

# TOWN OF MICANOPY, FLORIDA



## LAND DEVELOPMENT CODE

Adopted by the Micanopy Town Commission  
July 9, 2013  
Ordinance 2013-09

Effective Date: July 9, 2013

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**Town of Micanopy  
Land Development Code**

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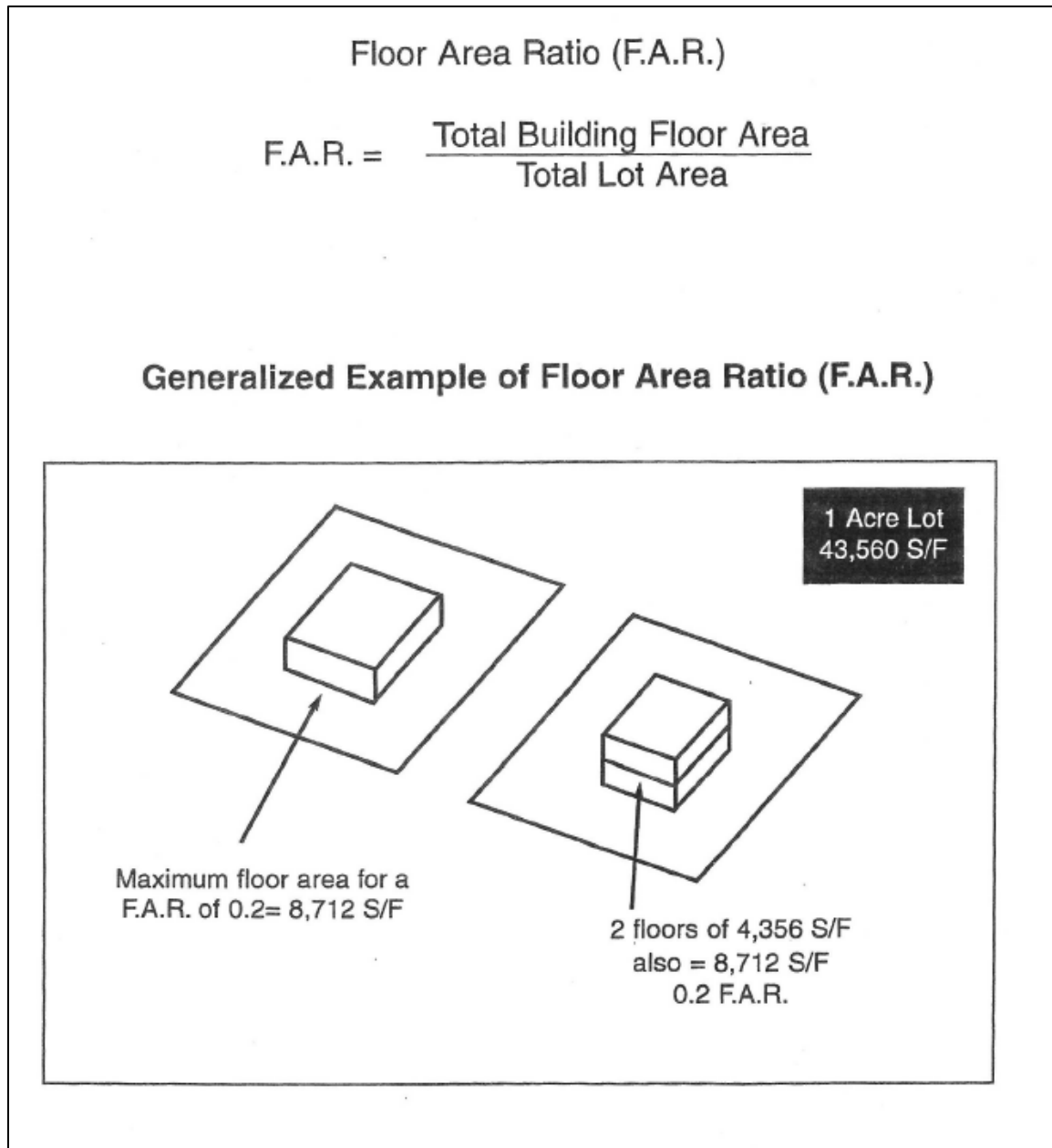
Town of Micanopy Historic Registers Map

Town of Micanopy Historic District Overlay Zoning Map

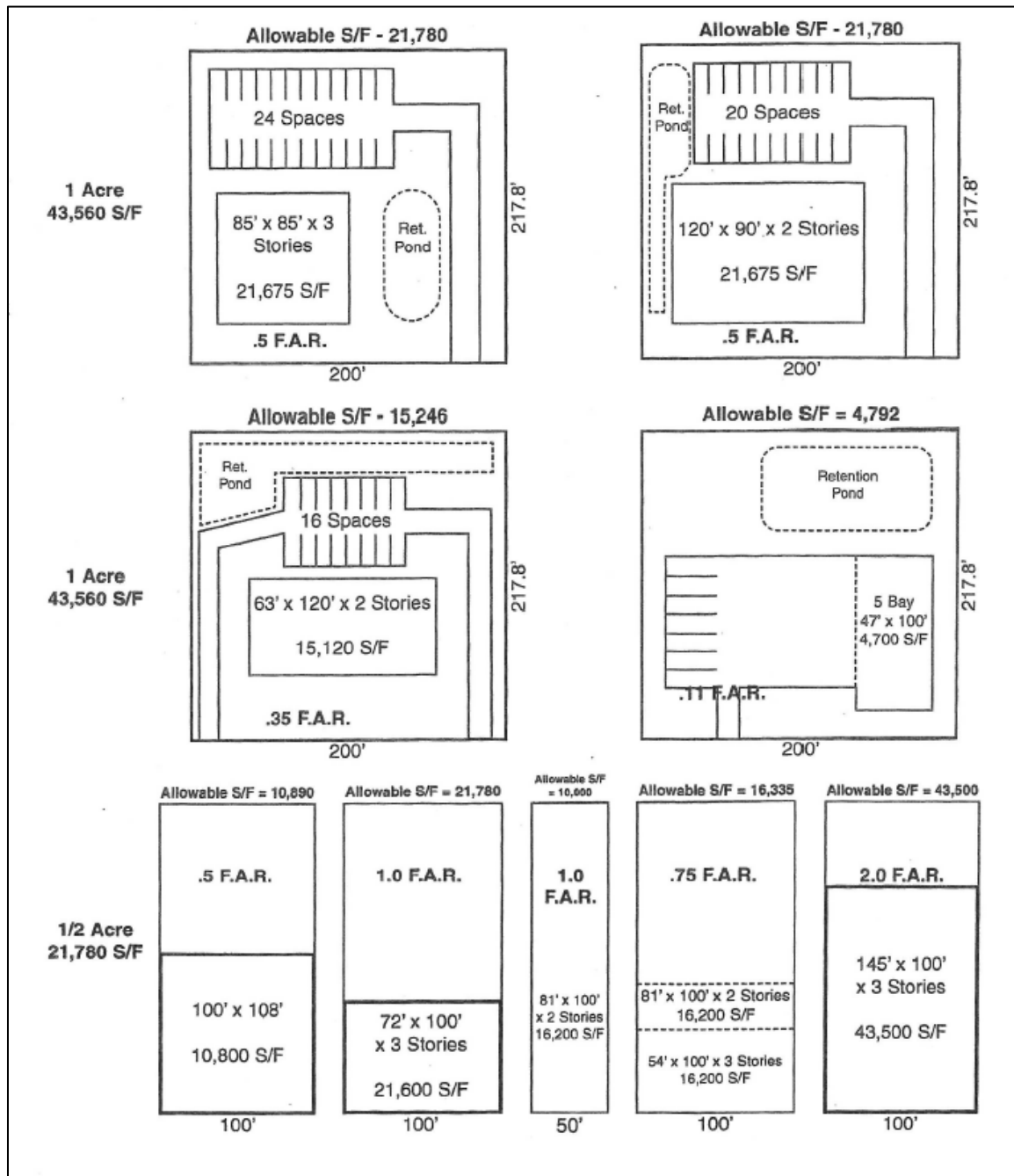
Town of Micanopy  
Land Development Code

Illustrative Diagrams

1. Floor Area Ratio

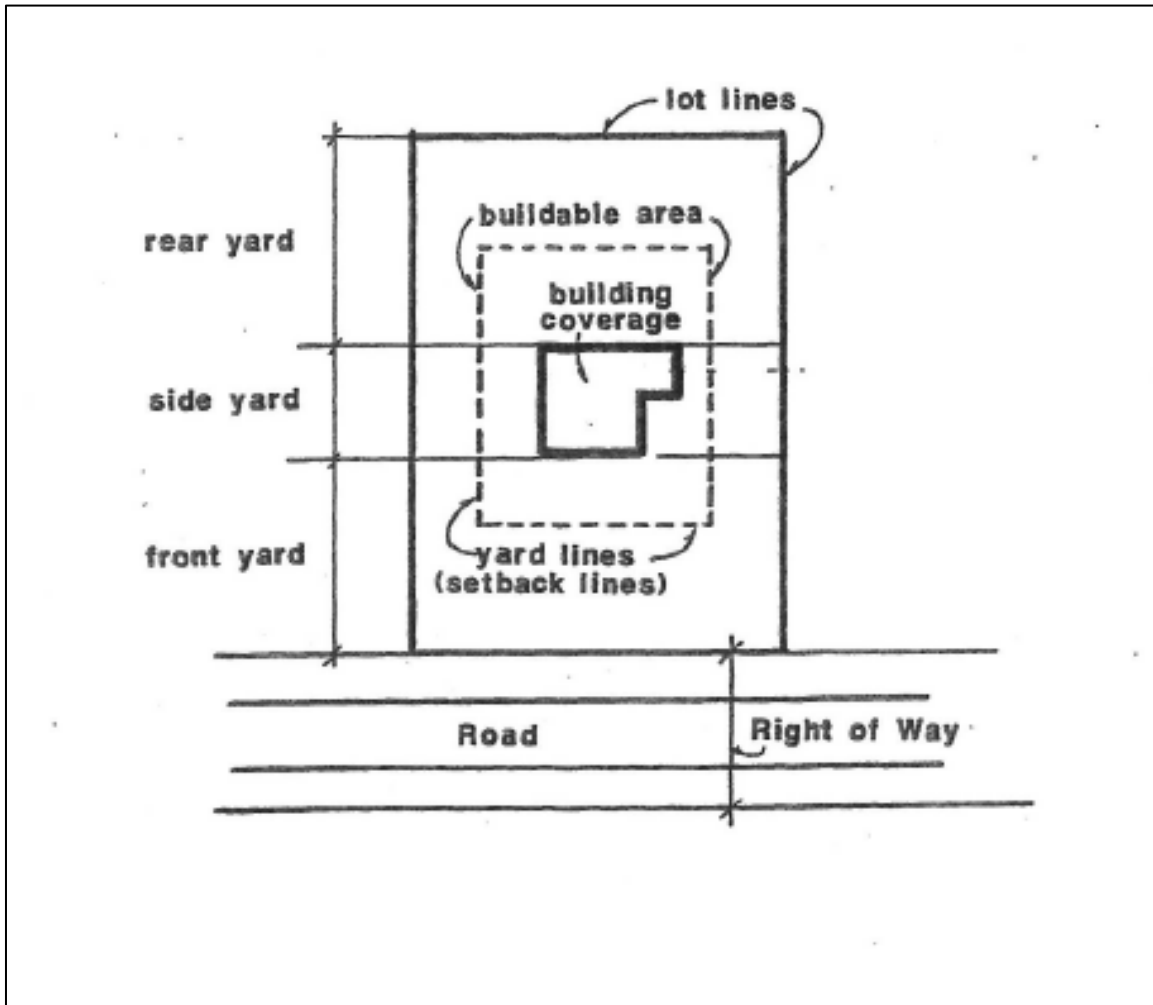


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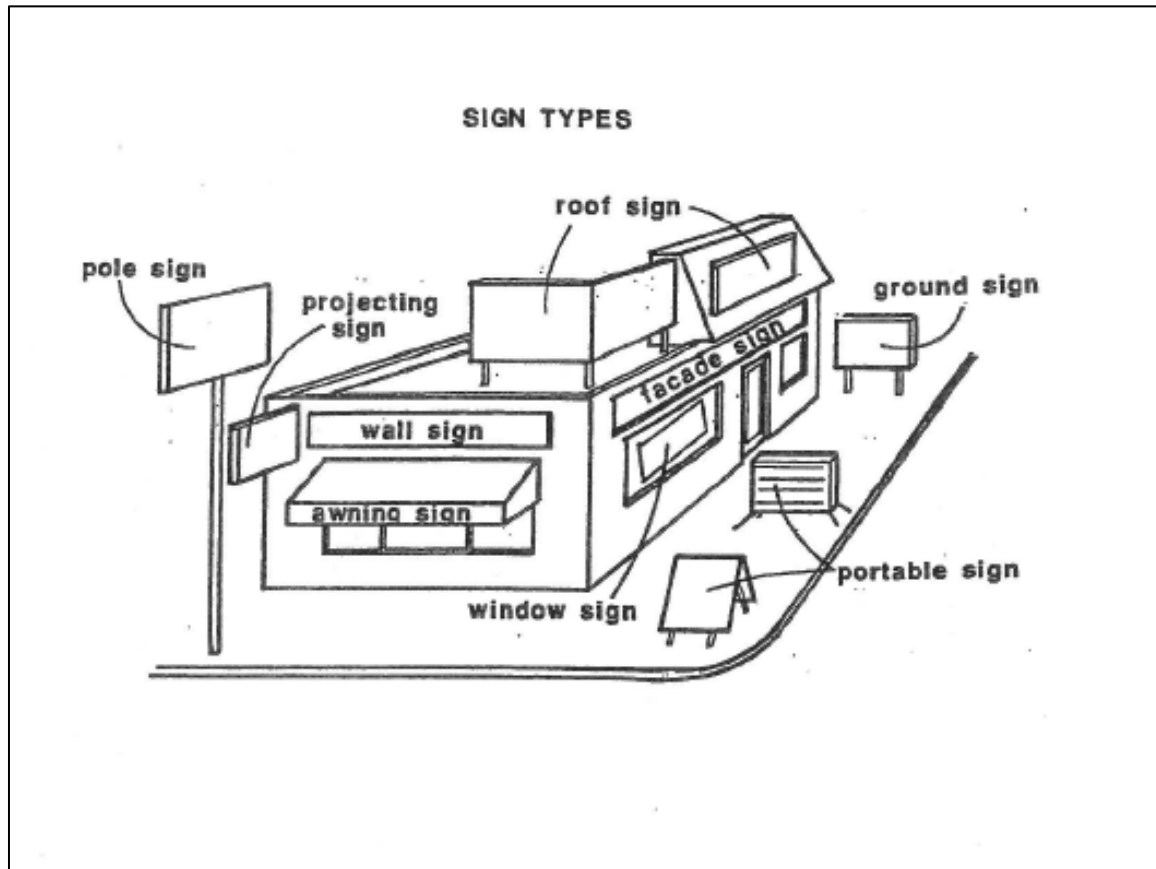




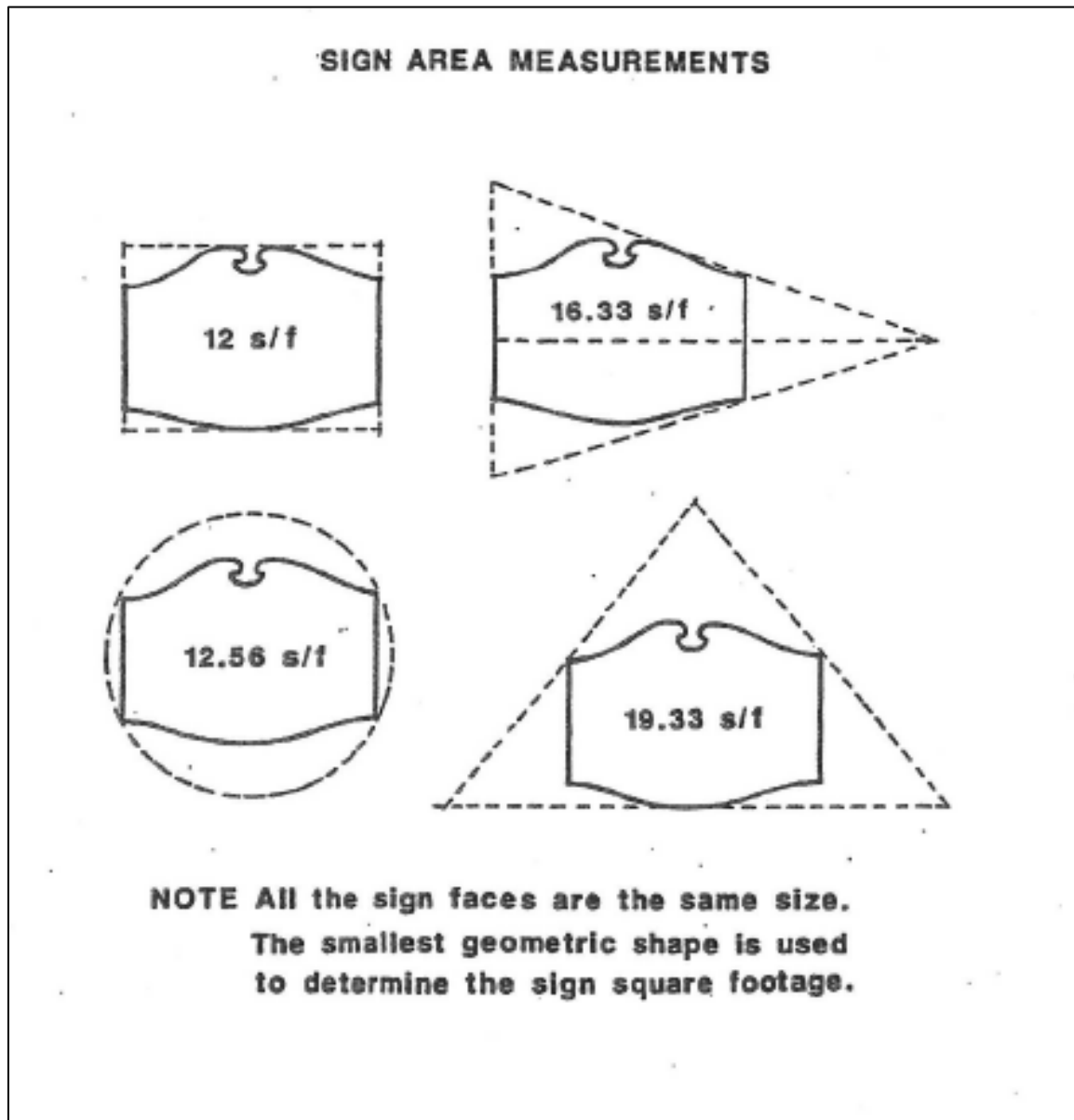
3. Building Coverage



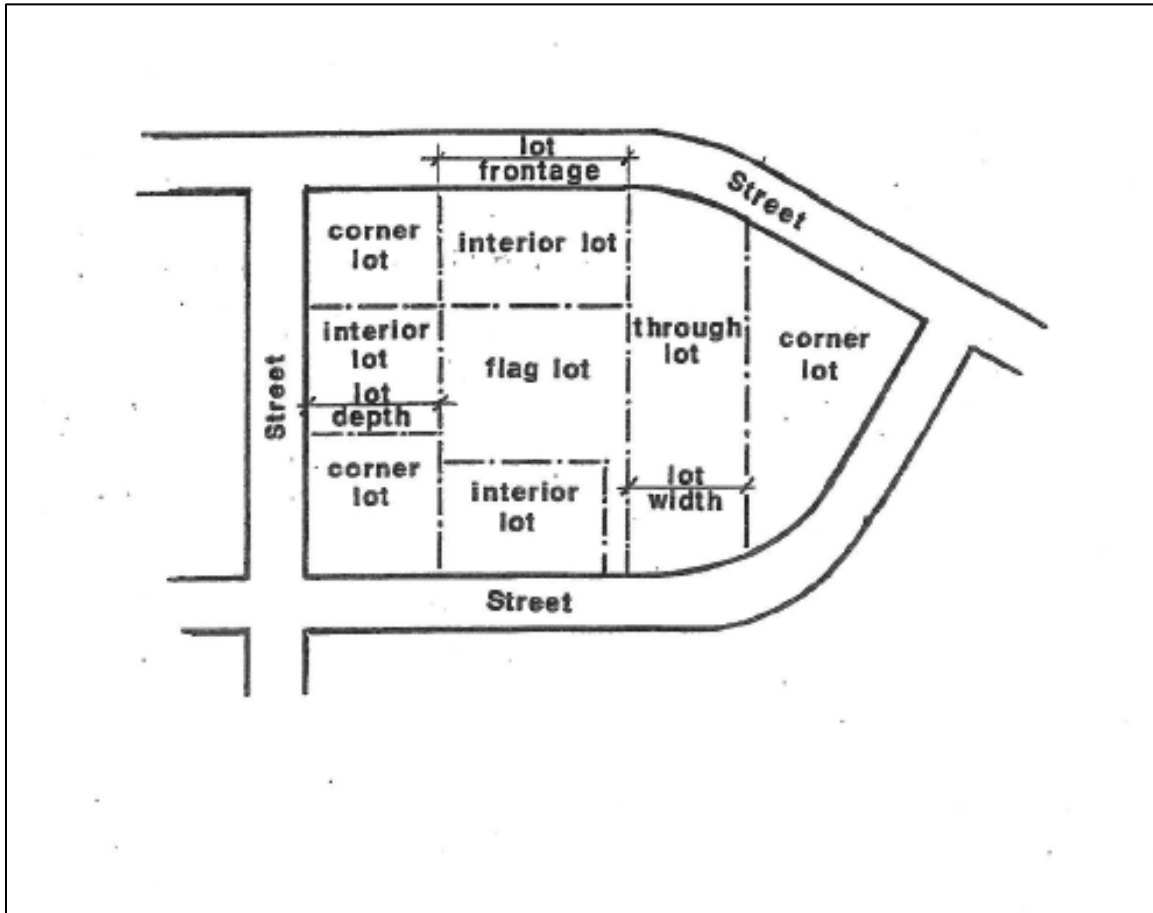
#### 4. Sign Types



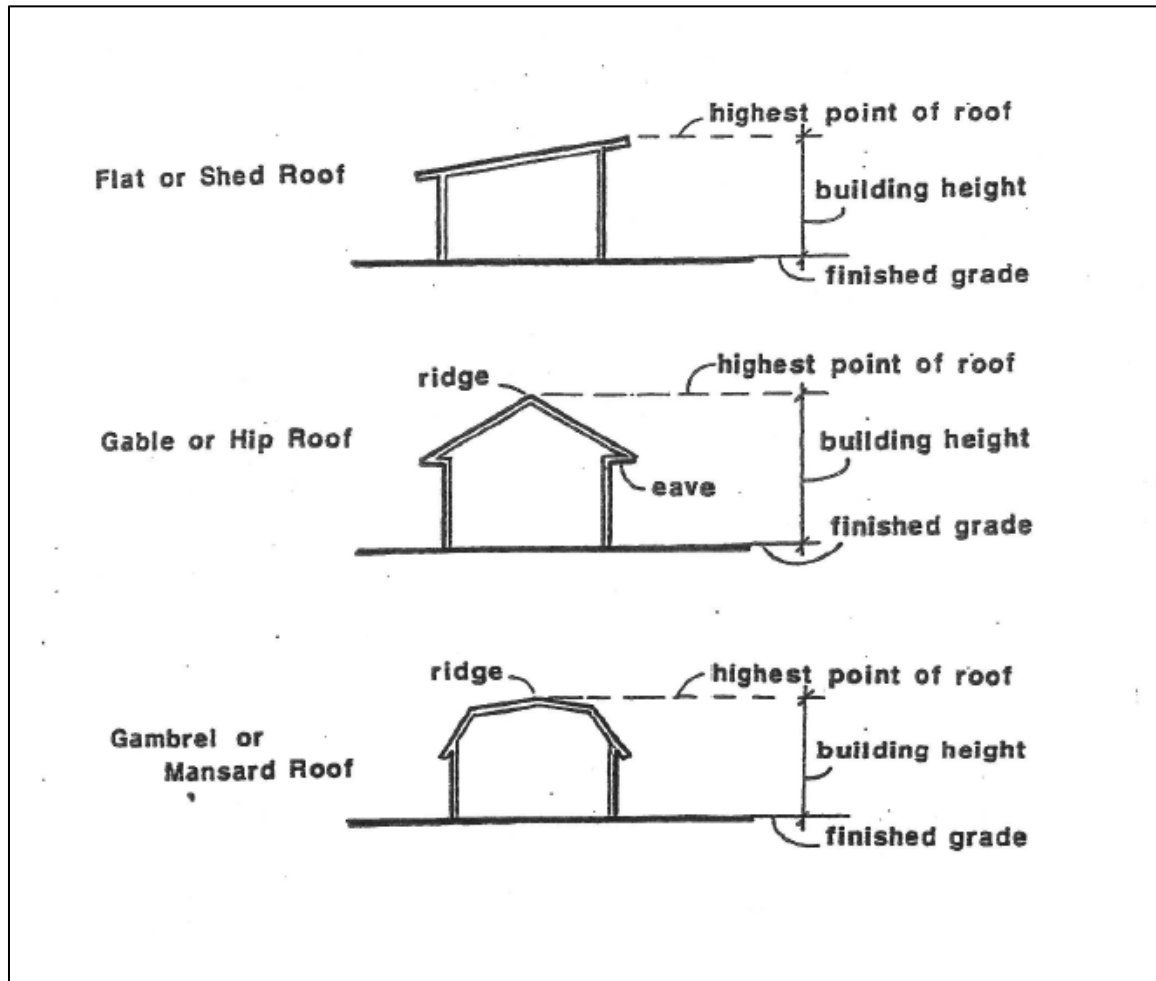
5. Sign Area Measurements



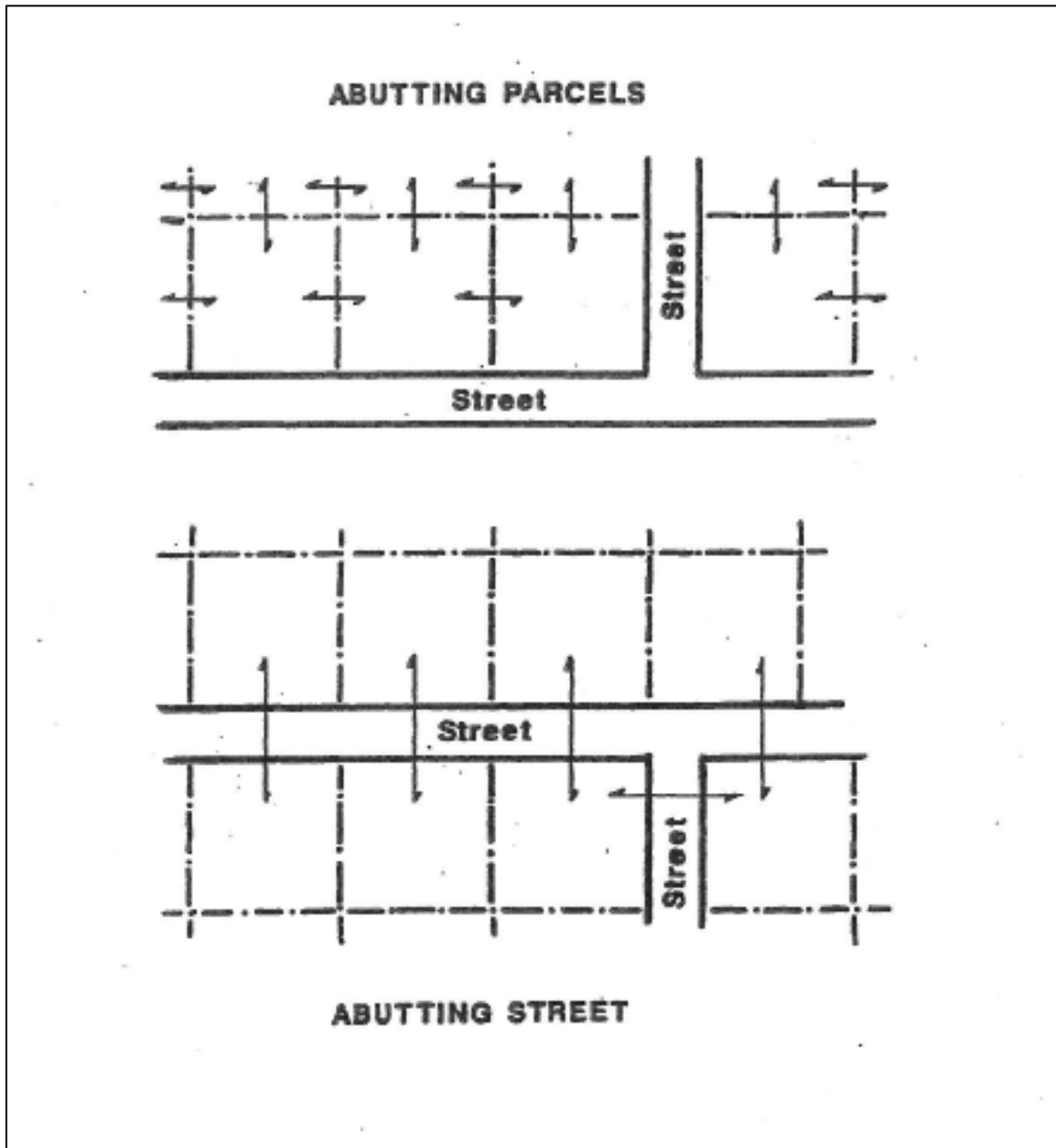
6. Lot Types



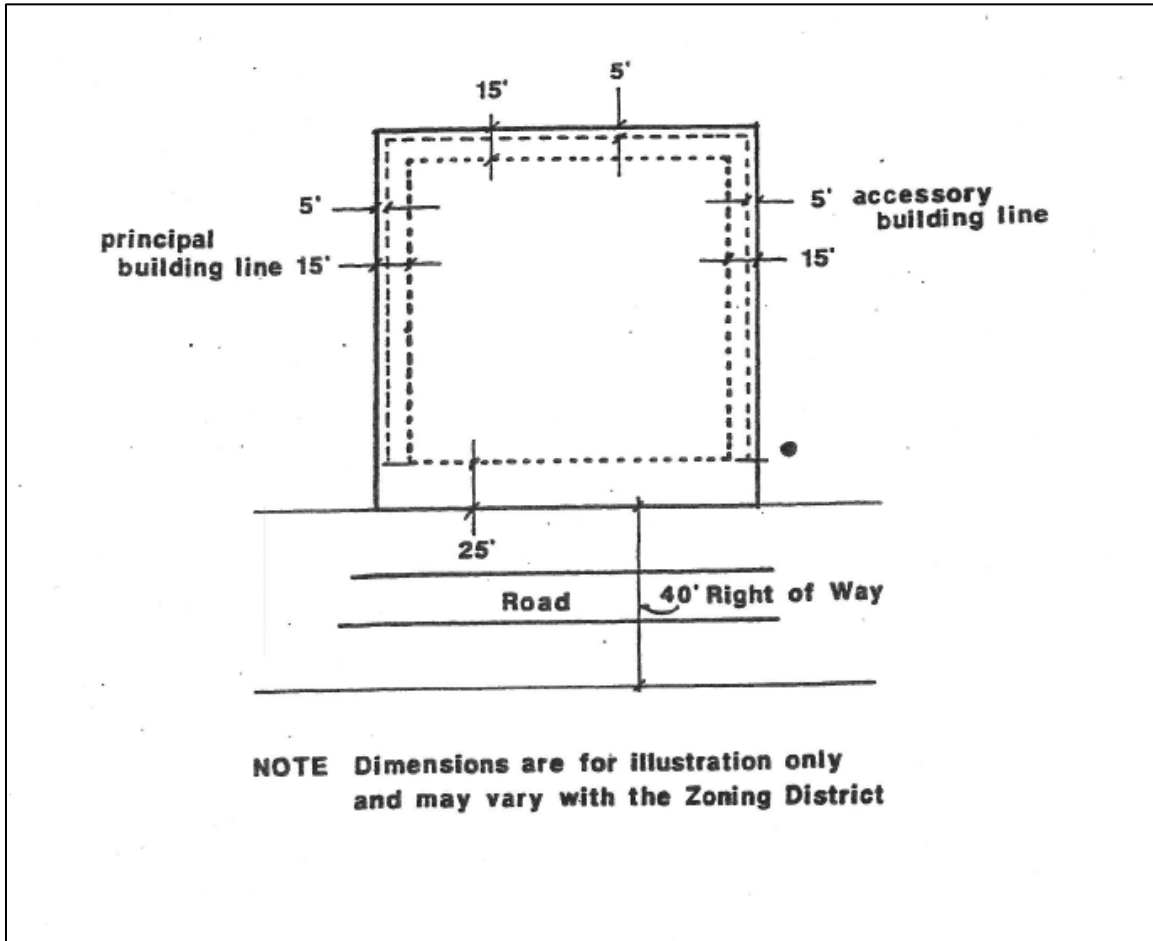
7. Building Height



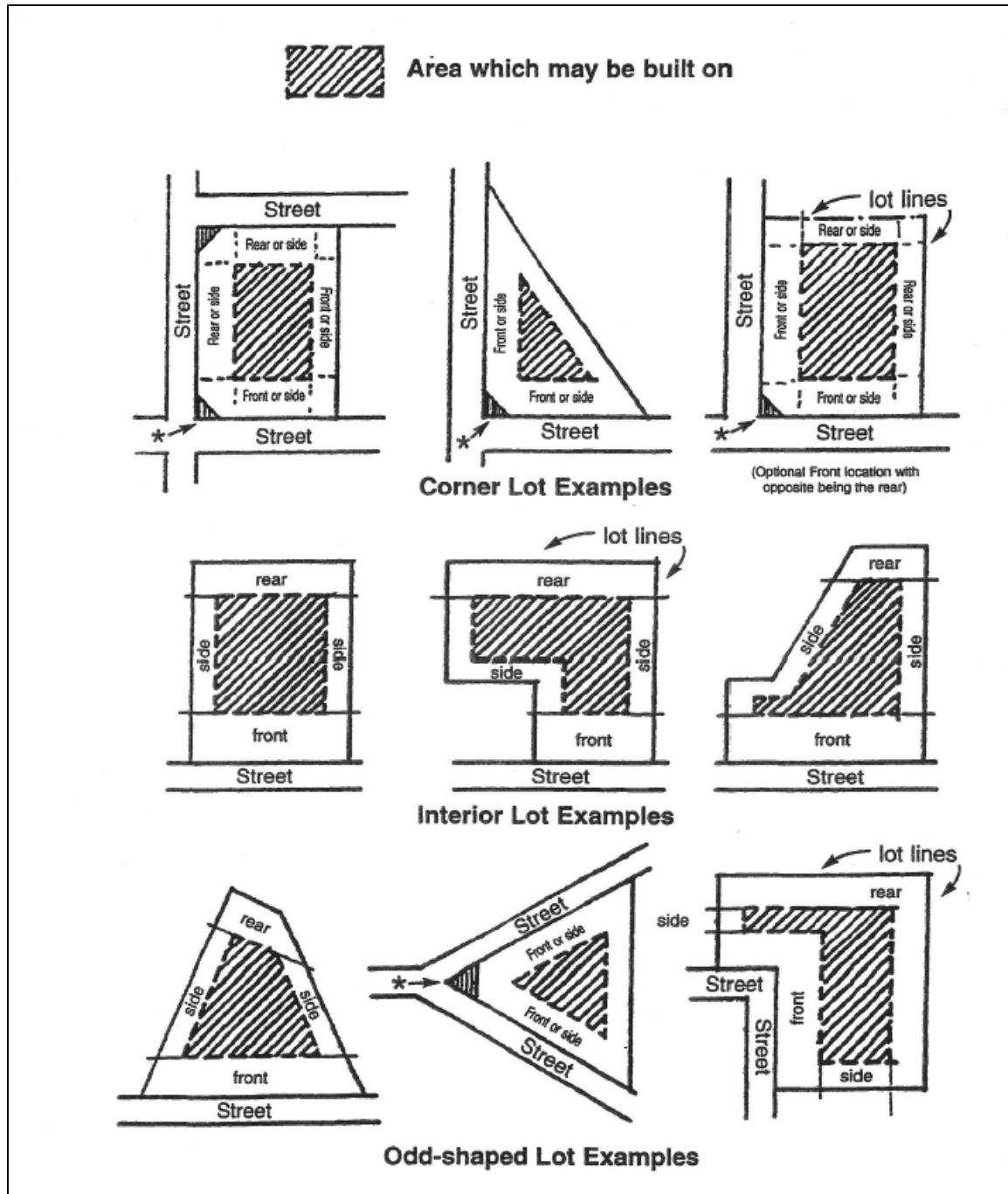
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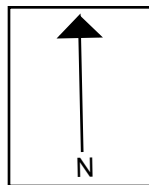
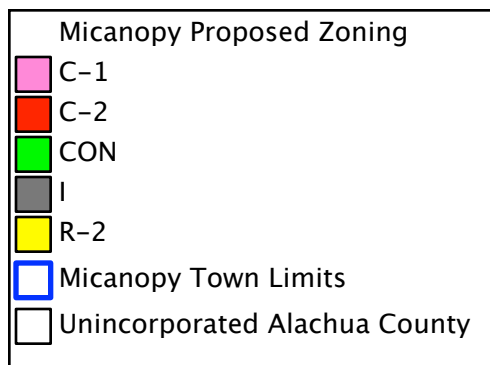
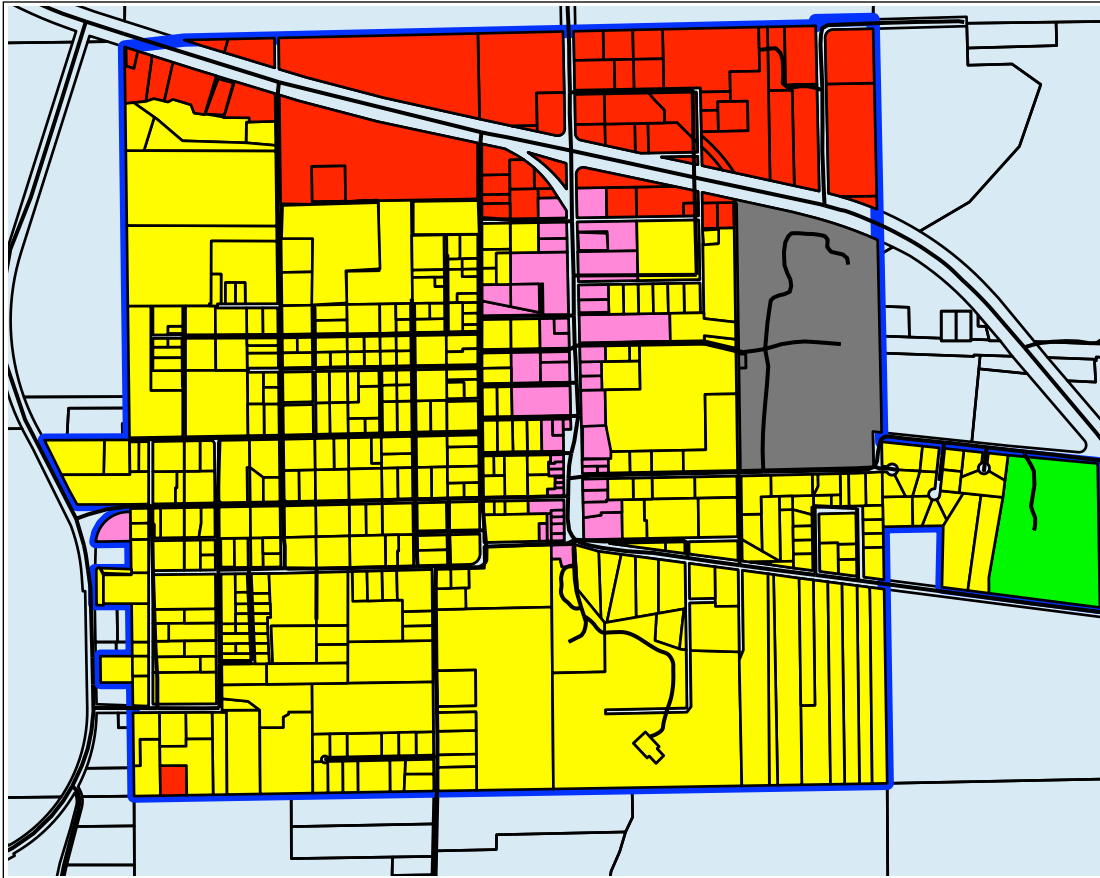


10. Required Yards





# Micanopy Official Zoning Map

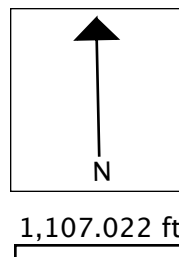
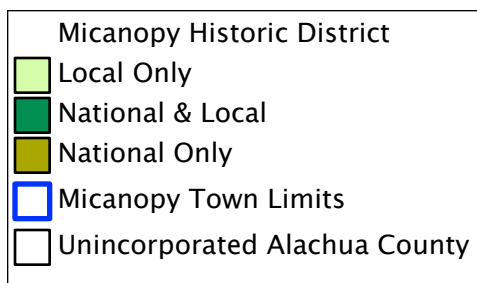
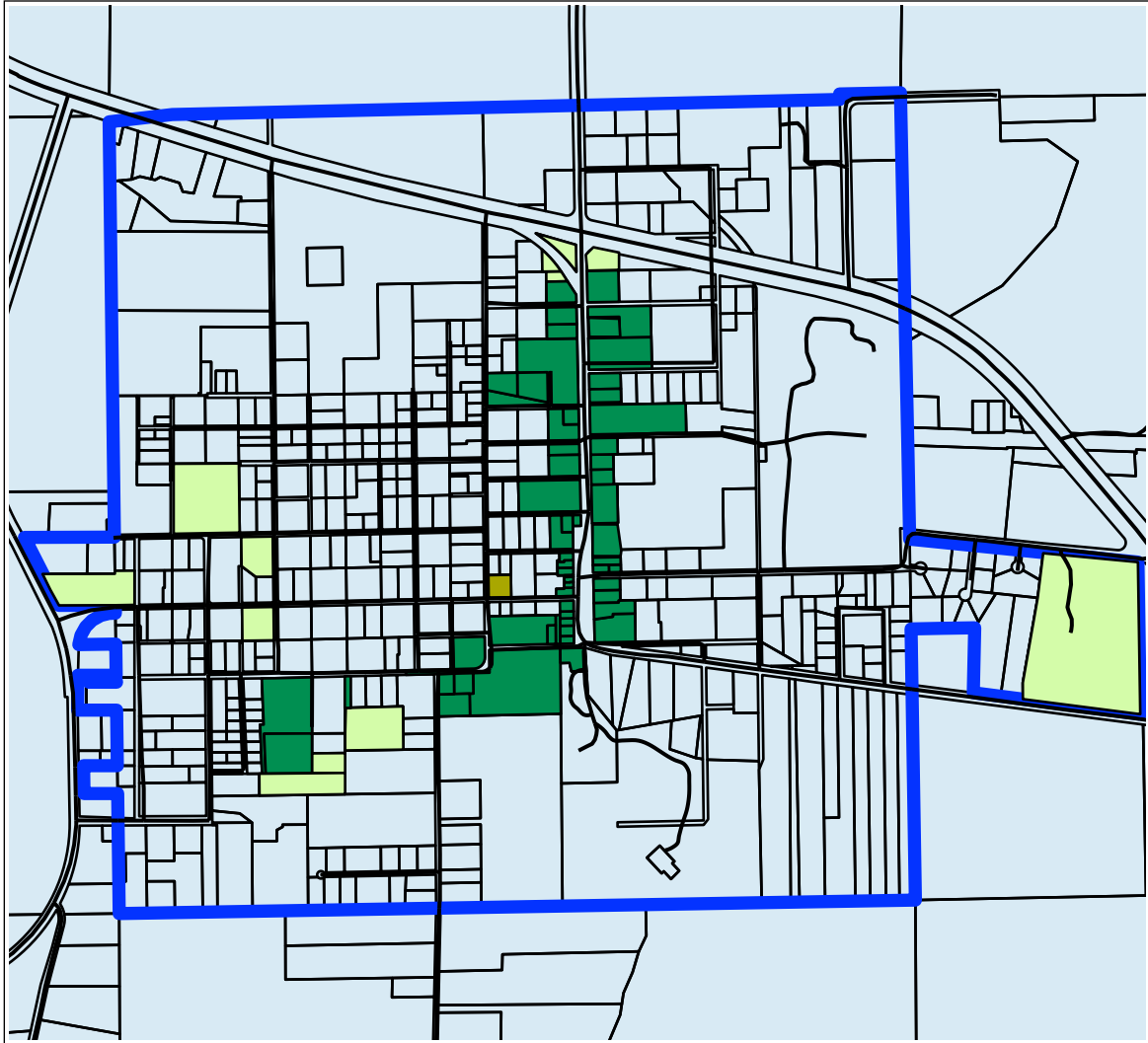


Date: July 9, 2013

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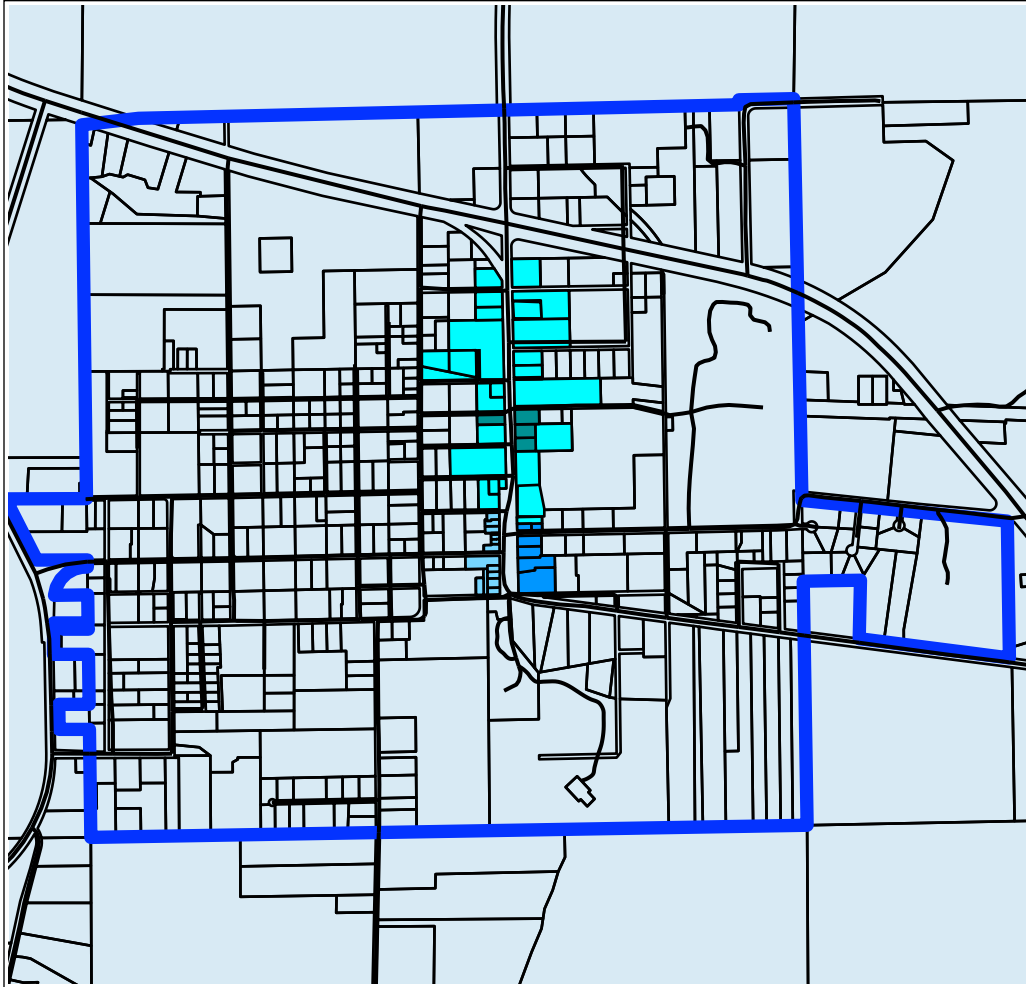


# Town of Micanopy Historic Registers Map

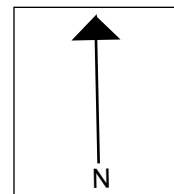
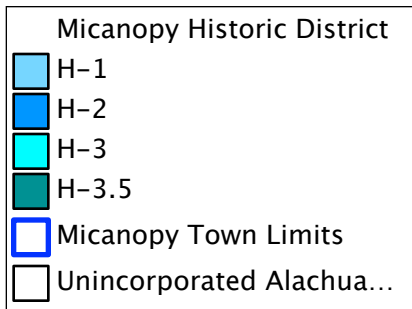


Date: July 9, 2013

Town of Micanopy Historic District Overlay Zoning Map



Date: July 9, 2013



## **ARTICLE 1. GENERAL PROVISIONS**

### **1.01 IN GENERAL**

- 1.01.01      **SHORT TITLE.** This Code shall be known and may be cited as the "Micanopy Land Development Code." It may also be referred to as the LDC or the Code.
- 1.01.02      **ADOPTION OF OFFICIAL ZONING MAP.** The Official Zoning Map, as hereby adopted and amended from time to time, is made a part of this Land Development Code. The Official Zoning Map shall be maintained in the office of the Town Commission.
- 1.01.03.      **AUTHORITY.** The Micanopy Land Development Code is adopted pursuant to Chapter 163, Part II, Florida Statutes, and Charter of the Town of Micanopy.
- 1.01.04      **SCOPE.** The provisions of this Land Development Code apply within the entire incorporated area of the Town of Micanopy and to the use of all lands within the area by any person, corporation, other legal entity or public agency, including the Town itself.
- 1.01.05      **BASIC GOAL.** It is the intent of this Land Development Code to encourage and promote, in accordance with present and future needs described in the adopted Town of Micanopy Comprehensive Plan, the safety, aesthetic, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Micanopy.
- 1.02.          **OBJECTIVES.**
- 1.02.01      This Land Development Code promotes of the goals, objectives and policies of the adopted Comprehensive Plan by:
- A.            Regulating the subdivision of land;
  - B.            Regulating the use of land and water; ensuring the compatibility of adjacent uses; and providing for open space;
  - C.            Providing for the protection of potable water wellfields;
  - D.            Regulating areas subject to seasonal and periodic flooding and providing for drainage and stormwater management;
  - E.            Ensuring the protection of natural resources designated in the Town of Micanopy Comprehensive Plan;
  - F.            Regulating signage;
  - G.            Providing that public facilities and services meet or exceed the minimum standards established by the capital improvements element of the Town of Micanopy Comprehensive Plan; and

- H. Ensuring safe and convenient onsite traffic flow and providing for needed parking.
- 1.02.02. Providing for the healthful and beneficial distribution of population;
- 1.02.03. Ensuring the correct management of the use and occupancy of buildings, land and water through appropriate regulation;
- 1.02.04. Providing for appropriate public facilities and utilities;
- 1.02.05. Providing for the convenient circulation of people and goods and the prevention of traffic congestion in the Town of Micanopy;
- 1.02.06. Protecting the natural environment and the aesthetic quality of the Town;
- 1.02.07. Protecting, enhancing and ensuring the perpetuation of specific areas within the Town of Micanopy with special character, interest or value representing and reflecting elements of the Town's cultural, social, economic, political, historical and architectural heritage in light of the part the Town of Micanopy has played in the history of the State of Florida and the United States of America; and
- 1.03. NONCONFORMING LOTS, USES OR STRUCTURES.
  - 1.03.01. Intent. Within the districts established by this Land Development Code there exist lots, structures, and uses which were lawful before June 11, 2002, but which will be prohibited or restricted under the terms of this LDC. It is the intent of this Section to permit these non-conformities to continue until they are eliminated, but not to encourage their survival. Except as otherwise provided, nonconformities shall not be enlarged, expanded, intensified or extended nor be used as a basis for adding other structures or uses prohibited within the district. Certain improvements to nonconforming uses which: (1) do not involve increases in the size of structures or changes in the character of existing uses; (2) are reasonably related to the continuation of those uses; and (3) will not have an adverse impact on the surrounding neighborhood and general public, may be permitted. To avoid undue hardship, nothing in herein shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued prior to June 11, 2002.
  - 1.03.02. Nonconforming buildings or structures. Nonconforming principal buildings and structures shall be made to comply with these regulations only after destruction which exceeds fifty (50) percent of its physical value immediately prior to the time of destruction as determined by the building official with substantial competent evidence. An existing nonconforming principal building or structure may be maintained and repaired, but shall not be structurally added onto, remodeled, or altered; however, and may be added onto, remodeled, or altered, provided that such addition, remodeling, or alteration and its use are thereafter in compliance with this LDC.

