at the discretion of City staff.

VIII) Study Area

As mentioned prior to this in the section of this document *Applicability and Uses of the Database*, projects will be defined as either “Minimal Developments, “Small Developments”, or “Large Developments”. All analyses are ultimately bounded by the city limits of the City of Callaway. No applicant, unless expressly required by the City, is expected to complete analyses at intersection or on segments outside of the bounds of the city limits.

Minimal Developments

Applicants for developments classified as “Minimal” shall only be required to complete the concurrency application form provided by the City and any applicable application fee associated with the submittal for a concurrency review.

Small Developments

Applicants for “Small Developments” shall only be required to distribute traffic and analyze those links immediately adjacent to the site driveway access(es), unless the roadway that the driveway(s) connect to is defined as a “Segment of Concern”, meaning that the existing volume on that segment is greater than 85 percent of the service volume for that segment. If a “Small Development” is accessed via a “Segment of Concern” then the analyses should follow the same procedures as a “Large Development”.

Large Developments

Applicants for “Large Developments” shall distribute traffic on those roadway segments that the development accesses via site driveway access points and connect the development to the CMS roadway network. Additionally, those roadway segments, and one segments beyond, that are within the CMS and that are expected to experience traffic volumes in the peak direction that are greater than or equal to 5 percent of the service volume in the peak direction

and one link beyond. Should a segment impacted by the development be a “Segment of Concern” then the distribution of project traffic should be taken to the 1 percent impact threshold and one link beyond.

The distribution of traffic for the “Small Developments” and “Large Developments” on the CMS roadway segments should be compared to the existing available capacity to determine whether adequate capacity is available.

Each type of analysis will be subject to a detailed review by the City or a qualified representative of the City.

IX) Project Traffic Distribution and Assignment

Project traffic should be distributed on the studied roadway segments as previously defined... Distribution should either be completed using the Bay County TPO Florida Standard Urban Transportation Model (FSUTMS) or should be completed by hand using the gravity method and existing available traffic volume data and knowledge of the area.

Should FSUTMS be used, a linear interpolation between the base year and future year of the model data to the analysis year should be completed and a select zone for the development should be run with appropriate zone connection(s) for the proposed development.

Should the hand distribution gravity model (based upon knowledge of the area and existing traffic volume data) be used, then the applicant’s best engineering judgment should be documented and supported.

The City will require all information supporting the distribution be submitted as part of the analysis as to allow for a thorough review of the assumptions and methods used to complete the distribution and assignment of project traffic.

X) Roadway Segment Capacity Analyses

As noted previously the roadways included in the CMS were segmented at what were determined to be logical termini (city limits, cross streets, and roadway termini). The service volumes for these roadway segments were based upon year 2006, existing roadway characteristics and the corresponding service volumes in the *FDOT 2002 Quality/Level-of-Service Handbook*. As capacity improvements are funded and programmed the impacts of the projects on capacity should be included and represented in the CMS tables for the appropriate segments.

Alternative capacity analyses may be completed to more accurately reflect the service volumes for a particular portion of roadway. The methodology used to determine the alternative capacity must be approved by the City of Callaway at the pre-application meeting

(approved methodologies include FDOT's guidance for using the ARTPLAN and HIGHPLAN software packages). The City of Callaway will review and hold the right to approve or comment upon any adjustments to the service volumes on the roadway segments included in the City of Callaway's CMS. Those service volumes that are adjusted by alternative capacity analyses will be adopted and applied for a period of one year. The first applicant whose traffic impacts a roadway segment with an adjusted and expired service volume will be required to complete a new alternative capacity analysis using a methodology provided to the City and approved for use. This new alternative capacity analysis will be reviewed and either commented upon or approved. Once approved the results of the analysis will be used to either renew or adjust the expired service volume for a period of one year.