1.03.03. Nonconforming lots.

- A. Combining lots. Where two (2) or more contiguous nonconforming lots with continuous frontages are under the same ownership, or where a nonconforming lot is contiguous to another lot under the same ownership, such lot or lots shall be combined to form one (1) or more lots meeting the requirements of the district in which they are located.
- B. Buildings on nonconforming lots. A building may be located on a substandard or nonconforming lot, provided that the remedies set forth in herein cannot be complied with and that the building use is permitted in the zoning district in which the lot is located, as long as the Planning and Historic Preservation Board finds that such building will not create any condition detrimental to the safety, convenience and quiet possession of surrounding properties and uses. The Planning and Historic Preservation Board shall not authorize a multiple-family dwelling on a substandard or nonconforming lot in any district in which a single-family dwelling is a permitted use.

1.03.04. Nonconforming use of land. All uses of land without principal buildings which are made nonconforming by the adoption of this Land Development Code shall be made to comply with this Code within three (3) years from June 11, 2002.

1.03.05. Nonconforming uses of buildings, structures, and premises. If a lawful use of a structure, or of a structure and premises in combination, exists on June 11, 2002, that would not be allowed in the district under the terms of this Land Development Code, the lawful use may be continued, as long as it remains otherwise lawful, subject to the following provisions:

- A. If the use of a structure devoted to a nonconforming use in the district in which it is located is changed, the use must be changed to one permitted in such district.
- B. Removal or destruction of the structure shall eliminate the nonconforming status of the land.
- C. There may be a change of tenant, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
- D. When a nonconforming use of a structure is discontinued, vacant, abandoned, or not used for six (6) consecutive months, the structure shall not thereafter be used except in conformance with the LDC; The Planning and Historic Preservation Board may permit the reestablishment of the nonconforming use where it is determined after public hearing that the design, construction, and character of the building is suitable for uses permitted in the district. The Planning and Historic Preservation Board shall hold a public hearing on each case in question after giving ten (10) days public notice of the time and place of such hearing, in order to determine the question of suitability of uses permitted in the district in which such building is located. In no event shall the Planning and Historic Preservation Board permit a change to another nonconforming

use; nor shall it permit any remodeled, moved, or structurally altered for any purpose other than changing the use of the structure to a use permitted in the district in which it is located.

- E. The Planning and Historic Preservation Board may, by special use permit, allow improvements to the nonconforming structure and/or its premises. Possible improvements may include, but are not limited to: existing vehicular use areas, landscaping, drainage, lighting, and the provision of buffering and screening along property boundaries. Proposed improvements must comply with the dimensional and other requirements of the zoning district and otherwise comply with off-street parking and loading and landscaping regulations applicable to new development to the maximum extent possible within recognized site constraints. Such improvements may not include:

1. An increase in floor area beyond fifty (50) percent, or
2. Enclosures of previously unenclosed areas. Improvements involving the installation of marquees, canopies or awnings must additionally meet the requirements found elsewhere in the code regarding "Signs or street graphics" and "overhanging and protruding projections." Street graphics on marquees, canopies or awnings are prohibited in residential districts pursuant to other sections of this Code.

- 1.03.06. Findings of fact required for issuance of special use permits relating to this section. Any other provision of this Code notwithstanding, the Planning and Historic Preservation Board must make the following additional findings of fact before it may approve a special use permit:

- A. That the applicant has demonstrated with competent substantial evidence the legality of the nonconforming use of the structure or structure and premises addressed in the application. Competent substantial evidence may include, but is not limited to, historic aerial photographs, use and property records maintained by the Town, records maintained by the Alachua County Property Appraiser's office, business records, and photographs that can be certified as to their date and authenticity; and
- B. That the proposed improvements are reasonably related to the continuation of a nonconforming use and associated facilities and will not result in an increase in the floor area of structures beyond fifty (50) percent, enclosure of previously unenclosed areas, a change in the existing character of a use or detrimental impacts on surrounding uses and properties or the general public; and
- C. That the proposed improvements are in compliance with all other applicable Code regulations to the maximum extent practicable.

- 1.04. VESTED RIGHTS. The Planning and Historic Preservation Board shall evaluate and rule on applications for vested rights pursuant to the following criteria:

- 1.04.01. Common law vesting is a right to develop or to continue the development of property notwithstanding the Micanopy Land Development Code. This right may be found to exist whenever the applicant proves by a preponderance of evidence that the owner or developer, acting in good faith and reasonable reliance upon some act or omission of the Town, has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the property.
- 1.04.02. Statutory vesting is the right to develop or to continue the development of property. This right may be found to exist if a valid and unexpired development order was issued by the Town prior to adoption of the Land Development Code, and if substantial development occurred on a majority portion of the development authorized in the development order and was completed or development is continuing in good faith as of the adoption of the Land Development Code.
- 1.04.03. Presumptive vesting for consistency and concurrency exists when construction on an entire structure has been completed pursuant to a valid building permit. The right shall be presumptively vested for the purposes of consistency and concurrency and the developer shall not be required to file an application to preserve vested rights status.
- 1.04.04. Presumptive vesting for density only exists when the criteria below have been met. The developer shall not be required to file an application to preserve vested rights, in this regard, if:
- A. All lots of record as of the adoption of the Land Development Code, whether located within a subdivision or without, but only to the extent of one single family residence per lot; however, such lots shall not be contiguous, as of the adoption date of the Land Development Code, to any other lot(s) owned by or under contract for deed to the person(s) applying for the single family residence building permit; and
  - B. All contiguous lots of record, owned by the same entity, as of the adoption of the Land Development Code, whether located within a subdivision or without, are treated as one lot for one single-family residence.

#### 1.05 DEFINITIONS AND RULES OF CONSTRUCTION

- 1.05.01. RULES FOR THE CONSTRUCTION OF LANGUAGE. For the purpose of the administration of this Land Development Code, and unless otherwise stated herein, the following rules of construction shall apply:
- A. In case any difference of meaning or implication between the text of this Land Development Code and the text of the adopted Comprehensive Plan, the text of the adopted Comprehensive Plan shall control.
  - B. In case any difference of meaning or implication between the text of this



section and any other section of this Land Development Code or any caption, illustration, summary table or illustrative table, the specific section text of this Land Development Code shall control except as provided in Section 1.06.01.A, above.

- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used or defined in the present tense shall include the future; words used in the singular number shall include the plural; and words in the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "maintained for," "provided for," or "occupied for."
- F. Unless the context clearly indicates the contrary, where the regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all connected items, conditions, provisions or events shall apply.
  - 2. "Or" indicates that all connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- G. The word "includes" or "including" shall not limit a term to the specified examples but is intended to extend its meaning to all instances or circumstances of the like kind of character.

#### 1.05.02 DEFINITIONS.

- A. Whenever used in this Land Development Code, unless otherwise indicated, the terms Code, LDC, chapter, article, section and subsection shall refer to the Micanopy Land Development Code and the referenced provisions thereof.
- B. Any word or phrase used in this Land Development Code which is not defined in this Land Development Code shall have the common dictionary meaning most appropriate to the context in which the word or phrase is used or shall have the definition found in Florida Statutes.
- C. Throughout this Land Development Code, the following words and phrases shall have the meanings indicated unless the text of the article or section in which used clearly indicates otherwise:

*Abut.* To physically touch or border upon; or to share a common property line.

*Accessory structure.* A subordinate detached structure, the use of which is customarily and normally incidental to that of the principal use on the same lot and does not include residential uses.

*Accessory use.* An activity, function or purpose existing on a lot subordinate and related to the principal use.

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

*Angle of light obstruction.* The angle establishing an inclined plane above which no part of a structure on a lot, regulated by such restriction, shall extend. The angle shall be measured at the intersection of such inclined plane with a horizontal plane, at natural ground level along lot lines on the sides of the lot not abutting a public or private street, and at curb level along the street center line on the sided of the lot abutting a public or private street.

*Bed and breakfast establishment.* A dwelling unit personally and physically occupied by the owner or tenant manager in which as a use subordinate to and included in the residential dwelling unit, transient guests, in return for payment, are provided an overnight sleeping room and meals.

*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.

*Building.* Any structure, either temporary or permanent, except a fence or as otherwise provided in this definition, used or built for the enclosure or shelter of persons, animals, materials, vehicles, goods, equipment or property generally. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, barns, animal kennels, storerooms, coops, or vehicles serving in any way the function of a building as described herein. This definition shall not include individual doll houses, play houses, animal or bird houses that are neither to be used for human habitation (a place of permanent or temporary abode) nor storage as a principal use.

*Building envelope.* The outermost surfaces forming the complete enclosure of a building.

*Building footprint.* The outline of the total area covered by a building's perimeter at the ground level.

*Building height.* The vertical distance measured from the average elevation of the proposed finished grade to the highest point of a building.

*Building official.* The person designated as the building official by the Micanopy

Town Commission.

*Building permit.* Written permission issued by The Town of Micanopy building official for the construction, repair, alteration or addition to a structure.

*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 sections of the Town of Micanopy Land Development Code, building codes and the adopted Town of Micanopy Comprehensive Plan.

*Common wall.* A solid wall in a single vertical plane joining two (2) dwelling units but completely separating such units.

*Completely enclosed building.* A building having a complete, permanent roof and continuous walls on all sides, either party walls or exterior walls, including any customary windows and doors.

*Compound use.* The use of any land or building in a particular zoning district for both a residential use and a nonresidential use permitted in such district, either of which may be the principal use.

*Comprehensive Plan.* The Town of Micanopy Comprehensive Plan most recently adopted by the Micanopy Town Commission, and all amendments thereto.

*Concurrency.* A condition where specified facilities and services have or will have the necessary capacity to meet the level of service standard, as adopted in the Town of Micanopy Comprehensive Plan, at the time of impact of the development project.

*Corner lot.* A lot located at the intersection of two (2) streets and abutting such streets on two (2) adjacent sides of the lot, or a lot with two (2) adjacent sides abutting adjoining and deflected right-of-way lines of the same street which form an interior angle of less than one hundred thirty- five (135) degrees.

*Day care center.* Any place, building or location, other than an occupied dwelling, where care is provided to six (6) or more natural persons, not related to the operator, for compensation. Such care may be rendered day or night. Such term specifically includes a kindergarten (when not part of a school), nursery school, childcare center, and adult day care facility.

*Developer.* Any person, firm, partnership, association, corporation, company or organization of any kind engaged in: any type of man-made change or improvement to land, or, the redevelopment of land or structures.

*Development order.* Any action of the Town of Micanopy which approved the development of land for a particular use or uses, at a specified density, and which allowed development activity to commence on the land for which the development order was issued.

*District (or zoning district).* An area or areas of The Town of Micanopy designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this Land Development Code.

*Dwelling.* Any building used primarily for human habitation. The term dwelling shall not include hotel, motel, tourist court or other building for transients.

*Dwelling unit.* A room or rooms, in a dwelling other than a rooming house or dormitory, comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit.

*Existing use.* The use of a lot, parcel or structure at the time of inquiry.

*Fence.* A non-naturally occurring enclosure or barricade.

*Floor area ratio (F.A.R.).* The extent of development of any lot expressed as a ratio of the gross floor area of all buildings on the lot (or any principal buildings on the lot if the ratio is so limited) to the total lot area. The formula for computing F.A.R. is: Floor Area divided by Lot Area.

*Frontage.* The length of a lot line along an abutting public street right-of-way.

*General offices for agricultural, business and industrial firms.* Office uses which conduct the normal and customary office activities, not including any retail or wholesale sales, which are incidental to any business or industrial use but which are located in separate facilities on a different lot than such business or industrial use.

*Governmental agency.* The United States, any other country, the State of Florida, any other state, Alachua County, any other county, the Town of Micanopy, any other municipality, any special district, and any agency, board, commission, authority or political subdivision thereof.

*Gross density.* The total number of dwelling units divided by the total site area.

*Gross floor area.* The sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven (7) feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. The floor area of garages, carports, patios and porches shall not be included in such sum.

*Home occupation.* Any business or other nonresidential activity conducted by a resident and pursued entirely within his/her dwelling unit for which such use of the dwelling unit shall be clearly and absolutely incidental and subordinate to its

use for residential purposes.

*Impervious.* Incapable of being penetrated by moisture.

*Junk.* All waste and scrap materials, including, but not limited to: scrap metals, paper, rags and other natural or synthetic fibers; batteries; discarded glass, tinware, and plastics; appliances, household furnishings, equipment and hardware. This term shall also include inoperable motor vehicles, machinery and appliances no longer used as such (e.g., used as scrap metal or source of parts.)

*Junkyard.* An open area where junk is bought, sold, exchanged, stored, processed or handled as the principal use. This term shall also include operations primarily engaged in the dismantling, demolition or abandonment of automobiles and other motor vehicles, or machinery or parts thereof.

*Lot.* A piece, parcel, tract or plot of land.

*Lot area.* The total horizontal area included within the lot lines.

*Lot depth.* The mean horizontal distance between the front and rear lot lines.

*Lot line (or property line).* The boundary line of a lot.

*Front lot line.* That property line which abuts a public or private street or street. If a lot abuts two (2) or more streets, the front lot line is that property line abutting a street, which has been designated as the front lot line by the owner at the time of application for building permit, provided such lot is not made nonconforming.

*Side lot line.* Any lot line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Rear lot line.* That lot line that is most distant from and is, or is most nearly, parallel to the front lot line.

*Lot of record.* A lot which exists as shown or described on a plat or deed in the Public Record of Alachua County on August 25, 1992.

*Lot width.* The shortest horizontal distance between side lot lines measured along any line that intersects the minimum required front yard setback line.

*Occupancy.* The use of a dwelling unit for residential purposes not necessarily absolutely continuously, but as a place of usual return.

*Outdoor display.* The display, outside of a completely enclosed building, of merchandise offered for sale as a permitted use, or of equipment, machinery, and materials used in the ordinary course of a permitted use, or of used materials or items whether for sale or not. This term expressly does not include junk or junkyards as defined in this Article.

*Outdoor storage.* The storage, outside of a completely enclosed building, of merchandise offered for sale as a permitted use, or of equipment, machinery, and materials used in the ordinary course of a permitted use, or, of inoperable motor vehicles, or, of used materials or items whether for sale or not. This term expressly does not include junk or junkyards as defined in this Article.

*Parking.* A temporary, transient storage of private passenger vehicles used for personal transportation while the operator of such vehicle is engaged in other activities. The term shall not include storage of new or used vehicles for sale, service, rental, or any other purpose except as specified.

*Parking space.* An area adjacent to driveway or other vehicular access, designed to be used for the parking of motor vehicles.

*Person.* Includes any individual, group of persons, firm, corporation, association, organization, and any governmental agency. However, the words "natural person" means only a single human being.

*Place of worship and assembly.* A permanent building used as a place of assembly for religious worship or services.

*Principal structure.* The structure in which the principal use of the lot is conducted which includes any attached carport, shed, garage or any other structure which is a part of the principal structure and structurally dependent, totally or in part, on the principal structure. In a residential district, any dwelling shall be deemed to be the principal structure on the lot on which the same is situated.

*Principal use.* The use which constitutes the primary activity, function or purpose to which a parcel of land or structure is put.

*Private school.* A school which is not operated by any governmental agency but which meets all criteria imposed by law or ordinance to satisfy the requirements for mandatory school attendance of elementary, middle or high school.

*Professional office.* An office for the use of a person or persons generally classified as professional such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians (but not including boarding of animals on premises, except as a part of treatment and only in soundproof buildings), psychiatrists, psychologists, and the like. It is characteristic of professional offices that the use is devoted principally to an offering of consultative services.

*Public use.* The use of any land, water or building by a governmental agency for a public service or purpose.

*Recycling center.* The use of any lot or structure which is primarily engaged in collecting, sorting, transporting, compacting, cleaning, and breaking of reusable material including, but not limited to, glass, paper, aluminum, steel cans, reusable

household items and plastic, which is intended for reuse, remanufacture, or reconstitution in an altered form, but, excluding operations engaged in burning or melting of such products, the collection of refuse, household appliances, auto parts, or hazardous materials, and the wrecking or dismantling of auto salvage material.

*Rehabilitation center.* A facility providing professional care, nonresident only, for those requiring therapy, counseling, or other rehabilitation services related to drug and/or alcohol abuse, social disorders, physical disabilities, mental disorders or similar problems.

*Residential/office compound use.* Any residential unit which has a portion of the dwelling devoted to an office use, but with the portion of the dwelling used for an office not exceeding twenty (20) percent of the gross floor area of the dwelling.

*Septic tank system.* A water-tight receptacle constructed to promote separation of solid and liquid components of waste water, to provide limited decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

*Setback (or setback line).* A line determined by measurement parallel to a lot line, creating an area between the lot line and the setback line in which all structures (unless otherwise permitted) may not be erected.

*Single-family dwelling.* A building containing only one (1) dwelling unit (which may include a separate living area or suite, for a blood relative of the occupant of the dwelling, which may include separate kitchen and bathroom facilities).

*Structure.* Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, except for patios, ground-level parking and loading facilities, fences and individual play houses, animal, or birdhouses.

*Substantial development.* All required permits necessary to commence and continue the development were obtained; permitted clearing and grading was commenced on a majority of the development; and the actual construction of streets and the stormwater management system, on that majority portion of the development, was completed or is progressing in a manner that significantly moves the entire development toward completion.

*Temporary structure.* Those structures in place for no more than six (6) months within any twelve (12) month period.

*Transmitter tower.* A structure designed, constructed, or used for the purpose of supporting an antenna used for transmitting or receiving any form of radio, television, radar, or other type of wave, impulse, or other electromagnetic signal. Antennas mounted on poles that are less than three (3) inches in diameter and are no more than twenty (20) feet above the highest point of the roof are secondary towers and shall not be considered transmitter towers.

*Usable open space.* That part of the ground, roof, balcony or porch that is devoted to outdoor living or recreation. Such space shall be provided as a common area conveniently located and readily accessible from all living units located on the building site and shall have no dimension less than twenty (20) feet. Such space shall not include private roadways open to vehicular traffic, off-street parking area, loading space or required minimum front yards.

*Use.* Any activity, function or purpose to which or for which a parcel of land or building is put, used, arranged, or occupied, for any purpose, including any residential, office, business, industrial, public or any other purpose or use.

*Utility building or facility.* A location or installation of a utility company where employees are not stationed and traffic is not generated, such as a substation or lift station.

*Vehicle.* Any self-propelled conveyance designed or used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, including passenger cars, trucks, buses, motorcycles, scooters, but not including tractors, construction equipment, machinery, or any device used in performing a job other than transportation.

*Vending Booth.* A temporary wheeled cart-mounted food or retail establishment, that is located on private property. A vending booth cannot be propelled by an internal combustion engine, electric motor or other similar mechanical device. A vending booth must be capable of being moved from place to place, but may be stationary during the business day. Examples of vending booths are, but are not limited to, the following: coffee stands; hot dog stands; stands selling muffins, bagels and other bakery items; ice cream carts; snow cone and Italian Ice carts; fast-food carts; souvenir carts; and newsstands.

*Yard.* The space on any lot between the lot line and the minimum required setback line for principal structures. Where a lot abuts two or more rights-of-way the property owner shall designate, in writing, which are the various yards for setback requirements. This designation shall be binding on the property owner and successors as long as the principal structure exists.

*Front yard.* The area between the front lot line and the minimum required front yard setback line.

*Rear yard.* The area between the rear lot line and the minimum required rear yard setback line.

*Side yard.* The area between the side lot line and the minimum required side yard setback line, not including any part of the front or rear yard.



all lands within the Town of Micanopy, and all amendments thereto.

## **ARTICLE 2. ZONING DISTRICTS**

### **2.01 ADOPTION OF ZONING DISTRICTS**

**2.01.01 ESTABLISHMENT OF DISTRICTS.** In order to classify, regulate and restrict the use of land, water, buildings, signs, and structures; to regulate the bulk and height of buildings; to regulate the area of yards and open spaces about buildings; to regulate the intensity of land use; to protect the natural environment; to promote the efficient use of land for agriculture and silviculture; to implement the Micanopy Comprehensive Plan; and to promote orderly development; the following zoning districts are established:

- A. AGRICULTURAL DISTRICT: A.
- B. CONSERVATION DISTRICT: CON
- C. RESIDENTIAL DISTRICTS: R-1, Single-family Residential District and R-2, Single-family Residential District
- D. COMMERCIAL, MIXED-USE DISTRICTS: C-1, Limited Commercial District and C-2, General Commercial District.
- E. INDUSTRIAL DISTRICT: I
- F. PLANNED DEVELOPMENT DISTRICT: PD

**2.01.02. DENSITY FIGURES.** The maximum gross density allowed is governed Micanopy Comprehensive Plan and the dimensional requirements of each zoning district.

**2.01.03 DESIGNATION OF DISTRICT BOUNDARIES.** The boundaries of each district are designated and established as shown on the zoning map of the Town of Micanopy. The regulations herein concerning the use of land within particular districts shall apply within the boundaries of each district.

**2.01.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

- A. Location of District Boundary Lines:
  - 1. Center Lines. Boundaries indicated, as approximately following streets shall be construed to follow the centerlines of those streets.
  - 2. Lot, section lines. Boundaries indicated as approximately following platted lot lines, property lines as delineated on

Alachua County Property Appraiser property maps, or section lines shall be construed as following those lines.

3. Municipal boundaries. Boundaries indicated, as approximately following municipal boundaries shall be construed as following those municipal boundaries.
  4. Water lines. Boundaries indicated, as approximately following streams, canals, or other bodies of water shall be construed to follow the centerlines of those water bodies.
  5. Parallel lines. Boundaries that are approximately parallel to the center lines of right-of-way lines of streets or any other line shall be construed as parallel to the line and at such a distance from the line as indicated on the zoning maps. If no distance is given, the dimension shall be determined by use of the scale shown on the zoning map.
  6. Bisecting lines. Boundaries that approximately bisect a block, lot or tract shall be construed to follow the median lines of the blocks as indicated by rear property lines or as measured between the center lines of boundary streets in the absence of rear property lines, or, in the absence of both of the above, by use of the scale appearing on the zoning map.
- B. Provisions for parcels divided by district boundaries. Where any parcel of land is divided into two (2) or more zoning districts, the regulations of each individual district shall apply to that part of the parcel so zoned.
- C. Unzoned property generally. If, because of error or omission in the zoning map, any property within the Town of Micanopy is not shown as being in a zoning category; or if the zoning of any property is vacated or invalidated for any reason, either judicially or legislatively; then the classification of any property not zoned shall be deemed to be Agricultural, unless and until different zoning is provided for such property by ordinance amending the zoning map. Until such amendment is effective, no use may be made of any such property except in accordance with the regulations for the Agricultural district.
- D. Unzoned property owned by a governmental agency. Any unzoned land owned by a governmental agency that, because of error or omission in the zoning map, is not shown as being in a zoning category, or if the zoning of any property owned by a governmental agency is vacated or invalidated for any reason, either judicially or legislatively; then the classification of that government owned property shall be deemed to be Conservation unless and until different zoning is provided for such

property by ordinance amending the zoning map. Until such amendment is effective, no use may be made of any such property except in accordance with the regulations for such Conservation district.

2.01.05 PROHIBITED USES.

- A. Generally. Any use not permitted by right, by special use permit, or an accessory use in a zoning district shall be prohibited in such district.
- B. Specifically. The specific uses of mining, animal feedlots, and any other use prohibited by the laws of the State of Florida are prohibited in the Town of Micanopy.

2.02 ZONING DISTRICTS

2.02.01 AGRICULTURAL DISTRICT: A.

- A. Purpose. Agricultural districts are established for the purpose of providing for a diversity of agricultural activities, including the limited processing and sale of agricultural products raised on the premises and very low density single-family residences.
- B. Uses Permitted by Right:
  - 1. Agricultural production: crops, not including intensive operations.
  - 2. Agricultural production: livestock, not including intensive operations.
  - 3. Silviculture
  - 4. Fishing, hunting, and trapping
  - 5. Membership sports and recreation clubs, not including hunting or trapping.
  - 6. Water conservation areas
  - 7. Single-family dwelling units and accessory structures
  - 8. Manufactured and mobile homes and accessory structures
  - 9. Public parks and recreational facilities
  - 10. Sale of agricultural products and commodities raised exclusively on the premises, including street-side sales of such products and

commodities. Temporary structures are permitted within the required front yard when used in conjunction with such retail, street-side sales.

11. Places of worship and assembly.
12. Telecommunication towers.
13. Any accessory use incidental to any permitted principle use.

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

1. Minimum lot area: 5 acres
2. Minimum lot width: 300 feet
3. Minimum setbacks:
  - a. Front yard: 50 feet
  - b. Side yard: 50 feet
  - c. Rear yard: 50 feet
  - d. Accessory structures in rear yard: 30 feet
4. Maximum height:
  - a. Principal structure: 40 feet
  - b. Accessory structure: 25 feet
5. Maximum Impervious Surface Coverage: 5%

2.02.02. CONSERVATION DISTRICT: CON

A. Purpose. The CON District is established for the purpose of conserving, restoring and protecting lands classified as conservation use in the Town of Micanopy Comprehensive Plan as well as identifying the natural and cultural resources in the Town of Micanopy and planning for the conservation and protection of these resources. Lands classified as Conservation are devoted to conserving the unique natural functions within the Town. Conservation uses are limited to public access, native vegetative community restoration and residential uses necessary to manage such conservation lands (Park Ranger stations, park amenities,

and research facilities). The intent of the CON district is to protect and to preserve natural resources and open space so that the present and future residents of Micanopy will be able to enjoy the benefits of the natural environment. Lands classified as Conservation on the Micanopy Comprehensive Plan and zoned CON allow silvicultural activities, conducted according to the most recent edition of Silvicultural Best Management Practices Manual as published by the State of Florida.

B. Uses Permitted by Right:

1. Recreational uses of natural resources that are primarily limited to passive public recreation, including accessory uses such as informational kiosks, restroom facilities, and pavilions;
2. Silviculture; and
3. Hunting, trapping and game propagation.
4. Residential and office uses necessary to manage conservation lands.

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

1. Lands without a principal structure: no dimensional requirements.
2. Lands with Principal Structures:
  - a. Minimum lot area:
    - i. Private lands: forty (40) acres;
    - ii. Public lands or private lands that have had the development rights conveyed in perpetuity to a public agency: no minimum lot size.
  - b. Minimum yard setbacks:
    - i. Front: one hundred (100) feet;
    - ii. Side, each: fifty (50) feet;
    - iii. Rear: one hundred (100) feet.
3. Accessory Structures:
  - a. Minimum yard setbacks:

- i. Front: one hundred (100) feet;
- ii. Side, each: thirty-five (35) feet;
- iii. Rear: fifty (50) feet

#### 2.02.03 RESIDENTIAL DISTRICTS: R-1 and R-2.

##### A. Purpose.

1. The R-1 district is designed primarily to accommodate low density single family residences in areas that are not served by public water or central sewer facilities and are not yet appropriate for development at higher densities.
2. The R-2 district is designed primarily to accommodate single-family detached residential uses (other than mobile homes) at densities to be determined by the availability of public water and central sewer facilities.

##### B. Uses Permitted by Right

1. Single family dwelling units.
2. Public parks and recreational facilities.
3. Public buildings and facilities in keeping with the character and requirements of the district except those otherwise specified.

##### C. Uses Permitted by Special Use Permit

1. Public and private elementary, middle, and high schools.
2. Parks maintained by any private association of persons residing in the district.
3. Nursing homes, rehabilitation facilities, and assisted-living facilities.
4. Places of worship and assembly.
5. Cemeteries and mausoleums.
6. Day care centers, which are not considered Family Day Care Centers by the State of Florida.

7. Home Occupations.
8. Homes of seven (7) or more residents which otherwise meet the criteria of a Community Residential Home.

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

	<b>R-1</b>	<b>R-2</b>
<b><u>Principal Structures</u></b>		
Minimum lot area	1 acre	0.5 acre
Minimum lot width	100 feet	85 feet
Minimum yard setbacks:		
Front	25 feet	25 feet
Side	25 feet	15 feet
Side, road	25 feet	15 feet
Rear	50 feet	15 feet
Maximum structure height	40 feet	40 feet
<b><u>Accessory Structures</u></b>		
Side/rear setbacks	5 feet	5 feet
Maximum structure height	25 feet	25 feet

#### 2.02.04 COMMERCIAL, MIXED-USE DISTRICTS: C-1 and C-2

##### A. Purpose

1. C-1 Limited Commercial District. The C-1 district is intended for general retail and commercial or office service activities. Businesses in this category require locations that are convenient to automotive and pedestrian traffic. Higher density residential uses are permitted. Single-family structures or duplexes may be permitted.
2. C-2 General Commercial District. The C-2 district is designed to accommodate more intense commercial activities that generally require large land areas. Higher density residential uses are permitted. Single-family residences may be permitted. This district generally does not cater to pedestrians. Any commercial use proposed within 100 feet of a parcel of property used for residential purposes or which has a zoning designation of R-1 or R-2.



B. Uses Permitted by Right in C-1

1. Single family dwelling units and duplexes.
2. Multi-family residential dwelling units.
3. Public parks and recreational facilities.
4. Public and private elementary, middle, and high schools.
5. Retail commercial outlets for the sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, jewelry (including repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, pet shops (but not animal kennels), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), plants and garden supplies (including outside storage and display of plants and materials), and similar uses.
6. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery, wallpaper) and appliances (including repair incidental to sales), office equipment or furniture, hardware, secondhand merchandise in completely enclosed buildings, and similar uses.
7. Service establishments such as barber or beauty shops, shoe repair, restaurant, coffee shop, interior decorator, photographic studio, art or dance or music studio, health and fitness centers, animal grooming, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.
8. Service establishments such as radio or television station, funeral home, radio and television repair shop, appliance repair shop, and similar uses.
9. Medical or dental offices, clinics, and laboratories.
10. Banks and financial institutions.
11. Newspaper offices.
12. Business and professional offices.
13. Professional, business, and technical schools.
14. Hotels and motels, including bed and breakfast establishments.

15. Art galleries.
16. Places of worship and assembly.
17. Nursing homes, rehabilitation facilities, and assisted-living facilities.
18. Day care centers, which are not considered Family Day Care Centers by the State of Florida.
19. Public buildings and facilities.
20. Commercial greenhouses and plant nurseries.
21. Home Occupations.

C. Uses Permitted by Right in C-2

1. Uses permitted by right in C-1.
2. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.
3. Hotels and motels.
4. Miscellaneous uses such as call centers, commercial parking lots, and parking garages.
5. Sexually-oriented business uses.
6. Urgent Care Medical Centers.
7. Day care centers.

D. Uses Permitted by Special Use Permit in C-2

1. Any commercial use proposed within 100 feet of a parcel of property used for residential purposes or which has a zoning designation of R-1 or R-2.
2. Outdoor display and sales of large items such as vehicles, boats, trailers, manufactured buildings, and agriculture machinery.
3. Vehicle repair.
4. Automotive service stations.

5. Rental of automotive vehicles, trailers, and trucks.
6. Mini-self storage building and mini-storage facilities.
7. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
8. Building trades contractor with on premises storage yard for materials and equipment.

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

	<b>C-1</b>	<b>C-2</b>
Minimum Lot Size	10,000 sf	20,000 sf
Minimum Lot Width	75 feet	100 feet
Height (maximum)	40 feet	40 feet
Front Setback	0 feet	0 feet
Side Yard Setback	0 feet	15 feet
Side Yard Setback Adjacent to Residential District	25 feet	25 feet
Rear Yard Setback	25 feet	50 feet
Rear Yard Setback Adjacent to Residential District	50 feet	50 feet
Floor Area Ratio	0.75	0.75
Parking Requirements	Standard	Standard

#### 2.02.05. INDUSTRIAL DISTRICT: I.

A. **Purpose.** The I district is established for the purpose of providing sufficient space in appropriate locations physically suitable for the development of certain types of retail-commercial sales and services, as well as research operations, wholesale or storage distribution concerns, and enterprises engaged in manufacturing, processing or fabrication of products and machinery. This district contains those industries that generally are not objectionable for reasons such as noise, heavy truck traffic, or fumes, or that generate nuisances, which can be mitigated adequately by performance standards.

B. Uses Permitted by Right

1. Wholesale, warehouse, storage, or distribution uses in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
2. Research laboratories and activities in completely enclosed buildings.
3. Light manufacturing, assembling, processing (including food processing, but not slaughterhouse), packaging, or fabrication in completely enclosed building.
4. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junkyards or automotive vehicle wrecking yards), and similar uses.
5. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, employment agency, sign company, pest control, and similar uses.
6. Service establishments such as crematory.
7. Vocational, technical, trade, or industrial schools and similar uses.
8. Miscellaneous uses such as express or parcel delivery office, and call centers.
9. Vehicular service.
10. Public buildings and facilities.
11. Automotive service stations.
12. Rental of automotive vehicles, trailers, and trucks.
13. Mini-self storage building and mini-storage facilities.
14. Building trades contractor with on premises storage yard for materials and equipment.

C. Uses Permitted by Special Use Permit

1. Outdoor storage yards and lots, provided, this provision shall not permit wrecking yards), junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.

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

1. Minimum lot area: one (1) acre except where property abuts a residential district or which is shown for residential use on the Land Use Element of the Micanopy Comprehensive Plan or the Alachua County Comprehensive Plan: five (5) acres.
2. Minimum lot width: one hundred (100) feet;
3. Minimum yard setbacks:
  - a. Front: Fifty (50) feet.
  - b. Side, each: Twenty-five (25) feet.
  - c. Rear: Thirty-five (35) feet.
  - d. Where the property abuts a residential district or use: fifty (50) feet
4. Maximum floor area ratio of principal structure: 0.50.
5. Maximum structure height: Eighty (80) feet.
6. Within one hundred (100) feet of any property that is used for residential purposes or in a residential district, all activities and uses except storage of equipment and parking shall be conducted within completely enclosed structures.
7. Within one hundred (100) feet of any property that is used for residential purposes or in a residential district, all activities and uses shall be screened and buffered pursuant to the buffering regulations found in Article 6 of this Land Development Code.

E . Additional requirements:

1. General conditions. All structures and uses within this district shall also comply with the applicable requirements and conditions found elsewhere in this Land Development Code.
2. Standards for manufacturing uses. All permitted manufacturing uses shall conform to the following additional standards:
  - a. The manufacturing use shall be limited to the fabrication, manufacture, assembly, or processing of materials which are, for the most part, already in processed form;
  - b. All activity and uses except storage, loading and unloading operations, and parking shall be conducted within completely enclosed structures;
  - c. Night operations, including loading and unloading, are prohibited within one hundred (100) feet of the property line of any residential district, unless conducted within a completely enclosed building which has no openings other than stationary windows or required fire exits within the one hundred-foot area. Night operations are those conducted between the hours of 9:00 p.m. and 6:00 a.m. This prohibition shall not apply to night watchmen or other security operations.
3. Access to industrial uses. Where a parcel of property used for nonresidential use in any industrial district abuts more than one street, access from either street to such property will be permitted only if no property in a residential district or shown for residential use on the Future Land Use Map of the Micanopy Comprehensive Plan lies immediately across such street from such industrial-zoned property; provided, however, access may be permitted from any collector or arterial street; and provided further, that one point of access shall be permitted in any case, notwithstanding other provisions of this subsection.

2.02.06. PLANNED DEVELOPMENT DISTRICT: PD

- A. Purpose. It is the purpose of this district to provide a method for landowners or developers to submit proposals for unique zoning district provisions for individual planned developments which are not provided for or allowed in the zoning districts otherwise established by the Micanopy Land Development Code. Rezoning for planned developments will be an entirely voluntary procedure; and the approval of planned

development rezoning rests entirely with the Micanopy Town Commission, after review and recommendation by the Planning and Historic Preservation Board. Planned developments may include any uses and any mixture of uses, but they must conform to all aspects of the Micanopy Comprehensive Plan.

- B. Basic goal. The goal of the Planned Development District is to permit planned residential, commercial, industrial, and mixed use developments which are intended to (1) encourage the development of land as planned developments; (2) encourage flexible and creative concepts of site planning; (3) preserve the natural amenities of the land by encouraging scenic and functional open areas; (4) accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of zoning and subdivision requirements; (5) provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and (6) provide a stable environmental character compatible with surrounding areas.
- C. Objectives. The planned development provisions are intended to promote flexibility of design and permit planned diversification and integration of uses and structures. The planned development provisions are designed to:
1. Promote more efficient and economic uses of land;
  2. Encourage a more compatible and harmonious development of contiguous lands;
  3. Promote home ownership opportunities for all residents of the Town;
  4. Provide flexibility to meet changing needs, technologies, economics and consumer preferences;
  5. Encourage uses of land which reduce transportation needs and which conserve energy and natural resources;
    - a. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities;
    - b. Provide for more usable and suitably located recreational facilities than would otherwise be provided under conventional land development procedures;

- c. Provide for more open spaces and scenic areas, either commonly-owned or publicly-owned, than would otherwise be provided under conventional land development procedures;
- d. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;
- e. Accomplish more desirable living and working environments than would be possible through the strict application of minimum requirements of the Town's other land development regulations;
- f. Permit the combining and coordinating of architectural styles, building forms, and building relationships within a planned development;
- g. Provide an environment of stable character compatible with surrounding developments;
- h. Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, welfare, or safety, or for the protection or preservation of lands either internal or external to the planned development; and
- i. Ensure the preservation and maintenance of common areas and open spaces in developments within Micanopy.

C. Definitions. For purposes of this section, relating to planned developments, the following words and phrases shall have the following meanings:

Applicant. A landowner, developer, builder or other person who files a petition for a zoning change to planned development district.

Approved development plan. A development plan submitted for a proposed planned development which has been approved and adopted by ordinance by the Micanopy Town Commission.

Common area. Any part of a planned development designed and intended to be used in common by the owners, residents or tenants or the planned development.



Development plan. The plan submitted in accordance with the requirements of this section as the basis for a rezoning to planned development, consisting of both a development plan map and a development plan report, both of which shall be adopted by reference in any amendatory ordinance rezoning to planned development and approving the development plan.

Recreational area or recreation area. Any common area or dedicated public area, including open space or buildings, but not including streets or off-street parking or loading areas, which is usable for either passive or active recreational activities. Passive recreational activities are those which involve mere observation or only a small amount of activity to derive relaxation or pleasure, and they include such pursuits as sightseeing, bird watching, picnicking, fishing, and the like. Active recreational activities are those which require a certain degree of physical exertion in order to obtain exercise or a release of energy, and they include both team sports and individual sports, playground activities, exercise facilities, and the like.

D. Prohibitions. In general, these planned development provisions are designed to allow a landowner or developer to submit any proposal for consideration, for any use or any mixture of uses, and allow the Micanopy Town Commission to approve any proposal which it determines to be in the best interest of the public health, welfare and safety, along with any conditions or requirements or limitations thereon which the Town Commission deems desirable. Regardless, however, of this designed flexibility, no planned development may be approved under these provisions which:

1. Includes less than three (3) acres of land. This provision does not apply to lots under three (3) acres that are occupied by existing businesses or vacant nonresidential buildings that are appropriate for adaptive reuse.
  - a. Includes proposed uses or proposed buildings on the perimeter of the development which have minimum setback requirements less than those for adjacent areas outside the planned development; or
  - b. Is inconsistent with the planned uses, planned residential density, or open space objectives or the Comprehensive Plan, unless a corresponding change to the Comprehensive Plan is also approved.

### **ARTICLE 3. OVERLAY DISTRICTS**

#### **3.01. HISTORIC DISTRICT**

**3.01.01 PURPOSE.** It is the purpose of this Section to establish minimum historic preservation requirements in both publicly and privately owned structures and areas of the Town of Micanopy; to promote the educational, cultural, economic and general welfare of the Town of Micanopy; to provide a mechanism to identify and to preserve the distinctive historical and architectural characteristics of the Town of Micanopy; to foster civic pride in the beauty and noble accomplishments of the past as represented in the Town of Micanopy's landmarks and archaeological sites; to conserve and improve the value of property designated as a landmark or as an archaeological site; to protect and enhance the attractiveness of the Town of Micanopy to home buyers, tourists, and visitors and to promote business, commerce, industry and to provide an economic benefit to the Town of Micanopy; and to foster and encourage historic preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby preventing blight.

**3.01.02 OBJECTIVES.** It is intended that the implementation and enforcement of this Article accomplish the following objectives:

- A. Identify historic places and features, both architectural and archaeological, that give the Town of Micanopy its special character and that can aid in its future well-being;
- B. Adopt the preservation of historic places and features as a goal of planning for land use, economic development, housing for all income levels and transportation;
- C. Create organizational, regulatory and incentive mechanisms to facilitate preservation and provide the leadership to make them work;
- D. Develop revitalization strategies that capitalize on the existing value of historic structures and provides well-designed affordable housing without displacing existing residents;
- E. Ensure that policies and decisions on community growth and development respect the Town of Micanopy's heritage and enhance overall livability;
- F. Demand excellence in design for new construction and in the stewardship of historic structures and places;
- G. Use the Town of Micanopy's heritage to educate citizens of all ages to build civic pride;
- H. Recognize the cultural diversity of the Town of Micanopy and empower its diverse citizens to acknowledge, identify and preserve the Town of Micanopy's cultural and physical resources.

3.01.03. DEFINITIONS. For the purpose of administering the Historic Preservation Overlay District regulations the following definitions shall be used:

*Alteration.* Any act or process that changes one or more of the exterior features in an historic district, including, but not limited to, the erection, construction, reconstruction or removal of any structure or disturbance of a landmark or archeological site. Painting is not considered an alteration.

*Archeological Site.* Any site listed on the Florida Department of State, Florida Archeological Site List and/or designated as an archeological site by the Town Commission. In order for the site to be a recognized archeological site its description must include a geographic description which reasonably identifies the boundaries of the archeological site.

*Area.* A specific geographical division of the Town of Micanopy.

*Certificate of Appropriateness.* A certificate issued by the Historic Preservation Board indicating approval of plans for alteration, construction, removal, or demolition of a landmark, structure or site within an historic district.

*Certificate of Economic Hardship.* A certificate issued by the Historic Preservation Board indicating approval of plans for alteration, construction, removal, or demolition of a landmark, structure or site within an historic district, even though a Certificate of Appropriateness has previously been denied.

*Construction.* The act of adding an addition to an existing structure or the erection of a new principal or accessory structure within an historic district or to a landmark structure.

*Demolition.* Any act or process that destroys in part or in whole a landmark, site or structure within an historic district.

*Design Guideline.* A standard of appropriate activity that will preserve the historic and architectural character of a structure or area listed individually or in a Micanopy Historic District.

*Exterior Architectural Appearance.* The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

*Historic District.* An area designated as an "historic district" by ordinance of the Micanopy Town Commission, pursuant to procedures prescribed in this section that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the Town of Micanopy.

*Landmark.* A property, structure or feature designated as a "landmark" by ordinance of the Micanopy Town Commission, pursuant to procedures

prescribed in this section, that is worthy of rehabilitation, restoration and/or preservation because of its historic, archaeological and/or architectural significance to the Town of Micanopy.

*Owner of Record.* The person, corporation or other legal entity listed as owner on the records of the Alachua County Property Appraiser.

*Removal.* Any removal or relocation of a structure or feature.

*Repair.* Any change that is not construction, removal or alteration.

*Structure.* Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, and swimming pools.

#### 3.01.04 HISTORIC DISTRICT OVERLAY ZONING

- A. Use Regulations: Uses permitted by right and by special use permit within the Historic District Overlay Zoning are those contained within the C-1 zoning district.
- B. Historic District Overlay Diagram: The Historic District Overlay is depicted on Diagram 3.1.
- C. Dimensional Standards: The following dimension standards apply:

Zoning	Minimum Lot Width	Maximum Height	Front Setback	Side Setback	Rear Setback	Floor Area Ratio
H-1	50'	40'	0'	0'	25'	3.0
H-2	75'	40'	0'	15'	25'	0.5
H-3	200'	40'	25'	15'	25'	0.3
H-3.5	100'	40'	0'	15'	25'	1.0
H-4	50'	40'	0'	15'	25'	2.0

- 3.01.05 LOCAL REGISTER. The Local Register is hereby established as a means of identifying and classifying various trees, landmarks, buildings, structures, features and districts as historic. These shall be referred to as sites. Those structures listed on the National Register shall also be listed in the local register.

A. STANDARDS FOR DESIGNATION TO THE LOCAL REGISTER FOR LANDMARKS, ARCHEOLOGICAL SITES, AND HISTORIC DISTRICTS.

A site shall be placed on the local register if it:

SITE CHECKLIST

- + - \_\_\_\_\_ Is fifty (50) years of age or older; or
- + - \_\_\_\_\_ Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the town, state or nation; or is associated with the life of a person who was significant in the past; or
- + - \_\_\_\_\_ Is the site of a historic event with a significant effect upon society; or
- + - \_\_\_\_\_ Exemplifies the cultural, political, economic, social or historic heritage of the community; or
- + - \_\_\_\_\_ Is identified with a person or persons who significantly contributed to the development of the Town of Micanopy, the State of Florida or the United States of America.
- + - \_\_\_\_\_ Portrays the environment in an era of history characterized by distinctive architectural style; or
- + - \_\_\_\_\_ Embodies those distinguishing characteristics of an architectural type or engineering specimen valuable for the study of a period, type, method of construction or the use of indigenous materials; or
- + - \_\_\_\_\_ Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- + - \_\_\_\_\_ Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the Town of Micanopy, the State of Florida or the United States; or
- + - \_\_\_\_\_ Is a part of or related to a distinctive area that should be developed or preserved according to a plan based on a historic or architectural motif; or
- + - \_\_\_\_\_ Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant;
- + - \_\_\_\_\_ Represents an established and familiar visual feature of the Town due to its unique location or singular physical characteristic; or
- + - \_\_\_\_\_ Its importance as a prehistoric or historic archaeological site and which has significance to the history or prehistory of the Town of Micanopy, the State of Florida or the United States;

- + - \_\_\_\_\_ Has yielded, or may be likely to yield, information important in prehistory or history.
- + - \_\_\_\_\_ Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or
- + - \_\_\_\_\_ Its suitability for restoration or preservation.

B. CLASSIFICATION OF STRUCTURES AND BUILDINGS.

Structures and buildings will be divided into two classes:

1. *Contributing*. Those structures and buildings listed in the Micanopy Local Register.
2. *Noncontributing*. Those structures and buildings, within the historic district, not listed in the Micanopy Local Register.

C. NOMINATIONS OF LANDMARKS, ARCHEOLOGICAL SITES AND HISTORIC DISTRICTS.

Nominations for designation as a landmark, archaeological site or an historic district shall be made by the Town Commission, the Planning and Historic Preservation Board or any individual having a real interest in property they wish designated to the Planning and Historic Preservation Board on a form provided by the Town Administrator. A nomination shall have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration and must meet at least one of the criteria found in Section 3.01.05.A.

D. REPORT AND RECOMMENDATION OF HISTORIC PRESERVATION BOARD ON NOMINATION

The Planning and Historic Preservation Board shall within forty- five (45) days from receipt of a completed nomination in proper form hold a public hearing to determine if the nominated landmark, archaeological site or historic district does or does not meet the criteria for designation in Section 3.01.05.A. The Planning and Historic Preservation Board shall make a recommendation to the Town Commission containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark, feature, archaeological site, or historic district as it relates to the criteria for designation;
2. Explanation of the integrity or lack of integrity of the nominated landmark, feature, archaeological site, or historic district;

3. In the case of a nominated landmark found to meet the criteria for designation:
  - a. The significant exterior architectural features of the nominated landmark that should be protected;
  - b. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness pursuant to the provisions of Section 3.01.06.
4. In the case of an archaeological site found to meet the criteria for designation:
  - a. The significant archaeological features of the nominated archaeological site that should be protected;
  - b. The types of protection that the archaeological site should have in order to protect the integrity of the site.
5. In the case of a nominated historic district found to meet the criteria for designation:
  - a. The significant exterior architectural features of the nominated historic district that should be protected;
  - b. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Section 3.01.06, below.
6. In the case of a nominated historic or archaeological feature found to meet the criteria for designation:
  - a. The significance of that feature to the history or architecture of Micanopy;
  - b. The protection that should be afforded in order to preserve the feature.
7. Proposed design guidelines for applying the criteria for review of Certificate of Appropriateness to the nominated landmark or historic district.
8. The relationship of the nominated landmark, archaeological site or historic district to the ongoing efforts of the Town of Micanopy to identify and nominate all potential areas and structures that meet the criteria for designation.
9. Recommendations as to the appropriate permitted uses, special permits, height and area regulations, minimum dwelling size, floor

area, sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated landmark, archaeological site or historic district.

10. A map showing the location of the nominated landmark, archaeological site or historic district.
11. The recommendation and report of the Planning and Historic Preservation Board shall be sent to the Town Commission within fourteen (14) days of the public hearing and shall be available to the public in the office of the Town Administrator. A copy of the report of the Planning and Historic Preservation Board shall be mailed to the owner of record of the site under consideration.

E. NOTIFICATION OF NOMINATION. The Town Commission shall schedule a public hearing on the nomination within thirty (30) days following receipt of a report and recommendation from the Planning and Historic Preservation Board that a nominated landmark, archaeological site or historic district does or does not meet the criteria for designation. Notice of the date, time, place and purpose of the public hearing shall be in accordance with the requirements of Article 10 of this Land Development Code.

F. ACTION BY THE TOWN COMMISSION. The Town Commission shall, within thirty (30) days after receiving the recommendation of the Planning and Historic Preservation Board concerning a nominated landmark, archaeological site or historic district hold a public hearing in accordance with the requirements of this Land Development Code. The Town Commission shall determine whether to designate the nominated landmark, archaeological site or historic district site for protection under this article; designate with conditions the nominated landmark, archaeological site or historic district site for protection under this article; or reject the nomination. If designated, or designated with condition, as a landmark, archaeological site or historic district, the owner or owners of the property so designated shall receive a notice of the restrictions placed on their property within seven (7) days of the action of the Town Commission from the Town Administrator.

G. DESIGNATION ORDINANCE. Upon designation, a landmark, or historic district shall be designated "H District - Historic District" on the official zoning map of the Town of Micanopy. Upon designation an archaeological site shall be designated "HA District - Historic Archaeological District" on the official zoning map of the Town of Micanopy. The designating ordinance shall prescribe the significant exterior architectural features, the types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; any restrictions on the permitted uses, special permits,



height and bulk regulations, sign regulations and parking regulations; or any special requirements for the protection of an archaeological site.

- H. INTERIM CONTROL. No Certificate of Appropriateness or Economic Hardship shall be issued by the Planning and Historic Preservation Board nor shall a building permit be issued by the Town for the alteration, construction, demolition or removal of a nominated landmark, or for any property within a nominated historic district; or for any alteration, construction or land clearing at a nominated archaeological site from the date a notice is sent from the Town Administrator to the property owner and Planning and Historic Preservation Board nominating a site for designation under this Article. However, in no event may this delay of issuance of a permit be any longer than one hundred eighty (180) days whether the Board has completed designation or not.
- I. AMENDMENT AND RESCISSION OF DESIGNATION. Designation as a landmark, archaeological site or historic district may be amended or rescinded by the Town Commission upon petition to and recommendation of the Planning and Historic Preservation Board and after compliance with the same procedure and according to the same criteria as stated in this section.
- J. PUBLIC RECORDS NOTICE. Within thirty (30) days of the designation of any historic site or district, the Town Administrator shall cause notification to be placed in the public records of Alachua County, Florida, and such notification shall remain on the public records until the designation of the historic site or district is removed in accordance with the requirements of this land development code. Failure to properly record notification in the public records shall not affect the applicability of this land development code to the property.

3.01.06. CERTIFICATE OF APPROPRIATENESS.

- A. A Certificate of Appropriateness shall be required for the excavation or disturbance of earth at a designated archaeological site; or, before the following actions affecting the exterior architectural or natural appearance of any landmark property or of any property within an historic district:
  - 1. Any construction, alteration or removal requiring a building permit from the Town of Micanopy;
  - 2. Any demolition in whole or in part requiring a permit from the Town of Micanopy;
  - 3. Any alteration, construction, demolition or removal affecting a significant architectural feature as specified in the ordinance designating the landmark or historic district.

4. Any activities defines as regulated work pursuant to Section 3.01.08, LDC.

B. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS. Every application for a demolition permit or building permit affecting the exterior architectural appearance of a building designated as a landmark or of a property within a designated historic district; or for the alteration, excavation or disturbance of an archaeological site shall be accompanied by scaled construction plans and specifications thereof so far as they relate to the proposed appearance, color, texture of materials and the architectural design of the exterior, including the front, sides, rear, and the roof of such building, alteration or addition or of any outbuilding, party wall, courtyard, fence or other dependency thereof. This application shall be forwarded by the Town Administrator to the Planning and Historic Preservation Board within seven (7) days of receipt by the Town Administrator. The Town Administrator shall review the requested permit and prepare a report to the Planning and Historic Preservation Board. A hearing shall be scheduled before the Planning and Historic Preservation Board at the first scheduled hearing date of the Planning and Historic Preservation Board after the application for permit has been made and for which the requirements for public advertisement and notice can be met. The Building Official shall not issue any building or demolition permit until a Certificate of Appropriateness has been issued by the Planning and Historic Preservation Board. The Planning and Historic Preservation Board shall hold a public hearing to determine if the criteria for the issuance of a Certificate of Appropriateness have been met. If the criteria have been met the Planning and Historic Preservation Board shall issue a Certificate of Appropriateness. If the criteria have not been met the application for Certificate of Appropriateness shall be denied and the application for the building or demolition permit shall be denied by the Building Official. Upon the recommendation of the Town Administrator, the Planning and Historic Preservation Board may issue a conditional Certificate of Appropriateness with conditions that must be followed by the applicant in order to receive the building or demolition permit.

C. DESIGN GUIDELINES. Design guidelines for applying the criteria for review of Certificates of Appropriateness shall, at a minimum, consider the following architectural criteria:

1. *Height.* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in an historic district. Is the height visually compatible with adjacent buildings?
2. *Proportions of Windows, Doors and Other Openings.* The proportions and relationships between doors, windows and other openings should be compatible with the architectural style and character of the landmark and with surrounding structures within

an historic district. Is the relationship of the width of the windows, doors and other openings in a building compatible with buildings and places to which it is visually related? Is the rhythm of solids to voids compatible with buildings and places to which it is visually related?

3. *Relationship of Building Masses and Spaces.* The relationship of a structure within an historic district to the open space between it and adjoining structures should be compatible. Is the proportion of the width to the height of the front elevation compatible with buildings and places to which it is visually related? Is the relationship of the building or structure to open spaces and adjoining buildings compatible with the buildings and places to which it is visually related? Is the relationship of entrances and projections compatible with the buildings and places to which they are visually related?
4. *Roof Shape.* The design of the roof should be compatible with the architectural style and character of other landmarks and surrounding structures in the historic district. Is the design of the roof compatible with the architectural style and character of other landmarks and surrounding structures? Is the roof shape compatible with buildings to which it is visually related?
5. *Texture and Color of Materials.* The texture and color of materials should be compatible with the texture and color of materials of other landmarks and surrounding structures in the historic district. Is the relationship of materials, texture and color of the facade compatible with the predominate materials used in the buildings to which it is visually related?
6. *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.
7. *Scale.* The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in an historic district. Is the size and mass of the building and structure in relation to open space, windows, door openings, porches, balconies, etc., compatible with the buildings and places to which it is visually related?
8. *Walls of Continuity.* Appurtenances of the building such as walls, fences, landscape masses, etc., should form cohesive walls of enclosure along the street to insure compatibility with the buildings and places to which they are visually related? Do appurtenances of the building such as walls, fences, landscape masses, etc., form cohesive walls of enclosure along the street to insure compatibility with the buildings and places to which they are visually related?
9. *Directional Expression.* Facades in historic districts should blend with other structures with regard to directional expression.

Structures in an historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character. Is the directional character of the building compatible with buildings and places to which it is visually related?

10. *Architectural Details.* Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district. Are the architectural details including materials, colors, and textures in the building or structure treated so as to make it compatible with its original architectural style and character? Do the architectural details preserve and enhance the architectural style or character of the historic district?

D. **CRITERIA FOR RELOCATION OF CONTRIBUTING STRUCTURES OR BUILDINGS.** In addition to the guidelines provided in Section 3.01.05.A above, relocations shall be guided by the following factors:

1. What historic character and aesthetic interest does the building, structure or object contribute to its present setting?
2. Are there definite plans for the area to be vacated and what will be the effect of those plans on the character of the surrounding area?
3. Can the building, structure or object be moved without significant damage to its physical integrity?
4. Is the proposed relocation area compatible with the historical and architectural character of the building, structure or object?

E. **CRITERIA FOR DEMOLITION OF CONTRIBUTING STRUCTURES AND BUILDINGS.**

1. What is the historic or architectural significance of the building, structure or object to be demolished?
2. What is the importance of the building, structure or object to the ambiance of the district?
3. How difficult would it be to reproduce such a building, structure or object because of its unique design, texture, material, detail or location?
4. Is the building, structure or object a unique example of its kind in the neighborhood, county or region?

5. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what effect would those plans have on the surrounding area?
6. Can reasonable measures be taken to save the building, structure or object from collapse?
7. Is the building, structure or object capable of earning reasonable economic return on its value?

F. CRITERIA FOR ALTERATION OF AN ARCHEOLOGICAL SITE

1. *Archaeological Sites.* In considering an application for alteration, excavation or disturbance of an archaeological site that requires a Certificate of Appropriateness the Planning and Historic Preservation Board shall be guided by the following general standards in addition to any guidelines in the ordinance designating the archaeological site:
2. Every reasonable effort shall be made to protect and preserve archaeological resources.
3. Prior to the disturbance of an archaeological site every effort shall be made to determine if the State of Florida, through the Office of the Secretary of State, has any interest in preserving and buying the site; or if there is any interest from the various State universities' archaeological experts in exploring the site using accepted archaeological methods.
4. Whether the design of the proposed project which will alter, excavate or disturb the archaeological site can be redesigned at a reasonable cost to preserve the archaeological site.
5. The hearing at which the proposed alteration, excavation or disturbance shall be advertised in the newspaper of general circulation for Micanopy as well as the *Florida Administrative Weekly* four times over a period of four weeks prior to the hearing. The advertisement shall specify in specific terms the alteration, excavation or disturbance proposed for the archaeological site that requires a Certificate of Appropriateness and the significance of the site. The advertisement shall invite written comment and public participation at the hearing. The cost of the advertisement shall be borne by the petitioner.
6. The Planning and Historic Preservation Board shall determine if the proposed alteration, excavation or disturbance can meet the requirements of this section before approving any alteration, excavation or disturbance.
7. The Planning and Historic Preservation Board shall make its findings by competent substantial evidence as to whether or not the alteration, excavation or disturbance (1) is the least intrusive means of modifying the site to accomplish the goals of the petitioner; (2)

will be excavated or explored by competent archeologist or historians within a reasonable time before disturbance by the petitioner; (3) meets or exceeds the requirements of the goals, objectives and policies of the Micanopy Comprehensive Plan.

G. STANDARDS OF REVIEW FOR A CERTIFICATE OF APPROPRIATENESS.

1. Landmarks and Properties in a Historic District. In considering an application for a building permit that requires a Certificate of Appropriateness the Planning and Historic Preservation Board shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the landmark or historic district:

UNDERSTANDING AND AWARENESS OF GENERAL STANDARDS CHECKLIST

- |           |  |
|-----------|--|
| + - _____ | Every reasonable effort shall be made to provide a compatible use of a property that requires minimum alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.   |
| + - _____ | The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided where possible.                            |
| + - _____ | All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no significant basis and that seek to create an earlier appearance shall be discouraged.  |
| + - _____ | Changes that have taken place over the course of time are evidence of the history and development of a building, structure or the site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. |
| + - _____ | Distinctive stylistic features or examples of skilled craftsmanship that are characteristic of a period or which characterize a building, structure or site shall be treated with sensitivity.   |
| + - _____ | Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair             |

or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence.

+ - \_\_\_\_\_.

The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic structure's materials shall not be undertaken.

+ - \_\_\_\_\_

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, design, scale, color, material and character of the property, neighborhood or environment.

2. *Archaeological Sites.* In considering an application for alteration, excavation or disturbance of archaeological sites that requires a Certificate of Appropriateness the Planning and Historic Preservation Board shall be guided by the following general standards in addition to any guidelines in the ordinance designating the archaeological site:

#### UNDERSTANDING AND AWARENESS OF GENERAL STANDARDS CHECKLIST

+ - \_\_\_\_\_

Every reasonable effort shall be made to protect and preserve archaeological resources.

+ - \_\_\_\_\_

Prior to the disturbance of an archaeological site every effort shall be made to determine if the State of Florida, through the Office of the Secretary of State, has any interest in preserving and buying the site; or if there is any interest from the various state or private universities' archaeological experts in exploring the site using accepted archaeological methods. Concurrently, federally recognized tribal associations or councils or other cultural affinities shall be contacted regarding the evaluation of any potentially significant indigenous site.

+ - \_\_\_\_\_

Whether the design of the proposed project which will alter, excavate or disturb the archaeological site can be redesigned at a reasonable cost to preserve the archaeological site.

- 3.01.07 CERTIFICATE OF ECONOMIC HARDSHIP. Application for a Certificate of Economic Hardship shall be forwarded by the Town Administrator to the Planning and Historic Preservation Board within seven (7) days of receipt by the Town Administrator. The Town Administrator shall also schedule a hearing before the Planning and Historic Preservation Board at the first scheduled hearing date of the

Planning and Historic Preservation Board after the application for Certificate of Economic Hardship has been made and for which the requirements for public advertisement and notice can be met. The Planning and Historic Preservation Board shall hold a public hearing to determine if the criteria for the issuance of a Certificate of Economic Hardship have been met. If the criteria have been met the Planning and Historic Preservation Board shall issue a Certificate of Economic Hardship. If the criteria have not been met the application for Certificate of Economic Hardship shall be denied.

- A. Standards of Review for a Certificate of Economic Hardship. The Planning and Historic Preservation Board shall solicit expert testimony or require the applicant for a Certificate of Economic Hardship to make submissions concerning any or all of the following information before the Planning and Historic Preservation Board makes a determination on the application:

#### CHECKLIST OF PRE- DETERMINATION DATA

- |           |   |
|-----------|---|
| + - _____ | A written estimate of the cost of the proposed construction, demolition or removal and the estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Preservation Board for changes necessary for the issuance of Certificate of Appropriateness;   |
| + - _____ | A written report from a licensed architect with experience in rehabilitation as to the structural soundness of any structure on the property and its suitability for rehabilitation;  |
| + - _____ | Market value of the property (1) in its current condition; (2) after completion of the proposed construction, alteration, demolition or removal; (3) after any changes proposed by the Planning and Historic Preservation Board; and, (4) in the case of a proposed demolition or removal, after renovation of the existing property for continued use; |
| + - _____ | In the case of a proposed demolition a written estimate from an architect, structural engineer, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;                                      |
| + - _____ | Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, whether the sale  |



was an "arms length transaction", and any terms of financing between the seller and buyer;

+ - \_\_\_\_\_ If the property is income producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

+ - \_\_\_\_\_ Remaining balance on any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two (2) years;

+ - \_\_\_\_\_ All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

+ - \_\_\_\_\_ Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

+ - \_\_\_\_\_ Assessed value of the property according to the two (2) most recent assessments;

+ - \_\_\_\_\_ A statement of real estate taxes for the previous two (2) years;

+ - \_\_\_\_\_ Form of ownership of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;

+ - \_\_\_\_\_ Any other information, including income tax bracket of the owner, applicant or principal investors in the property considered necessary by the Planning and Historic Preservation Board to determine as to whether the property yields or may yield a reasonable return to the owners.

- B. DETERMINATION OF ECONOMIC HARDSHIP. The Planning and Historic Preservation Board shall review all evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination within thirty (30) days of the receipt of the application using the criteria in Section 3.01.06.G whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property the reasonable use of, or reasonable economic return on, the property. The standard of review shall be based upon competent substantial evidence presented by interested parties to the Planning and Historic Preservation Board.

### 3.01.08 REGULATED WORK ACTIVITIES

A. Any construction, alteration, removal, or demolition which are described below as regulated work items. The following are regulated work items:

1. Abrasive Cleaning. Cleaning of exterior walls by blasting with abrasive materials.
2. Awnings and Canopies. Installation or removal of wood or metal awnings or wood or metal canopies.
3. Decks. Installation, removal, or alteration of all decks or porches.
4. Exterior Doors and Door Frames. Installation of exterior door opening(s), door(s), or door frame(s), or the infill of an existing door opening.
5. Exterior Walls. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area.
6. Fencing. The installation or relocation of any fencing.
7. Fire Escapes, Exterior Stairs, and Ramps for the Handicapped. The installation or removal of all fire escapes, exterior stairs, or ramps for the handicapped.
8. Painting. Painting unpainted or repainting painted masonry, including stone, brick, terra cotta, and concrete.
9. Railings. Installation, removal, or alteration of railings or other wood, wrought iron, masonry, or other exterior detailing.
10. Roofs. Installation of new roofing materials, or removal of existing roofing materials.
11. Security grilles. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
12. Siding. Removal of existing siding, or installation of new siding with a type of material other than the original.
13. Skylights. Installation or removal of skylights.
14. Screen Windows and Doors. Installation or removal of screen windows and doors.

15. Shutters. Installation or removal of shutters.
16. Windows and Window Frames. Installation of a window or window frame or the infill of an existing window opening.
17. Signs. Installation of a new sign, or the replacement or alterations to an existing sign.
18. Foundation Pillars and Crawl Space Enclosures. Alteration of foundation pillars, or the addition, removal, or alteration of pillars or crawl space enclosure materials.
19. Exterior HVAC Units and Ductwork. Installation of exterior HVAC units or exterior ductwork.
20. Pool Enclosures. Installation, removal, or replacement of pool enclosures.
21. Solar Energy Systems. Installation or removal of solar energy systems.
22. Chimneys. Installation or removal of chimneys.
23. Driveways and Walkways. Installation, removal, or alteration of driveways or exterior walkways.
24. Exterior Lighting. Installation, removal, or alteration or exterior lighting fixtures, including building lighting, driveway lighting, and exterior walkway lighting.
25. Increasing Size. Increasing the size of a structure by constructing an addition, adding an additional floor, or enclosing one or more porches, carports, or any other architectural features that will increase the size of the structure or change the roof form.

B. Interpretation by Planning & Historic Preservation Board. If a need for interpretation of any provision above arises, such interpretations shall be made by the Planning & Historic Preservation Board. Interpretations may include: interpretations regarding significant architectural features; interpretations of whether an activity falls into a regulated work category; and interpretations of the text of Section 3.01.08.

1. Initiation. An interpretation may be requested by the Town Commission, the Town Administrator, any resident or landowner, or any person having a contractual interest in land in the Town.

2. Procedure.
  - a. Before an interpretation shall be provided by the Planning & Historic Preservation Board, a Request for Interpretation shall be submitted to the Town in writing.
  - b. The Town shall schedule the Request for Interpretation for the first available meeting before the Planning & Historic Preservation Board.
  - c. The Planning & Historic Preservation Board shall hold a public meeting to discuss the Request for Interpretation with the applicant, the property owner, members of the public, and Town staff. The Planning & Historic Preservation Board shall review and evaluate the request in light of: the Comprehensive Plan, the Land Development Code, the Zoning Atlas, and other relevant codes and statutes; consult with the Town Attorney and other Town staff; information provided by the applicant and members of the public; and, then render an interpretation.
  - d. After rendering a verbal interpretation at the public meeting, the interpretation shall be made in writing and sent to the applicant by mail.
3. Official Record. The Town shall maintain a record of written interpretations that shall be available for public inspection, upon reasonable request, during normal business hours.
4. Right of Appeal. Appeals of the Planning & Historic Preservation Board interpretation shall be to the Town Commission, as specified in Article 10.

3.01.09 MAINTENANCE

- A. ORDINARY MAINTENANCE AND REPAIR - NO CERTIFICATE OF APPROPRIATENESS. A certificate of appropriateness will not be required for general, occasional maintenance of any historic building, structure, or site, or any building or structure within a historic district. General, occasional maintenance will include, but not be limited to, lawn and landscaping care, exterior color change and minor repairs that restore or maintain the historic site or current character of the building or structure. General, occasional maintenance will not include any of the activities enumerated above for which a certificate of appropriateness is required, nor will it include addition or change of awnings, signs, or material alterations to porches and steps, or painting of previously unpainted surfaces. General, occasional maintenance and repair shall include ordinary maintenance which does not require a building permit.

B. MAINTENANCE AND REPAIR REQUIRED. It shall be a violation of this land development code to permit any improvements to a historic site to suffer deterioration and/or be endangered by lack of ordinary maintenance and repair. It shall be unlawful to permit any improvements within the historical district to suffer deterioration and/or be endangered by lack of ordinary maintenance and repair to such an extent that such improvements detract from the character of the historic site.

C. MAINTENANCE REQUIREMENTS; DEMOLITION BY NEGLECT.

1. Every owner of a property within a designated historic district shall keep in good repair:
  - a. All of the exterior portions of such building or structure; and
  - b. All interior portions thereof which, if not so maintained, may cause such building or structure to deteriorate or to become damaged or otherwise fall into a state of disrepair.

In addition, where the historic resource is an archaeological site, the owner shall be required to maintain his property in such a manner as not to adversely affect the archaeological integrity of the site.

2. If the Planning and Historic Preservation Board determines that the property within a designated historic district, or a designated historic resource, is in the course of being demolished by neglect, the Planning and Historic Preservation Board shall notify the owner of record of such preliminary findings, stating the reasons therefor. The Planning and Historic Preservation Board shall request a meeting with the owner of the tenant of the building that is not being adequately maintained, and the board shall present ways to improve the condition of the property. If the owner of tenant fails to take action, the board may notify the building official to institute proceedings before the Micanopy Code Enforcement Board under authority of applicable laws and regulations
3. Where the board determines that properties within a designated historic district, or properties in visual proximity to a designated historic district or designated historic resource, lack maintenance and repair to such an extent as to detract from the desirable character of the historic district or historic resource the board shall notify the owner of record of such preliminary findings, stating the reasons therefor. The board shall request a meeting with the owner or tenant of the property that is not being adequately maintained, and the board shall present ways to improve the condition of the property .If the owner or tenant fails to take action, the board may notify the building official to institute proceedings before the Micanopy Code Enforcement Board under authority of applicable laws and regulations.

4. The Planning and Historic Preservation Board shall immediately notify the Town Administrator of cases where there are emergency conditions dangerous to life, health or property affecting a building or structure in a designated historic district, a designated historic building or structure, or a building or structure over 45 years old. Notification to the Town Administrator shall consist of a report from the building code inspector describing the dangerous conditions, and any other documentation that the planning director shall require in order to prepare a report, oral or written, to present to the Planning and Historic Preservation Board. After consultation with the Town Administrator, the Town Commission may order the remedying of the dangerous conditions without the approval of the board.
5. Restrictions on decisions. The Planning and Historic Preservation Board shall not consider interior arrangements or interior design in association with or relative to approving a certificate of appropriateness. In reviewing an application for new construction, the board shall not make requirements except for the purpose of preventing alterations and developments which are not in harmony with the character of the historic district or which are obviously inconsistent with the purpose of this section and the health and safety of the public.

#### 3.01.10 DEMOLITION REQUESTS

- A. On application to demolish any buildings or structures within designated historic districts, or individually designated historic districts, or individually designated historic resources, the Planning and Historic Preservation Board will approve or deny the request or may suspend action to allow further study for a period not to exceed 90 days. This does not constitute a final decision by the board. A motion to deny such applications shall include the designation of a public notification of demolition period up to a maximum of 365 days. The length of the delay shall be determined by the board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.
- B. During the public notification period, the Planning and Historic Preservation Board may take such steps as it deems necessary to preserve the building or structure concerned, in accordance with the purposes of this chapter. Such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens regarding recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving the structure or building.
- C. In connection with any certificate of appropriateness for demolition, the Planning and Historic Preservation Board may request permission from the owner to salvage and preserve building materials, architectural details and ornaments, fixtures and the like for reuse in restoration of other historic

properties. The Planning and Historic Preservation Board may also request from the owner permission to enter the building to record the dimensions and details before demolition. This record will include photographs and scaled architectural drawings.

D. In addition to all other provisions of this chapter, the Planning and Historic Preservation Board shall consider the following criteria in evaluating applications for a certificate of appropriateness for demolition of designated properties in determining the length of the public notification of demolition period:

1. The structure of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic resource.
2. The significance which the structure contributes to the historic character of a designated district.

E. The board may request the following written evidence to be submitted:

1. A report from a professional property appraiser stating that such building will not earn a reasonable economic return for the owner of such building on the original site.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
3. Estimated market value of the property both in its current condition, and after completion of the proposed demolition or removal, to be presented through an appraisal by a qualified professional expert.
4. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

F. Planning and Historic Preservation Board. The Planning and Historic Preservation Board may consider development plans for a site when considering applications for certificates of appropriateness for demolition. The Planning and Historic Preservation Board may suspend action until a conceptual development plan is approved.

3.01.11 EMERGENCY CONDITIONS. For the purposes of remedying emergency conditions determined to be eminently dangerous to life, health, or property, nothing contained herein will prevent the making of any temporary construction, reconstruction, demolition of limited scope and effect, or other repairs to a historic site. Such temporary construction, reconstruction or demolition of limited scope and effect will take place pursuant to permission granted by the building official in consultation with the chair or, if not available, other member, of the Planning and Historic

Preservation Board, and provided that only such work as is reasonably necessary to correct such conditions may be carried.



## ARTICLE 4. SPECIFIC USES

### 4.01 APPLICABILITY.

4.01.01 The requirements of this Article shall be applicable to each specific use identified herein, regardless of the zoning district in which the use is located, regardless of whether the use is permitted as of right or by special use permit, and regardless of any less restrictive requirements generally applicable to the district in which the use is located. However, when any particular requirement or limitation generally applicable in any zoning district, or when any requirement or limitation imposed by the Town Commission as a condition of a special use permit approval, is additional to or more restrictive than the requirements and limitations contained in this article, the additional and more restrictive requirements or limitations shall apply, unless specifically provided otherwise in this Article.

4.01.02 In any district where a use is permitted by a special use permit and the dimensional requirements for such use are not specified, any dimensional limitation shall be as required by the Town Commission. Such dimensional limitations shall be established in consideration of the general requirements for the particular zoning district and the general limitations on uses permitted by special use permit, but in no event shall they be less restrictive than any particular dimensional limitation specified in this Article.

### 4.02 SPECIFIC USE REGULATIONS

#### 4.02.01 DAY CARE CENTERS.

A. Dimensional requirements. All day care centers shall be located and constructed in accordance with the following requirements:

1. Minimum lot area: Ten thousand (10,000) square feet.
2. Minimum lot width at minimum front yard setback: One hundred (100) feet.
3. Minimum yard setbacks:
  - a. Front: Twenty-five (25) feet.
  - b. Rear: Twenty (20) feet.

- c. Side: Fifteen (15) feet
- i. Interior: Ten (10) feet.
- ii. Road: Fifteen (15) feet.

B Fencing. There shall be a fence or wall four(4) feet in height surrounding all play areas. Such fence or wall shall be continuous with latching gates at exit and entrance points. The fence or wall may be of masonry construction, chain link or wood.

C. Loading area. There shall be provided a turn-around driveway or other vehicular area for the safe loading/unloading of passengers.

D. Site plan approval. Before a building permit is issued for any day care center, or to convert an existing use to a day care center, site plan approval shall be required.

#### 4.02.02. NURSING HOMES AND ASSISTED LIVING FACILITIES

A. Dimensional requirements. All nursing homes and assisted living facilities shall be located and construed in accordance with the following requirements:

- 1. Minimum lot area: Ten thousand (10,000) square feet or the minimum lot size in the district, whichever is greater.
- 2. Minimum lot width at minimum front yard setback: One hundred (100) feet.
- 3. Minimum yard setbacks:
  - a. Front: Twenty-five (25) feet.
  - b. Rear: Twenty-five (25) feet.
  - c. Side: Twenty-five (25) feet.

B. Usable open space. A minimum of two hundred (200) square feet per patient or resident, based on the building capacity, must be provided.

C. Site plan approval. Site plan approval is required prior to issuance of a building permit for all nursing and personal care facilities.

4.02.03. FAMILY DAY CARE HOMES.

- A. Family day care homes are permitted in all residences. The provisions of the state statutes regarding family day care homes shall be applicable.

4.02.04. REHABILITATION CENTERS.

- A. Dimensional requirements. All rehabilitation centers shall be located and constructed in accordance with the following requirements:

1. Minimum lot area: Ten thousand (10,000) square feet or the minimum lot size in the district, whichever is greater.
2. Minimum lot width at minimum front yard setback: One hundred (100) feet.
3. Minimum yard setbacks:
  - a. Front: Twenty-five (25) feet.
  - b. Rear: Twenty (20) feet. Except where the rear yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: Thirty-five (35) feet.
  - c. Side:
    - i. Road: Ten (10) feet.
    - ii. Interior: Twenty (20) feet. Except where the side yard abuts property in a residential district or property shown for residential use on the land use element of the comprehensive plan: Thirty-five (35) feet.

- B. Spacing and location requirements. No rehabilitation center shall be located:

1. Adjacent to or across the street from any property zoned in any residential district category; or any dwelling.
2. Within one thousand (1,000) feet of any existing social service homes or halfway house or other rehabilitation center, or any residences for destitute people (collectively

referred to as "establishment"), which distance shall be measured as follows: Commence at the main entrance of the rehabilitation center unless there is outdoor activity at the rehabilitation center in which event commence at the property line nearest the outdoor activity, whichever dimension is lesser, and extend a straight line to the main entrance of any existing establishment unless there is outdoor activity at the establishment in which event extend a straight line to the property line nearest the outdoor activity, whichever dimension is lesser.

- C. Site plan approval. Site plan approval is required prior to issuance of a building permit for all rehabilitation centers.

#### 4.02.05. SEXUALLY-ORIENTED BUSINESS ESTABLISHMENTS.

In order to provide clear and consistent, content neutral regulations for sexually oriented businesses, the standards in this Section govern the placement and design of sexually oriented businesses. These standards are based on the adverse secondary effects associated with sexually oriented businesses, while recognizing the rights of citizens to obtain constitutionally protected speech guaranteed under the First Amendment.

##### A. Definitions.

*Display Publicly.* The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from any portion of the premises where items and material other than sexually oriented media are on display to the public.

##### *General Media Store.*

1. A general term for the retail sale or rental of books and other media, including stores that may have some sexually oriented media, but excluding those stores that are classified as sexually oriented media stores. A store that sells or rents media in which less than 10 percent of the numbers of items in inventory are sexually explicit media and in which less than 10 percent of the retail floor area is devoted to sexually explicit media shall be considered a general media store unless it is a sex shop. A general media store meeting these inventory and floor area limits shall not be considered a sexually oriented business.
2. A general media store which devotes more than 10 percent of its floor area or 10 percent of the number of items in inventory to sexually explicit media, but devotes less than 30 percent of its floor area or less than 30 percent of the number of items in inventory to sexually explicit media

shall be treated for the purposes of these LDCs as a general media store and not as a sexually oriented media store or other sexually oriented business, provided that it continuously meets the following conditions:

- a. All sexually explicit media is maintained in a room that is separated from other media by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less;
- b. Access to the room containing the sexually explicit media shall be through an opaque, solid door;
- c. The room containing sexually explicit media shall be posted with a notice indicating that only persons 18 years of age or older are allowed in the room;
- d. Access to the room is physically limited to adults through control of access by an employee of the store, through the use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station; and
- e. If either the 30 percent threshold of either gross floor area or number of items in inventory is exceeded, then the use shall be classified as a sexually oriented media store and considered a sexually oriented business.

*Massage.* Touch, stroking, kneading, stretching, friction, percussion and vibration, and including holding, positioning, and causing movement of soft tissues and applying manual touch and pressure to the body.

*Massage Parlor or Shop.* An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

*Massage Therapy.* The profession licensed in accordance with Chapter 480, Florida Statutes

*Media.* Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means

of communication; including, but not limited to, books, newspapers, magazines, movies, videos, sound recordings, CD-Roms, other magnetic media, and undeveloped pictures.

*Motion Picture Arcade Booth.* Any booth, cubical, stall or compartment which is designed, constructed, or used to hold or seat customers and is used for presenting sexually explicit material, motion pictures, or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium for observation by customers therein. Also known as booth, arcade booth, preview booth, video arcade booth, video viewing booth, and peep show booth.

*Religious Institutions.* A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

*Sadomasochistic Practices.* Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

*School.* A public or private institution at the elementary, middle, or high school level that provides educational instruction to students, but not including an establishment primarily for the instruction of adults, a day-care, a day-care home, a child care center, or an in-home school for the purposes of instructing children of the family residing in the household.

*Sex Shop.* An establishment offering goods for sale or rent and that meets any of the following tests:

1. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; or,
2. More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties; or,
3. More than five (5) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

*Sexual Conduct.* The engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic

region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

*Sexual Gratification.* Sexual conduct as defined herein.

*Sexually Explicit Media.* Magazines, books, videotapes, movies, slides, CD-Roms, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas.

*Sexually Oriented Acts.* Sexual conduct as defined herein.

*Sexually Oriented Business.* An inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented media store, sexually oriented motion picture theater; sex shop, motion picture arcade; bathhouse; and massage parlor or shop and/or sex shop.

*Sexually Oriented Cabaret or Sex Oriented Cabaret.* A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by customers therein.

*Sexually Oriented Cinema, Sexually Oriented Motion Picture Theater, or Sex Oriented Cinema.* A cinema or motion picture theater that shows hard-core features on more than half the days that it is open, or that is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

*Sexually Oriented Media Store.* An establishment that rents and/or sells media, and that meets any of the following three (3) tests:

1. Thirty (30) percent or more of the gross public floor area is devoted to sexually explicit media;
2. Thirty (30) percent or more of the stock in trade consists of sexually explicit media;
3. It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than a sexually oriented movie theater or sexually oriented cabaret.

*Sexually Oriented Toys or Novelties.* Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

*Specified Anatomical Areas.* Includes: (1) less than completely and opaquely

covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and, (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified Sexual Activities.* Means and includes human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, or sodomy

B. General Standards for All Sexually Oriented Businesses

1. Separation from School

- a. All sexually oriented businesses shall comply with the provisions of Section 847.0134, Florida Statutes, which prohibits the location of sexually oriented businesses displaying, selling, or distributing materials harmful to minors within 2,500 feet from a school, unless the City Commission approves the location under proceedings provided in Section 166.041(3)(c), Florida Statutes. The City shall notify the principal of any school that could be affected by the exception request and the School Board of Alachua County whenever an exception to Section 847.0134, Florida Statutes is requested.
- b. The separation standards from a school shall apply only if one (1) or more of the following applies:
  - i. If it is a public school;
  - ii. The school has been in operation at the same location for one (1) year or more; or
  - iii. The location at which the school is now operating is owned by the organization operating the school or its parent organization.

2. When Separation Standards from Religious Institutions Apply. The separation standard from a religious institution shall apply only if one (1) or more of the following applies:

- a. The religious institution has been in operation at the same location for one (1) year or more; or
- b. The location at which the religious institution is now operating is owned by the organization operating the religious institution or its



parent religious organization.

3. When Separation Standards from Family Day Care Center or Day Care Center Apply. The separation standard from a child day care center or day care home shall apply only if one (1) or more of the following applies:
  - a. The family day care center or day care center has been in operation at the same location for one (1) year or more; or
  - b. The location at which the family day care center or day care center is now operational is owned by the organization operating the facility.
4. Measurement of Separation Distances. For purposes of measuring the separation distances in this Section, the measurement shall be made by extending a straight line from the main entrance of the building of the sexually oriented business to the front door of the main building occupied by any other sexually oriented business or to the nearest property line of any established religious institution, existing residential use, residential district, day care center, public park and playground, or school.
5. Co-location Standards for Sexually Oriented Businesses
  - a. No more than one sexually oriented business shall be located in a single building or on a single lot.
  - b. No sexually oriented business shall be established as an accessory use to another business.
  - c. No sexually oriented business shall offer any of the following products or services to customers, whether or not for a fee:
    - i. Gasoline or other fuels;
    - ii. Showers or other baths;
    - iii. Alcoholic beverages for off premises consumption.
6. Motion Picture Arcade Booths. Motion picture arcade booths either as an accessory use to any permitted sexually oriented business or a permitted principal use is prohibited.
7. Massage Parlors, Lingerie Modeling, Nude Photography Studios. Massage parlors, lingerie modeling establishments, and nude photography studios are prohibited. This provision shall not apply to massage therapists

licensed and certified by the State of Florida.

- C. Sexually Oriented Media Store. A sexually oriented media store shall be considered a sexually oriented business. A sexually oriented media store shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
  3. Window Glazing. Frost or opaque any window glazing in the store.
  4. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the store.
  5. Security Lighting. Install security lighting on the building and in the parking lot.
  6. Not Display Publicly. Not display publicly sexually oriented media.
- D. Sex Shop. A sex shop shall be considered a sexually oriented business. A sex shop shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Separation From Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
  3. Window Glazing. Frost or opaque any window glazing in the shop.
  4. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the store.
  5. Security Lighting. Install security lighting on the building and in the parking lot.
  6. Sexually Explicit Media and Toys. Not display publicly explicit media and sexually oriented toys or novelties.
- E. Sexually Oriented Cabaret. A sexually oriented cabaret shall be considered a sexually oriented business. A sexually oriented cabaret shall comply with the

following standards:

1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Separation from Business that Sells Alcohol. Not be located within 500 feet of a business that sells alcohol for on-premises consumption.
  3. Separation from Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
  4. Window Glazing. Frost or opaque any window glazing.
  5. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the cabaret.
  6. Security Lighting. Install security lighting on the building and in the parking lot.
  7. Prohibit Sale of Alcohol. Prohibit alcohol sales.
  8. Separation between Stage Feature and Customer Seating/Standing Area. Provide a minimum separation of two (2) feet between any stage feature and the customer seating or standing area. Stages shall be a minimum of two (2) feet high.
  9. Prohibit Booths or Private Dancing Rooms. Prohibit private booths or private dancing rooms.
  10. Noise. There shall be no projection of sound from the building housing the sexually oriented cabaret.
- F. Sexually Oriented Motion Picture Theater. A sexually oriented motion picture theater shall be considered a sexually oriented business. A sexually oriented motion picture theater shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
  2. Separation From Business That Sale Alcohol. Not be located within 500 feet of a business that sales alcohol for on premises consumption.
  3. Separation From Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.

4. Minimum Area. Be a minimum area of 660 square feet.
5. Signage. Place a sign on the front door prohibiting persons less than 18 years of age from entering the theater.
6. Security Lighting. Install security lighting on the building and in the parking lot.
7. Lighting within Theater. Maintain at least 0.5 footcandles of lighting within the theater at all times.
8. Monitoring of Theater. Maintain constant monitoring of activity within the theater by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.
9. Seating in Theater. Provide individual seating with arm chairs that do not rise, only.
10. Prohibit Bench and Sofa Seating. Prohibit bench seating and sofa seating.
11. Prohibit Sale of Alcohol. Prohibit alcohol sales.
12. Separation between Stage Feature and Customer Seating/Standing Area. Provide a minimum separation of two (2) feet between any stage feature and the customer seating or standing area. Stages shall be a minimum of two (2) feet high.
13. Noise. There shall be no projection of sound from the building housing the sexually oriented motion picture.

#### 4.02.06. PLACES OF WORSHIP AND ASSEMBLY.

A. Dimensional requirements. All places of worship and assembly shall be located and constructed in accordance with the following requirements.

1. Minimum lot area shall be determined by multiplying one hundred (100) square feet by the number of persons defined as the legal capacity by the building code for main assembly, meeting or congregation area.
2. Maximum structure height shall be determined by the maximum structure height for any principal use permitted by right of the applicable zoning district. However, where an interior side yard or a rear yard abuts property which is in a residential district or which is shown for residential use

on the land use element of the comprehensive plan, no new building shall exceed an angle of light obstruction of forty-five (45) degrees for such side or rear yard.

3. Day care centers and schools. Within the R-1 and R-2 districts, day care centers and schools may be allowed as accessory uses to places of worship and assembly upon the granting of a special use permit by the Planning and Historic Preservation Board; and in all other districts, day care centers and schools are permitted accessory uses to any lawful place of religious assembly use; provided, in all cases, that the requirements and limitations of subsections herein.

- B. Site plan approval. Site plan approval is required before a building permit may be issued for any place of worship and assembly.

#### 4.02.07. FUNERAL SERVICE AND CREMATORIES.

- A. Dimensional requirements. All funeral service establishments and crematories shall be located and constructed in accordance with the following requirements.

1. Minimum lot area: Forty-three thousand five hundred sixty (43,560) square feet.

- B. Access. All ingress and egress points shall be to or from collector or arterial roads as those terms are defined in this Land Development Code.

- C. Site plan approval. Site plan approval is required prior to issuance of a building permit for all funeral home, mortuary and crematory uses.

#### 4.02.08. AUTOMOTIVE SERVICE STATIONS.

- A. Dimensional requirements. All gasoline service stations shall be located and constructed in accordance with the following requirements:

1. Minimum lot area: Twelve thousand (12,000) square feet.
2. Minimum lot width at minimum front yard setback: One hundred (100) feet.

- B. Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum distance of at least fifteen (15) feet from any right-of-way line or property line.

C. Permitted accessory uses.

1. Rental of vehicles is permitted, and such rental vehicles may be parked outside.
2. Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles which do not require bodywork, painting or removal of engines from frames or dismantling of differentials shall be permitted. Additional adjustments or repairs at service stations shall only be permitted within zoning districts where major automotive repairs are a permitted principal use.
3. Retail sale of:
  - a. Minor automobile parts and accessories, gasoline, diesel fuel, kerosene, lubricating oils and greases; and
  - b. Articles dispensed by vending machines, providing such vending machines are located under the roof of the principal structure.
4. Non-automated car washes.
5. Repair facilities. No lift or repair facilities shall be located outside of the principal structure.
6. Automated or self-car washes. Automated or self-car washes are permitted by special use permit.

4.02.09. OUTDOOR STORAGE. Where outdoor storage is a principal permitted use or a regularly recurring accessory use (not including short term or temporary storage) the following requirements shall apply:

- A. Screening requirements. A landscape buffer strip shall be provided in the same manner as if the property was zoned in an industrial zoning district/category with the following additional requirements:
  1. When a hedge is used, a chain link fence at least six (6) feet in height is required.
  2. Screening is required whenever, in the opinion of the Planning and Historic Preservation Board, the use is visible from

the public right-of-way. (This requirement shall apply notwithstanding the fact that the subject property abuts property which is zoned in an industrial district/category.)

3. No merchandise, equipment, machinery, materials, motor vehicles or other items shall be stored above the height of the landscape buffer strip.

B Screening requirements waived. These requirements may be waived by the Planning and Historic Preservation Board if the Board finds the nature of the facility is reflective of the historic nature of the community and outside storage would have been found traditionally with the principal use.

#### 4.02.10. TELECOMMUNICATIONS TOWERS.

A. Generally.

1. The Town Commission may approve, approve with conditions, or deny an application for a telecommunications tower and/or antenna pursuant to the special use permit procedures in Article 10.
2. Meeting the requirement of this section shall not excuse the applicant from otherwise complying with the Town's Comprehensive Plan and these Land Development Code. The Town Commission shall have the right and authority to waive certain requirements of this section where it is found that a literal application or enforcement of this section would result in practicable difficulty or unnecessary hardship and relief granted would not be contrary to the public interest or intent of this section, but will do substantial justice and remain in accordance with the spirit of this section.

B. Applicability.

1. The standards in this section apply to all new or expanded telecommunications towers, except as specifically provided herein.
2. No permit is required under this section for telecommunications towers used for governmental purposes and located on property, rights-of-way, or easements owned by any governmental entity.
3. Routine maintenance, including replacement with a new tower and height modifications to accommodate the co-location of an additional user (or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate co-location

on an existing telecommunications tower, shall comply with the requirements of this section.