For those roadway segments that are defined as Segments of Concern, based upon the latest annual update of traffic volume data collection, the project trips from each development that impact the segments shall be tracked on a trip by trip basis. This trip by trip tracking is to more accurately determine the point at which the roadway segment reaches the identified capacity. A reduction of 25 percent will be applied to the p.m. peak hour trips generated for each development to better address the double counting of trips. The certificates of occupancy for the facilities constructed as part of the developments being tracked on a per trip per segment basis as a reduction of the volume assumed for the development in the CMS must be incorporated as the annual update to the traffic volume data is completed each July 1.

XI) Intersection LOS Analyses

Intersection LOS analyses are to be completed for the p.m. peak hour background and buildout conditions for the buildout year of each phase of development. The intersections to be analyzed are defined as those signalized intersections at the termini of or along study area roadway segments and the intersection of site driveway accesses. The City, at staff's discretion, may require that additional signalized and/or unsignalized intersections, beyond those defined by the study area, be analyzed as part of the operational portion of the CMS Application and Traffic Impact Analysis. For those intersections that are included in the study and deemed to be deficient, recommendations for mitigation that will return the intersections to an acceptable LOS are to be included.

XII) Turn Lane Analyses

Right-turn and left-turn lane analyses at the site driveway accesses are to be completed as part of the traffic impact analysis. Left-turn lane analyses should be completed in accordance with the requirements provided in "Aspects of Traffic Control Devices", Highway Research Record Number 211, National Research Council. The right-turn lane analyses are to follow the requirements provided in "Intersection Channelization Guide", Transportation Research Board (NCHRP) Report Number 279. Should turn lanes be warranted as a result of these analyses the appropriate dimensions of taper, deceleration, and storage are to be calculated and included in accordance with the FDOT guidelines provided in Index 301.

XIII) Proportionate Fair-Share Program

Proportionate fair-share calculations using the following formula should be used to calculate the payment that is to be made for deficient roadway segments in the Callaway CMS that are impacted by traffic from a proposed development. The cost of improvements should be calculated and documented using the latest available cost estimates provide by FDOT District 3. Section 15.940 should be referenced for additional information.

Proportionate Fair-Share = [(Development $Trips_i$-Available $Capacity_i$)/Service Volume $Increase_i$] x Cost of Roadway Segment $Improvement_i$

Where:

Development Trips = Those trips from the stage or phase of development under review that are assigned to roadway segment "i"

Available Capacity = Number of trips available on roadway segment "i" before a deficiency per the long-term Concurrency Management System is triggered. If the roadway is already deficient, there is no available capacity.

Service Volume $Increase_i$ = Service volumes provided by the eligible improvement to roadway segment "i" per Item (d) of these regulations;

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

XIII) Aggregation of Development

Analyses of the cumulative impacts of those developments that are deemed by City staff to be physically adjacent or near to one another and are deemed to be part of a single, or unified, plan of development shall be completed.

Developments are presumed to be physically adjacent to one another or near one another when boundaries are within 750 feet of one another or when separated by properties that are assumed to be part of a single or unified plan of development that is congruent with the plans for development of those properties being sought for aggregation.

A single or unified plan of development is presumed when two or more of the following criteria are met:

- The same individual or entity has a significant interest in the property from a legal or equitable perspective, meaning the individual or entity has an interest or option for an interest greater than or equal to 20 percent in each development.
- The same individual or entity has retained or shared control of the developments.
- There is common management of the developments controlling the form of physical development or disposition of parcels of development.
- There is a voluntary sharing of transportation infrastructure that is indicative of a common development plan between the properties sought to be aggregated, or is designed specifically to accommodate the development to be aggregated, except that which is implemented at the request of a permitting or maintaining governmental or jurisdictional entity.
- There is a common advertising scheme or promotional plan in place for the developments sought for aggregation.
- There is a master plan or series of plans or drawings indicative of a single or unified plan of development that has been prepared and submitted to a governmental agency.