4. No permit under this section shall be required to locate a telecommunications tower, shall be required to locate a telecommunications antenna on an existing structure, provided however, that the telecommunications antenna does not extend more than twenty (20) feet above the existing structure. Such structures may include, but are not limited to, buildings, water towers, existing telecommunications towers, recreational light fixtures and other public utility structures.
5. No permit under this section shall be required to locate a telecommunications antenna used by amateur radio operators licenses by the Federal Communications Commission, including citizens band (CB), UHF Aircraft, VHF Marine, telecommunications antenna used by investor-owned electric utilities, municipally-owned electric utilities or rural electric cooperatives for the provision of the essential service of electricity, or similar radio operators, or such antenna, which is exempted, or local authority preempted by, federal and or state law.
6. For purposes of this section, a telecommunications tower that has received final approval in the form of either a special use permit or building permit, but has not yet been constructed shall be considered as existing tower so long as such approval is otherwise valid and unexpired.
7. A permit for an amateur radio tower may be approved by the Town Administrator and shall be exempt from the standards and procedures of this section if the following standards are met:
  - a. The proposed tower shall be intended and used solely for private, non-commercial purposes such as for private short-wave radio use.
  - b. The proposed tower shall not exceed 125 feet in height, or the distance from the tower to the property line of the parcel on which the tower sits, whichever is less.
  - c. Upon proof of engineering to ensure collapse without going beyond the property line of the parcel on which the tower is located, the Town Administrator may approve a tower of up to 125 feet in height even if the tower is closer than 125 feet from a property line.
8. Notwithstanding anything herein to the contrary, this section shall not be



construed to exempt telecommunications towers or antenna from compliance with other Town ordinances and regulations such as building permit requirements.

C. Location.

1. Telecommunications towers may be located in A, C-2, and I zoning districts as a permitted principal use and shall not be subject to review by the Planning and Historic Preservation Board and Town Commission so long as such tower is not located within ½-mile from a recorded or unrecorded approved subdivision, or public or private school, provided that such tower or antenna shall meet all other requirements of these Land Development Regulations.
2. Every reasonable effort shall be made to locate telecommunications towers in an A, C-2, or I zoning district.
3. Telecommunications towers shall be prohibited within a recorded or unrecorded approved subdivision.
4. Regardless of the zoning district in which a telecommunications tower or antenna is located, the tower and antenna shall meet the following standards. Distances shall be measured from the center of the base of the telecommunications tower to the boundary line of recorded or unrecorded approved subdivisions.
  - a. Camouflaged towers shall be permitted within one (1) times the height of the tower from recorded or unrecorded subdivisions.
  - b. Towers that are not lit shall be at least five (5) times the height of the tower or 450 feet, whichever is greater, from recorded or unrecorded approved subdivisions.
  - c. Towers that are lit at night with red lights shall be at least seven (7) times the height of the tower from recorded or unrecorded approved subdivisions.
  - d. Towers that are lit at night with white lights shall be at least twenty (20) times the height of the tower from recorded or unrecorded approved subdivisions.
5. If the proposed location is within an A zoning district, the proposed location shall reasonably minimize the impact of the telecommunications tower due to height, use, or appearance of the adjacent structures or

surrounding area.

6. A telecommunications tower shall not be approved in an area unless:
  - a. There are no existing building structures located within the area that are reasonably available to the applicant for the intended purpose and serve the applicant's telecommunications needs; and,
  - b. No other existing telecommunications tower meeting the applicant's telecommunications system needs located within the area is reasonably available to the applicant for the purposes of co-location. Further, owners of telecommunications towers must provide access and space for government-owned antenna where possible on a basis not less favorable than is required for private co-location.
7. No telecommunications tower shall be located or allowed which causes the existing airport license of any airport defined in Chapter 330, Florida Statutes, as amended, to be limited, modified, restricted, or otherwise changed as a result of the siting of such telecommunications tower.
8. Replacement towers shall be located on the same parcel. They shall be located within 30 feet of the existing tower, and may be rebuilt to the same or lesser height as the existing tower. The replacement tower must be able to accommodate at least two new carriers. The standards in (1) through (7) above are not applicable to replacement towers. Replacement towers shall comply with Florida Building Code requirements together with the design and construction of the replacement tower, shall be permitted on the site for up to 60 days. At the time the building permit is issued for the replacement tower, the demolition permit for removal of the old tower will be issued. The old tower must be removed within 60 days of completion of the replacement tower.
9. The applicant must provide a written, notarized statement to the Town Administrator demonstrating compliance with (1) through (8) above.

D. Design and Construction.

1. Regardless of the zoning district in which a telecommunications tower or antenna is located, the tower and antenna shall meet the following criteria for the design and construction of telecommunications towers.
2. The proposed height of the telecommunications tower is the minimum necessary by the applicant to satisfy the applicant's telecommunications

systems needs at the proposed location.

3. All other applicable permits must be obtained, including Federal Communications Commission and Alachua County building permit approvals before construction. All tower facilities shall comply or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal or state government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner(s) shall bring such towers or antennas into compliance with such revised standards and regulations to the extent required by such governmental agency.
4. All towers shall be designed and constructed to Electronic Industries Association/Telecommunications Industry Association 222-E Standards or greater (at the option of the applicant) as published by the Electronic Industries Association, as may be amended from time to time. Telecommunications tower owners shall be responsible for periodic inspections of such towers at least once every five (5) years to ensure structural integrity. Such inspections shall be conducted by a structural engineer licensed to practice engineering in Florida. The results of the inspection shall be filed with the Town Administrator.
5. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely within the tower parcel or property. Certification of this requirement signed by a structural engineer with a current license issued by the State of Florida shall be provided by the applicant to the Town Administrator.
6. All telecommunications tower supports and peripheral anchors shall be located within the parcel or property where the tower is located.
7. Telecommunications tower shall be marked and lighted as required by Federal Aviation Administration, or other federal or state agency of competent jurisdiction, however, provided that, strobe lighting shall not be used after dark.
8. All accessory buildings or structures shall comply with other applicable provisions of this Land Development Code.
9. Setbacks for telecommunications tower accessory buildings and structures shall comply with the requirements for the zoning district in which the tower is located.

10. No advertising shall be permitted on the tower structure.
11. The perimeter base of all telecommunications towers shall be enclosed within a security fence no less than eight (8) feet in height with access secured by a locked gate.
12. All telecommunications tower facilities shall be identified by use of a metal plate or other conspicuous marking giving the name, address, and telephone number of the telecommunications tower owner and lessee if different from the owner, and operator. Such identification shall also include the telephone number of a contact person.

E. Co-location.

1. Regardless of the zoning district in which a telecommunications tower or antenna is located, the following requirements shall be met for co-location of telecommunications towers and antennas.
2. A special use permit for the location and use of a telecommunications tower shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs of its antenna.
3. All new telecommunications towers shall be designed and constructed so as to accommodate co-location. Establishing accommodation for co-location of at least two (2) other providers of at least equal capacity shall meet the requirements of this section.
4. If a party who owns or otherwise controls a telecommunications tower shall fail or refuse to alter a telecommunications tower so as to accommodate a proposed and otherwise feasible co-location, said telecommunications tower shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
5. If a party who owns or otherwise controls a telecommunications tower shall fail or refuse to permit a feasible co-location, and this requires construction and/or use of a new telecommunications tower, the party failing or refusing to permit a feasible co-location shall be deemed in direct violation and contradiction of this policy, intent, and purpose of the Town's Land Development Code, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new telecommunications tower within the Town for a

period of five (5) years from the date of failure or refusal to permit the co-location. Such a party may seek and obtain relief for the five (5) year prohibition of receiving approval for a new telecommunications tower by the Town if, and to the limited extent, the applicant demonstrates entitlement to relief, which in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent services, or that such enforcement would have the effect of prohibiting the provision of telecommunication services.

F. Existing Towers.

1. All telecommunications towers or antennas existing on the effective date of this Code, shall be allowed to continue to be used as they presently exist.
2. Telecommunications towers or antenna existing on the effective date of this Code that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced; provided the type, height, and location of the tower shall be of the same type and intensity (or lesser height or intensity e.g., a monopole in substitution for a lattice tower) as the original facility. Building permits to rebuild any such tower shall otherwise comply with applicable Florida Building Code requirements together with the design and construction criteria in subsection (D) above except paragraph (9) if such setbacks cannot be met, and shall be obtained within one (1) year from the date the tower is damaged or destroyed. If no permit is obtained or said permit expires, the telecommunications tower shall be deemed abandoned as specified in this section.
3. Any telecommunications tower or antenna found not to be in compliance with Florida Building Code standards, or found to constitute a danger to persons or property, upon notice to the owner of the telecommunications facility, such tower or antenna shall be brought into compliance or moved within 90 days. In the event the use of any telecommunications tower has been discontinued for a period of one (1) year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Town Administrator who shall have the right to request documentation and/or affidavits from the telecommunications tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 90 days within which to:

- a. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or,
- b. Dismantle and remove the tower.

At the earlier of one (1) year from the date of abandonment without reactivation or upon completion of dismantling and removal, any special use permit approval for the tower shall automatically expire.

G. Procedure and Submittals.

- 1. An application for a permit shall be reviewed according to the procedures for special use permit in Article 10.
- 2. The application shall include the following information:
  - a. An inventory of existing telecommunications towers owned/operated by the applicant in the area. Each applicant for a tower site shall provide the Town with an inventory of its existing telecommunications towers that are either within the jurisdiction of the Town or within a ½-mile of the border thereof, including specific location, height, and design of each tower. Such information shall be a public record document and may be shared by the Town with other applicants seeking to locate telecommunications towers within the Town.
  - b. Description of the area of service of the telecommunications tower identifying the use of the tower or antenna for coverage or capacity.
  - c. If required, photo simulations of the proposed telecommunications facilities illustrating the potential visual impact.
  - d. Site plan or plans to scale specifying the location of the tower(s), guy anchors (if any), accessory buildings or uses, access, parking, fences, landscaped areas, and adjacent land uses.
  - e. Legal description of the parent tract and leased parcel (if applicable). The location of the proposed telecommunications tower in digital format suitable to the Town. Certification by a Florida licensed land surveyor of the mean sea level election and topography.
  - f. Utilities inventory indicating the locations of all water, sewer, drainage, and power lines impacting the proposed tower site.

- g. Report from a structural engineer, licensed to practice engineering in the state of Florida documenting the following:
  - i. Tower height and design, including technical engineering, and other pertinent factors governing the proposed tower design. A cross-section of the tower structure shall be included.
  - ii. Total anticipated capacity of the structure, including number and types of antennas that can be accommodated.
  - iii. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain possible debris.
- h. Written statement from the Federal Aviation Administration, the Federal Communications Commission, and appropriate federal or state review authority stating that the proposed tower site complies with regulations administered by that agency or that the tower is exempt from such regulations.
- i. Written agreement to lease excess space on the tower structure and to lease additional excess land on the tower site until the shared use potential of the tower is absorbed, where feasible, and subject to reasonable terms. The term “where feasible”, as it applies to co-location, means the utilization of tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impact existing users. Reasonable terms for use of a telecommunications tower and tower site that may be imposed by the owner include requirement for a reasonable rent or fees, taking into consideration the capitalized cost of the telecommunications tower and land, rental, and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases the maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable telecommunications tower sites.
- j. Evidence of applicant’s inability to co-locate on a reasonable basis on an otherwise suitable existing telecommunications tower for the location of the proposed antenna.

- k. Evidence that the telecommunications tower is needed to meet the applicant's communications systems requirements.
- l. The applicant shall provide any additional information which may be reasonably requested by the Town Administrator to fully evaluate and review the proposed telecommunications tower and/or antenna.

#### 4.02.11. VETERINARY SERVICES

##### A. Dimensional requirements.

1. Minimum lot area: Twenty thousand (20,000) square feet.
2. Minimum lot width at minimum front yard setback: Two hundred (200) feet.
3. Minimum yard setback: All buildings and structures, excluding fences and walls, shall be set back a minimum distance of fifty (50) feet from any property which is in a residential district or which is shown for residential use on the land use element of the Comprehensive Plan. All other setbacks shall conform to the requirements of the district in which such use is located.

##### B. Additional regulations.

1. No such facilities shall be permitted to have outside cages or runs except for those which are located in industrial districts and which are at least five hundred (500) feet from any property shown on the Comprehensive Plan for residential use.
2. All such facilities shall be soundproof so as to prevent common and ordinary animal noises from being heard outside any building or structure. Outside cages or runs permitted in industrial districts shall not be required to be soundproof if more than five hundred (500) feet from an existing residence.

#### 4.02.12. BED AND BREAKFAST ESTABLISHMENTS.

##### A. General requirements.

1. The owner or manager must live on the premises.



2. Separate toilet and bathing facilities for the exclusive use of guests must be provided.
3. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be thirty (30) days in a twelve-month period.
4. The Alachua County Health Department shall approve cooking facilities. Cooking shall be permitted in bed and breakfast establishments located in residential zoning districts for overnight guests and residents only. No cooking facilities shall be allowed in guest bedrooms.
5. Neither hired receptions nor parties shall be permitted in bed and breakfast establishments located in residential zoning districts.
6. Bed and breakfast establishments must comply with appropriate health permits, building and fire codes, and business licenses, including but not limited to a license from the Florida Division of Hotels and Restaurants, if applicable to such use.
7. In addition to the parking required for the residence, one (1) parking space shall be provided for each guestroom. The Planning and Historic Preservation Board may vary the parking requirement based on site constraints including, but not limited to, small yards, inadequate space for parking, and the availability of on-road parking.
8. Signs shall be no larger than twenty-four (24) square feet in size.

#### 4.02.13. PRIVATE SCHOOLS / CHARTER SCHOOLS.

##### A. Dimensional requirements.

1. Minimum lot area shall be the minimum lot area required for the specific zoning district where allowed plus one (1) acre for every one hundred (100) students (or fraction thereof), except where the lot size is five (5) acres or more, based on building code capacity.
2. Minimum yard setbacks:
  - a. Front: Twenty-five (25) feet.

b. Rear: Twenty (20) feet. Except where the yard abuts property which is in a residential district or which is shown for residential use on the land use element of the comprehensive plan: Fifty(50) feet.

c. Side:

i. Interior: Twenty (20) feet. Except where the yard abuts property which is in a residential district or which is shown for residential use on the land use element of the comprehensive plan: Fifty (50) feet.

ii. Road: Twenty-five (25) feet.

3. Maximum building height: Thirty-five (35) feet.

#### 4.02.14. ALCOHOLIC BEVERAGE ESTABLISHMENTS.

##### A. Spacing requirements.

1. No alcoholic beverage establishment may be located within five hundred (500) linear feet of an established place of worship and assembly, which distance shall be measured by extending a straight line from the nearest property line of the alcoholic beverage establishment to the nearest property line of the place of worship and assembly.
2. No alcoholic beverage establishment may be located within five hundred (500) linear feet of any public or private school, which distance shall be measured by extending a straight line from the nearest property line of the alcoholic beverage establishment to the nearest property line of the school.

##### B. Site plan approval. Site plan approval shall be required prior to the issuance of a development order for any or all of the following:

1. The construction of any new alcoholic beverage establishment or any change of any use of space for new alcoholic beverage establishments;
2. The construction of any new parking spaces required or provided for the building or structure in which an existing

or proposed alcoholic beverage establishment is located;

3. The expansion of the gross floor area of a building or structure in which an existing or proposed alcoholic beverage establishment is located;
4. The alteration or enlargement of a building envelope or alteration of the site configuration of a building or structure in which an existing or proposed alcoholic beverage establishment is located; and
5. The construction of a pedestrian or vehicular pick-up window or menu board for an existing or proposed alcoholic beverage establishment.

C. Additional regulations.

1. No entrance or exit, except as provided below, connected to any portion of a building normally utilized by patrons of an alcoholic beverage establishment by a continuous and unobstructed path of travel shall be located within two hundred (200) linear feet of the district boundary line of a residential district, or of an existing dwelling in any zoning district.
2. Landscape buffer requirements for incompatible land uses. There shall be a landscape buffer along the entire common boundary of the lot upon which the alcoholic beverage establishment is located and the district boundary line of a residential district as enumerated in Article 6 of this Land Development Code and meet the same requirements for Industrial zoned property.

D. Special use permits. In addition to all of the above specific requirements, the Planning and Historic Preservation Board shall consider the factors and standards for special use permits. In granting a special use permit for an alcoholic beverage establishment, the Board shall consider the factors and standards usual to all special use permits, including the effect of the following factors on surrounding properties, particularly on surrounding properties located in residential districts, or an existing dwelling in any zoning district.

1. Noise generated by the proposed establishment, considering placement of doors, windows and open spaces and any plans for music or entertainment, live or mechanical;

2. Amount of traffic generation and the pattern of its dispersal from the site, considering likely impacts on residential areas or conflicts with other uses; and

3. Hours of activity.

4.02.15. RECYCLING CENTERS.

A. When permitted in any district, all collected, processed, or stored materials must be kept within completely enclosed containers or buildings. All exterior containers shall be sturdy, covered, waterproof, and rustproof.

B. The name and phone number of the facility operator shall be clearly posted at the facility.

4.02.16. SINGLE-FAMILY RESIDENTIAL/OFFICE COMPOUND USES.

A. Single-family residential/office compound uses are permitted within residential districts, as specified, under the following conditions:

1. The office use does not exceed twenty-five (25) percent of the gross floor area of the dwelling;

2. There are no more than two people employed in the office who do not reside permanently in the dwelling;

3. There are no more than three vehicles, not registered at the address, parked on site at any one time outside of an enclosed garage during the hours from eight o'clock in the morning until five o'clock in the afternoon.

4.02.17. VENDING BOOTHS.

A. Annual Permit.

1. A vending booth permit is required and can be renewed annually upon payment of the fee established by the Town. Vending booth permits expire on October 1 and are delinquent if not renewed. Vending booth permits initially received between April 1 and September 30 are subject to one-half the permit fees for the initial period ending September 30. In order to obtain a vending booth permit, written approval of the proposed vending booth is required from the Micanopy Fire Department and Planning and Historic Preservation Board, which will approve the application if it meets the requirements of this LDC and all applicable fire safety regulations.

2. When applying for the vending booth permit, photographs of the vending booth must be submitted for review. The Planning and Historic Preservation Board will examine the photographs and shall determine the acceptability of the vending booth as to design and appearance. Items to be considered will be size, material and color of the vending booths, canopy, and signs.
3. When applying for the vending booth permit, the operator of the vending booth must also supply the following information:
  - a. A brief description of the nature, character and quality of food and beverage to be offered for sale.
  - b. The specific location of the proposed operation.
  - c. The name and address of the applicant's employer, if not self-employed.
  - d. Written permission or lease from the owner of the property where the business will operate.
  - e. The name and address of the vending booth's owner.
  - f. The name and address of the applicant.
- B. Setbacks. Vending booths on private property must be located a minimum of five feet from the curb or improved right-of-way and so positioned as to leave an unobstructed way for pedestrian passage on any sidewalk and shall not be positioned within five feet of any crosswalk or fire hydrant, nor block any ingress or egress from a building entrance or emergency exit. Vending booths shall be at least 25 feet from intersections.
- C. Signage. Signs using lettering painted on or applied to the canopy valance will be allowed. The sign message on the canopy valance shall be limited to a single generic description of the merchandise, such as "food," "sandwiches," "ice cream," "newspapers." Two additional signs will be allowed at six square feet each, to be mounted on the vending booth. No other signs, pictures or advertisements of any kind, such as stickers, flags, balloons, or lights other than as discussed below, shall be allowed.
- D. Regulations. Vending booths operating in the town shall be subject to the following regulations:

1. The county/state health department must license any vending booths preparing and selling food items. All applicable codes of the health department shall be met.
2. A trash container must be available on the vending booth.
3. Lighting may be used to continuously illuminate the vending booth canopy and provide task lighting for night operation.
4. Change of vending booth ownership or location will require the vending booth owner to apply for a new vending booth permit.
5. All required licenses must be conspicuously displayed on the vending booth.
6. Vending booths must be equipped with at least one approved portable fire extinguisher having a minimum rating of 8 BC.
7. All liquefied petroleum gas containers must be installed on the outside of the vending booth, protected from physical damage and, if enclosed, vented at the lowest point of the enclosure. All liquefied petroleum gas containers must be properly secured and comply with all applicable standards.
8. The following regulations shall apply to vending booth operators:
  - a. Sale of meat shall only be made from a cart approved by the applicable state agency.
  - b. No alcoholic beverages may be sold.
  - c. Vendors are restricted to the C-2 zoning district.
  - d. There shall be only one vending conveyance per property, location or development.
9. Vending booth operators shall keep the sidewalks, parking areas and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from their vending operation.
10. No vending booth shall be permitted to operate in any of the following areas:
  - a. within 15 feet of any loading zone or bus

stop;

- b. against display windows of a business;
- c. within 15 feet of any fire hydrant, fire escape or fire control device;
- d. within 15 feet of any parking space or access ramp designated for persons with disabilities;
- e. outside the established building setbacks of the zoning district;
- f. within required parking spaces or access to those parking spaces unless the town administrator or designee determines that the parking spaces are not needed and the property owner agrees that the vendor may operate there.

- 11. Vendors shall not conduct business in a way that will restrict or interfere with the entrance or exit of a business, create a nuisance, create a hazard to pedestrians, life or property, or obstruct access to emergency exits.
- 12. Vending shall be limited to the hours between 7:00 a.m. and 11:00 p.m. daily and shall take place only at the approved location. Vending operations shall not be set up prior to 7:00 a.m.
- 13. Outdoor seating shall not be permitted.
- 14. Vending booth permits shall not be valid during any event declared to be a special event by the Town Commission. A separate permit shall be required for vending at these events.
- 15. The vending booth shall have access to an outside, permanent source of electricity.

E. Revocation of Permit. Permits issued under this ordinance may be revoked by the Planning and Historic Preservation Board after proper notice and opportunity for hearing for any of the following reasons:

- 1. Fraud, misrepresentation or false statement contained in the application for permit.
- 2. Any violation of this ordinance.

3. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
4. Failure to operate more than 14 days during the period from May 1 through September 30 of each year or as specified in permit application.
5. Such revocation may be appealed directly to the town commission, provided such appeal is filed with the town administrator within 15 days of the time of the revocation by the Planning and Historic Preservation Board. The town administrator shall then schedule the hearing on the appeal at the next regular meeting of the town commission scheduled to be at least ten days from the date the appeal is filed. The town commission shall review the record and may restore the permit only if it finds an abuse of discretion.

4.02.18. PERMITTED UTILITY USES. There shall be allowed as permitted uses in all zoning districts:

- A. Utility distribution poles not exceeding one (1) foot in diameter and fifty (50) feet in height; and
- B. New utility structures shall be designed so as to conform with the architecture of the Town within the historic district. Planning and Historic Preservation Board approval shall be required of the design prior to construction.

4.02.19. TEMPORARY SALES FOR FUND-RAISING BY NONPROFIT AGENCIES.

- A. The intent of this section is to permit the sale of goods, which may include the use of a building or parcel of land for such sales, by nonprofit institutions such as, but not limited to, places of religious assembly, schools and fraternal societies, where such sales are clearly incidental to the primary function of such institution and where such a sale is conducted with or as a special event and for a specified time period not to exceed thirty (30) days.
- B. To qualify for permission to conduct such sales, an applicant shall secure a permit from the Planning and Historic Preservation Board. Approval of such a permit shall be based upon a consideration of the location, which may be in any zoning district, the type of goods to be sold, and the manner



of sale. No applicant may request a permit more than four times in any one (1) calendar year. In granting approval the Planning and Historic Preservation Board may suggest such conditions of approval as would be in keeping with the general spirit and purpose of the Land Development Code, and may recommend that approval of such permit be denied where conditions so warrant. In the event of disapproval of a requested permit, the applicant may appeal directly to the Town Commission for final disposition.

- C. A permit issued under the provisions of this section shall be effective for a period not to exceed ten (10) days.

4.02.20. PARKING, STORING, KEEPING OF RECREATIONAL VEHICLES.  
The following regulations apply to all zoning districts:

- A. Parking of a recreational vehicle is permitted only in rear or side yards and only for the purpose of storing the vehicle, and such a vehicle shall not:
  - 1. Be used for storage of goods, materials or equipment other than those items considered to be part of the vehicle and essential for its immediate use; or
  - 2. Discharge or discard any litter, effluent, sewage or other matter into any public right-of-way or upon any private property while parked as provided in this section; or
  - 3. Be occupied or used for living, sleeping or housekeeping purposes, except that a recreational vehicle may be so used if located in a mobile home park, and may be so used on a lot of record in a residential district pursuant to a temporary mobile home special permit granted by the Planning and Historic Preservation Board.
- B. No owner shall allow any recreational vehicle eighteen (18) feet or more in length to be parked on public streets longer than eight (8) hours in any twenty-four (24) hour period.

4.02.21. STORAGE OF FLAMMABLE LIQUIDS

- A. No building, structure or land shall be used for storage, sale or use of gasoline, or any other liquids with a flash point of sixty (60) degrees Fahrenheit or less, at a place closer than two hundred fifty (250) feet, measured in a straight line, to any building or structure regularly used as a place of religious assembly, school, hospital, housing for the elderly, nursing or personal care facility, residential child caring facility, auditorium, or theater, except open air theaters.

- B. No building or structure shall be used as a place of religious assembly, school, college, university, hospital, housing for the elderly, nursing or personal care facility, residential child caring facility, auditorium, or theater, except as an open air theater, within two hundred fifty (250) feet, measured in a straight line, from any place which is used for the storage, sale or use of gasoline, or any other liquid with a flash point of sixty (60) degrees Fahrenheit or less, or which has been used for such storage, sale or use within the preceding nine (9) months.
- C. When the use of any premises for the storage, sale or use of gasoline, or any other liquid with a flash point of sixty (60) degrees Fahrenheit or less, is discontinued for a period of nine (9) consecutive months, such use shall not thereafter be reestablished or continued unless the distance requirement of this section is still met. Following the discontinuance of such a use for nine (9) consecutive months, other properties within two hundred fifty (250) feet of the premises may be used for any purpose permitted in the particular zoning district, including those purposes specified above, provided the discontinued use has not yet been lawfully reestablished or continued.

## ARTICLE 5. NATURAL RESOURCES

### 5.01 NATURAL RESOURCES

#### 5.01.01 NATURAL DRAINAGE FEATURES

- A. PROTECTION OF NATURAL DRAINAGE FLOWS. Construction of structures or landscape alterations which would interrupt natural drainage flows, including sheet flow and flow to isolated wetland systems is prohibited.
- B. LAND GRADING DESIGN STANDARDS FOR DEVELOPMENT ADJACENT TO NATURAL DRAINAGE FEATURES. No development shall be constructed so that the development impedes the natural flow of water from higher adjacent properties. All development shall conform to conform the natural contours of the land and natural drainage ways.
- C. CONSTRUCTION ACTIVITY UNDERTAKEN SHALL PROTECT THE FUNCTIONS OF NATURAL DRAINAGE FEATURES. All construction activity undertaken in Town of Micanopy shall protect the functions of natural drainage features.

### 5.02 FLOODPLAIN MANAGEMENT

- 5.02.01 Scope. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- 5.02.02 Intent. The purposes of this section and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
  - A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

5.02.03 Coordination with the *Florida Building Code*. This section is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

5.02.04 Warning. The degree of flood protection required by this section and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

5.02.05 Disclaimer of Liability. This section shall not create liability on the part of the Town, the Town Commission or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

#### 5.02.06 APPLICABILITY

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this section applies. This section shall apply to all flood hazard areas within the Town of Micanopy, as established in Section 5.02.06.C.

- C. Basis for establishing flood hazard areas. The Flood Insurance Study for Alachua County, Florida and Incorporated Areas dated June 16, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Town Hall.
1. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 5.02.09 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
    - (a) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the *Florida Building Code*.
    - (b) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- D. Other laws. The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.
- E. Abrogation and greater restrictions. This section supersedes any section in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing sections including but not limited to land development regulations, zoning sections, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.
- F. Interpretation. In the interpretation and application of this section, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.

5.02.07 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- A. Designation. The Town Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Section 5.02.11.
- C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  4. Provide available flood elevation and flood hazard information;
  5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.
- D. Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations,

renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this section is required.

E. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 5.02.11.

F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

G. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 5.02.10 for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection D above;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this section and the *Florida Building Code* and this section to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town are modified.

- I. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Town Hall.

#### 5.02.08 PERMITS

- A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.



- B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
1. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this section:
    - (a) Railroads and ancillary facilities associated with the railroad.
    - (b) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
    - (c) Temporary buildings or sheds used exclusively for construction purposes.
    - (d) Mobile or modular structures used as temporary offices.
    - (e) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
    - (f) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
    - (g) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
    - (h) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
    - (i) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- C. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 105 of this section.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

D. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the *Florida Building Codes*, or any other section of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

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

F. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other section, regulation or requirement of this community.

G. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The St. Johns River Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

#### 5.02.09 SITE PLANS AND CONSTRUCTION DOCUMENTS

A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with subsection B above.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with subsections 1 or 2 above.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

B. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or

require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or

2. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - (a) Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
3. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection D below and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in

accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection D below.

- D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### 5.02.10 INSPECTIONS

- A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
1. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.
  2. Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.
    - (a) Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
      - (i) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
      - (ii) If the elevation used to determine the required elevation of the lowest floor was determined, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(b) Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified herein.

3. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

#### 5.02.11 VARIANCES AND APPEALS

A. General. The Planning and Historic Preservation Board shall hear and decide on requests for appeals and requests for variances from the strict application of this section. Pursuant to section 553.73(5), F.S., the Planning and Historic Preservation Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

B. Appeals. The Planning and Historic Preservation Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this section. Any person aggrieved by the decision of the Planning and Historic Preservation Board may appeal such decision to the Town Commission in accordance with Article 10 of the Land Development Code. Appeals of the Town Commission's decision are to the Circuit Court in accordance with applicable law.

C. Limitations on authority to grant variances. The Planning and Historic Preservation Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection F below, the conditions of issuance set forth in Section subsection I below, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Planning and Historic Preservation Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

1. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would

result, as evidenced by the applicable analyses and certifications required in Section 5.02.09.C.

- D. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.
- E. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Section 5.2.11.C.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- F. Considerations for issuance of variances. In reviewing requests for variances, the Planning and Historic Preservation Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this section, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  4. The importance of the services provided by the proposed development to the community;
  5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  6. The compatibility of the proposed development with existing and anticipated development;
  7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

G. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
2. Determination by the Planning and Historic Preservation Board that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and sections; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## 5.02.12 VIOLATIONS

- A. Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with



this section, shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

- B. Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### 5.02.13 GENERAL

- A. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.
- B. Terms defined in the *Florida Building Code*. Where terms are not defined in this section and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- C. Terms not defined. Where terms are not defined in this section or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.
- D. Definitions

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

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this section or a request for a variance.

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

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

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

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

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

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

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

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

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

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before June 16, 2006. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 16, 2006.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are

to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

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

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

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

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

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

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood

elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

*Florida Building Code.* The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

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

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

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

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

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

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

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

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this section and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after June 16, 2006, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 16, 2006.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (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.

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

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

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

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

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

Variance. A grant of relief from the requirements of this section, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this section or the *Florida Building Code*.

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

#### 5.02.14 BUILDINGS AND STRUCTURES

- A. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 5.02.08.B, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 5.02.20.

#### 5.02.15 SUBDIVISIONS

- A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
  2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) or (2) of this section; and

3. Compliance with the site improvement and utilities requirements of Section 5.02.16.

#### 5.02.16 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

- A. Minimum requirements. All proposed new development shall be reviewed to determine that:
  1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- C. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 5.02.09 demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- E. Limitations on placement of fill. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.



5.02.17 MANUFACTURED HOMES

- A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section.
- B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this section.
- C. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 1 or 2 below, as applicable.
  - 1. General elevation requirement. Unless subject to the requirements of herein, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).
  - 2. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to the requirements herein, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
    - (a) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
    - (b) Bottom of the frame is supported by reinforced piers or other

foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

- E. Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.
- F. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

#### 5.02.18 RECREATIONAL VEHICLES AND PARK TRAILERS

- A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
  - 1. Be on the site for fewer than 180 consecutive days; or
  - 2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in subsection A above for temporary placement shall meet the requirements of Section 5.02.17 for manufactured homes.

#### 5.02.19 TANKS

- A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of subsection B below shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

- D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

5.02.20 OTHER DEVELOPMENT

- A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the *Florida Building Code*, shall:
1. Be located and constructed to minimize flood damage;
  2. Meet the required limitations if located in a regulated floodway;
  3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.02.16.
- C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.02.16.
- D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.02.15. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 5.02.09.C.
- 5.03 DEVELOPMENT WITHIN UNSUITABLE AREAS. Development within unsuitable areas as determined by topographic information supplied from the

United States Department of Interior, Geodetic Survey and soil conditions as identified within the United States Department of Agriculture Soil Conservation Service Soil Survey for Alachua County due to flooding, improper drainage, steep slopes, rock formations and adverse earth formations, shall not be permitted unless acceptable methods are formulated by the developer and approved by the Planning and Historic Preservation Board and other state agencies to solve the problems created by the unsuitable land conditions. If the developer does not agree with the decision of the Planning and Historic Preservation Board, the decision may be appealed to the Town Commission. In determining what measures are appropriate for solving problems created development within unsuitable areas, the Planning and Historic Preservation Board shall use the best industry practices available or the best practices as recommended by the Soil Conservation Service or any other appropriate governmental agency.

- 5.04. NATURAL BUFFER AROUND WETLANDS AND WATER BODIES. Development shall maintain a minimum 35-foot natural buffer and an average 50-foot natural buffer around wetlands less than or equal to 0.5-acre in size. Development shall maintain a minimum 50-foot natural buffer and an average 75-foot natural buffer around wetlands greater than 0.5-acre in size. No residential, commercial or industrial structure, parking lot, or other land use shall be placed within the required natural buffer area.

5.05 WELLFIELD PROTECTION

A. Prohibited uses within Wellfield Protection Areas include:

1. The first 500-foot radius around the well shall remain a zone of exclusion where no development activities shall be permitted.
2. From a radius of 1,000 feet around the well, land uses shall be regulated to prohibit:
  - a. Landfills
  - b. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List.
  - c. Activities that require the storage, use or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, etc.
  - d. Wastewater treatment plants, percolation ponds, and similar activities; and
  - e. Excavation of waterways or drainage facilities which intersect the watertable.

## **ARTICLE 6: DESIGN & DEVELOPMENT STANDARDS**

### **6.01. OFF-STREET PARKING AND LOADING REGULATIONS**

6.01.01. **PURPOSE.** The purpose of this section is to provide for the general welfare and convenience of the public utilizing the various uses located within Town of Micanopy by providing for suitable off-street parking facilities; to insure the safe movement of traffic on public streets; to protect adjacent residential, commercial, industrial and institutional uses from adverse impact of vehicular traffic and parking congestion generated by various uses; and to establish minimum standards for the development of parking areas.

### **6.01.02. BASIC REGULATIONS.**

- A. Generally. Off-street parking facilities shall be provided for any new building constructed and for any new use established; for any addition or enlargement of an existing building; and for any change in the occupancy of any building or the manner in which any use is conducted that would result in additional parking spaces being required, subject to the provisions of this section.
- B. Nonconforming uses. No use of land, lawfully existing on June 11, 2002, shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this section.
- C. Expansion of uses. For additions or enlargements of any existing building or use, or any change of occupancy or manner of operation of such building or use that would increase the number of parking spaces required, the additional parking shall be required only for such addition, enlargement, or change and not for the entire building or use.
- D. Requirements for a use not mentioned. In the case of a use not mentioned, the requirements for off-street parking shall be the same as for the most similar use specifically mentioned as determined by the official responsible for interpretations of this Land Development Code.
- E. Compound uses. Where residential use is conducted together with or accessory to other permitted uses, applicable residential parking space requirement shall apply in addition to the nonresidential requirements.
- F. Location of parking area. Required off-street vehicle parking areas shall be located on the same lot or parcel of land as the principal structure to be serviced, or on any lot or parcel of land within three hundred (300) feet of the principal structure to be served, as measured from the lot line to the nearest point of the off-street parking facility, provided that this provision shall not be interpreted to permit the locating of new off-street parking spaces in a zoning district in which parking facilities are not otherwise permitted as a principal use.

- G. Joint use of parking area. The joint use of vehicle parking facilities of more than five (5) spaces by two (2) or more uses is permitted whenever such joint use is practicable and satisfactory to each of the uses intended to be served and when all requirements for location, design and construction can be satisfied. In computing capacities of any joint use, the off-street vehicle parking requirement is the sum of the individual requirements that will occur at the same time, provided that the total of such off-street vehicle parking facilities required for joint or collective use may be reduced during site plan approval in accordance with the following criteria:
1. That the uses which the joint off-street parking facilities serve do not normally or regularly operate during the same hours of the day or night may be considered; and
  2. Not more than fifty (50) percent of off-street vehicle parking facilities required for theaters, and establishments for the sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street vehicle parking facilities which are provided for other buildings or uses.
- H. Joint use agreement. A copy of an agreement between the owners of lands on which joint parking uses are conducted shall be filed with the application for a building permit. The agreement shall include a guarantee for continued use of the parking facility by each party to the joint use.
- I. Leased parking facilities. Required off-street vehicle parking areas may be leased (the "leased area") with boundaries clearly delineated in the lease by the owner or operator of the principal structure to be served, provided the owner or operator enters into a written lease agreement, which shall be subject to the approval of the town attorney, under the following terms and conditions:
1. The leased area is within three hundred (300) feet of the main entrance of the principal structure measured to the nearest point of the leased area;
  2. The leased area is zoned in a district in which parking lots are permitted as a principal use;
  3. The leased area shall be clearly marked with appropriate signage indicating that the area is for the exclusive use of the principal structure;
  4. The term of the lease for the leased area shall be a minimum of three (3) years with a minimum one (1) year notice of cancellation clause; and

5. The lease shall expressly provide that the use of the principal structure is expressly contingent upon the parking facilities of the leased area, and if the lease is terminated for any reason the owner or operator of the principal structure shall cease operations unless and until additional required off-street parking facilities are provided in accordance with provisions of this Section.

- J. Enforcement. Off-street parking facilities shall be maintained and continued as an accessory use as long as the principal use is continued. It shall be unlawful for an owner or operator of any building, structure or use controlled by this Section to discontinue, change, dispense with, sell, or transfer any required parking facilities, including those leased or jointly 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 a building, structure or use without providing the off-street parking facilities to meet the requirements of this Section.

6.01.03. DESIGN REQUIREMENTS - VEHICLE PARKING. Off-street vehicle parking, including public parking facilities, shall be designed, constructed and maintained in accordance with the following standards and regulations:

- A. Access. Vehicular ingress and egress to off-street parking facilities shall be from a public street, designed to provide safe, efficient and attractive access to the development.
- B. General requirements. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
  1. Parking spaces as required by this section shall contain some type of vehicle wheel stops when necessary to prevent any part of a vehicle from overhanging onto the right-of-way of any public street, alley or walkway.
  2. There shall be no off-street parking in the required front yards of any residential districts unless otherwise specified in this Section, provided this restriction shall not be interpreted to prohibit parking that normally exists in driveways within residential districts.
  3. Maneuvering and access driveways for off-street parking areas, except those provided for single-family dwellings, shall be provided within the lot on which the parking is located so that any vehicle shall not be required to back into or maneuver within the public street right-of-way on entering or leaving any off-street parking space.
  4. The minimum distance from the street right-of-way line at any major ingress or egress driveway to any interior service drive or parking space having direct access to such driveway shall be one

hundred (100) feet. A major driveway is defined as the main ingress or egress point as approved by the Planning and Historic Preservation Board.

5. The minimum distance from the street right-of-way line at any other ingress or egress driveway to any interior service drive or parking space with direct access from such driveway shall be twenty (20) feet.
6. Street access to nonresidential uses shall be provided through property zoned for office, business, industrial or public use.
7. The Town requires compliance with all State regulations concerning the provision of handicap parking. All handicap parking spaces must be hard surfaced. This includes requirements for hard surface connections between handicap parking and the facility that parking area serves.

C. Construction specifications.

1. Hard-surfaced. Except as provided in Subsection 2. below, all off-street parking areas shall be hard-surfaced utilizing asphaltic concrete, concrete, paving block or brick, and shall be designed and constructed in accordance with the standards and specifications adopted by resolution of the Micanopy Town Commission and on file in the Town Administrator's office.
2. Non-hard-surfaced. The following enumerated parking facilities may be non-hard-surface, provided said facilities are approved by the Planning and Historic Preservation Board in accordance with the provisions of this Section, and provided, further, that such facilities are designed and constructed in accordance with generally accepted standards and specifications for non- hard-surfaced parking areas.
  - a. Up to one hundred (100) percent of the required vehicle parking spaces for places of religious assembly provided that such non-hard-surfaced parking spaces are not used as joint parking by any place of worship and assembly use.
  - b. Parking spaces provided in excess of the minimum number required by this Section, or for uses not required by this Section to provide parking spaces.



- c. Parking lots located in the residential districts when said lots contain less than seven (7) parking spaces.
  - d. Parking lots located in the Historic District of this Land Development Code.
- D. Lighting. All parking facilities, except in the residential and agricultural districts, shall be lighted after dark during the hours when the areas are in use by the public. Such lighting shall not exceed an intensity of five (5) footcandles, nor shall it be less than one and one-half (1-1/2) footcandles at pavement level. Sources of light, including bulbs, tubes and all reflecting surfaces, shall be hooded or shielded so as not to create a nuisance across lot lines.
- E. Parking plan required. When site plan approval is not required, a parking plan shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under this Section. The plan shall clearly and accurately show all proposed buildings and parking layouts, including north arrow and date, existing and proposed driveways locations and widths, street pavements types, widths and right-of-way widths, proposed location of off-street loading and unloading facilities, interior parking arrangements and traffic circulation patterns and retaining walls, drainage, utility poles, landscaping, and other physical features which affect the driveway location.
- F. Dimensional requirements. Except as noted in subsections G and H below, vehicle parking spaces (stalls) shall be a minimum of nine (9) feet in width and twenty (20) feet in length; the location of such spaces, the width of interior driveways (driving aisles) and the width of a row of such stalls to be designed and constructed in accordance with current engineering practices and design and construction specifications for off-street parking and driveways on file in the office of the Town Administrator and approved by resolution of the Town Commission.
- G. Compact car spacing. A maximum of twenty-five (25) percent of all required vehicle parking spaces may be designed for compact cars, provided they are marked with a distinct and obvious sign limiting their use to compact cars only. Such parking stalls may be a minimum of seven and one-half (7-1/2) feet in width, with the location of such spaces, the minimum width of adjoining driveways, and the minimum width of a row of such stalls to be approved by the Town, based on a safe and efficient ingress and egress to such spaces and nearby conventional spaces. Such compact car spaces shall only be approved to the extent that they can be safely and efficiently designed and used, considering lot size and shape and other site development requirements.
- H. Spaces for parking for persons with disabilities. The Town requires compliance with all State regulations concerning the provision of handicap parking.

6.01.04. REQUIRED NUMBER OF PARKING SPACES.

- A. Generally. The number of off-street parking spaces required for each use shall be as stipulated herein. In computing the number of off-street parking spaces required, a fractional space of one-half (0.5) of a space or more shall be counted as one (1) space. All floor areas shall be computed as gross floor area. The number of parking spaces listed in this section shall be the minimum number of spaces provided for vehicle and bicycle use, except that in conjunction with site plan approval the Planning and Historic Preservation Board shall allow the substitution of bicycle parking facilities, in addition to the minimum number of required bicycle parking facilities, for vehicle parking spaces on a three-for-one basis. Such substitution shall be made upon presentation of evidence by the owner of the property that the proposed use will be better served through the provision of additional bicycle facilities. In no instance shall the number of vehicle parking spaces provided be reduced by substitution of bicycle parking facilities to less than eighty-five (85) percent of the requirements of this section.

6.01.05. REDUCTION IN NUMBER OF REQUIRED NONRESIDENTIAL PARKING SPACES.

- A. The Planning and Historic Preservation Board may authorize a reduction in the number of required vehicle parking spaces if it finds that there will be adequate access to the development by acceptable alternative means and that the reduction will not infringe upon the parking and access available to other properties in the area. In reaching this determination, the Planning and Historic Preservation Board shall be guided by the following criteria:
1. Evidence that patrons or employees of the establishment will arrive by a transportation mode other than private vehicles.
  2. Evidence that there is an adequate number of parking spaces in the vicinity that are available to the general public who will use the development without reducing the spaces available to and used by other establishments.
  3. Evidence that the proposed use and likely future uses of the development will generate less parking than the Code's minimum requirement.
  4. Provision of convenient pedestrian and bicyclist access to the site based on its location and the site plan.
  5. Evidence that a reduction in required parking will not result in unauthorized on-street parking or use of parking provided by nearby businesses.

6. In the case of the reuse or redevelopment of site, evidence that a reduction in the parking requirement will enhance the ability to reuse an existing developed site.

6.01.06. QUEUING SPACES FOR DRIVE-THROUGH FACILITIES.

- A. In addition to other parking requirements for a principal use, waiting room shall be provided for drive-through windows and order stations in compliance with the following minimum specifications:

1. Waiting spaces for service windows, receiving windows, drive-up, or drive-through windows or order stations shall be required. The number of spaces required will be based on a determination by the Planning and Historic Preservation Board as to whether the use served by the drive-through facility will generate a high volume or low volume of vehicle use. The Planning and Historic Preservation Board may require an increase or decrease in requirements for waiting spaces. The Planning and Historic Preservation Board shall consider the nature of the use, its intensity, size, other parking facilities provided and other traffic generating characteristics.

6.01.07. EXCESS PARKING REQUIREMENTS.

- A. Vehicular parking that exceeds the amount required by the zoning code by more than ten (10) spaces or more than ten (10) percent, whichever is greater, is termed excess parking. If a proposed development provides excess parking, the following requirements apply and may be imposed by the Planning and Historic Preservation Board at the time of site plan review:

1. Excess parking may be provided in grass or stabilized pervious surface areas only if it has been demonstrated by the applicant that:
  - a. There will be a low frequency of use;
  - b. The nature of the proposed use is suitable to such parking surfaces; and
  - c. There is reasonable certainty that grass or pervious parking will not deteriorate the parking environment.

6.01.08. OFF-STREET LOADING AND UNLOADING.

- A. Purpose. In order to prevent undue interference with public use of streets, every manufacturing, storage, warehouse, department store, variety store, wholesale store, retail store, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary

and other use similarly and customarily receiving or distributing goods by motor vehicles shall provide loading and unloading space on the premises for that number of vehicles normally at the premises at any one time on an average day of full use.

B. Loading and unloading space.

1. Every building housing a use mentioned in this subsection and having over five thousand (5,000) square feet of gross floor area but less than twenty thousand (20,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading/unloading space, immediately adjacent to the principal building. In addition, one (1) off- street loading/unloading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof over twenty thousand (20,000) square feet up to fifty thousand (50,000) square feet, plus one (1) for each twenty-five thousand (25,000) square feet over fifty thousand (50,000) square feet. Where the requirement exceeds five (5) loading spaces, the Planning and Historic Preservation Board shall determine whether additional spaces are needed and to what extent. Such space is defined as an area of at least fifty (50) feet in depth, twelve (12) feet in width and with an overhead clearance of not less than fourteen (14) feet, exclusive of access, platform or maneuvering area, to be used exclusively for loading and unloading of merchandise. The exact dimensions of the loading/unloading space(s) shall be subject to the approval of the Planning and Historic Preservation Board.
2. Access to all truck standing, loading and unloading facilities shall be provided directly from a public street or alley and shall be so designed that all maneuvering areas be located on the property.
3. Loading spaces required under this subsection shall be provided as an area additional to off-street parking spaces as required in this Section and shall not be considered as supplying off-street parking spaces.

6.02. LANDSCAPING. It is the purpose of this Section to establish minimum landscape development requirements in both publicly and privately owned developed areas; to ensure that an appropriate population of trees is provided and preserved within Micanopy; to require the installation and maintenance of landscape areas in off- street parking facilities; and to require the installation and maintenance of landscaped buffer areas between non-complementary land uses.

6.02.01. INTENT. It is the intent of this Section to:

- A. Contribute to an existing environment that is in harmony with the surrounding natural and agricultural environments;
- B. Aid in stabilizing the environmental balance by contributing to the processes of air movement, air purification, oxygen regeneration, ground water recharge, and stormwater run-off retardation, while at the same time aiding in the abatement of noise, glare, heat, air pollution and dust;
- C. Provide an aesthetically pleasing environment for the people of Micanopy and to preserve the rural elements of the existing environment in future development;
- D. Promote energy conservation by maximizing the cooling and shading effects of trees;
- E. Buffer non-complementary and incompatible land uses by providing a transitional interface.

6.02.02. DEFINITIONS. For the purpose of the administration and enforcement of this Section, and unless otherwise stated in this Section, the following words shall have a meaning as indicated herein:

- A. Accessway. A paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area.
- B. Crown. The main mass of branching of a plant above ground.
- C. Crown spread. The branching distance measured across the greatest diameter of a crown.
- D. Developed area. The area within an imaginary line formed by the outer perimeter of all structures, parking lots, and other paving and man-made alterations to the natural condition of any lot or parcel of land, except for sidewalks in public rights-of-way and driveways, the perimeters to be adjusted to the closest geometric shape for which an area may be easily calculated.
- E. Drip line. The outer perimeter of the crown of a plant as projected vertically to the ground.
- F. Excluded area. Lots in actual single-family residential use or shown on the land use element of the comprehensive plan for single-family use area.
- G. Ground cover. Low growing plants planted in such a manner as to form a continuous cover over the ground, such as lirioppe, low growing varieties of honeysuckle, confederate jasmine, English ivy, or like plants.
- H. Landscape materials. Living trees, shrubs, vines, grasses, ground covers, and other plants, rocks, pebbles, sand, wood mulch, walls and fences, and other nonliving, durable materials commonly used in landscaping; landscape water

features; and similar materials and design features; provided that visible, synthetic materials shall not qualify.

- I. Paved area. An improved area consisting of asphaltic concrete, concrete, brick, or similar material that is intended or designated for parking, maneuvering and/or vehicular movement; and including pedestrian accessways immediately adjacent to such areas.
- J. Shrub. A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.
- K. Tree. Any living self-supporting perennial plant whose one (1) main stem attains at least a diameter of three (3) inches (nine (9) inches in circumference) at four and one-half (4-1/2) feet above ground level and a height of fifteen (15) feet at maturity.
- L. Vines. Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

6.02.03. MINIMUM LANDSCAPE REQUIREMENT FOR DEVELOPMENT OF PROPERTY. In addition to the requirements provided herein, any property, other than "excluded areas", shall be designed, constructed and used so as to provide landscape development on at least ten (10) percent of the developed area. Such required landscape development shall be provided in areas with a minimum dimension of five (5) feet and a minimum area of fifty (50) square feet. All required landscaped areas shall be provided with an irrigation system or a readily available water supply within a distance of one hundred (100) feet. Within three (3) years of the time when compliance with this section is required, at least seventy-five (75) percent of the required landscape development shall be devoted to living plants.

6.02.04. ELEMENTS OF COMPLIANCE.

- A. Development of property. Except as provided herein., all property other than "excluded area" shall comply with the provisions of this Section as a condition to the issuance of a development order. It is the intent of this section that not development order be issued on any property unless and until the site plan conforms in every respect to the requirements set forth in this Section
- B. Expansion or alteration. The expansion or alteration of property shall comply with the requirements of this Section as a condition to the issuance of a development order for any development which:
  - 1. Expands or alters the gross floor area of a development by more than twenty (20) percent or more than four thousand (4,000) square feet, whichever requirement is less; or

.2. Alters the use of property from a residential use to a nonresidential use. For purposes of this subsection, nonresidential use shall mean any office, commercial or industrial use, including motels and hotels.

3. For purposes of this subsection, repeated expansions or alterations of property, including the construction or erection of separate buildings or accessory structures, constructed over a period of time commencing with July 1, 1992, which meet the above threshold ,shall comply with the provisions of this Section as provided above. However, all new or additional parking spaces shall conform to these requirements.

C. Application to existing buildings. No building existing on July 1, 1992, shall be required to be altered or moved in order to comply with this Section. However, no building may be altered, moved or reconstructed in a manner which alters the site configuration through site redesign or an increase in ground coverage, unless the requirements of this Section are met.

D. Application to existing parking areas. No parking area in existence as of July 1, 1992 shall be required to comply with the provisions of this Section unless the development which it serves expands or is reconstructed and exceeds the threshold for "expansion or alteration".

E. Conflicts with other laws. Nothing in this section shall be deemed to supersede the provisions of any ordinance, statute or regulation of this Code, or any state or federal laws in conflict therewith,. In such event the provisions of this Section shall not apply to the extent of such conflict.

F. Violations. Failure to comply with the provisions of this Section when such compliance is required shall be unlawful and shall be punishable as provided in Micanopy Code of Ordinances.

#### 6.02.05. LANDSCAPE DEVELOPMENT REQUIREMENTS FOR OFF-STREET PARKING FACILITIES.

A. Perimeter requirements:

1. When required. All paved ground surface areas except public rights-of- way designed to be used for vehicle parking and movement of vehicular traffic shall be separated by a strip of landscape development ("landscape strip") from any public rights-of-way and from any boundary of the property on which the paved ground surface is located.

.2. Exceptions. This landscape strip is not required:

- a. When the paved ground surface area is completely screened from adjacent properties or public rights-of-way by intervening buildings or structures; or
  - b. When an agreement to operate abutting properties as essentially one contiguous parking facility is in force. The agreement shall be executed by the owners of the abutting properties, and shall bind their successors, heirs and assigns until the landscape strip is installed as required above or this section is amended to delete the landscape strip requirement. Failure to comply with the terms of the agreement shall require immediate compliance with this section; or
  - c. When the paved area is at least one hundred and fifty (150) feet from the nearest property line.
- 3. Location. The purpose of the landscape strip is to screen the paved area from the public rights-of-way and adjoining properties, and to provide shade on the paved area. Accordingly, the landscape strip shall be located within five (5) feet of the paved surface area, except that when a grassed parking area is provided the landscape strip may be located around the perimeter of such area; or when the Town Administrator, upon recommendation of the Planning and Historic Preservation Board, through site plan review determines:
  - a. That screening is better achieved by relocation of the landscape strip; or
  - b. That there is an irreconcilable conflict between other element(s) of the site plan and location of the landscape strip, and the public interest is therefore best served by relocation of the landscape strip.
- 4. Nature of landscape strip. The landscape strip shall be at least five (5) feet in width.
  - a. Shade trees. The landscape strip shall be planted with shade trees in accordance with the following requirements:
    - i. One (1) shade tree shall be planted for each fifty (50) linear feet, or part thereof, within either the required landscape strip or the landscape areas as provided in herein. The distance between the trees shall not exceed fifty-five (55) feet, and shall not be planted



at a distance greater than five (5) feet from the paved surface area, except where the Town determines that existing trees to be retained on site meet the requirements or intent of this section.

B. Interior parking lot requirements. Each parking area, with more than eleven (11) parking spaces, shall also provide interior landscape areas in accordance with the following requirements:

1. There shall be one such landscape area for every ten (10) parking spaces. It shall have a minimum size of ninety (90) square feet with a minimum dimension of five (5) feet.
2. Each required landscape area shall contain at least one (1) shade tree from the list of shade trees on file in the department of community development and as adopted by resolution of the Town Commissioners; shall be surfaced with grass, ground covers, shrubs, or other plant materials, or with at least two (2) inches of wood chips or bark.
3. Required landscape areas shall be located and dispersed in accordance with the following limitations:
  - a. Rows of parking spaces located adjacent to the perimeter of all paved area shall contain no more than ten (10) parking spaces uninterrupted by a required landscape area, and no parking space in such a row shall be separated from a required landscape area by more than five (5) parking spaces.
  - b. All other rows of parking spaces shall contain no more than fifteen (15) parking spaces uninterrupted by a required landscape area, and no parking space in any such row shall be separated from a required landscape area by more than seven (7) parking spaces.
  - c. The Town Administrator through site plan review or the Planning and Historic Preservation Board Planning and Historic Preservation Board if site plan review is not required, may allow the relocation of such landscape areas to preserve existing trees, or where it is determined, upon review and recommendation of the Planning and Historic Preservation Board that such relocation is necessary in order to provide for the safe maneuvering of vehicles.

- C. Protection from encroachment. Whenever the end of a parking space abuts a required perimeter strip or landscape area, the parking space shall be furnished with curbing or wheel stops, the far side of which shall be least one (1) foot from the required perimeter strip or landscape area. No tree or shrub more than two (2) feet in height shall be planted within two (2) feet of the edge of the perimeter strip or landscape area.

6.02.08. SPECIFICATIONS FOR WALLS, FENCES AND HEDGES.

- A. Wall or fence. Whenever a wall or fence is used, and is not required to be solid, it shall be at least seventy-five (75) percent opaque and any open spaces or nonopaque areas shall be evenly spaces and not concentrated so as to produce gaps or large holes. The wall or fence must be made of brick, stone, concrete block, pressure-treated wood, or similar materials, in accordance with prevailing building industry standards for appearance, soundness, safety, and resistance to decay and weather.
- B. Hedge. Whenever a hedge is used, the hedge shall be installed with plants of sufficient size and spacing as to attain the required height, and an opacity of at least seventy-five (75) percent within three (3) years of planting. If a hedge is not in compliance with the above height and opacity requirements within three (3) years after planting, the hedge shall be completed with mature plants or replaced with a wall or fence in compliance with this section.

6.02.09. TREE PRESERVATION DURING DEVELOPMENT AND CONSTRUCTION.

- A. Barriers required. During construction, protective barriers shall be places, as necessary, to prevent the destruction or damaging of trees. Trees destroyed or receiving major damage shall be replaced before issuance of a certificate of occupancy or use, if such certificate is not required, unless approval for their removal has been granted under permit. The Planning and Historic Preservation Board shall determine what trees, if any, require protection or replacement.
- B. Barrier zones. All regulated trees not designated for removal may be required by the terms of the permit to be protected by barrier zones erected prior to construction of any structures, street, utility service, or other improvements, and may be required by the terms of the permit to comply with the following if determined to be necessary by the Planning and Historic Preservation Board
  - 1. Protective posts of nominal two (2) inches by four (4) inches or larger wooden post, two (2) inches outer diameter or larger pipe, or other post material of equivalent size and strength shall be implanted deep enough in the ground to be stable with at least three (3) feet of the post visible above the ground.
  - 2. Barrier posts shall be placed in accordance with the following:
    - a. At the drip line for regulated pine and palm trees.

- b. At a minimum of two-thirds (2/3) of the area of the drip line for all other regulated species.
- 3. In cases where complying with the above placement of barrier posts is claimed to unduly restrict development of the property, the Planning and Historic Preservation Board or designee shall grant an exception to the barrier post placement requirements provided reasonable alternatives to protect the tree or trees as approved by the Planning and Historic Preservation Board or designee are taken. All trees approved or permitted for removal are exempt from barrier requirements.
- 4. All protective posts shall be linked together by: fencing at least three (3) feet high, or two (2) courses of rope no less than one-half (1/2) inch in diameter, or chain of comparable size, or other material of equivalent visibility. Each section shall be clearly flagged with yellow plastic tapes or other readily visible markers.
- 5. No grade changes shall be made within the protective barrier zones without prior approval of the Planning and Historic Preservation Board or a designee. Where roots greater than one (1) inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil.
- 6. Protective barrier zones shall remain in place and intact until such time as landscape operations begin or construction needs dictate a temporary removal that will not harm the tree.
- 7. Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two (2) inches unless specifically approved otherwise by the Planning and Historic Preservation Board or a designee or the Town Commissioners, as applicable.
- 8. No building materials, machinery, or harmful chemicals shall be placed within protected barrier zones defined above, except short duration placement of fill soil that will not harm the tree. Said short duration placement shall not exceed thirty (30) days.
- 9. The Tree Protection Manual for Builders and Developers as published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, the standards of the National Arborist Association, or other nationally recognized arboricultural standards approved by the Planning and Historic Preservation Board or a designee may be used as guidelines for tree protection, planting, pruning, and care.

- C. Attachments prohibited. No attachments or wires other than those of a protective and non-damaging nature shall be attached to any tree.
  - D. Periodic inspection. The Town Administrator shall conduct periodic inspections of the site before work begins or during clearing, construction or post-construction phases of development in order to ensure compliance with these regulations and the intent of this section.
- 6.02.10. REPLACEMENT STOCK: APPLICATION. In all cases wherein this Section shall require replacement of any tree, said replacement shall be made with "replacement stock." "Replacement stock" is hereby defined as any tree contained on the herein referenced replacement stock list having a height of at least eight (8) feet and a Florida Nursery Grade of Number One or better. Survival of replacement stock will be guaranteed.
- 6.02.11. REFORESTATION. As a condition of any development order issued for any property other than excluded area, there must exist or be planted on said property within one (1) year a number of shade trees, from the list of shade trees maintained by the office of the Town Administrator, determined by the ratio of one (1) shade tree for each three thousand (3,000) square feet of gross lot area up to five (5) acres and one (1) shade tree for each four thousand (4,000) square feet of gross lot area over five (5) acres. Newly-planted trees shall be located so as to insure that the appropriate proportion of trees is planted within the developed area of the property.
- 6.02.12. SUBDIVISION REQUIREMENTS.
- A. During the construction of required subdivision improvements, no more than thirty (30) percent of the tree canopy of the property being subdivided shall be removed. To insure that this limitation is not exceeded, the Planning and Historic Preservation Board may require, during the subdivision approval process, that the subdivider provide plans, calculations, aerial photographs, or other data sufficient to allow an accurate determination to be made.
  - B. In addition, the subdivider shall be required to provide shade trees, from the list of street trees maintained by the Town Administrator, as adopted by resolution of the Town Commissioners, within five (5) feet of the right-of-way of each street constructed within the subdivision. One (1) such shade tree shall be planted for every one hundred fifty (150) linear feet of right-of-way. Except where property on one side of the right-of-way is not owned by the subdivider, such trees shall be planted alternatively on either side of the street. Such trees shall be no closer together than one hundred twenty (120) feet.
- 6.02.13. CREDIT FOR PRESERVATION OF EXISTING TREES. Whenever the terms of this Section require the provision of shade trees on any lot, credit shall be given for the preservation of existing trees which are properly protected during any clearing or construction on the property, which meet the following criteria:
- A. Such trees must meet the requirements of this Section for location, spacing and type of tree.

B. Any such trees which have a minimum two (2)-inch trunk diameter at a point four and one-half (4-1/2) feet above ground level and a minimum crown spread of ten (10) feet shall provide credit on a one-for-one basis.

C. Credit toward the requirements shall be given in accordance with the following table:

Existing Spread of Preserved Tree	Or	Diameter of Tree Trunk Four and One-Half (4 1/2) Feet Above Natural Grade	Number of Trees Credited
90 ft. or greater	or	36 inches or greater	7
60-89 ft.	or	30-35 inches	6
50-59 ft.	or	26-29 inches	5
40-49 ft.	or	20-25 inches	4
30-39 ft.	or	13-19 inches	3
20-29 ft.	or	8-12 inches	2
10-19 ft.	or	2-7 inches	1

#### 6.02.14. TREE PROTECTION REQUIREMENTS.

A. To receive credit for the preservation of an existing tree, the following requirements must be met:

1. Fifty (50) percent of the area within the drip line of the tree shall be naturally preserved or provided with previous landscape material and shall be maintained at its original grade with no trenching or cutting of roots in this area. Within this area, there shall be no storage of fill or compaction of the soil, as from heavy construction equipment, or any evidence of concrete, paint, chemicals, or other foreign substances in the soil.
2. The tree shall not be damaged from skinning, barking, bumping, and the like.
3. There shall be no evidence of active insect infestation potentially lethal to the trees.
4. There shall be no impervious surface or grade change within five (5) feet of the trunk.

B. If it is determined by the building official that the requirements herein have not been complied with, credit for an existing tree may nevertheless be given upon proof from the town forester, satisfactory to the building official, that such tree is healthy and has not been seriously damaged during development.

- C. If any tree for which credit was given is not alive and healthy one (1) year after all associated construction and development of the property is complete, it shall be removed and replaced with the tree or trees which originally would have been required.

6.02.15. STANDARDS FOR INSTALLATION OF LANDSCAPE MATERIALS.

- A. Quality of materials. All living landscape materials uses to comply with the requirements of this Section shall meet the following criteria:

- 1. All plants shall be healthy, disease- and pest-free, and hardy for the North Florida region.
- 2. All trees shall have an average height of eight (8) feet at the time of planting. However, trees at least seven and one-half (7.5) feet in height at the time of planting are eligible for the purpose of determining the average height of all trees.

- B. Intersection visibility. The following criteria apply to landscape development within any "sight triangle," defined as the area at the intersection of any accessway and any public right-of-way pavement line, being a triangle with two (2) sides extending twenty-five (25) feet each along the edge of the accessway and the pavement line and with a third side connecting the ends of the first two (2):

- 1. No landscaping material except grass and ground cover shall be located closer than three (3) feet to the accessway.
- 2. No landscape material shall exist within the height of two (2) feet and six (6) feet above ground level, including limbs and foliage of trees and shrubs planted outside of, but extending into, the sight triangle.

6.02.16 MAINTENANCE OF REQUIRED LANDSCAPE AREAS AND SHADE TREES. All landscaping, landscaped areas, landscape development, buffer areas and trees required by this Section shall be maintained and used in the following manner:

- A. Plant material. All required plant material shall be maintained in a healthy, vigorous, disease- and pest-free condition, through proper watering, fertilizing, spraying and pruning, or be replaced.
- B. Irrigation. All landscaped areas shall be provided with an irrigation system or a readily available water supply located within one hundred (100) feet.
- C. Nonliving materials. All nonliving landscaped materials shall be well-maintained. At installation, mulches shall be applied at a depth of two (2) inches. No visible plastic surface covers shall be used.
- D. Replacement planting. Dead or severely damaged or diseased plant material shall be replace in accordance with the standards specified in this Section, within a time

period appropriate to the growing season of the species in question but not exceeding one (1) year.

- E. Use of required areas. No requested landscape area shall be used for accessory structures, garbage or trash collection, parking or any other functional use contrary to the intent and purpose of this Section.

6.02.17. ENFORCEMENT AND STANDARDS FOR COMPLIANCE.

- A. The Town Administrator shall regularly inspect properties within the Town to determine whether the landscape development is in accordance with the provisions of this Section. Whenever the Town Administrator finds any violation of the provisions of this Section he shall institute enforcement proceedings as follows:

- 1. Notice. The Town Administrator shall issue a code violation to the owner of the property which shall be given either by personal delivery or by deposition the United States mail in an envelope marked certified mail, postage prepaid, addressed to the owner as listed on the current tax assessor's tax roll. The notice of code violation shall include:
  - a. A location of the property either by street address or legal description;
  - b. A statement indicating the nature of the violation and the reason or reasons why the notice of violation is issued;
  - c. A specification of the section or sections of this Section upon which the notice of violation is based;
  - d. If corrective action will bring the landscape development into compliance with this Section, a statement of the nature and extent of such action, repairs or alterations necessary to remedy the violation in accordance with the performance standards provided below;
  - e. If corrective action is necessary for compliance, the hearing officer or Planning and Historic Preservation Board shall specify the time for performing such action, such time not to be less than ten (10) nor more than ninety (90) day;
  - f. The name or name of persons upon whom the notice of violation is served;

- g. A statement advising that the Town may institute legal proceedings as provided herein;
  - h. A statement advising of the procedures available for review of the action of the Town Administrator.
- 2. Appeals and variances. An appeal to the Town Administrator of the decision of the Town Administrator shall operate to stay further proceedings by the Town Administrator until final disposition by Town Administrator.
- 3. Failure to comply. If corrective action is not taken within the time specified in the notice of violation, or if an appeal is taken and corrective action is not taken in accordance with the decision of the Town Administrator, then the Town Administrator may institute further proceedings as provided in Section 10.

B. Performance standards for trees.

- 1. Purpose. The Planning and Historic Preservation Board, with the advice of the Tree Preservation Committee, in remedying a violation of this Section and ordering appropriate corrective action against any violation of this Section, shall use the following performance standards. These standards shall be followed if a tree, which is required by any section of this LDC, dies for any reason and must be replaced.
- 2. Minimum requirements:
  - a. To replace a tree required by this Section, a minimum tree of three (3) inches in diameter and fourteen (14) feet in height when planted is sufficient unless such a tree would be unreasonable under the circumstances in which event a smaller variety of flowering tree may be allowed provided such tree is a minimum of two (2) inches in diameter and ten (10) feet in height when planted.
  - b. All trees required by this Section shall be replaced by shumard, laurel or live oaks whenever possible; however, other variety of trees from the approved list of shade trees as adopted by resolution of the Town Commissioners may be used when requested by the violator; provided, further, in no event shall pine or palm trees be allowed as replacement trees.
  - c. All replacement trees shall be balled and burlapped, tree spaded or containerized.



- d. Replacement trees shall be located in approximately the same location as the regulated tree, unless such location would be unreasonable under the circumstances in which event the location shall be determined by the enforcing official or other appropriate body.
- e. Replacement trees shall only be required to be planted during the months of November through March.
- h. The total sum of the caliper inches of replacement trees shall equal, at a minimum, the total sum of the caliper inches of the regulated trees which were illegally removed.

.3. Reinspection. The Town Administrator shall inspect the property upon completion of all corrective action or order issued pursuant to this section to determine compliance. The enforcing official shall then reinspect the property approximately one (1) month thereafter and then at four-month intervals to ensure compliance. If at any time the Town Administrator determines that the corrective action is not successful, he/she shall notify the owner and/or resident of the property.

6.02.19. GOVERNMENTAL AGENCIES. All governmental agencies, including the Town shall comply with the requirements of this Section in the use of any land, unless a specific exception is granted by the Town Commissioners following public hearing.

6.02.20. SEVERE SITE CONSTRAINTS. In cases where there exists a severe site constraint so that compliance with this Section would directly result in a danger to the public health, welfare and safety, the Town Administrator may waive any or all of the requirements of this Section. For purposes of this section, "site constraint" is defined to mean the location, use or existing physical condition or features of the site so that compliance with this Section will be likely to cause environmental pollution or reduce visibility necessary for public safety.

6.03 GENERAL LOT AND BUILDING REQUIREMENTS. The following lot and building requirements shall apply in all zoning districts:

6.03.01. Frontage on right-of-way:

A. Minimum property frontage. In all districts except PD, no building or structure, except as hereinafter provided, shall be erected on a lot or parcel of land that does not physically abut a public street for the required minimum lot width of the district where the same is located. However, a residential dwelling may be

erected on a lot or parcel of land which abuts at least one (1) public or private street for at least twenty- five (25) feet, provided that the minimum lot width for the district in which it is located is met at the required front yard setback line.

6.04 . EXCEPTION TO HEIGHT LIMITS. Spires at places of religious assembly, water towers, telecommunications towers, flagpoles, monuments, television antennas, and similar structures and their necessary mechanical appurtenances, in districts where permitted, may be erected above the height limits established in this Section upon the issuance of a special permit by the Planning and Historic Preservation Board.

6.05 COMPOUND USES. Except where otherwise delineated in the particular zoning district, the minimum lot area on which a compound use may be established shall be equal to the largest lot area required for either use.

6.06. RETAINING WALLS. Nothing in this Section shall be construed to prohibit or prevent the construction of a retaining wall on any property, provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to the approval of the Planning and Historic Preservation Board before the issuance of a building permit. The Planning and Historic Preservation Board shall approve applications for retaining walls which are in conformance with this Code.

6.07. VISION TRIANGLE.

6.07.01. In all zoning districts, it shall be unlawful to construct, erect, place, grow, maintain or allow to be constructed, erected, placed, grown or maintained, any building, structure, fence, wall, sign, canopy, vegetation or obstruction of any kind within the vision triangle on any property which is located at the corner or intersecting streets, which is described as follows:

A. A vertical plane extending from two (2) feet to eight (8) feet in height as measured from the crowns of the intersecting streets; and the point of intersection of the street right-of-way lines, the legs of which extend twenty-five (25) feet along the street right-of-way lines and the hypotenuse of which connects the ends of the legs; and

1. When the street right-of-way line adjacent to the major street is ten (10) feet or less from the face of the curb, edge of the pavement or edge of the driving surface, the horizontal area formed by a triangle, the apex of which is the point of the intersection of the lines formed by the projection of either the face or the curb, edge of pavement, or the edge of the driving surface, the legs of which extend ten (10) feet along the minor street and one hundred (100) feet along the major street, and the hypotenuse of which connects the ends of the legs.

B. Definitions. As used in this section, the following terms shall have the following meaning:

1. Major street means one which has the right-of-way or larger traffic volume; or as determined by the town engineer, based upon sound engineering practices.
2. Intersecting streets, in addition to meaning the intersection of streets of public right-of-way, may also mean a private driveway or a private street of a significant traffic generator and its intersection with a public street.
3. Significant traffic generator means any facility (i.e., shopping center, commercial establishment, apartments, offices) which generates a daily traffic volume of at least two hundred (200) vehicles whose ingress or egress is upon the above mentioned private street or private driveway.
4. Street right-of-way line means the line denoting the edge of the right-of-way of the street and which is identical with the property lines of persons owning property fronting on the streets. For purposes of establishing the vision triangle as previously described, the "street right-of-way line" for a private driveway or private street shall be set as a parallel line ten (10) feet from the face of the curb, edge of pavement or edge of the driving surface.

C. The provisions of this section shall not apply to the following:

1. Utility facilities, traffic-control devices, and/or vegetation, the branches of which are kept trimmed to a maximum height of eight (8) feet above the highest crown of the intersecting streets, unless same is deemed to be a traffic hazard after an appropriate engineering study; or
2. Any support structure, each element of which does not exceed eight (8) inches in diameter, provided the number of such structures does not exceed two (2) in any given vision triangle.

6.08 FENCES. All fences constructed within any zoning district shall comply with the following restrictions:

A. Front yards. Within any required front yard, and within five (5) feet of the front property line in districts requiring no minimum front yard, no fence shall exceed four (4) feet in height.

- B. Side and rear yards. Within any required rear or side yard, no fence shall exceed six (6) feet in height.
  - C. Inside minimum yard setbacks. Except in the minimum yard setbacks for a lot, fences may be constructed to the actual height of the principal building on the lot or to the maximum permitted height for accessory structures for the zoning district in which the lot is located, whichever is lesser.
  - D. Historic Zones. All fences within a historic district must be reviewed and approved by the Planning and Historic Preservation Board.
- 6.09. GENERAL PERFORMANCE STANDARDS. All uses and activities permitted in any zoning district shall conform to the standards of performance described below, and the failure to conform to any of such standards is hereby declared to be a public nuisance:
- 6.09.01. Fire and Explosion Hazards. All activities and all storage of flammable and explosive material or products at any place shall be provided with adequate safety devices against the hazard of fire and explosion, including adequate fire-fighting and fire suppression equipment, as prescribed elsewhere in the code.
  - 6.09.02. Smoke and Other Particulate Matter. Any activity emitting or discharging any smoke or other particulate matter shall comply with all state, federal and local laws and all regulations of any federal, state or local agency, concerning pollution control.
  - 6.09.03. Toxic or Noxious Matter. Any activity involving the use of toxic or noxious matter shall comply with all state, federal and local laws and all regulations of any federal, state or local agency concerning pollution control or toxic substances.
  - 6.09.04. Waste Disposal. No activity shall be conducted which results in the discharge of any liquid or solid waste, including industrial wastes, into any public or private sewerage system, the ground, or any lake, stream, or other body of water, in violation of any provision of state, federal or local law or any regulation of any state, federal or local agency.
  - 6.09.05. Vibration. No use of any property shall cause perceptible earth vibrations beyond any property line. All stamping machines, punch presses, press brakes, hot forging, steam board hammers or similar devices shall be placed on shock absorption mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity as described by the manufacturers.
  - 6.09.06. Heat, Cold, Dampness or Movement of Air. Activities on any property which produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot lines are not permitted.

- 6.09.07. Glare. All lighting shall be hooded or shielded so as to reflect the light in such a manner that no illumination source or glare creates a nuisance to any adjoining property or unreasonably interferes with the lawful use and enjoyment of any adjoining property. Such lighting shall not, under any circumstances, exceed a maximum intensity of twenty-five (25) foot candles at ground level. However, the maximum light intensity may be increased by the Planning and Historic Preservation Board, provided that the applicant establishes that such an increase is reasonably required for security purposes for the particular use or activity in question, that the increased intensity will not result in a nuisance to adjoining properties, does not interfere with the lawful use and enjoyment of property, and that necessary screening exists or will be erected, at the same time as the light fixture installation, to reduce the impact of the increased intensity on adjoining properties.
- 6.09.08. Noise, Odor, etc. No use of any lands shall be conducted in any fashion which produces noise, odor, or other irritants at a level which unreasonably disturbs the peaceful and healthful enjoyment of any adjoining lands.
- 6.09.09. Radio and Telecommunication Towers. Radio and telecommunication towers shall maintain the rated self-collapsing distance from any structure which is used as a residence or which is used by humans on a daily basis.
- 6.10. ACCESS TO PUBLIC STREETS. The number and frequency of connections and access points of driveways and streets to arterial and collector streets in the state street system within Town of Micanopy shall be in conformance with all applicable requirements of Chapter 14-96, Florida Administrative Code, and Chapter 14-97, Florida Administrative Code, in effect on date of the adoption of the Land Development Code.
- 6.11 SEPTIC TANKS AND PACKAGE WASTEWATER TREATMENT FACILITIES
- 6.11.01. INSTALLATION OF SEPTIC TANKS. The installation of septic tanks shall meet all of the installation requirements of the Florida Administrative Code.
- 6.11.02. SEPTIC TANKS AND PACKAGE WASTEWATER TREATMENT FACILITIES. The existing septic tanks and package wastewater treatment facilities may remain in service conditioned on the following requirements:
- A. No building permit shall be issued for construction of a building or facility where sanitary sewage is proposed to be disposed of using an on-site sewage disposal system in an area classified industrial on the Future Land Use Plan Map, or used for industrial or manufacturing purposes (a permitted use in the "I" district and which is not permitted in the Business Districts), or the equivalent, where a centralized sanitary sewer system is available within 1/4 mile of the area used or classified industrial, or where the likelihood exists that the on-site sewage disposal system may receive toxic, hazardous or industrial waste; and

- B. No certificate of occupancy shall be allowed to stay in effect or issued to the owner or tenant of a building located in an area classified industrial on the Future Land Use Map, or used for industrial or manufacturing purposes, or its equivalent, when such site is served by an on-site sewage disposal system unless there is in effect a valid annual operating permit issued by the Alachua County Health Department; and
  - C. No certificate of occupancy or certificate of concurrency compliance shall be issued to a new owner or new tenant of a building located in an area zoned industrial on the Town of Micanopy official zoning atlas, or used for industrial or manufacturing purposes, or the equivalent, or which operates a business which has the potential to generate toxic, hazardous or industrial wastewater, when such site is served by an on-site sewage disposal system, without an annual operating permit for an on-site sewage disposal system having been obtained from the Alachua County Health Department.
- 6.11.02. TEMPORARY CONTINUED USE OF PACKAGE WASTEWATER TREATMENT PLANTS. Package wastewater facilities, as defined in the Florida Administrative Code, may continue in use until such time as a centralized sanitary sewer system, as defined in the Florida Administrative Code, is accessible.
- 6.11.03. PACKAGE WASTEWATER TREATMENT PLANTS. The construction of package wastewater treatment facilities, as defined in the Florida Administrative Code, shall be limited to public uses or manufacturing activities which may be a threat to public safety.
- 6.12. CENTRAL WATER REQUIRED FOR CERTAIN MAXIMUM RESIDENTIAL DENSITIES. Residential densities greater than one (1) dwelling unit per acre shall be served by centralized potable water systems.
- 6.13. EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. All construction activity undertaken in Town of Micanopy shall incorporate erosion and sediment controls during construction to protect the functions of natural drainage features. All site plans and permit plans, where site plan approval is not required, shall include a certification, by the preparer of the plans, that the best available engineering practices for erosion and sediment control shall be implemented during construction to protect the functions of natural drainage features.
- 6.14 MINIMUM LOT AREA REQUIREMENTS EXEMPTION FOR FAMILY OWNED LOTS.
- 6.14.01 In order to assist in the promotion and perpetuation of the family homestead in the residential areas of Town of Micanopy zoned A, R-1, and R-2, , there shall be an exemption for family owned lots making it possible for family members to reside on lots which exceed the maximum density for such areas. The Planning and

Historic Preservation Board shall determine if the following standards have been met in granting a special permit under this Section

- A. Density does not exceed two (2) dwelling units per acre;
- B. The lot complies with all other conditions for permitting development as set forth in the Land Development Regulations for the applicable zoning district;
- C. For the purposes of implementation of this subsection, family members shall be described as lineal relatives including: parents, grandparents, siblings, children and grandchildren, which are related by blood, adoption, or marriage; and
- D. A covenant on the property of at least ten (10) years duration shall be required prohibiting the transfer of the property during that period to anyone other than a lineal relative. This covenant shall be filed with the deed of the property for which this exemption is granted.

#### 6.15 GENERAL PROVISIONS FOR COMMERCIAL, MIXED-USE DISTRICTS

6.15.01 Access to business uses. Where a parcel used for nonresidential use in any business district abuts more than one road, access from either road to such property will be permitted only if no property in a residential district or show for residential use on the Comprehensive Plan Future Land Use Map lies immediately across such road from such business-zoned property; provided however, access may be permitted from any collector or arterial roadway; and, provided further that one point of access shall be permitted in any case, notwithstanding other provisions of this section.

A. Outdoor storage and sales. All principal uses in any business district shall be contained within completely enclosed buildings, except as otherwise specifically provided as a permitted use. When not so specifically provided, outdoor storage and display of good and commodities not contained within completely enclosed buildings is prohibited, except the following uses under the conditions prescribed herein:

- 1. Outdoor promotional sales, special event sales and the sale of seasonal or temporary goods and commodities. The Town Commission may issue a special use permit for the sale of certain goods and commodities which are strictly of a temporary nature, provided the following conditions and requirements are met:
  - a. Such sales shall not be permitted on public rights-of-way; provided, however, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the town commission.

- b. The sales period for seasonal or temporary goods, such as Christmas trees, shall not exceed thirty (30) days; promotional sales such as characterized by the so-called “midnight madness,” “truck sale,” “tent sale,” or “sidewalk sale” shall not exceed seventy-two (72) hours; and special event sales such as may be permitted in conjunction with a parade, festival or other such event shall not exceed the specified period approval for such event. No more than one special use permit per applicant per location shall be issued in any given six (6) month period for seasonal type sales, and no more than one special use permit per applicant per location shall be issued in any given sixty (60) day period of time for promotional type sales.
- c. Application for a permit under the provision herein shall be examined and approved by the Town Commission after consultation with the sheriff and the Health Department to insure protection of the public health, safety and general welfare. In addition to normal concerns of each such agency, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect that such use and activity will have on surrounding uses, particularly where the adjoining use is residential.

## 6.16. MINIMUM HOUSING STANDARDS.

6.16.01 In order to ensure structural strength, stability, proper sanitation, adequate light and ventilation; and to ensure safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of residential buildings the following minimum housing standards shall be followed in Town of Micanopy for all new construction after (date of adoption of the zoning ordinance), and for any existing dwelling for which a building permit is required for the work on the dwelling, except for emergency repairs to make the dwelling habitable:

- A. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet;
- B. Every dwelling unit shall have both a cold water and hot water supply;
- C. Every dwelling unit shall have space heating facilities;



- D. Every habitable room shall have a window, skylight, or outside venting system;
- E. All exterior walls and roofs shall be structurally sound and free of defects; and
- F. All windows shall be furnished with insect proof screens.
- G. Every dwelling unit shall contain at least six hundred (600) square feet of heated or air-conditioned area.

6.17 US 441 Design Guidelines

6.17.01 Application. These guidelines shall apply to all development, construction, renovations and alterations of any new or existing building located within the US 441 Commercial District, identified as those parcels of land specified in Ordinance No. 2006-02. These guidelines do not apply to the interior of any such building.

6.17.02 Public Right-of-Way Guidelines for US 441. The following standards shall apply to all public rights-of-way adjacent to US 441.

- A. Sidewalks. Sidewalks shall be no less than 5 feet wide and be constructed of concrete. Sidewalks shall be designed to create a linked network of walkways. They shall be separated from the paved edge of US 441 by a green space not less than 5 feet wide.
- B. Bike lanes. A one-way bike lane is to be located on both sides of US 441, between the road and green space. The minimum dimension is a 5-foot wide lane with an 18" rumble strip.
- C. Landscape. The historic planting of sabal palmettos in the medians of US 441 shall be continued. Any other proposed planting must be allowed by Florida Department of Transportation (FDOT) regulations.
- D. Lighting. Light fixtures shall not exceed 25 feet in height and shall be spaced evenly at 30 feet on center. High-pressure sodium lamps on cast concrete or aluminum poles shall be used. Fixtures shall be designated "Full Cut Off" according to Illuminating Engineering Society of North America (IESNA) standards. Concrete poles must be mounted 24 feet from the edge of the travel lane, or 4 feet from the curb. Aluminum poles may be mounted 20 feet from the edge of the travel lane or 4 feet from the edge of the curb.
- E. Utilities. All utilities shall be located underground. When retrofitting or repairing an attempt shall be made to consolidate the utility cables.

- F. Traffic Signals. Traffic signals shall follow the existing FDOT standard. The pole and arm shall be painted brown or black. Street signs shall be affixed to the mast arm. The traffic control boxes shall be painted the same color as the pole and arm and set back from pedestrian through ways.
  - G. Site Furniture. The design and placement of all furniture must comply with FDOT Clear Zone Requirements. The design of all furniture shall be compatible with or match that of surrounding site furniture and construction. Materials shall be selected with attention to durability and comfort. Wood, metal, concrete, or recycled materials are allowed. Non-recycled plastic is not allowed. All material choices are subject to review and approval. Advertisements and excessively bright colors are prohibited for use on site furniture. Furniture selections are subject to review and approval. Where seating is located, trash receptacles shall also be provided.
  - H. Crosswalks. Crosswalks shall be placed when feasible on US 441 where it intersects with Chokolka Boulevard. Materials used shall distinguish the crosswalk from the street. All designs for intersection treatments shall comply with FDOT standards.
  - I. Signage. Only public signage will be allowed within the US 441 Right-of-Way and must comply with all requirements of the LDC and the Manual on Uniform Traffic Control Devices.
  - J. Transit Facilities. Transit facilities may be located along the US 441 right-of-way in accordance with FDOT requirements. Facilities shall be strategically located to optimize ridership. For example, a bus shelter located near a welcome center or other public building such as a library would be appropriate.
  - K. Roadway Design: Road designs shall comply with FDOT standards. Roadways shall be designed to minimize the alteration of natural, cultural, or historic features, to calm traffic speeds and to promote pedestrian movement.
- 6.17.03 Additional Public Right-of-Way Standards. The following standards apply to public thoroughfares where they pass through the US 441 Commercial District.
- A. Sidewalks. Sidewalks shall be no less than 5 feet wide and be constructed of concrete. Sidewalks shall be designed to create a linked network of walkways.

- B. Bike lanes. Bike lanes will not be required on intersecting streets.
- C. Landscape. Sod or other planting shall be placed in the right-of-way where paving does not exist in accordance with the American Association of State Highway Transportation Officials (AASHTO ) standards. Street trees shall be placed in the rights-of-way where there is a distance of 10 feet or more between the edge of the road and the property line. Allowable plantings are specified in a Resolution on file in Town Hall.
- D. Lighting. Fixtures shall be designated “Full Cut Off” according to IESNA standards.
- E. Utilities. All utilities shall be located underground. When retrofitting or repairing an attempt shall be made to consolidate the utility cables.
- F. Traffic Signals. Traffic signals shall follow the existing AASHTO standard. The pole and arm shall be painted brown or black. Street signs shall be affixed to the mast arm. The traffic control boxes shall be painted the same color as the pole and arm and set back from pedestrian through ways.
- G. Site Furniture. The design and placement of all furniture must comply with FDOT Clear Zone Requirements. The design of all furniture shall be compatible with or match that of surrounding site furniture and construction. Materials shall be selected with attention to durability and comfort. Wood, metal, concrete, or recycled materials are allowed. Non-recycled plastic is not allowed. All material choices are subject to review and approval. Advertisements and excessively bright colors are prohibited for use on site furniture. Furniture selections are subject to review and approval. Where seating is located, trash receptacles shall also be provided.
- H. Crosswalks. Crosswalks shall be placed on streets where they intersect with US 441. Materials used shall distinguish the crosswalk from the street. All designs for intersection treatments shall comply with AASHTO standards.
- I. Signage. Public signage shall be coordinated with the LDC to address the size, shape, type style, color, construction and placement of public sign elements along US 441 and intersecting streets. These may include directional, interpretive, informational, and street name signs. Keeping the general design like that of the downtown area will reinforce the connection between downtown Micanopy and the US 441 Corridor.
- J. Transit Facilities. Transit facilities may be located along the right-of-way in accordance with FDOT requirements. Facilities shall be strategically

located to optimize ridership. For example, a bus shelter located near a welcome center or other public building such as a library would be useful.

- K. Roadway Design. Road designs shall comply with FDOT standards. Road ways shall be designed to minimize the alteration of natural, cultural, or historic features, to calm traffic speeds and to promote pedestrian movement.

#### 6.17.03 Setbacks and Buffers.

- A. Public Street Setbacks. Building setbacks from the rights-of-way of public streets shall be a minimum of 25 feet. The first 15 feet adjacent to the right-of-way of these setbacks must allow for placement of underground utilities.
- B. Permitted Uses. Permitted uses within public street setbacks include entrance drive ways, sidewalks, signs (subject to the restrictions herein and the LDC) and required landscaping. Parking lots and circulation drives shall not be permitted within the US 441 setback (other than entry drives). Storm water management areas shall not be located within the public street setbacks unless an applicant can demonstrate that the detention is of a design (1) that can be function ally and aesthetically integrated into the landscape scheme and (2) that can obtain a permit from the St. John's River Water Management District (SJRWMD) without a requirement for security fencing.
- C. Additional Setbacks. On property lines adjacent to a property whose primary use is residential, setbacks shall be a minimum of 10 feet or 50% of the overall height of the building, whichever is greater. Where a new non-residential use abuts a residential use side and rear setbacks must contain a minimum 6-foot landscape buffer, or a fence or wall (subject to the restrictions herein) that pro vides a visual screen of at least 6 feet. Bio-retention areas may be used for this purpose provided that screening to a height of at least 6 feet is achieved. Bio-retention is an example of "ecological design", where storm water runoff is detained and filtered in a naturalized manner through the use of planting s and sand filter beds. Native plant materials are recommended as part of the bio-retention strategy.
- D. Internal Setbacks. Building setbacks shall be no less than 10 feet and no more than 15 feet from the edge of an internal drive or parking along an internal drive. Sidewalks and street trees are to be placed within this setback as per all applicable standards within this code.

- 6.17.04 Building Footprint. All new construction shall be of similar scale and massing as existing buildings along Cholakka Boulevard.
- A. Maximum Building Footprint. Except as provided in section 6.18.04.I, the building footprint of new and remodeled commercial buildings shall not exceed 4,000 square feet if the building is single story or 6,000 square feet if the building is two or more stories. To be allowed a building footprint larger than 4,000 square feet, upper stories shall contain at least 50% of the square footage of the ground floor in habitable space.
- B. Primary Entrance. The primary entrance to a building must face US 441, an internal drive, or a public intersecting street. The design of entrances must comply with all applicable requirements within these guidelines.
- C. Secondary Entrances. A secondary pedestrian entrance may be provided in the back or side of the building to provide direct access to the building from parking areas. If no secondary entrance is provided, a walkway shall be provided to link the parking and the primary entrance as needed. The intention of these guidelines is not to allow for commonality of entrances. The design of entrances must comply with all applicable requirements within these guidelines.
- D. Primary Frontage. Placement of the primary entrance determines the primary frontage. If an entrance is placed on a corner, either adjacent side may be identified as the primary frontage. The primary frontage is also referred to herein as the “storefront”.
- E. US 441 Frontages. All building faces on US 441 that are not chosen as primary frontages will be defined as a US 441 frontage.
- F. Maximum Linear Frontage. The primary frontage or the US 441 frontage of any building shall not exceed 75 linear feet. Design of facades shall comply with the guidelines contained in this section and any other applicable standards.
- G. Maximum Building Height. The maximum building height is the lower of 3 stories or 42 feet measured from the highest point of finished grade to the top of the wall plate on buildings with a pitched roof or the top of the roof deck on buildings with a flat roof. Buildings designed with both flat and pitched roofs shall measure this distance from the finished grade to the top plate or roof deck, whichever is higher. Required protrusions such as elevator shafts, HVAC equipment, and stairs are excluded from this height restriction. Multiple stories are encouraged. For purposes of this Section,

finished grade is defined as the highest elevation of altered or existing grade directly abutting the primary building foundation.

- H. Distance Between Buildings. A minimum distance of 15 feet is required between any two buildings not joined by a common wall. This space is defined as an interstitial space and must conform to the standards of Section 6.18.17.
  - I. Common Walls. Common walls are permitted provided that there are sufficient facade breaks as required in Section 6.18.17. Common walls may not be penetrated. A maximum of two common walls may occur. Where common walls are used, the maximum combined building envelope of all buildings joined by common walls is 12,000 square feet, provided that: (a) no building's ground floor shall exceed 6000 square feet, and (b) all buildings with a ground floor in excess of 4000 square feet must be multiple storied, and (c) all upper stories of the buildings shall contain at least 50% of the square footage of the ground floor in habitable space.
  - J. Strip Malls. Strip Malls are prohibited. Strip Malls are defined as a business center where stores or offices are arranged in a row, with a sidewalk in front. In addition, strip malls are typically developed as a unit and have large parking lots in front. They front on and take access from major streets and tend to be self-contained with few pedestrian or vehicular connections to adjoining commercial developments or surrounding neighborhoods.
- 6.17.05 Circulation Systems. Circulation systems shall be designed to allow for safe interaction of different modes of travel. Connections shall be created within and between lots and external development.
- A. Streets. All streets shall meet the following requirements.
    - 1. Connectivity. All streets and interstitial spaces shall connect to other streets and interstitial spaces to form a continuous vehicular and pedestrian network within and between districts and adjacent development.
    - 2. Access. Access from US 441 shall be limited and must be permitted by FDOT. To facilitate joint entry, cross access easements must be provided between adjoining properties.
  - B. Internal Drives. An internal drive intended to be dedicated as a public street will not necessarily be required to meet these standards. However, such intended public street dedication remains subject to all other applicable standards, the site plan review process, and appropriate right-of-way

dedication and acceptance procedures. The creation of internal drives that function as main streets with commercial structures facing them is encouraged. The design of any internal drive must conform to the following standards:

Parking: Either parallel or 60° diagonal parking is acceptable. Dimensions will vary depending on which is used. Parallel or diagonal parking is required as a buffer between an internal drive and building.

Building setbacks: 10 to 15 feet.  
(Sidewalks and street trees to be placed within this setback).

Curb and gutter: Designs may vary according to use.

Travel Lanes: 2 at 10 feet each.

Optional Median: 10 feet minimum with street trees (see Section 6.18.10).

C. Off-Street Parking Access. Drives leading to off street parking areas shall not exceed 20 feet in width (2 lanes) or 10 feet in width (1 lane).

D. Additional Requirements. Curb and gutter is required along all internal roads and around all islands or medians. Tire stops are required between rows of parking where a median is not present.

6.17.06 Sidewalks. A minimum 5-foot wide sidewalk shall be provided on both sides of internal drives. Additionally, if a sidewalk does not already exist and is not proposed to be constructed on the US 441 public right-of-way, then a 5-foot wide sidewalk shall be provided on-site parallel to and abutting the US 441 public right-of-way (i.e., adjacent to and within the site property boundary). Sidewalks shall be constructed of concrete or pavers on a concrete base. Sidewalks and/or pedestrian pathways shall connect to one another to form a continuous pedestrian network.

6.17.07 Crosswalks. Crosswalks shall be placed at all intersections of 2-way streets. Materials used shall distinguish the crosswalk from the street.

6.17.08 Bicycle Parking. One bicycle parking rack or an approved alternative shall be provided in each parking lot. Bicycle parking racks spaces shall be placed on the site plan in visible, well-illuminated areas. Bicycle parking shall also be sited at institutional facilities, recreational and open spaces where pedestrians are likely to gather.