An applicant may discount the presumptions requiring aggregation by providing the City of Callaway with clear and convincing documentation that supports the suggestion that a single or unified plan of development does not exist. Additionally, for those instances when the aggregation status of a parcel or series of parcels is debatable or unclear, the applicant, land owner and/or developer may be required to provide a notarized affidavit attesting to the validity of the evidence and documentation presented.

Regardless of the presumptions based upon the preceding, those projects that have been completed to the point of 85 percent or more for a period of 10 years or more shall not be subject to aggregation.

To encourage the design and construction of interconnectivity of development and the sharing of transportation infrastructure, the City of Callaway reserves the right to make special provisions to these rules and regulations that pertain to the aggregation of development for transportation impact analyses and the determination of concurrency.

XIV) De Minimis Impacts

De Minimis impacts are defined as impacts that are less than or equal to 1 percent of the service volume at the adopted level of service standard on roadways where the existing volume of traffic is greater than 100 percent but less than 110 percent of the service volume at the adopted level of service standard.

Developments are assumed to meet concurrency on those segments that are over capacity if the impacts are determined to be de minimis.

XV) Annual De Minimis Impact Report

Annually, a report summarizing the de minimis impacts to those roadway segments determined to be over capacity shall be produced and made available for review. Additionally, a report summarizing the impacts of the minimal developments and the assumptions made as to the associated distribution of project trips will be made available for review.

XVI) Annual LOS Report

Annually, a report detailing the LOS on the CMS roadways will be completed. This report will be completed by August 1st of each year and will summarize the current existing LOS of service for each roadway segment included in the CMS base upon the latest update completed for the CMS on July 1st of that same year. This report will be made available for public review.

SECTION 15.935 LEVEL OF SERVICE REPORTING

(a) Annual level of service LOS report. By January 1 of each year, the lead department shall prepare a report analyzing the following issues for their required facilities, with the exception of transportation:

(1) Current LOS versus adopted LOS.

(2) Current and/or potential LOS deficiencies for ensuing five-year period.

(3) Capital improvement projects required to maintain adopted LOS.

(4) For those required facilities with a LOS deficiency, a recommendation to:

a. Fund the necessary improvements to maintain or reestablish the adopted LOS; or

b. Amend the Comprehensive Plan adopting a lower LOS consistent with the current LOS; or

c. Cease issuing development permits that impact the LOS until the adopted LOS is reestablished.

(c) The annual level of service LOS report for transportation will be conducted as outlined in Section 15.930 (c).

(d) Remedial action. In January of every year, the Director of Planning shall present the LOS reports to the City Commission at a public meeting. For each of the required facilities with an identified LOS deficiency, the City Commission shall tentatively elect an option from Section 15.935(a)(4)a. c. of this Article and hold a public hearing within thirty days to obtain public input on the LOS deficiency remedy.

Within thirty days from the close of the public hearing, the City Commission shall initiate action to implement an option from Section 15.935(a)(4)a. c. of this Article.

*** Amended by Ord. 817**

*** Amended by Ord. 810 as follows:**

SECTION 15.940 PROPORTIONATE FAIR-SHARE TRANSPORTATION MITIGATION

(a) Purpose. The purpose of this Section 15.940 is to describe the method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with Section 163.3180(16), F.S.

(b) Applicability. The Proportionate Fair-Share Program shall apply to all applicants for development in the City of Callaway that have been identified as having a lack of capacity to satisfy transportation concurrency on a transportation facility governed by the City of Callaway's long-term concurrency management system (CMS), including transportation facilities maintained by FDOT and other jurisdictions that are relied upon for concurrency determinations.

(c) Exclusions. The Proportionate Fair-Share Program does not apply to a multiuse development of regional impact (DRI) using Proportionate Fair-Share under Section 163.3180(12), F.S., or to developments exempted from concurrency as provided in the Comprehensive Plan, in other applicable land development regulations, and/or pursuant to the provisions of Chapter 163.3180, F.S., governing de minimis, onsite roadway improvements, or offsite improvements otherwise required by these regulations for non-deficient roadway segments.