6.17.09 Parking. Parking lots shall be located to the rear or side of buildings when possible. The maximum walking distance to a pedestrian entrance from an

off-street parking facility, including shared parking facilities, shall be 200 lineal feet from the primary or secondary building entrance served by the parking. Dead end parking lots are allowed to a maximum of 4 cars deep and 8 cars total, provided that they conform to the following:

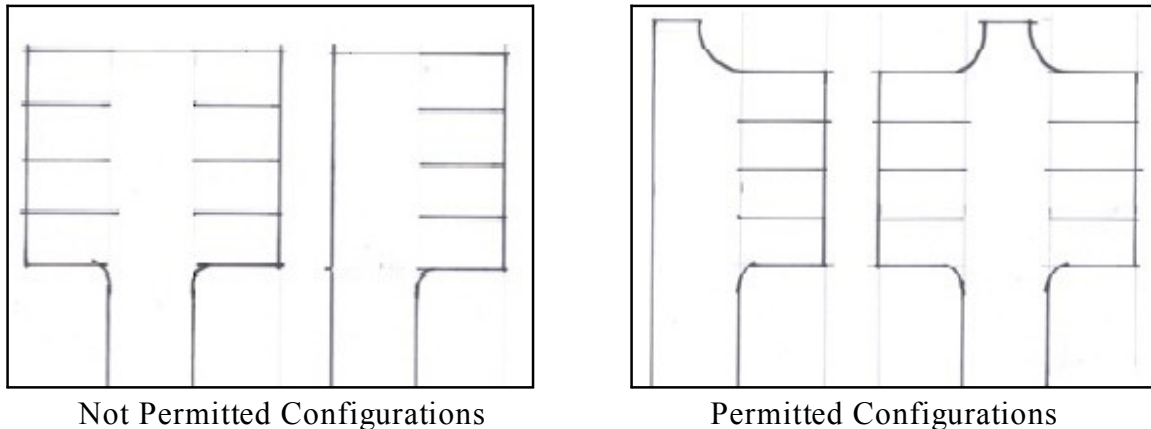


Figure 6.17.1 Parking Configurations

- 6.17.10 Landscape. The following landscape guidelines apply to all sections of the US 441 Commercial District and are designed to maintain and reinforce the historic character of Micanopy.
- A. Plant Selection. Plants shall be selected from the list of recommended plants contained in the Resolution on file in Town Hall. Planting schemes shall be simple and subdued in character. Use of native plants is encouraged. All Plants shall meet Florida Number One Grades and Standards.
  - B. Quantities and Sizes. Plant materials shall be used in quantities and sizes that will have a meaningful impact in the early years of a project.
  - C. Screens. Planting screens shall include trees and shrubs and shall be designed to function year-round. Hedges or landscaping used to screen utilities shall provide a continuous visual screen of at least 6 feet in height within 12 months.
  - D. Historic Landscape Features. Historic landscape features must be preserved. Heritage trees are a prime example of an historic landscape feature which shall be preserved.
  - E. Existing Vegetation. If trees must be removed, they must be replaced with comparable plantings on the site. Existing on-site vegetation shall be



retained whenever possible and new plantings shall respect and incorporate existing plants.

- F. Interference with Utilities and Access. Landscaping and shrubbery shall not be planted or designed in such a way that it will interfere with utilities or access. Landscaping planted within the utility easement shall not exceed 12 feet in height at maturity. Vegetation must not prevent access for repair, maintenance, or construction of utilities.

- G. Trees. Trees shall be planted no closer than two feet to public roads or other public works. No species shall be used that will impede on the public infrastructure. Tree plantings shall meet the following standards:

Minimum height: 14' feet immediately after planting.  
Minimum diameter: 2.5 inches, measured 4.5 feet above grade.

- H. Street Trees. Street trees shall be provided along all sidewalks, subject to the following standards:

Quantity: One canopy tree shall be planted for every 30 lineal feet, or part thereof, of internal and perimeter street frontage. Sabal palmettos may be substituted for a canopy tree on a 1:1 basis along a frontage with a covered walkway.

Spacing: Tree spacing shall be no greater than 45 feet on center.

- I. Off-Street Parking Lot Landscape Requirements. For parking areas located within 100 feet of the US 441 right-of way or between the primary building and a public street, every 10 spaces shall be designed with 400 square feet of landscaping placed in medians or islands. All other parking areas shall be designed with 200 square feet of landscaping placed in medians or islands for every 10 parking spaces. No more than 10 adjacent spaces can occur without a landscaped island or median. Grouping of landscaped islands is encouraged to promote the healthy growth of larger trees. Alternative designs may be approved, but in no case shall the total required landscaping area be decreased. Each separate landscaped area shall contain a minimum of 200 square feet, have a minimum dimension of at least 10 feet and shall include at least one canopy tree. The remaining area shall be landscaped with shrubs, groundcover, or sod, with the exception of areas required for pedestrian pathways. The total number of trees shall not be less than one for each 200 square feet or fraction thereof of required landscaping.

- J. Broken Buffers. Broken buffers shall be generally open but provide plantings from 2.5 to 25 feet high as a broken screen. The minimum requirements are as follows:
- Minimum buffer area of ten feet in width, and
  - Minimum of one canopy tree for each 100 feet in length, and
  - Minimum of one understory tree for each 100 feet in length, and
  - Minimum of eight shrubs for each 100 feet in length.
- K. Landscape Maintenance. Required landscape areas shall be properly maintained to include replanting of dead or damaged vegetation and pruning of healthy vegetation.
- 6.17.11 Stormwater Management. Storm water treatment will require the appropriate permits through Alachua County and SJRWMD. Storm water treatment areas visible from US 441, Chokolka Boulevard or CR 234, shall be designed so as not to require security fencing. The use of bio-retention is encouraged.
- 6.17.12 Site Furniture. The design of all furniture shall be compatible with or match that of surrounding site furniture and construction. Materials shall be selected with attention to durability and comfort. Advertisements and excessively bright colors are prohibited for use on site furniture. Furniture selections are subject to review and approval. Where seating is located, trash receptacles shall also be provided. Wood, metal, concrete, or recycled materials are allowed. Non-recycled plastic is not allowed. All material choices are subject to review and approval.
- 6.17.13 Utilities and Service Areas. Public utilities shall be installed in accordance with the standards established by this code and other applicable standards. All utilities shall be located underground. When renovating structures and or utilities or when new construction is undertaken utility cables shall be consolidated. Dumpsters must be used for commercial solid waste. Dumpsters shall be sited so that they are emptied within the boundaries of the property. Outdoor storage (including seasonal storage) and utilities shall be permitted in designated areas only as approved during site plan review, and shall be screened from view by landscaping, walls, or fences to comply with Section 6.18.16.
- 6.17.14 Lighting. Where not specifically addressed in these guidelines, lighting shall be designed to meet IESNA standards and guidelines. Exterior lighting shall enhance motorist and pedestrian safety. Sign and other lighting shall be

designed so as to not provide excessive glare on to streets or residential land uses.

- A. Design Standards. The following table provides a summary of established design standards for lighting applications. It is important to note that recommended lighting levels differ depending on land use. All lighting shall comply with the appropriate standards in this table. Uniformity ratios shall comply with IESNA Standards.

Table 6.17.14.A.1 Lighting Standards

Lighting Application	Recommended Foot-candle*	Lighting & Lamp Style	Recommended Mounting Height
Parking Lots	0.2– 2.5 0.8 average	Metal halide: Full cut off fixture	16 feet maximum
Internal Roads/Drives	0.6- 1.1	Metal halide: Full cut off fixture	16 feet maximum
Walkways & Building Mounted Lighting	0.5 – 1.5	Metal halide or incandescent: Decorative post and lamp or post/bollard mounted light	12 feet or 36 to 42 inches on bollard or stairway. 10 feet for building mounted lights
Signs	1 – 2 (or as defined in the LDC)	Metal halide or incandescent: Ground or sign mounted and shielded	As required

\*Horizontal foot-candle measured at grade. A foot-candle is defined as the unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illumination produced on a surface, all points of which are at a distance of one foot from a directionally uniform point source of one candela.

- B. Shielding. Fixtures and housing shall employ fully shielded and directed lighting; lighting shall not result in excessive shadows and high contrast bright areas versus dark areas.
- C. Light Trespass. Lighting shall be designed to minimize the trespass onto adjacent and non-compatible land uses. Fixtures shall be designed and placed so that the cone of light does not extend beyond the property line.
- D. Color and Materials. Dark colored fixtures shall be used for pole-mounted lights. All light fixtures, whether purely decorative or functional,

shall complement the architectural style and color of the building and other site features.

- E. Street Lighting. Lighting shall be provided along all internal streets and between buildings. Light fixtures shall be located at every crosswalk. Fixtures shall be designated “Full Cut Off” according to IESNA standards.
  - F. Pedestrian Lighting. All pedestrian walkways shall be adequately lighted through the use of lighting features such as standard luminaries, street lamps, and/or bollards. Fixtures shall be fully shielded or designated “Full Cut Off” according to IESNA standards.
  - G. Parking Lot Lighting. Lighting shall be provided for all parking lots. Fixtures shall be designated “Full Cut Off” according to IESNA standards.
  - H. Gas Station Lighting. Lighting shall be from luminaries recessed into the ceilings of the canopy, so that the lighting elements themselves are not visible from or beyond the lot lines.
- 6.17.15 Signage. All signs must comply with the LDC requirements. Placement of ground signs shall be limited to the US 441 setback or setbacks from streets intersecting US 441. Signs shall be built of durable materials and be compatible with adjacent development. Keeping the general design like that of the downtown area will reinforce the connection between downtown Micanopy and the US 441 Corridor.
- 6.17.16 Fences and Walls. Fences and walls shall comply with the LDC requirements. Fences and walls abutting a building shall be designed as an extension of the building wall. Walls may be of brick, stone, wood, stucco or other cementitious products matching the principal building. Chain link, plastic, or PVC fencing is prohibited.
- 6.17.17 Architectural Guidelines. The following guidelines refer to all those elements attached to or integral to the primary building design, function, and structure.
- A. Human Scale. It is the desire of the Commission that new commercial construction remain consistent with the human scale of development currently found in the Town of Micanopy. This means that buildings should be smaller rather than larger so that the users do not feel overwhelmed by their scale. A building may be human scaled even when several stories in height when the units of which it is composed bear a relationship to the

dimensions of the human body. Windows and doors are traditionally scaled to human size for ease of operation, passage and fabrication. Bricks, clapboards and shingles are units of building materials scaled for ease of handling by builders. Their dimensions and finished appearance subtly remind the viewer of the incremental process of building by hand. Other elements that contribute to “human-scale” and create a level of comfort at the pedestrian level include porches, recessed entryways, bands of storefront windows, divided-light windows, and sensitively scaled signs and light fixtures. A building that is not human-scaled is likely to be a poor fit in Micanopy. Large expanses of glass, for example, or monolithic-appearing surfaces such as sprayed on synthetic stucco can be disconcerting and are not human-scaled.

- B. Homage to Existing Historic Architecture. The historical architectural character of Micanopy is eclectic and, as documented in the national historic register paperwork, is derived from a number of historic periods and architectural styles. The Commission desires that new commercial construction respond to the eclectic mixture that is Micanopy. Buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, respecting the scale, proportion, character, and materials as outlined in the following sections.
- C. Facade Articulation. Buildings shall be designed with the use of projecting and recessed sections or breaks to reduce their overall bulk. These breaks shall be a minimum of 8 inches wide and project or recess a minimum of 4 inches from the facade. Facade breaks are required on primary frontage and US 441 frontage in accordance with Section 6.18.17.
- D. Vertical Facade Articulation. Breaks shall occur a minimum of 25 feet on center. Entries on primary frontage or US 441 frontage shall be recessed or project a minimum of 3 feet and each entry shall be considered one break.
- E. Horizontal Facade Articulation. Horizontal facade breaks shall occur between the first and second stories of multi-story buildings. Additional breaks are encouraged. Architectural features such as canopies, balconies, and arcades may also serve as horizontal facade articulation.
- F. Interstitial Spaces. The following standards apply to commercial buildings separated by a minimum of 15 feet. The design of a “pocket park” or a common, green or square is encouraged within these spaces. If vehicular use occurs within this space, it shall comply with Sections 6.18.05 through 6.18.08.

If not used for vehicular circulation, paving and or landscaping shall be required in accordance with the following standards:

1. Landscaping. One under story tree or sabal palmetto shall be placed at a distance no greater than 20 feet on center along the length of the interstitial space. Shrubs, sod, mulch, or gravel shall be installed where paving or other landscaping does not exist.
2. Paving. Paving within interstitial spaces shall be concrete, pavers, or stone on a concrete base. Bituminous materials shall not be used. No more than 75 percent of an interstitial space may be paved.
3. Utilities. Utilities or service functions placed within interstitial spaces must be screened by a fence, wall, or hedge to comply with Section 6.18.10, as applicable. If pedestrian use occurs within this space, at least 5 feet must be provided beyond the screen for pedestrian circulation.
4. Maintenance. Interstitial spaces must be properly maintained in accordance with approved plans and LDC requirements.

G. Commercial Entrances. Adequate lighting shall be provided for security, pedestrian safety and decorative purposes. Planters, awnings and or landscaping may be used to identify entrances as well as improve the appearance of the structure. If a building entrance is located on a corner, both adjacent facades shall be articulated using such details as chamfered corners, canopies, cornices or other similar building features.

1. Primary Entrances. As one of the most important parts of the facade, the primary entrance shall be easily identifiable. Doors and entryways shall be articulated with architectural details and shall be compatible with the architectural style of the structure. Primary entrances shall be from the front sidewalk, except in courtyard designs. Secondary entrances may be placed at the rear or side of a building.
2. Rear Entrances and Facades. When rear parking is provided, the provision of secondary rear entrances and pleasing rear facades is strongly encouraged. The design of the rear entrances and facades shall be appropriately detailed to provide an attractive appearance, but shall not be embellished so as to compete with the main storefront. If signs are provided they shall be scaled appropriately to the size of the entrance and to fit the character of the more utilitarian rear facade.

Trash and service areas, utility lines, mechanical equipment and meter boxes shall be appropriately screened from customer entrances.

H. Rooflines and Roofing.

1. Roof Types. Gable and flat-roofed buildings with parapets predominate in Micanopy's commercial and historic core and are favored for new construction. Shed roofs are also acceptable. Flat roofs may be used on single-story buildings only when attached to a multiple story flat-roofed mass. Flat roofs shall have articulated parapets and/or cornices. The use of fascias and dormers is encouraged to provide visual interest.
2. Roof Pitch. On buildings with gabled or shed roofs the pitch shall be between 4/12 and 12/12. Pitched roofs shall use eaves of no less than 12 inches.
3. Materials. Acceptable roof materials include shingles (wood, stamped metal or composition), slate, concrete tile, and metal roofs. Terra cotta roofs are not allowed.
4. Profiles. Roof decking with a barrel profile, such as barrel tile roofs, and standing seam metal roofs with seams greater than two inches in height are prohibited.
5. Color. Roof color shall be traditional, muted or natural metal. Specifically excluded are red or blue shingles. Colors used shall be from the Benjamin Moore Historical Color Collection.
6. Gas Station Canopy. Gas station canopy ceiling clearance shall be a maximum height of 16 feet.
7. Parapets. Parapets, where used, on the primary frontage of a building shall not exceed three (3) feet in height, measured from the bottom of the parapet to the top thereof. The height of the parapet on the remaining sides of the building may exceed three (3) feet provided that the height of the top of the parapet, as measured from the finished grade (see Section 6.18.04) may not exceed the height of the top of the parapet on the primary frontage of the building.

- I. Exterior Wall Finishes. Allowed exterior wall materials include stucco, clapboard (including wood, or cementitious imitation clapboard siding), native stone, or brick of a shape, color, and texture similar to that found in

Micanopy. Specifically prohibited shall be metal siding, plywood siding, and untreated concrete. The number of different exposed exterior wall materials (excluding windows and doors) shall be kept to a minimum. Where all materials are combined horizontally on one facade, the visually heavier material shall be used on the lower part of the building.

- J. Exterior Wall Color. Colors are very important for defining the character of a building. Color combinations shall be chosen that are appropriate to the period and style of a building and that will highlight the architectural details. Typically choosing one color for the body, and another compatible color for the trim will accent the architectural details of the building. Colors shall be chosen from the Benjamin Moore Historical Color Collection, which contains 174 colors. Highly reflective, black, or metallic colors are prohibited. Bright, gaudy colors or colors without an historic basis in Micanopy are also prohibited.

- K. Windows.

1. Transparency. A minimum of 60 percent of all commercial ground floor facades on primary frontages shall be transparent glass, and 50 percent of US 441 secondary frontages shall be transparent glass, providing views at eye-level into a commercial use or window display. The maximum transparency for any ground floor facade is 85 percent. Windows shall be designed with details such as sills, shutters, planter boxes, relief trim or lintels. Exceptions may be made for uses where alternative fenestration or details are provided, such as architectural treatments, murals, artwork, or stained glass, subject to approval.
2. Glass Types. Clear glass (providing a minimum of 88 percent light transmission) shall be used on ground floor windows. Tinted glass providing a minimum of 50 percent light transmission is allowed above the ground floor. The use of bronze tinted or reflective glass is prohibited.
3. Additional Recommendations. The use of transoms and/or multi-pane windows with dimensional muntins is strongly encouraged.
4. Window Frames. If aluminum window frames are used they shall be either factory coated or anodized with a color chosen from those referenced in Section 6.18.17. Color choices shall be compatible



with other facade colors and finishes. Mill finished bare or gold colored aluminum window frames are prohibited.

- L. Balconies, Porches, and Colonnades. Porches and balconies are best left open. Open porches act as a transitional zone for visitors and help lend a welcoming appearance. Enclosed or screened porches shall be counted as part of the total square footage of a building. The construction of open colonnades or other structures over a public sidewalk adjoining storefront buildings is permitted.
- M. Exterior Lighting. Exterior light fixtures, whether decorative or functional, shall complement the architectural style and color of the building. Consider the fixtures as part of the facade's composition and locate them as thoughtfully as one would other architectural elements. Lighting shall comply with the standards in the table in Section 6.18.14.
1. Shielding. Fixtures and housing shall employ fully shielded and directed lighting. Where possible, lighting shall be designed so as not to create excessive shadows or high contrast bright areas versus dark areas. Exposed bulbs shall not be visible.
  2. Light Trespass. To minimize glare, fixtures shall cast light only where needed. Light trespass shall not exceed the requirements of Section 6.18.14.
- N. Utilities and Service Areas. Trash containers, mechanical equipment, and outdoor storage shall be located to the rear or side of a building. These and other related services shall be screened from public view with a fence, wall, gate, hedge, landscaping, or any combination thereof, and shall be setback at least 5 feet from the property line. The Town Administrator may approve exceptions to this requirement provided that the intent of this Section is met. Conduit, meters, vents, and other equipment attached to or protruding from the building facade shall be painted to match surrounding surfaces. All rooftop equipment must be enclosed or painted to match the surrounding surfaces or primary structure. Equipment shall be integrated into the building and roof design to the maximum extent feasible. Satellite dishes shall be placed in the location least conspicuous from Primary and US 441 Frontage in compliance with Federal Communications Commission (FCC) regulations.
- O. Architectural Elements or Ornamentation. Architectural ornamentation shall reinforce the overall style and period of the building design.

Ornamentation shall reflect that of historic Micanopy. Plastic or aluminum shutters are prohibited.

P. Doors. Doors located on the primary frontage or used for public entrance shall have a minimum 40% transparency. Doors shall be painted or finished to be compatible with the overall building facade. Screen doors are an acceptable addition to a primary door and must be of compatible material, color, and design with the primary door.

Q. Building Mounted Signs. Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs are allowed subject to the LDC requirements.

6.17.18 Materials Required for Submittal and Design Guideline Checklist. In addition to all data, information, and materials otherwise required by the LDC, the data, information, and materials specified in this Section shall be submitted for all properties subject to review under these guidelines. Any application that fails to include the required data, information, and materials shall be deemed insufficient and may not be considered for development approval. If the application is deemed insufficient then the Town Administrator shall provide the applicant with a statement of the item(s) required to make the application sufficient for further processing.

6.17.19 Variances from Design Guidelines. The Planning and Historic Preservation Board may grant variances from the limitations and restrictions of the design guidelines contained herein.

A. Process. An applicant seeking a variance from these design guidelines shall submit, in addition to all information required above, a separate statement clearly identifying each variance sought, a reference to the code section number, the nature of the requested variance, the reason(s) for the request and a statement of the facts and circumstances showing how the requested variance meets the requirements in Article 10 for approving variances. Except as provided in this Section, the variance request shall be processed in accordance with Article 10.

B. Limitations. Unless permitted within the applicable regulations, no variance may be granted from requirements imposed by FDOT, AASHTO, IESNA, or regulatory agencies other than the Town. No variance may be granted from the requirements for of Maximum Building Height, Strip Malls, Fences and Walls, and Exterior Wall Color.

C. Appeals. In addition to the appeal provided for in Article 10, the decision of the Planning and Historic Preservation Board to grant or deny a variance may be

appealed to the Town Commission by any individual Town Commissioner. An individual Town Commissioner shall be deemed to be an aggrieved person for purposes of such an appeal. Unless otherwise prohibited from voting on or participating in the hearing before the Town Commission, the status of an aggrieved person shall not disqualify an individual Town Commissioner from hearing the appeal.

## **ARTICLE 7. SIGNS**

### **7.01. SIGNS.**

#### **7.01.01. OBJECTIVE.**

- A. The objective of this Article is to establish requirements for the placement, installation and maintenance of signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As the regulation of the placement, construction and maintenance of buildings and structures through zoning is a valid use of the police power, so too is the regulation of the placement, installation and maintenance of signs, since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as buildings produce.
- B. The regulation of the placement, installation and maintenance of signs is further justified by their innate scheme and primary purpose to draw mental attention to them, potentially to the detriment of sound driving practices and the safety of the motoring public to which a majority of signs is oriented. Therefore, it is the intent of this Article to regulate the size and location of signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.
- C. It is the objective of this Article to protect and preserve the aesthetic and historic qualities of the Town of Micanopy by regulating the placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact grants to signs a proportionately greater role than other structures in determining the overall aesthetic quality of the Town.
- D. With this purpose in mind, it is the intention of this Article to authorize the use of signs which are:
  - 1. Compatible with their surroundings;
  - 2. Appropriate to the type of activity to which they pertain;
  - 3. Expressive of the identity of the individual proprietors and of the community as a whole;
  - 4. Large enough to sufficiently convey a message about the owner or occupants of a particular property, the products or services available on such property, or the business activities conducted on such property, yet small enough to preserve and protect the natural beauty of the Town and limit distractions to motorists;
  - 5. If located within any area designated as an historic district,

to convey the sense of history for which the district was established and ensure the sign is compatible with the historic nature of the building which it identifies or advertises and the other uses in the district.

## 7.01.02 DEFINITIONS

*Sign.* Any object, device, or display structure, in whole or in part used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illustration, illumination or projected images. Signs do not include merchandise, pictures, models of products, and services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on an athletic field. Definitions of particular functional, locational and structural types of signs are listed in this section.

Animated signs means any sign or other street graphic, which involves motion or rotation of any part by any means, or is illuminated by flashing, intermittent, or color-changing light or lighting.

Banner signs means a banner or other flexible street graphic with a message, characteristically suspended outside a building or across a public street.

Changing message device means any device visible from a public right-of-way across the face of which a written message appears to move or containing a written message which changes mechanically more than once in any three (3) minutes.

Eaves means lowest horizontal line of a sloping roof.

Erect means to build, construct, attach, hang, place, suspend, affix, or paint any sign or other street graphic.

Ground-mounted sign means any sign or other street graphic, which is mounted on or supported by an upright(s), or brace(s) in or upon the ground, any street graphic structure, or a fence or a wall of an accessory building or structure.

Illuminated sign means any sign or other street graphic that is illuminated by artificial light, either from an interior or exterior source, including reflective or phosphorescent light.

Maintain means to preserve from decline, keep in an existing state or retain in possession or control.

Marquee sign means any sign or other street graphic attached to or hung from a marquee, canopy or awning, each of which shall be defined as a covered structure projecting from and supported by a building.

Multiple occupancy means a parcel of property under one (1) ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than one (1) occupant conducting a business operation of any kind.

Occupant (occupancy) means a legal occupant of a building or premises licensed to engage in a business, occupation or profession, or exempt from license due to governmental, educational, religious, or other privileged status.

Off-premises sign means any street graphic (other than a vehicle street graphic, a public service street graphic, or a permanent development identification street graphic for an office, business or industrial subdivision) which advertises a business, goods, products, services, or facilities which are not manufactured, produced, sold, provided, or located on the premises on which the street graphic is erected or maintained, or a street graphic which directs persons to a location other than the location on which the street graphic is erected or maintained.

Owner or property owner means the owner of property, the tenant, or other user of any property in the county.

Pennant means any flag-like piece of cloth, plastic or paper attached to any staff, cord, building, or other structure at only one (1) or two (2) edges, the remainder hanging loosely.

Political sign means any sign or street graphic that is designed to influence political action. Political signs may not contain commercial advertising.

Portable sign means any sign or other street graphic (except a vehicle street graphic) which is designed to be transported from one location to another, whether on a trailer, on its own trailer, on wheels, or otherwise, and which is not owned or leased for a period of more than one (1) year by an owner of the property upon which such street graphic is erected or maintained. A portable street graphic may, at the same time, fall within the definition of other types of street graphics, yet still be a portable street graphic.

Projecting sign means any sign or other street graphic that is affixed to any building wall or structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

Public service sign means a street graphic the advertising message of

which relates only to the nonprofit activities of any place of religious assembly, school, governmental agency, or nonprofit corporation of a religious, educational or charitable nature.

Revolving sign means any sign or other street graphic so erected or constructed to change the direction toward which any plane containing part of the sign area is oriented.

Sign structure means any accessory structure or device the primary purpose of which is to display a street graphic.

Snipe sign means any small sign, generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, or to other objects, when the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located

Roof line means the highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line or the highest line common to one (1) or more principal slopes of the roof. On a flat roof the roof line is the highest continuous line of the roof or parapet, whichever is higher.

Roof street graphic means any sign or other street graphic erected or constructed, and maintained above the eaves and under the roof line of any building.

Sign area means the total surface area contained within any common geometric figure (e.g., parallelogram, circle, triangle, trapezoid, hexagon, which encloses all names, letter, numbers, symbols, pictures, trademarks, logos, or other commercial messages or identifications contained in a street graphic.

Spinner means any device designed to attract attention to the premises upon which it is displayed through mechanical movement or through movement caused by movement of the atmosphere.

Temporary signs means any sign indicating the sale or development of property, those displayed in conjunction with new businesses, or special events or sales and are permitted prior to the use of the permanent signs otherwise allowed in this chapter.

Vehicle sign means any street graphic on or affixed to a motorized vehicle, other than a registered logo, trademark or service mark.

Wall-mounted sign means any sign or other street graphic mounted on and approximately parallel to the face of a principal building wall and

projecting not more than twelve (12) inches from the plane of the wall. Street graphics on the outside of a window and window street graphics are considered wall-mounted street graphics.

Window sign means a graphic mounted or attached to the inside or outside of a window for display to the public passerby outside the window.

7.01.03. GENERAL RESTRICTIONS.

A. Generally. It shall be unlawful to erect, caused to be erected, maintain or cause to be maintained anywhere in the Town of Micanopy a sign or signs which violate the following general restrictions:

1. Ingress and egress to buildings: No sign shall be attached to or placed against a building in such a manner as to prevent ingress and egress through any door or window required or designed for access to any building, nor shall any sign obstruct or be attached to a fire escape.
2. Banner sign: No banner sign of any type whatever may be erected, constructed or maintained along or across any of the public streets of this Town, except for such banner signs as the Town Commission may itself determine to erect for the general benefit of the Town of Micanopy as a whole for the public convenience, necessity or welfare.
3. Signs on public property, rights-of-way or schools: No sign other than a town, county or state sign or other sign of a public nature will be allowed to be erected, placed, replaced, installed or maintained in or on any town property or public right-of-way; nor shall any sign be permitted on the grounds of any school or on property owned by any public agency, except as specifically authorized herein.

B. Prohibited signs. It shall be unlawful to erect, caused to be erected, maintain, or cause to be maintained any of the following signs:

1. Traffic or pedestrian hazard: No sign shall be erected in such a manner as to obstruct the vision of pedestrians. No signs shall obstruct vision at any street intersection. Any sign over two (2) feet in height and located within twenty-five (25) feet of a driveway or a street shall be set back at least ten (10) feet from the right-of-way of any street to which such driveway provides access or the street intersects. This section, however, shall not prohibit the erection of a sign which is located at least eight (8) feet above the highest crown of any adjacent street when such



sign is mounted upon a sign support structure which does not exceed eight (8) inches in diameter. Any sign, which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign or other sign may use the words "Stop," "Look," "Drive-in," "Danger," or any similar word, phrase, symbol, or character within ten (10) feet of a public right-of-way or two hundred (200) feet of a traffic control device;

2. Obscene nature: Signs displaying any statement, word, character, or illustration of an obscene nature.
3. Portable signs;
4. Pennants or spinners;
5. Red and green lights: Red or green lights, except traffic control signals, within ten (10) feet of public right-of-way or two hundred (200) feet of traffic control lights.
6. Snipe sign;
7. Revolving signs;
8. Animated signs;
9. Changing message devices, except for time and temperature devices;
10. Off-premise signs;
11. Vehicle signs with a total sign area on any vehicle in excess of six (6) square feet, when parked in front of the principal building plane or off of the business premises, advertising for more than one (1) consecutive hour and located within five hundred (500) feet from the entrance of any business or business location advertised or named on the vehicle sign. Nothing in this provision shall prohibit the parking of a vehicle with a sign on a residentially-zoned property if the vehicle is owned or assigned to the occupant; nor shall this prevent any business owner from parking in the rear of the business.
12. Tethered inflatable signs either on or off premises;
13. Flashing, intermittent or color-changing light or lighting located on-site or near a window and intended to be visible from the outside.

C. Signs exempt from this chapter.

1. Signs with a total size of two and one-half (2.5) square feet or less per building which bear only property numbers, street addresses, telephone numbers, post box numbers, open/closed signs, names of occupants of the premises, or name of the home occupation on these premises, with characters not exceeding eight (8) inches in height for nonresidential uses or of any height for residential uses;
2. Governmental flags or insignia except when displayed in connection with commercial promotion;
3. Legal notices and other signs of six (6) square feet of sign area or less, either publicly or privately owned, directing and guiding traffic and parking, which may include the business identification which shall not exceed one-third of the sign area of such sign, but bearing no advertising matter. Example: Parking, entrance, exit, one-way, service, etc.;
4. Christmas trees, other holiday displays, and window displays of merchandise except as specifically prohibited herein;
5. Signs reproduced on the body of coin-operated vending machines, gasoline pumps, telephone booths, and ice vending equipment, and not including off-premise signs;
6. Nonilluminated signs of not over four (4) square feet of sign area, or two (2) square feet in the Historic District, for safety or caution or to prohibit trespassing;
  - a. Nonilluminated signs which warn or caution the general public of the location and direction of underground utility lines. Where feasible, these signs should be placed at the intersection of adjoining lots rather than near the midpoint of a lot line. The following criteria must be met:
    - i. Signs and support have an overall height no greater than three (3) feet,
    - ii. Support shall be no more than six (6) inches in width or diameter,

- iii. The width of the signs shall be no wider than its support,
  - iv. The signs shall contain no more than one-half (1/2) square foot of sign area, and
  - v. No more than one (1) sign per block face or every two hundred (200) feet, whichever is less, will be allowed, and signs shall not be clustered at street corners unless required because of a directional change to the underground line;
  - vi. Any sign of this nature placed in an historic district must be approved as to design, color, and size by the Historic Preservation Board.
- 7. Murals, statues, paintings, designs or other decorative features or structures designed to attract attention to any occupancy but containing no names of occupants, business or product identification, trademark, logo, address, or other commercial message shall be regulated in accordance with subsection D, except for historic signs.
  - 8. Signs, other than off-premises signs, of up to eighteen (18) square feet of sign area on any place of religious assembly, school, or public agency property;
  - 9. Vehicle signs with less than ten (10) square feet of total sign area on any vehicle;
  - 10. Nonilluminated public service signs of not over four (4) square feet of sign area when located on a window or inside wall of any nonresidential use or when located within five (5) feet of a public right-of-way;
  - 11. Words or letters reproduced or printed on an umbrella attached to a table at an outdoor eating or drinking place, provided that the table and umbrella are otherwise lawfully permitted, except in the Historic District where words or letters are prohibited.

D. Strip lighting, murals and other decorative features

1. Murals, statues, paintings, designs or other decorative features or structures.
  - a. Any mural, statue, painting, design or other decorative feature containing information intending to advertise or draw attention to a brand of product or brand of service shall be regulated as a sign.
  - b. Any mural, statue, painting, design or other decorative feature or structure including the entire structure designed to attract attention to any occupancy shall be reviewed by the Planning and Historic Preservation Board and may be approved if the following are not included:
    - i. The name of occupant;
    - ii. Business or brand identification, trademark, logo, address, offer of service or other commercial message unless as part of the re-establishment or establishment of an historic or historically-appropriate scene.
  - c. Any mural, statue, painting, design or other decorative feature displaying any statement, word, character, or illustration of an obscene nature is prohibited.
  - d. Any mural, statue, painting, design or other decorative feature in an historic district must be approved by the Planning and Historic Preservation Board.
2. Strip lighting. Strip lighting shall be reviewed by the Planning and Historic Preservation Board and may be approved if it meets the following requirements, except in the Historic District:
  - a. It does not contain the name of any occupants, business or product identification, trademark, logo, address,

offer of service or other commercial message.

- b. It does not face any property zoned or developed as single-family residential located within two hundred (200) feet.
- c. It does not create a traffic hazard.
- d. It is not located within ten (10) feet of a public right-of-way.
- e. All necessary electrical permits are obtained.
- f. Strip lighting shall be separated by at least two (2) feet from any signs so that it would in no way be construed as being part of the total area allowed for the signs.

7.01.04. TEMPORARY SIGNS. Temporary signs are permitted in all districts according to the following regulations except that it shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any temporary sign which fails to conform to the following regulations:

A. Subdivision development signs. These signs shall be permitted to identify subdivisions where an active building and development program is underway. Such signs shall be nonilluminated wall or ground-mounted and shall be permitted for a maximum legal effective period of not more than four (4) years. Such signs shall be removed when the permit becomes void, or when seventy-five (75) percent of the lots in the subdivision have been conveyed or had principal structures erected on them. Subdivision development signs shall not exceed thirty-two (32) square feet in sign area, not to exceed six (6) feet in height, and the sign structure shall not exceed in size such sign area plus an allowable border of not more than six (6) inches in width. Such signs shall be set back not less than fifteen (15) feet from any side property line and shall be no greater than ten (10) feet in height. In such case where the subdivision abuts more than one (1) street, one such sign may be erected on each street frontage if no closer than one hundred (100) feet from a sign advertising the same subdivision.

B. On-site development signs. These signs shall be permitted on property on which there is an active building program underway, to identify the developer, planner, architect, contractor, realtor, etc. Such on-site development signs shall be permitted on a temporary basis and shall not be erected more than sixty (60) days prior to the beginning of actual construction of the project and shall be removed when construction is completed. If a sign is erected as permitted in this section and if

construction is not initiated within sixty (60) days after the sign is erect, or if such construction is not continuously and actively prosecuted to completion, the sign shall be removed. No on-site development sign shall be permitted to be erected closer than fifteen (15) feet to any side property lines.

1. In residential zoning districts, one (1) nonilluminated wall or ground-mounted sign not exceeding twelve (12) square feet in sign area and six (6) feet in height, including supports, may be erected.
2. In all zoning districts where nonresidential development is under way, one (1) non-illuminated wall or ground-mounted sign not exceeding sixty-four (64) square feet in sign area or fifteen (15) feet in height including supports may be erected. In cases where development in excess of five (5) acres abuts more than one (1) street, one (1) wall or ground-mounted sign may be erected on each street frontage, provided the total aggregate sign area of the two (2) signs does not exceed ninety- six (96) square feet and neither exceeds sixty-four (64) square feet in sign area.
3. The size of any sign structure upon which an on-site development sign is located shall not exceed the permitted sign area and a six-inch border.

C. Temporary real estate sign. These signs shall be permitted on properties where an owner is actively attempting to sell, rent or lease such property, either personally or through an agent. No sign permitted by this subsection shall be located closer than fifteen (15) feet to any side property line. Such signs shall be removed when ownership has changed or the property is no longer for sale, rent or lease. A sign advertising that a property has been sold shall not be displayed for more than thirty (30) days.

1. In residential zoning districts, there shall be permitted one (1) on-site, nonilluminated wall or ground-mounted graphic not exceeding six (6) square feet in sign area and six (6) feet in overall height.
2. In all other districts, one (1) on-site nonilluminated wall or ground- mounted graphic not exceeding thirty-two (32) square feet in sign area, and not exceeding sixteen (16) feet in overall height, shall be permitted.
3. The size of any sign structure upon which a temporary real estate sign is located shall not exceed the permitted sign

area and border.

- D. New businesses. A new business, or a business in a new location with no permanent signs, may obtain a permit for a temporary sign of up to sixteen (16) square feet in sign area for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first. Such a temporary sign structure shall not exceed in size the maximum sign area in width and shall not exceed ten (10) feet in overall height. In the Historic District, such a temporary sign structure shall not exceed twelve (12) square feet in width and shall not exceed five (5) feet in overall height.
  - E. Signs destroyed. Any business which has its permanent signs destroyed may obtain a permit for a temporary sign of up to sixteen (16) square feet in sign area and not to exceed six (6) feet in height, for a period of not more than sixty (60) days, or until installation of permanent signs, whichever occurs earlier.
  - F. Special events or sales. One (1) sign announcing a temporary special event or sale shall be allowed on the premises of the event or sale in accordance with the following standards:
    - 1. In all residential districts, including residential portions of planned developments , for the purpose of "yard" or "garage" sales, one (1) on-site, non-illuminated ground-mounted sign not to exceed six (6) square feet in sign area and not exceeding four (4) feet in height shall be permitted to be erected not more than forty-eight (48) hours prior to the sale or special event and must be removed immediately after the sale or special event.
    - 2. In all other zoning districts where the purpose is to promote a "special event" or "sale" by nonprofit institutions such as places of religious assembly, schools, and fraternal societies, where such event or sale is clearly incidental to the primary function of such institutions and where such a sale is conducted with or as a special event and for a specified time period, one (1) on-site, non-illuminated wall or ground-mounted sign not to exceed sixteen (16) square feet in sign area plus a border of not more than six (6) inches in width and ten (10) feet in overall height shall be allowed.
- 7.01.05. PERMANENT SIGNS. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, display or cause to be displayed, or substantially alter or reconstruct, or cause to be substantially altered or reconstructed any sign, other than temporary signs specifically

permitted by this Article and signs specifically exempted from this Article, which does not conform to the following provisions:

- A. Areas in which permitted. Except where otherwise specifically provided, signs shall be permitted only in areas other than residential districts.
- B. Ground-mounted signs.
  - 1. Permissible number of signs and permissible sign area. Ground-mounted signs shall be permitted in all areas other than residential areas in accordance with the following limitations and restrictions:
    - a. In all nonresidential zoning districts except the Historic District, one (1) non-illuminated wall or ground-mounted sign not exceeding sixty-four (64) square feet in sign area or fifteen (15) feet in height including supports may be erected. In cases where development in excess of five (5) acres abuts more than one (1) street, one (1) wall or ground-mounted sign may be erected on each street frontage, provided the total aggregate sign area of the two (2) signs does not exceed ninety-six (96) square feet and neither exceeds sixty-four (64) square feet in sign area.
- C. Wall-mounted, projecting and marquee signs.
  - 1. Permissible sign area. Wall-mounted, projecting, and marquee signs shall be permitted in all areas other than residential areas in accordance with the following limitations and restrictions:
    - a. Each occupant not located in a multiple occupancy complex may display up to two (2) such signs on any one (1) side of the principal building in which such occupancy is located, with a total combined sign area of up to twenty (20) percent of the surface area of such building side or two hundred (200) square feet, whichever is smaller. One (1) additional such sign, with a maximum sign area of fifty (50) square feet, may be displayed on



any other side of such building which faces a public street abutting such occupancy.

- b. Each multiple occupancy complex may display one (1) such sign on one side of the principal building in which such occupancy is located, with a sign area of up to twenty (20) percent of the surface area of such building side or two hundred (200) square feet, whichever is smaller. When the multiple occupancy consists of only one (1) principal building, one (1) additional such sign, with a maximum sign area of fifty (50) square feet, may be displayed on any one other side of such building which faces a public street abutting the multiple occupancy complex. Wall-mounted signs for a multiple occupancy complex shall only include identification of the multiple occupancy complex itself.
- c. Each occupant of a multiple occupancy complex may display such signs on the principal building in which such occupant is located, with the following limitations:
  - i. On each side of such principal building on which part of the exterior wall is included in the occupant's individually leased or owned premises (not including a common or jointly owned area), such occupant may display signs as follows:
    - If such side of the principal building includes the primary entrance/exit to such occupant's premises, the occupant may display in the leased or owned area as many as two (2) such signs, with a total combined sign area of no more than ten (10) percent of the surface area of the exterior wall included in such occupant's individually leased or owned premises up to a maximum sign area of one hundred (100)

square feet. Only one building side will be considered as including any occupant's primary entrance/exit. If the occupant has an entrance/exit on a corner, or on more than one (1) side, the occupant may choose which building side shall count as having the primary entrance/exit.

-On any other such building side, an occupant may display within the leased or owned area one (1) such sign not exceeding twenty-four (24) square feet in sign area only when the side of the building is adjacent to property which is zoned in any office, business, or industrial zoning district/category.

- ii. Each occupant of individually owned or leased premises, which do not include part of an exterior wall of a principal building may nevertheless display one such sign of up to six (6) square feet of sign area on one (1) side of the principal building in which such occupant is located.

2. General restrictions. All sign permitted pursuant to subsection C shall comply with the following general restrictions:

- a. The maximum height for wall-mounted signs is the roof line or eaves, whichever is lower; for roof signs, the roof line; and for marquee and projecting signs, the roof line or eighteen (18) feet, whichever is lower.
- b. The height of a marquee or projecting sign shall be measured vertically from the established average grade directly below the sign to the highest point of the sign.
- c. Where a wall supporting a wall sign is less than twelve (12) inches back from a

right-of-way line, the wall sign may project over the right-of-way, provided it does not project more than twelve (12) inches from the wall.

- d. Marquee or projecting signs under which a pedestrian walkway passes must have at least a nine (9) foot vertical clearance.
- e. Projection over a right-of-way is prohibited for all projecting signs, except in the Historic District. Projecting signs may project no more than four (4) feet horizontally from the wall and must be pinned away from the wall at least six (6) inches.
- f. Marquee signs are permitted only on marquees, canopies, or awnings otherwise lawfully permitted or in existence. Marquee signs shall not exceed horizontally beyond the edges of the canopy, marquee, or awning to which they are attached or from which they are suspended.
- g. All projecting signs may have a border of up to six (6) inches in width surrounding the permitted sign area.
- h. No sign permitted herein shall contain any advertising message concerning any business, goods, products, services, or facilities which are not manufactured, produced, sold, provided, or located on the premises upon which the sign is erected or maintained.

D. Permanent development identification signs and structures.

- 1. Subdivision developments: Signs of a permanent nature, designed only to identify a subdivision development and including accessory entrance structural features, may be erected upon application to and approval by the plan board and in accordance with the following regulations:
  - a. Permanent identification signs and structure shall be permitted only for a total development as approved in a final plat.

When considering such signs, the plan board shall consider the location of public utilities, sidewalks and future street widenings.

- b. Signs and entrance structures shall be for identification purposes only, giving only the name of the subdivision. For office, business, and industrial subdivisions, the name and location of each occupant located therein on individual sign areas at their individual locations of no more than six (6) square feet each.
- c. Only one (1) identification sign and structure will be permitted at one entrance into such development or subdivision from each abutting street. Such sign may be a single sign with two (2) faces equal in size or may be two (2) single-faced structures equal in size located on each side of such entrance way. Each face of such subdivision development signs shall not exceed thirty-two (32) square feet in size.
- d. Such signs may be illuminated with a steady light, but not animated.
- e. Such signs may be located in the public right-of-way provided there is compliance with the restrictions delineated in herein.

- 2. Multiple family residential developments. Signs of a permanent nature, designed only to identify the development and indicate availability of dwelling units, including structural features, may be erected only upon application to and approval by the Planning and Historic Preservation Board in accord with established procedures for site plan approval and the following regulations:

- a. Permanent identification signs and structure shall be permitted only for a total development as originally or subsequently approved as shown on the latest approved site plan for developments that require site plan approval. Such sign and structure shall

be erected entirely on private property.

- b. Such signs and structures shall be permitted at one entrance into such development from an abutting street. Any sign structures for such permitted signs shall not exceed sixteen (16) square feet in size, excluding structural elements and decorative features. Such signs may be wall or ground-mounted and may be a single sign unit with two (2) faces or a single-faces sign mounted on each side of such entrance way. Where more than one (1) entrance way is approved, one (1) additional sign, designed for identification only, on a structure not exceeding four (4) square feet in size, shall be permitted at each entrance way.
- c. Such signs may be illuminated with a steady light but shall not be animated.

E. Determination of sign area, size of sign structure, and distance between signs.

- 1. Distance between signs: The minimum required distance between signs shall be measured from the closest parts of any two (2) sign area.
- 2. Sign area: The sign area of any sign shall be determined by considering all adjoining or contiguous surfaces upon which any part of such sign appears as being one (1) continuous surface. Signs contained on noncontiguous surfaces shall be considered as separate signs. Signs contained on different parts of a contiguous surface, except for the surface of a sign structure, may be considered as separate signs, and the intervening surface area not counted as part of the sign area, if more than one (1) sign is permitted and if the distance between the signs is sufficient. The sign area of an irregularly-shaped surface shall be determined by using an imaginary surface with the shape of a common geometric figure approximating the actual surface as closely as possible.
- 3. For all signs except wall-mounted signs, roof signs which are applied to the roof surface, ground-mounted signs applied to the surface of a fence or accessory building and marquee signs which are applied to the surface of the marquee, canopy or awning, the sign area shall be

determined by the largest surface area viewable at one time from any one direction parallel to the ground; and any sign which appears on the remaining surface area shall not count against the sign areas permitted hereunder.

4. Site of sign structure: The size of any sign structure shall be limited so as to appear, from any direction from which any part of the sign area is viewable, to have borders no greater than six (6) inches in width. Larger borders, or larger apparent borders, are allowed only if that part greater than six (6) inches in width is counted as part of the sign area.

7.01.06. TIME AND TEMPERATURE DEVICES. Time and temperature devices are permitted in the C-2 districts. They may be ground-mounted, projecting, or attached to the wall, and are subject to the regulations applicable to the ground-mounted, projecting and wall-mounted signs.

7.01.07. PERMIT REQUIRED; INSPECTION, FEES.

A. Permit required. It shall be unlawful to erect, cause to be erected, maintain, cause to be maintained, alter or extend any new or existing sign without first obtaining a permit indicating compliance with the provisions and regulations of this Article, except as hereinafter provided. Except in the Historic Districts, no permit shall be required for the following signs, provided that such signs are in compliance with the terms and provisions of this Article; and provided further that such signs have no electrical parts or usage:

1. Signs exempt from the provisions of this Article;
2. Temporary real estate signs;
3. Signs which are a permanent architectural feature of the building or structure, such as a cornerstone or other identifying letters carved into or embossed on the building, provided such letters are not illuminated apart from the building, are not made of a reflective material, and do not contrast in color with the building;
4. Signs with a sign area of six (6) square feet or less;
5. Panels or letters incorporated in a larger sign identifying the tenants or occupants of a premises which is identified by the larger sign, provided a permit has been issued for the larger sign; and

6. Any change in the advertising content of a sign, provided a permit has been issued for the sign and the advertising content does not violate any provisions of this Article.
  7. All signs except temporary real estate signs in the Historic Districts require review and approval by the Planning and Historic Preservation Board. The approval by the Board will be the required permit.
- B. Inspection. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign which has not been inspected by the Town building official at the time of initial installation.
- C. Expiration of permit. Any permit issued pursuant to this section shall expire six (6) months after its date of issuance unless the permitted sign is erected or unless its erection is substantially underway.
- D. Penalty. In addition to other penalties provided by this Article, a fee of double the amount specified for a permit shall be charged for any work commenced before a permit thereof has been issued, or renewed after the expiration date.
- 7.01.08. APPLICATIONS FOR SIGN PERMITS. All applications for sign permits required by this Article shall be filed by the owner, or his/her agent, in the office of the Town Administrator, upon forms furnished by the Town. The applications shall describe and set forth the following:
- A. The type of sign as defined in this Article;
  - B. The actual cost of the sign;
  - C. The street address of the property upon which the sign is to be located and the proposed location thereof on the property. In the absence of a street address, a method of location acceptable to the Town Administrator shall be used;
  - D. The height, shape and dimensions of the sign structure, if any, and the dimensions and shape of the sign area;
  - E. The name and address of the owner or other person in control or possession of the real property upon which the sign is to be located;
  - F. Written consent of such owner, his/her lessee, or his/her agent, granting permission for the construction, operation, maintenance or display of the sign;
  - G. A plan, sketch, blueprint, blue line print or similar presentation drawn to scale, showing all pertinent structural details, wind

pressure requirements, and display materials in accordance with the requirements of the Florida Building Code;

- H. A map showing the proposed sign and all trees on the lot having a dimension of more than twelve (12) caliber inches.
- I. The name of the sign contractor, if any;
- J. Any other information reasonably required by the Town Administrator to determine whether such sign is in compliance with the requirements of this Article.

7.01.09. COMPLIANCE REQUIRED.

- A. Any sign not allowed by this Article, but for which a permit has previously been issued by the Town shall automatically become a lawful nonconforming sign. The owner of any other sign not allowed by this Article, or the owner of any property upon which such sign is located, shall have a period of six (6) months from the effective date of this Article to establish to the satisfaction of the Town Administrator that such sign was in compliance with the laws and ordinances of the Town when it was constructed. The Town Administrator shall maintain the list of such signs, which shall continue to be lawful nonconforming signs. At the expiration of the six-month period, all other signs which are not in compliance with the terms of this Article shall immediately be removed or brought into compliance with this Article.
- B. All legally nonconforming signs shall be permitted to continue as nonconforming uses with the following limitations:
  - 1. Signs not conforming to the requirements of this Article shall be removed or made to conform 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.
  - 2. All nonconforming signs shall be removed or made to conform when the sign is substantially damaged.
  - 3. Neither the overall size nor the sign area of a nonconforming sign may be increased, nor may the height be increased, nor may the location be changed, nor may the use of the property on which it is located be changed, unless the sign is made to conform to the requirements of this Article.
  - 4. A sign, or at least any advertising message of a sign, now



or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, on the premises shall be taken down and removed by the owner, agent, or person having beneficial use of the building, structure, or land upon which such sign shall be found, within thirty (30) days after written notice by the enforcing official.

5. A sign which on (as of the effective date of the sign ordinance) became nonconforming as an off-premise sign shall be removed or made to conform to the requirements of this Article within seven (7) years from (as of the effective date of the sign ordinance).

7.01.10. MAINTENANCE OF SIGNS. It shall be unlawful to own, maintain or cause to be maintained any sign or sign without full compliance with the following requirements:

- A. Weeds shall be kept cut in front of, underneath and around the base of ground- mounted and other signs, and no rubbish or debris shall be permitted so near thereto that the same shall constitute a fire hazard.
- B. Signs and other signs shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety.

7.01.11. ENFORCEMENT.

- A. The Town building official or an official designated by the Town Commissioners shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of this Article and securing compliance therewith. In furtherance of this responsibility, the enforcing official shall:
  1. Make such inspections as may be necessary to effectuate the purposes and intent of this Article and to initiate appropriate action to bring about compliance with this Article if such inspection discloses any instance of noncompliance;
  2. Investigate thoroughly any complaints of alleged violations of this Article, and indicate clearly in writing as a public record in his/her office the disposition made of such complaints;
  3. Order in writing as set out below the remedy of all conditions or all violations of the Article found to exist in or on any premises;

4. State in the violation order a time limit for compliance herewith as hereinafter set out;
  - .5. Request the assistance of the Town attorney and the state attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order by the time specified therein.
- B. The enforcing official or his/her agent is authorized and directed to lawfully enter in and upon all premises at reasonable times to determine their condition insofar as the provisions of this Article are applicable, and to obtain search warrants when necessary to do so.
- C. Whenever the enforcing official determines that a violation of this Article exists, he/she shall take action as follows:
1. Give written notice of the violation to the occupant and the owner shown on the most recent tax roll of Alachua County, and to the holder of the certificate of occupancy, if different from both the occupant and owner;
  - .2. The notice shall include:
    - a. A description of the location of the property involved, either by street address or by legal description;
    - b. A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued;
    - c. A specification of the section or sections of this Article upon which the notice of violation is based;
    - d. A general description of the things that are required to be done in order to comply with the provisions of this Article;
    - e. A statement showing the time within which the work must be accomplished in order to comply with the provisions of this Article as follows:
      - i. Nonpermanent signs: For all signs of a nonpermanent nature, the time may not be less than one (1) hour nor more than twenty-four (24) hours from the time of such written notice; provided, however, that any

condition found to exist in violation of this Article which constitutes a hazard to the public safety shall be required to be abated immediately.

ii All permanent signs: For all permanent signs, the time may not be less than ten (10) days nor more than ninety (90) days from the date of such written notice; provided, however, that any condition found to exist in violation of this Article which constitutes a hazard to the public safety shall be required to be abated immediately.

f. The name or names of the persons upon whom the notice of violation is served;

g. A statement advising that upon the failure to comply with the requirements of the notice, the town shall take such enforcement procedures as may be permitted under this Code in order to secure compliance and to punish for continued violation;

h. A statement advising of the procedures for review of the action by the Code Enforcement Board, when available, as set out in this Article.

D. Service of notice.

1. Service of the written notice required by this Article shall be deemed complete if the notice is personally delivered to the person or persons required under the provisions of this Article to be served with such notice, and if the same cannot reasonably be personally delivered within the Town of Micanopy, then service shall be deemed complete upon sending same by certified mail, return receipt requested, to the last known address of such person or persons and by posting a copy of such notice in a conspicuous place on the premises.

2 The enforcing official shall endorse on a retained copy of the written notice the manner of service of the notice or notices as are hereby required.

- E. Effect of notice. When a notice served in accordance with this section is not appealed within the time limit prescribed hereinafter, or when such a notice is appealed and the decision of the enforcing official is not reversed, or when no appeal is provided for herein, the notice becomes an order. If the notice is appealed and modified, the modified notice becomes an order. Such an order shall be effective as to every day the violation continues, from the first day of the violation until the date the order is complied with.
- F. Enforcement procedures. When a notice of violation becomes an order, the enforcing official shall take such steps as are necessary to enforce compliance with the order, which steps may include, but are not limited to:
1. Requesting the assistance of the state attorney to prosecute for each day of violation, from the first date of the violation until the order is complied with;
  - .2. Requesting the assistance of the Town attorney to seek injunctive or other relief; or
  - .3. Initiating proceedings for revoking the certificate of occupancy for the premises on which the violation occurred.
  - .4 Referral to the Code Enforcement Board for assessment of fines as prescribed by Town ordinance.
- 7.01.12. APPEALS. There is hereby established an appeals process for violations of this Article. The Plan Board shall service and perform the duties of such appeals process under the provisions set forth herein. Appeals may be heard and decided by the Plan Board when it is alleged that there is an error in any notice, order, requirement, decision or determination made by the enforcing official or any other administrative official of the Town in the enforcement of this Article, except for notices of violations regarding unlawful and prohibited signs as specified herein. Such appeals must be filed with the Planning and Historic Preservation Board within ten (10) days of the date of the notice, order, requirement, decision or determination sought to be reviewed. The appeal shall be filed with the Town Administrator. The appeal shall be accompanied by the appropriate fee set by the Town Commission for a sign appeal. The authority of the Planning and Historic Preservation Board shall be limited to:
- A. Upholding or reversing the enforcing official or other administrative

officer in such official's determination of facts and interpretation of the provisions of this Article; or

- B. In the case of a notice of violation, modifying such notice if the actions required by such notice to be done to correct the violation are not the minimum necessary to comply with the requirements of this Article.

7.01.13. **VIOLATION AND PENALTIES.** It shall be unlawful for any person to erect, cause to be erected, maintain, or cause to be maintained any sign without full compliance with the restrictions, requirements and provisions of this Article, or to otherwise violate any provisions of this Article. Each day a violation occurs or continues, regardless of whether such violation is ultimately corrected, shall constitute a separate offense. Any person convicted of violating any provision of this Article shall be punished as provided in by the Micanopy Code of Ordinances.

#### Temporary Signs Permitted Numbers and Signs

Type of Sign	Zoning District			Number Permitted	Maximum Size
Subdivision Development	ALL			1	16 sq ft 6 ft in height
On-site Development	Residential Districts, RSF-2, RSF-3, RM, PD, RC			1 12 sq ft	6 ft in height
	All other non-residential districts			2	32 sq ft/sign 6 ft in height
Real Estate	Residential Districts RSF-2, RSF-3, RM, PD, RC			1 6 sq. ft	6 ft in height
	All other non-residential districts			1	32 sq ft 6 ft in height
New Business	All non-residential (for not more than 60 days)			1	16 sq ft 6 ft in height
Signs to Replace Destroyed Signs	To temporarily replace any sign destroyed (for not more than 60 days)			1	16 sq ft 6 ft in height
Special Events	All residential districts 1			6 sq ft	4 ft in height
	All non-residential districts			1	16 sq ft 6 ft in height

**Permanent Signs  
Permitted Numbers & Sizes**

Type of Sign	Zoning District	Number Permitted	Maximum Size
Ground-Mounted	Residential Districts	None	N/A
	Non-Residential Districts	1*	64 sq ft 15 ft in height
Wall Mounted, Projecting, or Marquee	Residential Districts	None	N/A
	Non-Residential Districts (not in multi-occupancy complexes)	2 on major front +	20% of surface area of front of building not to exceed 200 sq ft
		1 sign on any other side facing commercial, office or industrial zoning	50 sq ft
Wall Mounted, Projecting, or Marquee	Multi-Occupancy Complexes Individual Occupants of Store-Fronts	2 on major front +	10% of surface area of front of building not to exceed 100 sq ft
		1 sign on any other side facing commercial, office or industrial zoning	24 sq ft
Subdivision Identification Signs	All	1	32 sq ft
Business/Industrial Complexes	Complex	1	32 sq ft
	Each Occupant	1 (at site of the occupant's entrance)	6 sq ft
Multi-Family, Mobile Home Parks, Group Homes	Main Entrance	1	16 sq ft
	Other Entrances	1	4 sq ft

\* If property fronts more than one (1) street then there may be two (2) signs not to exceed 96 sq ft combined.

## **ARTICLE 8. SUBDIVISION REGULATIONS**

### **8.0 SUBDIVISION OF LAND**

#### **8.01. DEFINITIONS.**

8.01.01. Any word or phrase used in this Article which is not defined in this Article by textual definition or examples shall have the common dictionary meaning most appropriate to the context in which such word or phrase is used.

8.01.02. Throughout this Article, the following words and phrases shall have the meanings indicated unless the text of the Section or Subsection in which used clearly indicated otherwise:

Alley. A right-of-way providing a secondary means of access to properties having the principal frontage on a street.

Average Daily Traffic. The number of vehicles traveling in all directions over a given section of street during a 24-hour period.

Bikeway. Any street, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facility is designed for the exclusive use of bicycles or is to be shared with other transportation modes.

Block. A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers.

Building Setback Line. A line, established as the minimum setback line as set forth by the applicable zoning district, within a lot or other parcel of land so designated on the plat.

Clearing or Grubbing. Any grading of land, cutting of trees, removal or relocation of existing vegetation or other existing site features for the purpose of installing or laying out site improvements. Such term does not include sight trails necessary for the surveying of the subject parcel.

Cul-de-sac. A street which terminates at a roundabout.

Curb or Curb Line. The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.

Easement. An interest in land granted for a specific purpose or purposes but not conveying fee simple title to real property.

Engineer. A professional Engineer registered to practice engineering by the

State of Florida.

Grade. The inclination, from the horizontal, of a street, unimproved land, etc., which is generally expressed by the vertical rise or fall as a percentage of the horizontal distance or the elevation change over a defined distance.

Half or Partial Street. A street, generally parallel with and adjacent to the boundary line of a tract, having a lesser right-of-way width than required for a full width of the type involved.

Improved Street. Those streets where physical improvements such as clearing, grading, curb and gutter drainage and pavement are constructed as required by the standards of these regulations.

Improvements. Physical changes made to raw land and structures placed on or under the land surface, in order to make the land more usable. Typical improvements in the regulations would be clearing and grubbing, grading, street pavements, curbs, gutters, drainage ditches, street trees, storm and sanitary sewers, street lights, fire hydrants, street name signs, permanent control points (P.C.P.'s), etc.

Land Surveyor. A land surveyor registered under Chapter 472, Florida Statutes.

Lot. A parcel of land contained within property lines of a specific area, including land within easements and building setback lines of said area, but excluding any land within street right-of-way. The word "lot" includes the words "plot, unit, parcel and tract."

Corner Lot. A lot abutting two or more streets at an intersection, or abutting two adjoining and deflected lines of the same street that form an interior angle of less than one hundred thirty-five degrees ( $135^{\circ}$ ).

Interior Lot. A lot other than a corner lot having frontage only on one street.

Double Frontage Lot. A lot, other than a corner lot, having frontage on two or more streets or two portions of the same street.

Minor Subdivision: The subdivision of a tract of land into not more than five (5) lots for which there are no internal streets, drains or other required improvements; where each lot has frontage on a maintained public street; and where the resultant lots comply with the standards of this Article and the Land Development Code.

Reverse Frontage Lot. A lot extending between and having frontage on a collector or arterial street and a local street.



Right-of-way. Land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, utilities, access for ingress or egress, or other purposes by the public.

Sidewalk. The portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian or bike traffic.

Sight Distance. The continuous section of a street visible to the driver of a vehicle from any particular point on the street.

Street. Any access way such as a street, street, highway, boulevard, alley, parkway, circle, court or cul-de-sac, including all of the land lying between any right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but not including those access ways such as easements and rights-of-way intended solely for electric power lines, telephone lines, water lines, drainage and sanitary sewers and easements of ingress and egress.

Subdivider. The owner, or the agent of such owner, of any tract or parcel of land, who divides or subdivides or re- subdivides such tract or parcel of land into two (2) or more lots, building sites, or other division, for the purpose of transferring an ownership interest therein or any person who performs any clearing and grubbing on any land incidental to or preparatory to the construction or laying out of improvement on the site to facilitate a subdivision of such property, or any owner of property or the agent of such owner who develops or improves property in accordance with a subdivision plan approved pursuant to this Article.

Subdivision. Any division or re-subdivision of a tract or parcel of land into two or more lots, building sites, or other division for the purpose of transferring an ownership interest; provided, however, that the following shall not be included within this definition nor be subject to the provisions of these regulations except as specifically set forth herein:

- Any division of land directly from inheritance, either testate or intestate.
- Any deed of gift, for any parcel of land given without valuable consideration to any member of the donor's immediate family.
- Conversion of a building into individual units for the purpose of transferring an ownership interest therein.
- The public acquisition of strips of land for widening or opening streets.

Utilities. Any water system, electrical power system, sanitary sewer system, storm drainage system, telephone and television cable system, or similar

system.

Watercourse. Any channel, drain, drainage creek, ditch, drainage way, dry run, spring, stream, canal, but not including a lake, pond or pool without outlet under normal circumstances.

## 8.02. DESIGN STANDARDS

8.02.01. Consideration of Flood Hazards. A subdivision plat shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation. All subdivision, or portions hereof, located within a flood channel or flood plain shall meet the requirements of Article 5.

8.02.02. Lots and Blocks. Lots and blocks shall be designed according to acceptable practice for the type of development and use contemplated so as to be in keeping with the topography and other site conditions and provide adequate traffic and utility access and circulation; provide acceptable use of space; and provide privacy, adequate drainage, and protection of property.

A. Lot Size. The lot size, width, depth, shape, and orientation shall be appropriate for the subdivision and for the type of development and use contemplated. Lot dimensions and street abutment requirements shall not be less than the minimum standards established in the Article 2. The length of residential lots shall not exceed 3 times the width of the lot, for any land within a land use category in the Town of Micanopy Comprehensive Plan that permits dwelling units.

B. Lot Lines. Side lot lines shall be, as nearly as practicable, at right angles to straight street lines and radial to curved street lines. No lot shall be divided by a municipal boundary.

C. Double Frontage Lots. Double frontage and reverse frontage lots shall be discouraged except where essential to provide separation of residential development from traffic arterials and collectors or to overcome specific disadvantages of topography and orientation. A landscape buffer screen in accordance with the requirements of Article VI. of this Code across which there shall be no right of vehicular access, shall be provided on lots abutting such traffic arterial.

8.02.03. Lands Subject to Flooding. When any portion of a subdivision lies within the flood plain as designated on the Town's adopted flood control maps, the words "CERTAIN PORTIONS OF THIS PLAT LIE WITHIN THE DESIGNATED 100 YEAR FLOOD PLAIN" shall be clearly designated on the final plat.

8.02.04. Streets. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to

topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- A. The arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of new or existing collector or arterial streets in surrounding areas unless topographic, traffic volume, or other conditions make continuance or conformance to existing streets impractical or undesirable.
- B. Each street on the plat shall be designated as one of the following types, based upon the projected traffic count for such street.

- 1. Local Streets. Local streets are those which are designed to prevent or seriously discourage through traffic. They shall be planned so that the estimated average daily traffic will not exceed 1,200 at full development. A local street is characterized by a short average trip length and is primarily designed to provide access to adjacent property. No sidewalk construction is required for a local street with a density of less than four (4) units per acre. Wherever possible, residences will front on local streets as opposed to fronting on collectors.
- 2. Collector Streets. Collector streets are those which are designed to carry and distribute traffic between local streets and arterial streets. They also serve as a linkage between land access and mobility needs. Collector streets shall be planned to carry an estimated average daily traffic of between 1,201 and 7,000 at full development. They shall be designed to terminate at arterial streets so as not to evolve into arterials themselves. Lots fronting on collectors shall be prominently identified on a final plat with substantially the following inscription:

"THIS LOT FRONTS ON A MAJOR/MINOR COLLECTOR STREET WHICH IS DESIGNED TO CARRY UP TO \_\_\_\_\_ VEHICLES PER DAY."

- 3. Two types of collector streets are permitted:
  - a. Minor Collector. Minor collector streets are designed to carry an estimated average daily traffic of between 1,201 and 3,200 at full development. At the option of the developer, minor collector streets may or may not be provided with parking lanes. However, parking lanes shall be required where any lots front on a minor collector.
  - b. Major Collector. Major collector streets are designed to carry an average daily traffic of

between 3,201 and 7,000. A sidewalk shall be constructed on both sides of a major collector street.

- c. Arterial Streets. Arterial streets are those which are designed as routes which generally serve and interconnect the major centers of activity in the urban area, are estimated to carry an average daily traffic of greater than 7,000 at full development, and carry a high proportion of urban area travel. Two types of arterial streets are permitted:
- d. Minor Arterial. Minor arterial streets are designed to carry an estimated average daily traffic of between 7,001 and 12,000 at full development. A sidewalk shall be constructed on both sides of a minor arterial street.
- e. Major Arterial. Major arterial streets are designed to carry an estimated average daily traffic of greater than 12,000 at full development. A sidewalk shall be constructed on both sides of a major arterial street.

C Traffic Count Data. The number of vehicle trips per day generated by each type of land use may be obtained from the office of the Plan Board.

- 1. At the subdivider's option, this data may be calculated by a professional transportation planning or engineering consultant from trip generation rates established by the Institute of Transportation Engineers according to accepted engineering practices approved by the Town street superintendent.

D. Subdivisions on Arterial Streets. Where a subdivision abuts on contains an existing or proposed arterial street, the provision by the subdivider of marginal access street, reverse frontage lots with planting screen contained in a non-access reservation along the rear property lines, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic from local traffic may be required. No lot in any area shown on the Future Land Use Map for residential use shall front on an arterial street.

E. Intersection Design. Streets shall be laid out to intersect as nearly as possible at right angles ( $90^{\circ}$ ) and no street shall intersect any other street at less than seventy-five degrees ( $75^{\circ}$ ). Street jogs as intersections with centerline offsets of less than one hundred fifty (150) feet shall be

prohibited. Multiple intersections involving the juncture of more than two (2) streets shall be prohibited.

- F. Intersection Sight Distance. Intersections should be planned and located to provide sufficient intersection sight distance so that any driver who may be required to stop at any intersection, may safely cross the intersecting street without requiring approaching traffic on such street to also stop. Minimum intersection sight distances based on design speeds (mph) for stop sign-controlled intersections are given in the following table:

Table 8-1. Intersection Sight Distance.

Design Speed (mph)	30 & less	35	40	45	50
Minimum Intersection Sight Distance (ft)	200	250	300	350	450

1. If a traffic control device other than a stop sign is used at an intersection, the Town street superintendent will establish the intersection sight distance. This requirement shall not be construed as requiring an increase in the minimum allowable intersection separation of one hundred fifty (150) feet.

- G. Minimum Street Design Specification. All streets to be established is a subdivision shall be designed in accordance with the following minimum specifications:

Table 8-2. Minimum Street Design Specification.

Street Type	Maximum Estimated Average Daily Traffic	Minimum Right-of-Way (Feet)	Minimum Distance Between Curves (Feet)	Minimum Center-line Radii for Horizontal Curves (Feet)
Local (Non Curb & Gutter)	1200	50	----	200(1)
Minor Collector No Parking	3200	60	100	350
Minor Collector With Parking	3200	70	100	350
Major Collector	7000	80	100	350
Minor Arterial	12000	80	320	600

Major Arterial (Undivided)	12000+	100	320	600
Major Arterial (Divided)	12000+	110	320	600

(1) Any horizontal curve on a local street with a tangent distance of less than 650 feet on both sides of the curve may be designed with a minimum centerline radius of seventy- five (75) feet.

- H. Cul-de-sacs. Except as noted below, a cul-de-sac shall have a maximum length of six hundred fifty (650) feet from the nearest intersection of street centerlines to the center of the turnaround. A cul- de-sac shall be provided with a turnaround having a right-of-way diameter of at least one hundred (100) feet and an outside street diameter (edge of pavement to edge of pavement) of at least eighty (80) feet. A landscaped island with a maximum diameter of thirty (30) feet may be located within the turnaround, provided such landscaping complies with the provisions of Article 6. The Town Commission may modify the maximum length limit of this section if provisions are made to provide an alternate route of emergency access which would ensure that no point along the cul-de-sac is grater than six hundred fifty (650) feet from a regular or emergency accessway.
- I. Street Access to Abutting Property. Access to abutting property shall be provided through the use of a street stub. If such a street stub terminates more than one hundred (100) feet from an intersection, it shall be provided with a temporary turnaround which would allow vehicular traffic to turn around safely without having to leave the pavement. Specifications for optional temporary turnarounds shall be maintained by the Planning and Historic Preservation Board. The developer of the abutting area shall pay the cost of restoring the street to its permanent cross-section and extending the street at such time as the abutting area is developed.
- J. Half Streets. Construction of half street shall not be permitted for either local or minor collector streets. Half streets shall be permitted for major collector and arterial streets, and upon recommendation of the Planning and Historic Preservation Board and approval by the Town Commission.
- K. Dedication of Section Line Right-of-Way. Where a proposed subdivision abuts or includes a section line, a right-of-way of at least fifty-five (55) feet shall be dedicated on each side of such section line for use as a transportation and utility corridor.
- L. Utilities Easements. When they are necessary to serve the subdivision, utilities easements shall be provided, with a minimum width of fifteen (15) feet, located along lot lines. Additional width may be required for sewer or drainage

easements. Side lot line easements may be decreased to ten (10) feet in width when serving a single electric, cable TV, gas or telephone utility. Rear lot line easements shall be discouraged.

M. Drainage Easements. Easements, rights-of-way, and drainage facilities adequate for storm water drainage shall be required and permitted by the St. Johns River Water Management District.

N. Subdivision Entrances. Landscaped islands or medians may be permitted within the right-of-way at all subdivision entrances. These areas shall be landscaped in accordance with Article 6. In addition, the landscaped area shall be provided with an irrigation system or a readily available water supply within one hundred (100) feet.

8.02.05. Underground Utilities. Provisions shall be made for utility lines of all kinds, including but not limited to those of franchised utilities, electric power and light, telephone and telegraph, cable television, water, sewer and gas, to be constructed and installed beneath the surface of the ground within residential subdivisions, unless it is determined by the Town Commission that soil, topographical, or any other compelling conditions make such construction unreasonable or impracticable. The underground installation of incidental appurtenances such as transformer boxes or pedestal mounted boxes for the provision of electric and communication utilities shall not be required.

#### 8.03. REQUIRED IMPROVEMENTS

8.03.01. General improvements. Within twelve (12) months after final plat approval, the subdivider shall construct the improvements enumerated in this Article in accordance with the provisions of this section, other applicable ordinances and statutes, and such additional standards and specifications as may adopted from time to time by Resolution of the Town Commission. An engineer shall design, sign, and seal plans for and oversee the installation of all streets, sidewalks, bikeways, drainage structures, bridges, bulkheads, and water and sewer facilities.

8.03.02. Monuments.

A. Permanent reference monuments (P.R.M.'s) and permanent control points (P.C.P.'s), as defined in Chapter 177, Florida Statutes, shall be placed as required by Chapter 177, Florida Statutes. PRM's shall be set in the ground so that the upper tip is flush with or no more than one (1) foot below finished grade.

B. All lot corners shall be designed with a permanent marker such as an iron rod, iron pipe, or concrete monument.

C. The land surveyor shall, within one (1) year after Town Commission approval of the final plat, including conditional approval is applicable, certify that the above-

required monuments have been set and the dates they were set.

8.03.03. Streets. Street improvements, whether public or private, designed in accordance with this Article shall be provided in accordance with the following minimum specifications:

A. Local street (curb and gutter)

- |                            |              |
|----------------------------|--------------|
| (1) Pavement base          | 6 inches     |
| (2) Wearing surface        | 1-1/4 inches |
| (3) Minimum pavement width | 24 feet      |

B. Local street (non-curb and gutter)

- |  |              |
|--|--------------|
| (1) Pavement base                                | 6 inches     |
| (2) Wearing surface                              | 1-1/4 inches |
| (3) Minimum stabilized shoulder width (LBR = 30) | 8 feet       |

C. Minor collector (with no parking)

- |                                       |                  |
|---------------------------------------|------------------|
| (1) Pavement base                     | 6 inches         |
| (2) Wearing surface                   | 1-1/4 inches     |
| (3) Minimum pavement width            | 30 feet          |
| (4) Sidewalk location (when required) | 5 feet from curb |

D. Minor collector (with parking)

- |                            |                  |
|----------------------------|------------------|
| (1) Pavement base          | 6 inches         |
| (2) Wearing surface        | 1-1/4 inches     |
| (3) Minimum pavement width | 32 feet          |
| (4) Sidewalk location      | 5 feet from curb |

E. Major collector

- |                   |          |
|-------------------|----------|
| (1) Pavement base | 8 inches |
|-------------------|----------|



- (2) Wearing surface 1-1/2 inches
- (3) Minimum pavement width 43 feet
- (4) Sidewalk location 5 feet from curb

F. Minor arterial

- (1) Pavement base 8 inches
- (2) Wearing surface 1-1/2 inches
- (3) Minimum pavement width 43 feet
- (4) Sidewalk location 5 feet from curb

G. Major arterial

- (1) Pavement base 8 inches
- (2) Wearing surface 1-1/2 inches

- (3) Pavement slope 1/4 inch per foot
- (4) Shoulder slope 1/2 inch per foot
- (5) Minimum pavement width 20 feet

- a. Without median 65 feet
- b. With median 72 feet

- (6) Median width, not counting curbs (When used must have mountable curbs and be sodded.) 16 feet

8.03.04. Additional Street Design Criteria.

A. Curb and Gutter: Standard or modified curb and gutter utilizing 3,000 psi concrete shall be constructed on all street; however, streetside swales may be substituted for curb and gutter development on local streets only upon the recommendation and approval of the Planning and Historic Preservation Board.

B. Subgrades: Minimum LBR value shall be not less than 40; AASHTO T-180

field density shall be not less than 95% for all streets.

- C. Pavement Base: Pavement base shall be limerock compacted to a density of 95% (AASHTO T-180) or equivalent as approved by the Town.
- D. Wearing Surface: Local and collector streets shall be surfaced with type III asphaltic concrete as specified by the Florida Department of Transportation. Arterials shall be surfaced with Florida Department of Transportation type S- III asphaltic concrete.
- E. Street Lighting: Lighting may be required on all streets as per plans approved and accepted by the Town Commission.
- F. Street Name Signs: Street name signs shall be required at all street intersections as approved and accepted by the Town.
- G. Fire Hydrants: Fire hydrants shall be required in all subdivisions as per plans approved and accepted by the Town Commission.

8.03.5. Costs of Streets. It shall be the responsibility of the subdivider to install all local and minor collector streets located within a subdivision. When a major collector or an arterial street is located within a subdivision, the subdivider shall be required to construct the street, but shall only be required to pay a portion of the construction cost, the portion to be determined by the ratio that the estimated average daily traffic on such street generated by the subdivision lands at full development bears to the total estimated average daily traffic for the street based on full development of its entire service area. The Town of Micanopy shall pay the remaining portion of such street construction costs, but the total dollar liability of the Town shall be limited to its proportion of the estimated construction costs prepared by the subdivider and approved by the Town Commission prior to construction. At its option, the Town Commission may waive the requirement for construction of such major collector or arterial and any associated sidewalks, in which case the subdivider's only obligation shall be the dedication of the required right-of-way. Also at its option, when the subdivider's portion of the cost of the major collector or arterial exceeds fifty (50) percent, the Town Commission may permit the construction of a half street by the subdivider.

8.03.06. Bridges. Bridges shall be designed in accordance with generally accepted engineering practices and must be approved by the Town.

8.03.07. Stormwater Management.

- A. Requirement. A complete stormwater management system, in conformance with the requirements of the St. Johns River Water Management District, shall be provided in all areas of the subdivision for handling stormwater runoff within or across the subdivision lands. Soil types shall be considered and full

development assumed for selection of proper runoff co-efficients with the basins involved, and the system shall be designed in accordance with accepted engineering principles so as to accomplish the following results:

1. A system of closed conduits (except where open ditches are specifically permitted by the Town Commission) shall be provided to collect and channel stormwater in such a fashion as to permit the unimpeded use of public streets during a rainstorm of the maximum intensity predicted for the Micanopy area at ten (10)-year intervals.
  2. A route for stormwater runoff shall also be provided which will function, when the system designed to handle the ten (10)-year storm has reached its capacity, so as to prevent flooding (water over curb level) and insure access for emergency vehicles during a rainstorm of the maximum intensity predicted for the Town area at twenty-five (25)-year intervals.
  3. A detention system shall be provided which will permit a controlled outlet to receiving watercourses. The system shall be designed so that the peak flow of stormwater off of the subdivided lands, assuming full development, shall not exceed the natural flow from such lands prior to the subdivision and any associated construction, based on a rainstorm of the maximum intensity predicted for the Town area at twenty-five (25)-year intervals.
  4. Retention and detention basins normally shall be designed to drain completely within five (5) days after a ten (10) year storm. Designs providing for longer drainage periods require approval by the Town street superintendent. Basins shall have side slopes no steeper than four (4) feet to one (1) foot.
- B. General design standards. The required systems shall be designed for long life, low maintenance cost, and ease of maintenance by normal maintenance methods. Systems which direct stormwater back into the ground are encouraged.
- C. Streetside swales. For local streets only, streetside swales may be provided in lieu of curb and gutter as long as all of the specific requirements of this Article for such swales can be met and provided that, during the maximum predicted ten (10)-year storm, the flow velocity will not exceed two (2) feet per second and no flooding will occur on the stabilized shoulder or on properties adjoining the street right-of-way. Streetside swales shall have side and back slopes no steeper than four (4) to one (1), and the lowest point of the swale shall be between six (6) and twelve (12) inches below the outside edge of the stabilized shoulder.

1. It shall be the responsibility of the subdivider to provide the supporting hydrologic, soils, topographic and other supporting data and drawings as deemed necessary by the Town street superintendent to evaluate the feasibility of utilizing said streetside swales. In addition, the developer shall be obligated to dedicate such additional right-of-way as shall be necessary to meet the required design conditions.

D. Open drainageways. Open drainageways (ditches) will not be permitted in or within one hundred (100) feet of any land shown for residential use on the Future Land Use Map and any land in actual use or zoned for use as a school, unless it can be established to the satisfaction of the Town Commission that such open drainageway will appear and function as a natural watercourse and will require no significant maintenance. Any permitted open drainageway shall be designed so as to present no unreasonable hazard to life and health of the public and nearby property residents and so as to be protected against scour and erosion.

E. Specific design standards:

1. All drainage facilities not designed for full retention on the subdivided lands of the stormwater from the maximum predicted twenty-five (25)-year storm shall provide outfalls for unretained water to existing watercourses, lakes, storm sewer systems, or previously constructed Town or state street ditches. If the allowable runoff from the subdivided lands to any such watercourse, lake, storm sewer system, or street ditch exceeds that existing before the subdivision any associated construction, the subdivider shall be required to enlarge or modify such watercourse, lake, system, or ditch to ensure that it remains adequate to handle the twenty-five (25)-year storm runoff for the entire area which it serves.
2. All drainage pipes shall be either asphalt-coated corrugated metal pipe or reinforced concrete pipe. Only reinforced concrete pipe shall be installed under a paved street. Minimum pipe size shall be fifteen (15) inches in diameter.
3. Where storm sewers are provided, the inlets shall be spaced in such a manner to accept one hundred (100) percent of the stormwater runoff for which the system was designed and to provide for adequate access for cleaning purposes. Said spacing is subject to the approval of the Town street superintendent. Minimum desirable grade for curb and gutter shall be three-tenths of one percent. A lesser grade shall require the approval of the Town street superintendent; however, no grade below twenty-one

hundredths of one percent shall be permitted.

4. Catch basins, drop inlets, curb inlets, and manholes shall be of Class A concrete (precast or cast in place) or brick construction.
5. The subdivider is fully responsible for compliance with all applicable rules, regulations, and requirements of the St. Johns River Water Management District, the Florida Department of Environmental Regulation, and the United States Environmental Protection Agency.

8.03.08. Utilities Required.

- A. Sanitary Sewer. The subdivider shall provide sanitary sewer services to each lot within the subdivision if sewer service is available or required. All sewer lines serving lots within the subdivision shall be installed by the subdivider prior to the paving of the street and should be designed to operate on a gravity flow basis unless otherwise approved by the Town.
- B. Water Supply. The subdivider shall install a system of water mains as approved by the Town and connect the system to the public water supply if potable water service is available or required. The installation of such mains and connection to each lot shall occur prior to paving of the street.
- C. Water and Sewer Systems. New central water and sewer systems where required shall be designed by an engineer in accordance with the regulations of the Florida Department of Environmental Regulation, and the Town health department, and with standards established herein. Central water and sewer systems shall be designed and constructed for an economic life of not less than twenty (20) years, and the water system shall be designed in accordance with the fire protection requirements.
- D. Fire hydrants shall be connected to mains no less than six (6) inches in diameter; however, the Town may require larger diameter mains for long lines that are not connected to other mains at intervals close enough for proper mutual support.
- E. Sufficient storage or emergency plumbing facilities shall be provided to such an extent that the minimum fire flows will be maintained.

8.03.09. Inspection of Improvements.

- A. The Town and electric utility serving the area shall be authorized to inspect required improvements during construction to ensure that said work is in accordance with the approved plans and specifications. If any substantial changes are required in the approved plans or specifications during construction, such changes must be submitted for approval of the Town or electric utility serving the area as applicable.

- B The subdivider shall retain a reputable and recognized commercial laboratory which shall certify all materials and perform and certify all required density, LBR, concrete, or other tests as may be required by the Town when reasonably necessary to assure that all improvements are constructed as per approved plans and specifications.

8.03.10. Acceptance for Maintenance.

- A. Prior to acceptance for maintenance by the Town, the subdivider shall notify the Town and electric utility serving the area in writing that all required improvements have been completed. Upon receipt of notice from the subdivider, the Town and electric utility serving the area will make an inspection of the construction work. If work is found to be satisfactorily completed, the Town will accept such improvements for maintenance. After a period of one year from the time of inspection, the same Town will make a final inspection, and if the workmanship and materials are found satisfactory, or if all deficiencies due to faulty workmanship or materials are repaired or corrected, the Town will then release the subdivider from his bond on the project.

- B. Acceptance for maintenance is intended to mean normal maintenance functions as routinely performed by the Town. It shall not include removal of soil accumulations on streets caused by excessive erosion from adjacent lots, either prior to or during building construction within the subdivision. It shall not include damage to any improvements caused by private construction or private utility vehicles within the one year maintenance period. All decisions regarding abnormal damage or maintenance shall be made by the Town street superintendent or the electric utility serving the area with appeals possible to the Plan Board.

8.04. ENFORCEMENT PROVISIONS

- 8.04.01. In general. Within the Town, no subdivision shall be made, platted, or recorded, nor any building permit be issued on subdivided lands, unless such subdivision meets all the requirements of these regulations and has been approved in accordance with the requirements as provided in this Article. The Town or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to insure compliance with the provisions of this Article, including injunctive relief to enjoin and restrain any person from violating the provisions of this Article, and any rules and regulations adopted under this Article.

- 8.04.02. Building Permits and Certificates of Occupancy. No building permit or certificate of occupancy shall be issued for any lot or parcel of land subject to the provisions of this Article, except as follows:

- A. If such lot or parcel is within a subdivision for which a final plat has been approved by the Town Commission and recorded and the required

improvements have been installed and accepted for maintenance by the Town, both a building permit and a certificate of occupancy may be issued;

- B. If such lot or parcel is within a subdivision for which a final plat has been approved by the Town Commission and recorded, and security for the required improvements has been provided by the developer, a building permit may be issued, but no certificate of occupancy may be issued unless the Town Administrator determines that all required subdivision improvements serving such lot or parcel have been satisfactorily completed and that reasonable access can be provided for construction equipment to the remainder of the subdivision.
- 8.04.03. Violation a Misdemeanor. Any person who, in connection with the subdivision of lands, shall do or authorize any clearing and grubbing, or shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or drainage structure, or shall erect any building or transfer title to any land or building, without having first complied with the provisions of these regulations, or who performs any of such actions contrary to the terms of an approved subdivision plat, or who otherwise violates this Article shall be guilty of a misdemeanor. Each day that the violation continues shall constitute a separate violation.

## **ARTICLE 9. CONCURRENCY MANAGEMENT**

### **9.0 CONCURRENCY MANAGEMENT**

- 9.01. **PURPOSE.** This Article is intended to implement the Town of Micanopy Comprehensive Plan by ensuring that development approved by the Town of Micanopy shall not result in the reduction of service below the adopted level of service standards contained in the Comprehensive Plan.. This intent is implemented by means of a Concurrency Management System that shall measure the potential impact of all development orders on the adopted levels of service.
- 9.02. **METHOD.** The following method of ensuring concurrency is based upon the Town of Micanopy Comprehensive Plan, specifically the Capital Improvements Element and the adopted level of service standards. The Planning and Historic Preservation Board shall maintain, with the assistance of the Town Administrator, a concurrency management system designed to ensure that the issuance of a final development order will not result in a degradation of the adopted levels of service for specified public facilities and services. Concurrency Management also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.
- 9.03. **INITIAL DETERMINATION OF CONCURRENCY.** The initial determination of concurrency occurs during the review of the site plan, review of request for special permit, review of request for variance, review of a subdivision request or Planned Development review process by the Plan Board or by the Town Administrator upon initial application for a building permit or certificate of occupancy, if a site plan or Planned Development review is not required. The initial determination of concurrency shall include compliance with the level of service standards adopted by the Town of Micanopy. Concurrency review addresses only the availability of facilities and capacity of services, and a Certificate of Concurrency does not represent overall development approval.
- 9.04. **CONCURRENCY DETERMINATION PROCEDURES.** A concurrency review must be made with applications for development approvals and a Certificate of Concurrency issued prior to development.
- 9.04.01. A project will be deemed concurrent if the standards set forth in the Micanopy Comprehensive Plan are met. If the application is deemed concurrent, the Plan Board will issue a Certificate of Concurrency.
- 9.04.02. A separate concurrency review will not be required for each development permit for the same project.
- 9.04.03. The Plan Board will review applications for development, and a development approval will only be issued if the proposed development will not lower the



existing level of service of public facilities and services below the levels adopted in the Micanopy Comprehensive Plan.

- A. The Plan Board and staff will make an informal, non-binding determination of whether there appears to be sufficient capacity in the public facilities and services to satisfy the demands of the proposed project
- B. Staff will then make a determination of what public facilities and services would be deficient if the development were approved.

9.04.04. Certain development actions are ineligible to receive a concurrency reservation because they are too conceptual and, consequently, do not allow for an accurate assessment of public facility impacts. These actions include land use amendments to the Comprehensive Plan and rezoning requests. Development actions of these types will receive a non-binding concurrency determination as part of the project review process.

#### 9.05. DETERMINATION OF AVAILABLE CAPACITY.

9.05.01. The concurrency test for facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. For purposes of these regulations the available capacity of a facility shall be determined by adding together:

A. The total capacity of existing facilities operating at the required level of service; and

B. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:

- 1. Construction of the new facilities is under way at the time of issuance of the final development order, is bonded to ensure completion, and will be finished within six (6) months of issuance of the final development order.
- 2. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.
- 3. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the capital improvements element of the Town of Micanopy Comprehensive

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

9.05.02. For purposes of this Article, the available capacity of a facility shall then be calculated by subtracting from the number derived by the calculating the sum of:

A. The demand for the service or facility created by existing development as documented in the Town of Micanopy Comprehensive Plan; and

B. The demand for the service or facility created by the anticipated completion of vested approved developments, redevelopment, or other development activity that has received a final development order.

9.06. ACTION UPON FAILURE TO SHOW AVAILABLE CAPACITY. Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:

9.06.01. The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, or through a development agreement and consistent with the above calculations of capacity.

9.06.02. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

9.07. BURDEN OF SHOWING COMPLIANCE ON APPLICANT. The burden of showing compliance with this level of service requirements shall be upon the applicant. In order to be approved, applications for development approval shall provide sufficient information showing compliance with these standards.

9.08. ANNUAL REPORT. The Planning and Historic Preservation Board shall make an annual report to the Micanopy Town Commission containing:

9.08.01. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.

9.08.02. A summary of building permit activity, indicating:

A. Those that expired without commencing construction;

B. Those that are active at the time of the report;

- C. The quantity of development represented by the outstanding building permits;
  - D. Those that result from final development orders issued prior to the adoption of this Land Development Code; and
  - E. Those that result from final development orders issued pursuant to the requirements of this Land Development Code.
- 9.08.03. A summary of preliminary development orders issued, indicating:
- A. Those that expired without subsequent final development orders;
  - B. Those that are valid at the time of the report; and
  - C. The phases and quantity of development represented by the outstanding preliminary development orders.
- 9.08.04. A summary of final development orders issued, indicating:
- A. Those that expired without subsequent building permits;
  - B. Those that were completed during the reporting period;
  - C. Those that are valid at the time of the report but do have associated building permits or construction activity; and
  - D. The phases and quantity of development represented by the outstanding final development orders.
- 9.08.05. An evaluation of each facility and service indicating:
- A. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
  - B. The portion of the available capacity held for valid preliminary and final development orders;
  - C. A comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
  - D. A comparison of actual capacity and levels of service to adopted levels of service from the Town of Micanopy Comprehensive Plan.
  - E. A forecast of the capacity for each based upon the most recently updated

schedule of capital improvements in the Town of Micanopy Capital Improvements Element.

9.09. USE OF THE ANNUAL REPORT. The Concurrency Management Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities in Town of Micanopy for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

9.10. ADOPTED LEVEL OF SERVICE STANDARDS

9.10.01. ADOPTED LEVELS OF SERVICE- POTABLE WATER. The following Subsections specify the adopted levels of service found in the Town of Micanopy Comprehensive Plan.

A. Potable Water. The potable water system consists of a water source, treatment facility, storage, and distribution system.

1. The adopted level of service for the Micanopy community potable water system is 120 gallons per capita per day.
2. The Town of Micanopy shall ensure that its present and future population will have access to potable water, consistent with the service sectors defined in the Future Land Use Element of the Comprehensive Plan.
3. Developers in newly annexed areas shall be responsible for the installation of water lines and services in accordance with the policies of the Town of Micanopy. Service will not be mandatory until such time as the Town Commission deems such service can be provided on an economical basis.
4. Single residential properties voluntarily annexed into the Town shall be eligible for water services as determined by the Town Commission. Connection charges and provision of services shall be at the prevailing rates in accordance with the policies of the Town of Micanopy at the time of annexation.
5. Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the Town of Micanopy Comprehensive Plan.

9.10. 02. SANITARY SEWER.

A. The adopted level of service for the Micanopy community sanitary sewer system is 120 gallons per capita per day. However, Micanopy currently

utilizes individual, privately-owned septic tanks for wastewater disposal.

9.10.03: **STORMWATER DRAINAGE.** The following Subsections specify the adopted levels of service found in the Town of Micanopy Comprehensive Plan.

A. The Town shall require the following level of service standards for stormwater management to be maintained:

<b>Facility</b>	<b>Level of Service</b>
Residential floor elevation	1 foot above the 100-year/critical-duration storm elevation
Non-residential floor elevation	1 foot above 100-year/critical-duration storm elevation or flood resistant construction
<i>Water Quantity</i>	
Retention basins	100-year/critical-duration storm or applicable SJRWMD standards
Detention basins	25-year/critical-duration storm with 100-year/critical-duration storm routing analysis
Storm sewer systems	3 year/10 minute
Crossdrains	10/25year/24 hour for closed system 100 year/24 hour for open system
Side drains	10 year/20 minute
<i>Water Quality</i>	
Provided in accordance with State Water Policy and applicable SJRWMD, state, and federal requirements.	

Note: “Critical-duration” means the duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event. The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the “critical-duration” storm.

- 9.10.04. SOLID WASTE. The following Subsections specify the adopted levels of service found in the Town of Micanopy Comprehensive Plan.
- A. The adopted level of service for solid waste is 0.73 tons per person per year.
  - B. The Town of Micanopy shall ensure an environmentally sound and efficient solid waste management service that utilizes resource recovery, recycling, and source reduction.
  - C. Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for solid waste as established in the Solid Waste Sub-element of the Town of Micanopy Comprehensive Plan.
- 9.10.05 PUBLIC SCHOOL FACILITIES. The following Subsections specify the adopted levels of service found in the Town of Micanopy Comprehensive Plan.
- A. The uniform, district-wide LOS standards shall be 100% of Program Capacity for elementary, middle, and high schools. This LOS standard shall apply to all concurrency service areas (CSA) as adopted in the Interlocal Agreement between and among Alachua County, the Alachua County School Board and the local governments located within Alachua County, including the Town of Micanopy. For combination schools, the School Board shall separately determine the capacity of each school to accommodate elementary, middle, and high school students and apply the LOS standard prescribed above for elementary, middle, and high levels respectively. For public schools, the concurrency requirement may be satisfied by:
    - 1. Adequate school facilities will be in place or under construction within three years, as provided in the School Board's *5-Year District Facilities Work Program* adopted as part of this element, after the issuance of the final subdivision, final plat or final site plan for residential development; or,
    - 2. Adequate school facilities are available in an adjacent SCSA, and when adequate capacity at adopted LOS standards will be in place or under construction in the adjacent SCSA within three years, as provided in the School Board's *5-Year District Facilities Work Program*, after the issuance of the final subdivision, final plat or final site plan approval; or,
    - 3. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by development of the property subject to the final subdivision, plat or site plan (or functional equivalent) as provided in the Public School Facilities Element.

## **ARTICLE 10. ADMINISTRATION AND ENFORCEMENT**

### **10.0 ADMINISTRATION AND ENFORCEMENT**

#### **10.01 GENERALLY**

- 10.01.01. Purpose. This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.
- 10.01.02. Deadline for filing applications. Whenever in this Article there is a requirement that an application or other submittals be filed for review by a board or commission, such application or submittals must be submitted not less than 15 days prior to the meeting of the board or commission in order for the matter to be heard by the board or commission at its next meeting. When applications or other submittals are filed less than 15 days prior to the next meeting of the board or commission, the Town shall have the discretion to either schedule the matter at the next meeting, or at the next meeting after that.
- 10.01.03. Withdrawal Of Applications. An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing. An application may be withdrawn at any time up to and at the public hearing, however no refund will be given for withdrawals occurring after public notice has been given.
- 10.01.04. Effect of Denial or Withdrawal on Subsequent Applications. No application for a rezoning or special permit shall be entertained within twelve months after the denial or withdrawal of a request for the same use for the same property. The Planning and Historic Preservation Board may waive this limitation upon a showing of good cause.
- 10.01.05. Amended Application. Amendment of any application by the applicant may be permitted up to ten days prior to the public hearing, provided the amendment shall not make the case different from its description in the notice for public hearing. Otherwise, the matter shall be re-noticed at the expense of the applicant.

#### **10.02 SITE PLAN REVIEW**

- 10.02.01. When Site Plan Review Required. Site plan review is required for all development as defined in Article 10 of this Code, except for the following:

- A. Subdivision of land.
- B. Construction of a single family home.