(d) Minimum Requirements for Proportionate Fair-Share Mitigation. Notwithstanding section 15.905 of these Regulations, an applicant for development may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation only under the following conditions:

1. The proposed development is consistent with the Comprehensive Plan, this section, and other applicable land development regulations.
2. The City of Callaway's long-term schedule of capital improvements for the long-term CMS includes transportation improvements that, upon completion, will satisfy the requirements of the City's transportation long-term CMS.
3. If the City of Callaway's long-term CMS indicates that the capacity of the transportation improvement set forth in the long-term schedule of capital improvements has already been consumed by the allocated trips of previously approved development, or the long-term schedule of capital improvements does not reflect the transportation improvement needed to satisfy concurrency, then the provisions of Item (d)(4) below shall apply.
4. The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will fully mitigate for the additional traffic generated by the proposed development but is not contained in the long-term schedule of capital improvements as follows:

    a) The City Commission votes to add the improvement to the long-term schedule of capital improvements no later than the next regularly scheduled update of the long-term schedule of capital improvements. To qualify for consideration under this section, the proposed improvement must be determined to be financially feasible pursuant to Section 163.3180(16)(b)1, F.S., consistent with the Comprehensive Plan, in compliance with the provisions of this section and other applicable land development regulations, and be reviewed by the City Commission. The term financial feasibility under this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate for the impacts of the proposed development on transportation facilities.
    b) If the funds allocated for the long-term schedule of capital improvements are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the City may enter into a Binding Proportionate Fair-Share Agreement with the applicant pursuant with these regulations or, as a condition of development approval, authorize construction of that amount of development on which the fair-share is calculated for which the proposed proportionate fair-share mitigation will, in the opinion of the City or governmental entity maintaining the transportation facility, significantly

benefit the impacted transportation system. Criteria governing this opinion include whether the proposed transportation improvements that would constitute proportionate fair-share mitigation are to be contained in an adopted short or long range transportation plan or program of the City, TPO, FDOT, or local or regional transit agency. Proposed improvements not reflected in an adopted transportation plan or program that would significantly reduce access problems, congestion and trips, or increase mobility in the impacted transportation system, such as new roads, additional right of way, service roads, operational improvements, improved network development, increased connectivity, roadway drainage, or transit oriented solutions, may also be considered at the discretion of the City. Any improvement or improvements funded by proportionate fair-share mitigation must be adopted into the long-term schedule of capital improvements at the next regularly scheduled update of the long-term schedule of capital improvements.

5. Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the improved facility's maintaining agency.

(e) Intergovernmental Coordination. Pursuant to policies in the Intergovernmental Coordination Element of the City of Callaway Comprehensive Plan and applicable policies in Bay County TPO programs (such as the Unified Work Program, Transportation Improvement Program, Project Priorities, 2030 Long Range Transportation Plan, etc.), as amended, the City shall coordinate with affected jurisdictions, including FDOT and Bay County regarding mitigation to impacted facilities not under the jurisdiction of the City. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(f) Application Process. The Proportionate Fair-Share Program shall be governed by the following procedures:

1. Within 10 days of determination of a lack of capacity to satisfy transportation concurrency, the applicant for development shall be notified in writing of the Proportionate Fair-Share Program and these regulations.
2. Prior to submitting an application for proportionate fair-share mitigation, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then FDOT will be notified and invited to participate in the pre-application meeting.
3. Eligible applicants shall submit an application to the City of Callaway Planning Department that includes an application fee of $500 and the following:

    a) Name, address, and phone number of owner(s), developer and agent;
    b) Property location, including parcel identification numbers;
    c) Legal description and survey of property;
    d) Project description, including type, intensity, and amount of development;

e) Phasing schedule, if applicable;
f) Description of requested proportionate fair-share mitigation method(s);
g) Estimated value of the proposed fair-share mitigation pursuant to these regulations; and
h) Copy of concurrency application.

4. The Planning Department (hereinafter the "Department") shall review the application and determine that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the Proportionate Fair-Share Program and these regulations, then the applicant will be notified in writing of the reasons for such deficiencies within 20 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 60 business days of notification, the Department shall deny the application. The Department may grant an extension of time if requested in writing from the applicant not to exceed 60 business days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.
5. Pursuant to Section 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of FDOT. In such event, the applicant shall submit evidence that FDOT concurs with the proposed proportionate fair-share mitigation.
6. Within 60 business days from the date at which the application is deemed sufficient, complete, and eligible, the Department shall evaluate the application pursuant to these regulations and thereafter shall notify the applicant in writing whether the proposed proportionate fair-share mitigation application and Certificate of Concurrency has been approved, approved with conditions, or denied. A copy of the notice shall be provided to FDOT for any proposed proportionate fair-share mitigation proposed on a Strategic Intermodal System (SIS) facility, as well as any other FDOT facility. In addition to the initial application fee specified in subparagraph 3 above, the applicant shall reimburse the City for all fees (including but not limited to legal and engineering), expenses and internal costs incurred by the City in determining the proportionate fair-share mitigation authorized herein.
7. Appeals of the decisions of the Department pursuant to these regulations shall be to the City of Callaway Board of Adjustments pursuant to the procedures specified in Section 15.310(e) of these Callaway Land Development Regulations.

(g) Methodology for Determining Proportionate Fair-Share Mitigation. The following shall describe the methodology to determine proportionate fair-share mitigation:

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction of facilities, and may include public funds if the use of public funds is authorized by the City Commission.

2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ among the forms of proportionate share mitigation.
3. The methodology to be used by the Department to calculate an applicant's proportionate fair-share mitigation shall be as provided for in Section 163.3180(12), F.S., as follows:

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

   OR

   Proportionate Fair-Share = $[(\text{Development Trips}_i - \text{Available Capacity}_i)/\text{Service Volume Increase}_i] \times \text{Cost of Roadway Segment Improvement}_i$

   Where:

   Development Trips = Those trips from the stage or phase of development under review that are assigned to roadway segment "i"

   Available Capacity = Number of trips available on roadway segment "i" before a deficiency per the long-term Concurrency Management System is triggered. If the roadway is already deficient, there is no available capacity.

   $\text{Service Volume Increase}_i$ = Service volumes provided by the eligible improvement to roadway segment "i" per Item (d) of these regulations;

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

4. The term "cumulative" used above includes only those trips from the stage or phase of a development being considered in the application. The trips expected to reach the failing roadway for this calculation are those identified in the development's traffic impact analysis. All assumptions used in the proportionate fair-share calculation should be consistent with those used by the City of Callaway in its CMS.

5. For the purposes of determining proportionate fair-share mitigation, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Element, the long-term schedule of capital improvements, the TPO Transportation Improvement Program, or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

    a) An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually. In order to accommodate increases in construction material costs, project costs shall be adjusted by the inflation factor established by the United States Department of Commerce; or
    b) The most recent issue of FDOT *Transportation Costs*, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage, and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.
6. If a proposed form of proportionate fair-share mitigation is other than financial, then the value of the proportionate fair-share mitigation improvement shall be determined using one of the methods provided in this section.
7. If the fair market value of an alternative form of fair-share mitigation is less than the total proportionate fair-share obligation as determined above, the applicant must pay the difference. The City is authorized to accept forms of proportionate fair-share mitigation that exceed the actual values calculated above. Under no circumstances shall the City approve an application that obligates the City to compensate an applicant for proportionate fair-share mitigation that exceeds the value calculated above.
8. If land or right-of-way dedication is proposed as a form of proportionate fair-share mitigation, the value of the land or right of way shall be the fair market value established by an independent appraisal approved by the City at the time of the application and at no expense to the City. The applicant shall supply a survey and legal description of the land or right of way and a certificate of title or title search of the land to the City at no expense to the City with the application, and shall at closing deliver clear title by warranty deed to the City. Prior to purchase of acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact FDOT for essential information about compliance with federal law and regulations.