- C. Tree removal not part of other development requiring site plan review.
  - D. Erection of a sign not part of other development requiring site plan review.
  - E. Alteration of a historic or other structure where such alteration does not create the need for additional parking or other modifications to the site.
- 10.02.02. Existing Site Plans. Where development requiring site plan review is proposed on a site governed by an approved site plan, the development shall be reviewed as an amendment to the existing site plan and shall be subject to the same site plan review procedures set forth herein.
- 10.02.03. Pre-Application Conference. Prior to filing for site plan review, the developer shall meet with the Town to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed site plan, or any expression of any nature about the proposal made by any participant at the pre- application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- 10.02.04. Review Of Concept Plans. All site plans must be submitted to concept review as follows:
- A. The developer shall file a completed application and a Concept Plan as a prerequisite to obtaining concept review.
  - B. Within 5 working days of receipt of an application and Concept Plan, the Town shall:
    - 1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may submit an amended application within 30 working days without payment of a re-application fee, but, if more than 30 working days have elapsed, must thereafter re-initiate the application and pay an additional fee; or,
    - 2. Determine that the submittals are complete and proceed with the following procedures.
  - C. The proposal shall be placed on the agenda of the next meeting of the Planning and Historic Preservation Board that allows the giving of required notice.
  - D. The Planning and Historic Preservation Board shall consider:



1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
2. Whether the concurrency requirements of Micanopy Comprehensive Plan and this Code could be met if the development were built.
3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.
4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
5. Applicable regulations, review procedures, and submission requirements.
6. Concerns and desires of surrounding landowners and other affected persons.
7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.

E. The Planning and Historic Preservation Board shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

F. Where the site plan is for very minor development, the Town may waive the requirement for concept plan review by the Planning and Historic Preservation Board.

#### 10.02.05. Review Of Preliminary Site Plans.

A. The developer shall, within 6 months after completion of concept review, submit a Preliminary Site Plan to the Town. If more than 6 months elapse, the developer

must re-submit the plan for concept review.

- B. Within 5 working days of receipt of a Preliminary Site Plan, the Town shall:
  - 1. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 30 working days without payment of an additional fee, but, if more than 30 days have elapsed, must thereafter initiate a new application and pay a new fee; or
  - 2. Determine that the plan is complete and proceed with the following procedures.
- C. On the earliest available date that allows the giving of required notice, the Planning and Historic Preservation Board shall conduct a quasi-judicial hearing on the Preliminary Site Plan to determine whether the plan satisfies the requirements of this Code.
- D. The Planning and Historic Preservation Board shall approve the Preliminary Site Plan, approve the Preliminary Site Plan with conditions, or deny the Preliminary Site Plan.
- E. The Planning and Historic Preservation Board may at the same hearing approve the Final Site Plan if the Final Site Plan was submitted by the developer for approval concurrent with Preliminary Site Plan review.

#### 10.02.06 Review Of Final Site Plans.

- A. The developer shall submit a Final Site Plan for review within 6 months of the date of approval of the Preliminary Site Plan.
- B. On the earliest available date that allows the giving of required notice, the Planning and Historic Preservation Board shall conduct a quasi-judicial hearing on the Final Site Plan. The issue shall be solely whether the Final Site Plan conforms to the Preliminary Site Plan and conditions for final approval placed thereon.

#### 10.02.07 Review of Planning and Historic Preservation Board Decision. Review of the decision of the Planning and Historic Preservation Board on a Preliminary or Final Site Plan may be requested as provided herein. If no review is requested, the decision of the Planning and Historic Preservation Board shall be final. It is the intent that such review be a prerequisite to certiorari review by a circuit court.

#### 10.02.08. Standards. No site plan shall be approved unless and until the Planning and

Historic Preservation Board has made findings that the plan will meet the following criteria:

- A. Enhance and protect the public health, safety and welfare of the Town of Micanopy.
- B. Result in the least possible detrimental impact to the site and surrounding areas and not reduce the safety, light or general convenience of neighboring developments.
- C. Assure safe and convenient ingress to and egress from the property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.
- D. Provide safe location and orderly arrangements and spacing of all buildings and structures.
- E. Minimize environmental damages caused by needless destruction of natural vegetation and natural features on the site.
- F. Provide for needed utilities, including fire hydrants, assure that the cost to the public in supplying connection points is reasonably minimized, and assure that safe and reasonable traffic circulation patterns are provided for garbage trucks and public safety vehicles of all types.
- G. Provide means of minimizing unreasonable intrusions of noise, light, odor, dust and other such annoyances into the privacy, quiet and habitability of surrounding areas.
- H. Assure that external and internal signs comply with the Town's sign regulations and that reasonable measures are taken in their placement and size to eliminate traffic hazards caused by sight obstructions in entering, leaving or passing by the area.
- I. Assure that external and internal outdoor lighting types and placement do not constitute a hazard to traffic and do not unreasonably intrude into the privacy and habitability of surrounding areas.
- J. Make reasonable provision for recreation facilities and open space to meet the needs of the proposed development, taking advantage of the availability of community open space and recreation facilities.
- K. Indicate that reasonable consideration has been given to the proximity of public facilities such as fire and sheriff's stations, schools and health care facilities and to the desirability of designating sites for such facilities within the site.
- L. The comments of the owners of adjacent properties and other neighbors of the

proposed development plan have been taken into account and where reasonable comments have been made, the Planning and Historic Preservation Board, at a public hearing, may incorporate any reasonable comments into the design of the development plan to decrease any adverse impact the development plan may have on adjoining properties and the neighborhood in which it is located.

M. The development plan conforms in all regards with the management plan approved by the St. Johns River Water Management District for such basin.

N. The development plan conforms in all regards to the requirements of the Town of Micanopy Land Development Code and Comprehensive Plan.

10.02.09. Submittals.

A. Application. Applications for site plan review shall be available from the Town. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. General Plan Requirements. All Preliminary and Final Site Plans submitted pursuant to this Code shall conform to the following standards:

1. All plans shall be drawn to a scale a scale of 1 inch equals 100 feet, unless the Planning and Historic Preservation Board or Town Administrator determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The sheet size shall be 24 inches by thirty-six 36 inches. A 3/4-inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. The front cover sheet of each plan shall include:
  - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
  - b. A complete legal description of the property.

- c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
- d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
- e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
- f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
- g. The area of the property shown in square feet and acres.

5. Eight copies of the submittals shall be required.

6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready met.

C. Concept Plan. Each Concept Plan shall show:

1. Existing Conditions

- a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
- b. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.

- c. Topography of the site with contour lines at two-foot intervals and showing all water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types, vegetative cover and any known historic or archaeological resources.
- d. The parcel's existing land use and zoning designations.
- e. A depiction of the abutting property within 400 feet of the proposal, not including public right of way in the measurement, showing land uses, locations of principal structures and major landscape features, densities of residential use, and traffic circulation systems.

2. Proposed Development Activities and Design:

- a. The approximate location and intensity or density of the proposed development.
- b. A general parking and circulation plan, showing points of ingress to and egress from the site, pedestrian ways, and bicycle paths.
- c. Proposed drainage systems.
- d. Proposed location and sizing of potable water and waste water facilities to serve the proposed development, off-site facilities.
- e. Proposed open space areas and types of activities proposed to be permitted on them.
- f. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
- g. A description of how the plan mitigates or avoids potential conflicts between land uses.

D. Preliminary Site Plan. A Preliminary Site Plan shall include the following information, where applicable. If any of the following items are inapplicable to a proposed development, such item may be omitted, provided the applicant identifies

in writing any missing item and includes a brief explanation of why it is inapplicable. The Planning and Historic Preservation Board may nonetheless require that missing information be provided if the Board finds it applicable.

1. A legal description of the property under review for site plan approval.
2. Site conditions information, including:
  - a. A topographic map of the site of a scale a scale of 1 inch equaling no more than 100, showing at least five-foot contours in residential zones and two-foot contours in the 100 year flood prone areas.
  - b. Generalized soil types in the project area and in the surrounding area, if significantly different from the project area.
  - c. A scaled plan indicating the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings as described in Article VI. Aerial and on-site photographs may be used to show vegetation.
  - d. A preliminary sedimentation control plan shall be submitted indicating the manner by which on-site generated sediment will be retained. The plan shall assure that sediment volume from the development leaving the property shall not be increased above the level existent prior to the beginning of construction activity.
3. A site condition map including:
  - a. A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities and recreation/open space areas.
  - b. The location of all existing public streets, rights-of-way, easements and other reservations of the land in the area of the property in question, means of ingress and egress to all such properties, off-street parking, loading and service areas, if any, for or on such

properties and any screening or buffers on such properties and the nature and type thereof.

- c. The location, size and capacity of all existing utilities, including existing fire hydrant locations.
- d. The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, storm sewers, and the direction of surface flow.

4. A dimensional site development plan of professional quality drawn at a suitable scale, but not smaller than one inch equals 60 feet. A smaller scale for very large land area (over 40 acres in size) may be accepted upon approval of the Planning and Historic Preservation Board showing:

- a. The name of the person or firm who prepared the plans, the name of the developer, the name of the proposed project or development, a north arrow and date.
- b. The location of all proposed streets, driveways or other facilities designed to accommodate vehicular movement in the development and points of ingress and egress, parking areas including the exact number of spaces and loading and service areas (location of dumpsters and any utility buildings) and a traffic impact analysis of projected trip generation, including methods of circulation for the development.
- c. The location and dimensions of all proposed buildings and structures to be included in the development:
  - i. For all development, indicating the gross area of all buildings.
  - ii. For residential development, indicating the exact number of dwelling units classified by numbers of bedrooms (number of one-bedroom units, number of two-bedroom units, etc.).



- d. Dimensions of all yard setbacks and open spaces.
- e. Location of all open space and recreation areas, planned with attention to their adequacy in terms of size and placement, their effect on privacy of adjacent living areas and their relationship to community-wide open spaces and recreation facilities.
- f. The manner of drainage of the property, showing the manner of drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities.
- g. The percentage of the site that will be covered by buildings and structures and the percentage that will be covered by streets, drives, parking and loading areas.
- h. A grading plan including all finished elevations and contours.
- i. The exact location of all public use easements.
- j. The exact location of all utility services, including connection points to the main systems and fire hydrant locations.
- k. A landscape plan with written comments from the TownTree Preservation Committee.
- l. A drainage plan including depth dimensions, capacities, cross-section dimensions and statement of ratio or percentage of side slope angle of retention or detention facilities. Slope angle to depth of facility must meet St. Johns River Water Management District specifications.
- m. The size, location and type of all signage.
- n. The size, location, orientation, photometrics and intensity of all exterior lighting fixtures and devices.

- o. Architectural elevations of all buildings and structures.
- p. A development timetable, if project is to be constructed in phases.
- q. A sedimentation plan indicating the manner by which anticipated sediment and debris, generated within the confines of the development, will be retained on site (examples: hay bales, sediment traps, berms, etc., as appropriate to the situation).
- r. Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and all individual trees with a trunk diameter of 12 inches or more at a point 4 ½ feet above ground level. Aerial and on- site photographs may be used to show vegetation.

E. Final Site Plan. A Final Site Plan shall include the information required in a Preliminary Site Plan plus the following additional or more detailed information:

- 1. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Final Site Plan for recordation.
- 2. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the Final Site Plan and the dedication contained on the site plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the Town or any other public agency.
- 3. No man-made lake, pond, and other man-made body of water, excluding retention/detention areas shown on the Final Site Plan, shall not be shown as dedicated to the public unless approved by the Town.

## 10.03 SUBDIVISION REVIEW

- 10.03.01. Pre-Application Conference. Prior to filing for subdivision review, the developer shall meet with the Town to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed subdivision, or any expression of any nature about the proposal made by any participant at the pre- application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- 10.03.02. Concept Review. All subdivisions shall be submitted to Concept Review as follows:
- A. The developer shall file a completed application and a Design Plat as a prerequisite to obtaining Concept Review.
- B. Within 5 working days of receipt of an application and Design Plat, the Town shall:
1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may submit an amended application within 30 working days without payment of a re-application fee, but, if more than 30 working days have elapsed, must thereafter re-initiate the application and pay an additional fee; or,
  2. Determine that the submittals are complete and proceed with the following procedures.
- C. The proposal shall be placed on the agenda of the next meeting of the Planning and Historic Preservation Board that allows the giving of required notice.
- D. The Planning and Historic Preservation Board shall consider:
1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
  2. Whether the concurrency requirements of the Micanopy Comprehensive Plan and this Code could be met if the development were built.
  3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic

circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.

4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
5. Applicable regulations, review procedures, and submission requirements.
6. Concerns and desires of surrounding landowners and other affected persons.
7. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.

E. The Planning and Historic Preservation Board shall issue no order, finding or other indication of approval or disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

10.03.03. Review Of Preliminary Plat.

A. The developer shall, within 6 months after completion of Concept Review, submit a Preliminary Plat to the Town. If more than six 6 months elapse, the developer must re-submit the plan for Concept Review.

B. Within 5 working days of receipt of a Preliminary Plat, the Town shall:

1. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plat within 30 working days without payment of an additional fee, but, if more than 30 days have elapsed, must thereafter initiate a new application and pay a new fee; or
2. Determine that the plat is complete and proceed with the following procedures.

C. The Town shall issue a written report setting forth a recommendation to the Planning and Historic Preservation Board.

D. On the earliest available date that allows the giving of required notice, the Planning and Historic Preservation Board shall conduct a legislative hearing on the

Preliminary Plat and prepare a written recommendation to the Town Commission as to whether the preliminary plat satisfies the requirements of this Code.

E. The application shall thereafter be placed on the next available agenda of the Town Commission allowing for the giving of required notice. The Town Commission shall hold a quasi-judicial hearing on whether the preliminary plat satisfies the requirements of this Code.

F. The Town Commission shall approve the preliminary plat, approve the preliminary plat with conditions, or deny the preliminary plat.

10.03.04. Construction Plans. The developer shall, within 6 months of approval of the preliminary plat and prior to submission of the final plat, submit 2 sets of construction plans to the Town. The Town shall convey one set of the completed construction plans to an Engineer for review. If the the Engineer finds that the construction plans are consistent with the approved preliminary plat and with all applicable standards and specifications, the Engineer submit a letter to that effect to the Town. If the construction plans are not consistent with the design plat as approved by the Town Commission or do not comply with all standards and specifications, the Engineer shall notify the Town of:

A. Conditional construction plan approval, subject to any necessary modifications which shall be indicated on the plans or attached to it in writing; or

B. Disapproval of the construction plans or any portion thereof, with a written indication of the reasons for such disapproval. In any event, the Town shall set the matter on the next available Planning and Historic Preservation Board agenda for final action on the construction plans.

10.03.05. Review Of Final Plat.

A. After the construction plans have been approved or conditionally approved by the Planning and Historic Preservation Board, the developer shall submit a Final Plat for review within one year of such approval or disapproval.

B. The Final Plat shall thereafter be placed on the next available agenda of the Town Commission allowing for the giving of required notice. The Town Commission shall approve the Final Plat if it conforms to the Preliminary Plat and Construction Plans.

C. Upon approval of the Final Plat by the Town Commission, the original Mylar or stable base film tracing of the Final Plat along with any required covenants or deed restrictions shall be recorded with the Clerk of the Circuit Court for Alachua County, by the subdivider, with all recording fees paid by the subdivider. Upon recording the approved Final Plat, a copy of any private covenants or deed

restrictions required to be recorded, and a copy of the recorded plat shall be provided to the Town for inclusion in the Town records.

10.03.06 Security for Construction and Maintenance of Public Improvements.

- A. Except as otherwise provided herein, no final plat of any subdivision shall be approved by the Town of Micanopy unless a surety bond is filed with the Town and is executed by a surety company authorized to do business in the State of Florida. Such bond shall be conditioned to secure the construction and completion of the improvements required under the Town of Micanopy Land Development Code in a satisfactory manner within 12 months from final plat approval and any extension of such period approved by the Town Commission. Such surety bond shall be enforceable by and payable to the Town in a sum at least equal to 120 percent of the total cost of the required improvements provided in said subdivision as estimated by the subdivider's engineer and verified and approved by the Town street superintendent.
- B. Such surety bond shall be first approved by the Town Attorney prior to its submission with the proposed final plat to the Town Commission for approval, and such surety bond shall be in the following form to be executed by both the subdivider and the party or parties with whom such subdivider has contracted to perform the work and construct the improvements.

WHEREAS \_\_\_\_\_ is the subdivider of that certain subdivision lying in Micanopy, Florida, known as \_\_\_\_\_ and has entered into a contract with \_\_\_\_\_ to do and perform certain work and improvements in connection therewith as required by the Town of Micanopy, Florida, which contract, plans, and specifications are by this reference made a part of this instrument; and

WHEREAS, the said \_\_\_\_\_ as subdivider and \_\_\_\_\_ as the contractor do hereby enter into an agreement with Micanopy, Florida, where in they jointly and severally promise to complete the development of said subdivision according to the plans and specifications and in full conformity with the Land Development Code of the Town of Micanopy, Florida.

NOW, THEREFORE, the said \_\_\_\_\_ as subdivider and the said \_\_\_\_\_ as contractor hereafter jointly and severally referred to as Principals, and \_\_\_\_\_ a Surety Corporation organized under the laws of Florida, as Surety, as held and firmly bound unto Micanopy, Florida, in the penal sum of \$ \_\_\_\_\_ (representing 120% of the Town's approved estimate of the cost of improvements), lawful money of the United States, the payment of which well and truly to be made, we hereby bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

NOW, THEREFORE, the condition of this obligation is such that, if the

improvements to be made as shown on subdivision plans and specifications prepared by \_\_\_\_\_ dated \_\_\_\_\_ for a subdivision called \_\_\_\_\_ shall be completed within twelve (12) months from the date hereof or any authorized extension thereof, of which Surety now waives notice, and the same is done in accordance with an in full compliance of the subdivision requirements of the Town of Micanopy, Florida, and the documents and specifications pertaining to this subdivision as approved by the Town Commission then this obligation shall be null and void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the Principal and Surety have caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_.

The form is to be executed by representatives of the subdivider, contractor, and the Surety Company. Each Principal shall fully execute the bond in the appropriate manner by duly authorized persons whether it be a corporation, a partnership or otherwise. This bond, when fully executed, must be approved by the Town Attorney prior to submission to the Town Commission.

- C. In lieu of the surety bond required above, the subdivider may propose other methods of surety that may be accepted by the Town Commission upon recommendation by the Town Attorney.
  - D. In determining the cost of the improvements for which a construction bond or other such security is required, improvements otherwise covered by a separate bond or security arrangement between the subdivider and the Town and those improvements already constructed and approved by the Town street superintendent shall not be included.
  - E. In lieu of providing security, a developer may proceed with installation of subdivision improvements upon acceptance and approval of a final plat by the Town Commission, which approval shall be conditioned upon the full completion of said subdivision improvements within 2 years and in full accordance with approved plans and specifications and the ordinances of the Town. Such plats shall not be recorded, but shall be retained by the Town until the Town Commission has certified that all required improvements have been completed in accordance with approved plans, specifications and ordinances of the Town.
- 10.03.07 Maintenance. Under any arrangement for subdivision development within the Town, the subdivider is obligated to the Town for any necessary repair of all required improvements under the ordinances of the Town of Micanopy, Florida for the period of one year following acceptance for maintenance. During such 1- year period the subdivider must provide the Town with a surety bond or other acceptable security, in an amount equal to 15 percent of the costs of the required subdivision improvements, which may be used by the Town to pay the costs of any necessary repairs and maintenance on such subdivision improvements during such

1 year period. Interest earned on all such cash deposits with the Town shall be for the account and to the credit of the person or persons making such deposit.

10.03.08. Private Improvements. In those developments where lands and improvements remain under private common ownership, instruments relating to the use and maintenance of such areas and improvements shall be required. The Town of Micanopy may require the establishment of an appropriate entity and the execution and recording of any appropriate legal instruments necessary to insure the maintenance, protection, and preservation of common areas designated on the plat. The title to all land and improvements that are shown on the plat as common areas, private streets, etc., shall be held and continue to be held so as to insure their proper maintenance and care and to permit and assure their continued use as intended in the approved plat. Such instruments shall include means legally enforceable by the Town, the subdivider and his successors to guarantee payment of such sums of money as are necessary for such maintenance; and all conveyances or transfers of any interest in any of the property of such development shall be legally encumbered of record so as to guarantee the continued use of such common areas and streets as contemplated by the plat and the guarantee of the payment of the cost of such maintenance.

10.03.09. Submittals.

A. Design Plat. The Design Plat shall contain the following data:

1. Approximate tract boundaries.
2. Approximate location with respect to section lines.
3. Streets on and adjacent to the tract.
4. Proposed general street layout.
5. Significant topographical and physical features.
6. Generalized existing vegetation.
7. Proposed general lot layout.

B. Preliminary Plat. The Preliminary Plat shall be drawn clearly and legibly at a scale of 1 inch equaling no more than 100 feet using a sheet size of 24 inches by 36 inches. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. The Preliminary Plat shall be prepared by a land surveyor and shall contain the following information:

1. Proposed name of the subdivision.



2. Name and registration number of surveyor.
3. Date of survey approval, north point (with bearing or azimuth reference clearly stated in the notes or legend), graphic and written scale, and space for revision dates.
4. Vicinity map showing location with respect to major streets and acreage of the subdivision.
5. Boundary line of the tract by bearings and distances.
6. Legal description of the tract to be subdivided.
7. Preliminary layout including streets, sidewalks, alleys and easements with dimensions and proposed street names, lot lines with approximate dimensions, land to be reserved or dedicated for public uses, and designation of any land to be used for purposes other than single-family dwellings.
8. Total number of lots.
9. The front building setback line for each lot.
10. An inscription stating "**NOT FOR FINAL RECORDING.**"
11. The name, address, and telephone number of the property owner and of any agent of the property owner involved in the subdivision of such property.
12. The names of owners of any unplatted abutting property and the approximate acreage of such property.
13. The exact locations, names, and widths of all existing streets, alleys, and recorded easements within and immediately adjoining the subdivided lands.
14. The location and a general description of any utilities facility on the subdivision tract.
15. The invert elevation of existing and proposed sewers.
16. The location and size of existing improvements on the subdivision tract.
17. The zoning and land use plan designations of lands within the

subdivision tract and of abutting property.

18. Natural features on the subdivision tract, including lakes, swamps, water courses, and lands within the flood plain and flood channel as shown on the Town's adopted flood control maps.
19. The location and types of all tree clusters or copses on the subdivision tract, a designation of which tree clusters or copses are proposed to be removed, and a particular identification of any tree with a trunk diameter of 24 inches or larger, measured 4 ½ feet above ground level, located in or within 15 feet of any proposed right-of-way.
20. Surface drainage, with direction of flow, and an indication of the proposed method of disposition.
21. A soils survey map.
22. A generalized statement outlining, as far as is known, the subsurface conditions of the subdivision tract, including subsurface soil, rock, and ground-water conditions, the location and results of any soil permeability tests, and the location and extent of any muck pockets.
23. A topographic map of the subdivision tract prepared by a land surveyor, with maximum intervals of one foot where overall slopes are no more than two percent, two feet where slopes are between 2 and 10 percent, and 5 feet where slopes are ten percent or greater, based on National Geodetic Survey datum.
24. If the proposed subdivision contains land located within the flood plain as shown on the flood control maps of the St. Johns River Water Management District, the subdivider shall be required to submit topographic information for areas adjoining sides of the channel, cross-sections for land to be occupied by the proposed development, highwater information, boundaries of the land within the flood plain, and other pertinent information.

C. Construction Plans. Plans for the proposed subdivision improvements shall have a sheet size of 24 inches by 36 inches unless another size is approved by the Town, and shall show the proposed locations, sizes, types, grades, and general design features of each facility, and shall be based upon reliable field data. These drawings shall include the following information:

1. The topography of the subdivision with a maximum contour interval of one foot, based on National Geodetic Survey datum.

This map shall be prepared by a land surveyor.

2. The plan and profile of each proposed street centerline (indicating the existing ground surfaces and proposed street grade surface including extensions for a distance of 300 feet beyond the tract boundary) at a horizontal scale equal to the horizontal scale of the subdivision plat.
3. A cross-section of each proposed street, at a scale of ten feet or less to the inch, showing the width of pavements, the location and width of any sidewalks, where required, and rights-of-way.
4. The Plans and profiles of proposed water distribution systems, sanitary sewers, and storm water drainage sewers and other drainage ways, where required, at the horizontal scale of the subdivision plat and a vertical scale of 1/10th of the horizontal scale, with grades and sizes indicated.

D. Final Plat. The Final Plat shall be in accordance with the requirements of this Article, Chapter 177, Florida Statutes, and any other applicable statutes and ordinances. The final plat shall be legibly drawn at a scale of at least one inch equals 100 feet using a sheet size of 24 inches by 36 inches, reserving a three-inch binding margin on the left hand side and a one-inch margin on the other three sides. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. The Final Plat shall contain, in addition to the information required by Chapter 177, Florida Statutes, the following:

1. The exact boundary line of the tract.
2. A vicinity map showing the location and acreage of the lands subdivided, in relationship to the Town of Micanopy.
3. The location of all water courses, lakes, and swamps within the subdivided lands and any part of such lands within the flood channel or flood plain as shown on the St. Johns River Water Management District's flood control maps.
4. The building setback lines for each lot and all easements.

#### 10.04 LOT SPLIT

10.04.01. Definition. A "lot split" is the subdivision of a single lot or parcel of land into two lots or parcels, or the reconfiguration of two or more lots or parcels to create no more than two lots or parcels.

- 10.04.02. Submittals. An applicant for a lot split shall submit the following:
- A. An application form provided by the Town.
  - B. Eight paper copies of the proposed lot split.
  - C. A statement indicating whether water and/or sanitary sewer service is available to the property.
  - D. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.
- 10.04.03. Standards. All lot splits shall conform to the following standards:
- A. Each proposed lot must conform to the requirements of this Code including dimensional requirements.
  - B. Each lot shall abut and have access to a public road for the required minimum lot width for the zoning district where the lots are located.
- 10.04.04. Review Procedure. The Town shall prepare a report on the proposed Lot Split and place the application on the next available agenda of the Planning and Historic Preservation Board allowing for proper notice.
- 10.04.05. Recordation. The Town shall keep a record of all approved Lot Splits.
- 10.04.06. Restriction. No further division of the land covered by a lot split shall be permitted under this section. Further subdivision of such land shall be pursuant to the subdivision requirements in this Article.
- 10.04.07. Review of Planning and Historic Preservation Board Decision. Review of the decision of the Planning and Historic Preservation Board on a Lot Split may be requested as provided in herein. If no review is requested, the decision of the Planning and Historic Preservation Board shall be final. It is the intent that such review be a prerequisite to certiorari review by a circuit court.

## 10.5 SPECIAL USE PERMITS

10.05.01 Generally. Where the use regulations of this Code provide that a given use must be authorized by a Special Use Permit, the procedures in this section shall be followed.

10.05.02. Application and Submittals. An applications shall be filed with the Town on a

form available from the Town. In addition, a Site Plan meeting the requirements of this Article shall be submitted, unless the Planning and Historic Preservation Board specifically finds that due to the nature of the special use requested, a site plan is not required.

10.05.03. Review by Planning and Historic Preservation Board. The Town shall place the application on the next available agenda of the Planning and Historic Preservation Board allowing time for notice and staff review of the application. The Planning and Historic Preservation Board, with Town Commission approval, may refer the matter to a consultant engineer or planner for a report on whether the proposal meets the requirements of this Code. The Planning and Historic Preservation Board shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth herein. The Planning and Historic Preservation Board may approve the application, approve the application with conditions, or deny the application.

10.05.04. Standards. The Planning and Historic Preservation Board shall apply the following standards in the review of special permit applications, in addition to any specific standards in this Code for the particular special use:

- A. That the proposed use and associated development is consistent with the Town of Micanopy Comprehensive Plan, and complies with all required regulations and standards of this Land Development Code and other applicable regulations.
- B. That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.
- C. That necessary public infrastructure is available to the proposed site and that the requirements of concurrency management have been fulfilled by the proposed use or development.
- D. That the proposed use or development will have screening and buffers of such dimension, type and character to improve the compatibility and harmony with adjacent and nearby properties.

10.05.05 Review of Planning and Historic Preservation Board Decision. Review of the decision of the Planning and Historic Preservation Board on a Special Use Permit may be requested as provided in herein. If no review is requested, the decision of the Planning and Historic Preservation Board shall be final. It is the intent that such review be a prerequisite to certiorari review by a circuit court.

## 10.06 VARIANCES

10.06.01. Generally

- A. The Planning and Historic Preservation Board may grant a variance from the strict application of any provision of this Code, except where prohibited by state law such

as in the case of use variances and concurrency management.

- B. Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for site plan review or other development approval. A development activity that might otherwise be approved by the Town must be approved by the Planning and Historic Preservation Board if a variance is sought. The variance shall be granted or denied in conjunction with the application for development review.

#### 10.06.02. Procedures

- A. An application for a variance shall be filed with the Town on a form available from the Town.
- B. The Town shall place the application on the next available agenda of the Planning and Historic Preservation Board allowing time for notice and staff review of the application.
- C. The Planning and Historic Preservation Board shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth herein.
- D. The decision of the Planning and Historic Preservation Board on a variance shall be final. Review of the Planning and Historic Preservation Board decision may be sought pursuant to the procedures set forth herein.

#### 10.06.03. Limitations On Granting Variances

- A. The Planning and Historic Preservation Board shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.
- B. The Planning and Historic Preservation Board shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:
  - 1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
  - 2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

- C. In granting a variance, the Planning and Historic Preservation Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

#### 10.07 PROCEDURE FOR AMENDING THIS CODE OR THE COMPREHENSIVE PLAN

10.07.01. State Law Controlling. The procedures in this section shall be followed in amending this Code and the Comprehensive Plan. This section supplements the mandatory requirements of state law, which must be adhered to in all respects.

10.07.02. Application. Any person, board or agency may apply to the Town to amend this Code or the Comprehensive Plan.

10.07.03. Planning and Historic Preservation Board Review and Recommendation. The Planning and Historic Preservation Board shall hold a legislative hearing on each application to amend this Code or the Comprehensive Plan and thereafter submit to the Town Commission a written recommendation which:

- A. Identifies any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.

- B. States factual and policy considerations pertaining to the recommendation.

10.07.04. Decision By Town Commission. The Town Commission shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters properly noticed for hearing.

#### 10.08 ZONING MAP AMENDMENTS

10.08.01. Generally.

- A. The Town Commission may amend the zoning map pursuant to the provisions set

forth in this Section.

- B. An application for a land use map amendment may be filed along with an application for a zoning map amendment, but the land use map amendment must be approved by the Town Commission prior to Town Commission action on the zoning map amendment. If the land use map amendment requires regional or state review, the zoning map amendment approval shall be made contingent upon final approval and adoption of the necessary land use map amendment.

#### 10.08.02. Procedures

- A. An application for a zoning map amendment shall be filed with the Town on a form available from the Town.
- B. The Town shall place the application on the next available agenda of the Planning and Historic Preservation Board allowing time for notice and staff review of the application.
- C. The Planning and Historic Preservation Board shall hold a legislative hearing on the matter pursuant to the procedures set forth herein.
- D. The Planning and Historic Preservation Board shall prepare a written recommendation to the Town Commission with regard to the proposed map amendment.
- E. The Town shall then place the application on the next available agenda of the Town Commission allowing time for notice and any necessary additional staff review of the application. Notice shall be provided as required in Chapter 166, Florida Statutes, and as may be required elsewhere in this Code.
- F. The Town Commission shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth herein.

#### 10.08.03. Standards

- A. The applicant shall have the initial burden of showing by substantial competent evidence that the proposed map amendment is consistent with the Micanopy Comprehensive Plan.
- B. If the applicant shows that the proposed zoning map amendment is consistent with the Town of Micanopy Comprehensive Plan, the Town Commission shall approve the amendment, unless it finds, based on substantial competent evidence, that:
  - 1. The existing zoning map designation is also consistent with the Town of Micanopy Comprehensive Plan; and



2. It is in the public interest to maintain the existing zoning map designation on the property.

## 10.09 PROCEDURE FOR OBTAINING BUILDING PERMITS

- 10.09.01. Application. Application for a Building Permit shall be made to the Town on a form provided by the Town.
- 10.09.02. Certificate of Zoning Compliance. The application shall be acted upon by the Town within ten working days without public hearing or notice. The Town shall determine if the proposed construction and use thereof complies with this Code and other regulations of the Town of Micanopy and, if so, the Town shall issue a Certificate of Zoning Compliance. If the proposed construction and use does not comply, the Town shall inform the applicant as to the reasons for non-compliance and refuse to issue the Certificate of Zoning Compliance.
- 10.09.03. Action by Alachua County Building Department. The applicant may submit the application for building permit and Certificate of Zoning Compliance to the Alachua County Building Department for issuance of the building permit as set forth in the agreement between the Town of Micanopy and Alachua County.
- 10.09.04. Appeal. The decision of the Town to issue or not issue the Certificate of Zoning Compliance may be appealed to the Planning and Historic Preservation Board by filing a Notice of Appeal with the Town Planner within 30 days of the Town's decision. The decision of the Planning and Historic Preservation Board shall be final. Review of the Planning and Historic Preservation Board decision may be sought pursuant to the procedures outlined herein.

## 10.10 QUASI-JUDICIAL HEARINGS

- 10.10.01. Generally. Whenever a quasi-judicial hearing is expressly called for by this Code, or where a decision to be made by a Board or Commission is in fact quasi-judicial in nature, the procedures in this section shall be followed.
- 10.10.02. Burden And Nature Of Proof. The applicant for any development order shall have the burden of proving by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this Code.
- 10.10.03. Order Of Proceedings. The order of proceedings at any quasi-judicial hearing shall generally be as shown in the following table. These procedures may, however, be varied by the Town Attorney or decision-making board to address the particular circumstances of the case.

ORDER	ITEM
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1	The Board or Commission shall determine whether it has jurisdiction over the matter.
2	Members of the Board or Commission shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case.
3	Members of the Board or Commission shall disclose and place on the record any ex parte contacts relating to the matter before the Board or Commission.
4	Introduction of the Petition by the Town
5	Presentation of Applicant's Case
6	Presentation of Staff's Case
7	Presentation of Affected Party's Case
8	Rebuttal by Applicant
9	Rebuttal by Staff
10	Rebuttal by Affected Parties
11	Public Input
12	Deliberation and Vote of Board or Commission
13	Preparation of Final Order
14	Approval of Final Order

10.10.04. Ex Parte Communications. The following ex parte disclosure requirements apply to all quasi-judicial hearings:

- A. A Town employee, elected official, or other person who is or may become a party to a quasi-judicial proceeding shall avoid engaging in ex parte communications with a member of the reviewing board.
- B. If a person engages in an ex parte communication with a member of the reviewing board, the member shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum or verbal statement setting forth the substance of all oral communications received, and all oral responses made.
- C. The foregoing is not meant to inhibit discussions between members of the reviewing board and town staff that pertain solely to scheduling of hearings and other administrative matters unrelated to the merits of the case.

- 10.10.05. Challenges to Impartiality. A party to an administrative or appellate hearing may challenge the impartiality of any member of the board or commission. The challenge shall state by affidavit facts relating to a bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the Town no less than 48 hours preceding the time set for the hearing. The Town shall forward the challenge to the Town Attorney and attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.
- 10.10.06. Disqualification. No member of a hearing body shall hear or rule upon a proposal if:
- A. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
  - B. The decision-maker has a direct private interest in the proposal; or
  - C. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.
- 10.10.07 Effect of Disqualification.
- A. An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.
  - B. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, and making full disclosure of his status and position at the time of addressing the hearing body.
  - C. If the hearing body is reduced to less than a quorum by abstentions or disqualifications, all members present after stating their reasons for abstention or disqualification shall be re-qualified and proceed to resolve the issues.
  - D. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

- 10.10.08. Participation By Interested Staff. No Town of Micanopy officer or employee who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the Board or Commission on the proposal without first declaring for the record the nature and extent of the interest.
- 10.10.09 Time Limits. The chair of the Board or Commission may set reasonable time limits on the presentation of testimony and other evidence, provided that all parties to the proceedings are given adequate time to fully present their cases.
- 10.10.10. Evidence. Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the Board or Commission is inadmissible. The Chair shall make rulings on objections to the relevance and materiality of the examination. A commission member, party, or staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence. During the presentation by the opponents or proponents of an issue before the Board or Commission, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.
- 10.10.11. Cross Examination. All testimony presented by witnesses for any party shall be subject to cross examination, subject to reasonable rules and limitations imposed by the Chair.
- 10.10.12 Findings And Order. Unless the board or commission and the developer agree to an extension, the board or commission shall, within thirty-five days of the hearing, render an order including:
- A. A statement of the applicable criteria and standards against which the proposal was tested.
  - B. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.
  - C. The reasons for a conclusion to approve, conditionally approve, or deny.
- 10.10.13 Record Of Proceedings.
- A. All proceedings shall be recorded stenographically or electronically and shall be transcribed if required for review or if ordered by the Board.
  - B. The Board shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.

- C. The findings and order shall be included in the record.

## 10.11 LEGISLATIVE HEARINGS

- 10.11.01. Generally. Whenever a legislative hearing is expressly called for by this Code, or where a decision to be made by a Board or Commission is in fact legislative in nature, the procedures in this section shall be followed.

- 10.11.02. Notice. Notice that complies with the requirements of this code and state law shall be given.

- 10.11.03. Hearing. The public hearing shall as a minimum:

- A. Comply with the requirements of state law.
- B. Present the Town 's analysis of the proposed decision.
- C. Present the Town 's summary of reports by other agencies.
- D. Permit any person to submit written recommendations and comments before or during the hearing.
- E. Permit a reasonable opportunity for interested persons to make oral statements.

## 10.12 ENFORCEMENT

- 10.12.01. Definitions.

- A. Minor Deviations. A minor deviation is a deviation from a Final Site Plan that falls within the following limits 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:

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

- B. Major Deviations. A major deviation is a deviation other than a Minor Deviation, from a Final Site Plan.

10.12.02. Enforcement of Development Orders and Permits.

- A. The Town Administrator shall implement a procedure for periodic inspection of development work in progress to insure compliance with the relevant approvals by the Town.

- B. If the work is found to have one or more Minor Deviations, the Town shall amend the approval by the Town to conform to actual development. The Town may, however, refer any Minor Deviation that significantly affects the development's compliance with the purposes of this Code to the Planning and Historic Preservation Board for treatment as a Major Deviation.

- C. If the work is found to have one or more Major Deviations, the Town shall:

1. Place the matter on the next agenda of the Planning and Historic Preservation Board, allowing for adequate notice, and recommend appropriate action for the Board to take.
2. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Town determines that work or occupancy may proceed pursuant to the decision of the Planning and Historic Preservation Board.
3. Refer the matter to the Code Inspector, if it appears that the Developer has committed violations within the jurisdiction of the Code Enforcement Board.

- D. The Planning and Historic Preservation Board shall hold a public hearing on Major Deviations referred to it by the Town shall take one of the following actions:

1. Order the developer to bring the development into substantial compliance (i.e. having no or only Minor Deviations) within a reasonable period of time. The relevant approval by the Town may be revoked if this order is not complied with.
2. Amend the relevant approval by the Town to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to

overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.

3. Revoke the relevant approvals by the Town based on a determination that the development cannot be brought into substantial compliance and that the approval granted by the Town should not be amended to accommodate the deviations.

- E. After an approval by the Town has been revoked, development activity shall not proceed on the site until a new approval is granted in accordance with procedures for the original approval.

- 10.12.03. Application For Certificate Of Occupancy. Upon completion of work authorized by a Development Permit or other approval by the Town, and before the development is occupied, the developer shall apply to the Town for a Certificate of Occupancy. The Town shall inspect the work and issue the Certificate if found to be in conformity with the permit or other approval.

- 10.12.04. Other Penalties And Remedies. The Town may pursue the following penalties and remedies, as provided by law.

- A. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Town, through the Town Attorney, may institute an appropriate civil action in any court to prevent, correct, or abate the violation.

- B. Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.

## 10.13 APPELLATE REVIEW

- 10.13.01. Generally. Where provided for in this Article, an aggrieved person may seek review of a final decision of the Planning and Historic Preservation Board as set forth below.

- 10.13.02. Aggrieved person, defined. The following qualify as aggrieved persons for purposes of seeking review of a Planning and Historic Preservation Board decision by the Town Commission:

- A. The applicant; or

- B. A person who resides or owns land within 400 feet of the boundary of the property subject to the decision of the Planning and Historic Preservation Board, and who participated in the hearing before the Planning and Historic Preservation Board by

either submitting written comments into the record or by providing oral comments to the Planning and Historic Preservation Board at the hearing: or

C. A Town Commissioner.

10.13.03. Procedure.

A. An aggrieved person may seek review of a Planning and Historic Preservation Board decision by filing an application for Town Commission review with the Town.

B. The application shall be filed within 20 calendar days of the final hearing at which the challenged decision was made by the Planning and Historic Preservation Board.

C. If the Town finds that the application has been timely filed by an aggrieved person, the matter shall be set for hearing before the Town Commission at the next available meeting allowing for required notice.

D. The Town Commission shall hear the matter de novo and make a final decision based on the evidence presented to the Commission.

10.14 NOTICE

10.14.01. Contents. At a minimum, all notices shall contain the following information:

A. The street address and/or general location of the proposed project. A site location map may be included as appropriate.

B. A description of the proposed development activity and the type of approval sought.

C. The date, time, and location of the hearing.

D. Where additional information may be obtained.

E. The following statement as required by state law: All persons are advised that if they decide to appeal any decision made by the above-referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

10.14.02. Specific Types of Notice.

A. When mailed notice is required in this Code, the notice shall, unless otherwise specifically provided, be sent to the applicant and all property owners within 400



feet of any boundary of the subject parcel as shown on the most current Alachua County Property Appraiser records. The applicant shall provide the mailed notice address labels as part of the application submittal package. The notice shall be mailed not more than thirty calendar days prior to the hearing nor less than ten calendar days prior to the hearing.

- B. When newspaper notice is required, the notice shall appear in a newspaper of general circulation within the Town of Micanopy. The advertisement shall appear once, not more than thirty calendar days prior to the hearing nor less than ten calendar days prior to the hearing.
- C. When site posting is required, the notice shall be posted in at least one conspicuous place on the subject site starting not more than thirty calendar days prior to the hearing nor less than ten calendar days prior to the hearing. Where a parcel has more than one frontage on a public road, a sign shall be posted on each public road frontage.
- D. When bulletin board notice is require, the notice shall be posted at least seven days prior to the hearing on the bulletin board at Town Hall.

10.14.03. Table of Required Notice. Notice shall be provided under this Code as set forth in the Table below, or as set forth for specific matters elsewhere in this Code.

<b>REQUIRED NOTICE</b>		
<b>Site Plan Review</b>		
Concept Review by Planning and Historic Preservation Board	ó ó	Bulletin Board Site Posting
Preliminary Site Plan Review by Planning and Historic Preservation Board	ó ó ó	Bulletin Board Site Posting Mailed Notice
Final Site Plan Review by Planning and Historic Preservation Board	ó	Bulletin Board
Appellate Review by Town Commission	ó ó	Bulletin Board Site Posting
<b>Subdivision Review</b>		
Concept Review by Planning and Historic Preservation Board	ó ó ó	Bulletin Board Site Posting Mailed Notice
Preliminary Plat Review by Planning and Historic Preservation Board	ó ó ó	Bulletin Board Site Posting Mailed Notice

Preliminary Plat Review by Town Commission	<div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting
Construction Plan Review by Planning and Historic Preservation Board	<div> <div> </div> </div>	Bulletin Board
Final Plat Review by Town Commission	<div> <div> </div> </div>	Bulletin Board
<b>REQUIRED NOTICE</b>		
<b>Lot Split</b>		
Review by Planning and Historic Preservation Board	<div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting
Appellate Review by Town Commission	<div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting
<b>Special Permits</b>		
Review by Planning and Historic Preservation Board	<div> <div> </div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting Mailed Notice
Appellate Review by Town Commission	<div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting
<b>Variances</b>		
Review By Planning and Historic Preservation Board	<div> <div> </div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting Mailed Notice
Appellate Review by Town Commission	<div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting
<b>Zoning Map Amendment</b>		
Review by Planning and Historic Preservation Board	<div> <div> </div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting As otherwise required by state law.
Review by Town Commission	<div> <div> </div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting As otherwise required by state law.
<b>Text Amendment to Comprehensive Plan or this Code</b>		
Review by Planning and Historic Preservation Board	<div> <div> </div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting As otherwise required by state law.
Review by Town Commission	<div> <div> </div> <div> </div> <div> </div> </div>	Bulletin Board Site Posting As otherwise required by state law.

10.15           BOARDS AND AGENCIES

10.15.01.       Planning and Historic Preservation Board

- A.           The Planning and Historic Preservation Board is hereby created as a citizen board with seven members to perform the functions as set forth in this Section and elsewhere in the Code. If possible, the Town Commission shall appoint a registered architect to serve as a member on the Board, or to serve as an advisor to the Board.
- B.           Any interested citizen may be appointed by the Town Commission to the Planning and Historic Preservation Board, but those with experience or interest in the field of planning and/or historic preservation shall receive special consideration.
- C.           In addition to the planning-related duties and responsibilities assigned elsewhere in the Code, the Planning and Historic Preservation Board shall have the following functions, powers and duties:
  - 1.           The Board shall obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the Town.
  - 2.           The Town shall serve as staff to the Board, and the Board may request information from any Town department or official. Each department head or official shall supply the requested information or reasonable grounds for unavailability within a reasonable time.
  - 3.           Pursuant to and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, the Board is hereby designated as the Local Planning Agency for the Town and shall perform the functions and duties as prescribed in the Act.
  - 4.           The Board shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the Town Commission that are consistent with the comprehensive plan.
  - 5.           The Town Commission may ask the Board for advice about specific land use issues and policies.
  - 6.           The Board shall keep the Commission and the general public informed and advised on the land use policies of the Town.
  - 7.           The Board shall conduct public hearings to gather information

necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code.

8. The Board may make or obtain special studies on the location, condition and adequacy of specific facilities of the Town, including housing, commercial and industrial facilities, parks, playgrounds, beaches and other recreational facilities, schools, public buildings, public and private utilities, transportation and parking.
9. The Board shall review Redevelopment Plans prepared under Chapter 163, Part III, Florida Statutes.
10. The Board shall perform other lawfully assigned duties.

D. In addition to historic preservation-related duties and responsibilities assigned elsewhere in the Code the Planning and Historic Preservation Board shall have the following functions, powers and duties:

1. Update the official inventory of cultural resources and submit to the Town Commission recommendations and documentation concerning the updating.
2. Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.
3. Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archeological, and cultural resources.
4. Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.
5. Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.
6. Advise the Town Commission concerning the effects of local governmental actions on cultural resources.

7. Review and recommend sites, buildings, structures, objects, and districts, both public and private, for listing on the Local Register of Historic Places.
8. Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this Code.
9. Notify the Town who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this Code.

10.15.02. Tree Preservation Committee

- A. The Tree Preservation Committee is hereby established as a citizen board and shall consist of three residents of the Town of Micanopy, who shall be recommended by the Mayor and approved by the Town Commission.
- B. Notice of any application for authorization to remove a tree shall be provided to the members of the Tree Preservation Committee. The Tree Preservation Committee shall be provided with a reasonable opportunity to comment to the permitting authority prior to the issuance of the proposed development activity.

10.15.03. Citizen Boards in General. All citizen boards created to administer this Code shall be governed by the following provisions:

- A. Each member shall be appointed to a three (3) year term.
- B. When a position becomes vacant before the end of the term, the Town Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- C. Members may be removed without notice and without assignment of cause by a majority vote of the Town Commission.
- D. The members of each board shall annually elect a chair and vice chair from among the members and may create and fill other offices as the board deems needed.
- E. Each board shall create whatever subcommittees it deems needed to carry out the purposes of the board. The chair of the board shall annually appoint the membership of each subcommittee from the members of the board.
- F. The Town Commission shall appoint a Town employee to serve as secretary to each board.

- G. Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the Town Commission.
- H. The Town Commission shall appropriate funds to permit each board to perform its prescribed functions.
- I. If any member fails to attend three successive meetings the Board shall declare the member's office vacant and notify the Town Commission.
- J. Each board may adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other Town ordinances, and state law.
- K. Each board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- L. A majority of the current members of the board shall constitute a quorum.
- M. Each decision of a board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.