(h) Certificate of Concurrency for Proportionate Fair-Share Mitigation. Upon approval of an application for proportionate fair-share mitigation, the following requirements shall apply:

1. The City shall issue to the applicant a Certificate of Concurrency governing concurrency for transportation facilities, which shall explicitly set forth the proportionate fair-share mitigation requirements. Conditions of development order approval or a fully executed Binding Proportionate Fair-Share Agreement may also accompany the approval.
2. If the applicant fails to apply for a development order within 24 months of the date of the Certificate of Concurrency, then the certificate and the approval of the application for proportionate fair-share mitigation shall be considered null and void, and the applicant will be required to reapply. The Department may grant an extension of up to an additional 12 months if requested in writing from the applicant showing good cause for the extension.
3. Payment of the proportionate fair-share mitigation funds are due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of the issuance of the Certificate of Concurrency, then the proportionate fair-share mitigation shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Item (g) and adjusted accordingly.
4. If an applicant enters into a binding agreement or receives a development order which requires road improvements as a condition of development approval, such improvements must be completed prior to issuance of a certificate of acceptance issued pursuant to the City of Callaway development regulations or a final plat approval. Alternatively, a presentment bond or letter of credit in form acceptable to the City and issued by a bank or surety with a high credit rating, payable to the City sufficient to ensure the timely completion of improvements may be accepted by the Department.
5. Dedication of land or right-of-way for facility improvements to the City as proportionate fair-share mitigation must be completed prior to issuance of the certificate of acceptance or approval and recording of the final plat.
6. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share mitigation to the extent the change would generate additional traffic that would require mitigation. In such event, the applicant for development must submit an application pursuant to these regulations.
7. Applicants may submit a letter to withdraw from the Proportionate Fair-Share Program at any time prior to the issuance of the Certificate of Concurrency. The application fee and any associated advertising costs to the City will be non-refundable.
8. The City may consider joint applications for proportionate fair-share mitigation to facilitate collaboration among multiple applicants on improvements to a shared transportation facility, and may coordinate with other jurisdictions on proportionate fair-share mitigation through inter-local agreements.

(i) Appropriation of Fair-Share Revenues. At the time the proportionate fair-share mitigation funds are received pursuant to these regulations, the proportionate fair-share mitigation funds shall be deposited as follows:

1. Proportionate fair-share mitigation funds shall be placed in the appropriate project account for funding of scheduled improvements in the long-term schedule of capital improvements, or as otherwise established in the terms of the Certificate of Concurrency, or condition of development approval. At the discretion of the City, proportionate fair-share revenues may be used for operational improvements prior to construction of a project from which the proportionate fair-share contribution was derived. Proportionate fair-share mitigation funds may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
2. In the event a scheduled facility improvement is removed from the long-term schedule of capital improvements, the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that in the discretion of the City would mitigate the impacts of development.
3. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share mitigation and public contributions and seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(j) Impact Fee Credit for Proportionate Fair-Share Mitigation. The following requirements shall apply regarding impact fee credits and proportionate fair-share mitigation:

1. Proportionate fair-share mitigation shall be applied as a credit against any applicable City transportation impact fees only when a transportation facility has a segment for which the City transportation impact fee is being applied. Credits will be given for that portion of the applicant's transportation impact fees that would have been used to fund the improvements on which the proportionate fair-share mitigation is calculated. If the proportionate fair-share mitigation is based on only a portion of the development's traffic, the credit will be limited to that portion of the impact fees on which the proportionate fair-share mitigation is based.
2. Impact fee credits for the proportionate fair-share mitigation will be determined when the transportation impact fee obligation is calculated for the proposed development. If the applicant's proportionate fair-share mitigation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the City pursuant to the requirements of any applicable City of Callaway impact fee ordinance, if and when it is put in place.
3. The proportionate fair-share mitigation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share mitigations for a proposed development cannot be transferred to any other location.