TOWN OF SHALIMAR
LAND DEVELOPMENT
CODE (LDC)

Land Development Code

April 12, 2016
Updated on November 26, 2018
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TOWN OF SHALIMAR LAND DEVELOPMENT CODE

CHAPTER 1 GENERAL PROVISIONS

1.00.00 REFERENCES ON CONTENT

1.00.01 Purpose and Intent

A. The primary purpose of this Land Development Code (LDC) is implementation of the Town of Shalimar Comprehensive Plan.

B. This LDC is further intended to accomplish the following secondary purposes:

1. Protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, and general welfare;

2. Guide and accomplish coordinated and harmonious development in accordance with the existing and future needs of the Town;

3. Conserve the value of land, buildings, and resources, and protect property owners from potential adverse impacts of proposed developments;

4. Protect the character and maintain the stability of residential, business, recreation, and public areas;

5. Control and regulate the growth of the Town, concentrating the more intense development in areas of high capability, and limiting development in areas of low capability;

6. Direct and control the type, distribution, and intensity of development;

7. To be equitable, in terms of consistency, with established regulations and procedures, respect the rights of property owners while taking into consideration the interests of all the citizens of the Town.

8. Promote aesthetics in the use and development of land.

1.01.00 TITLE

This code shall be known as and entitled the "Town of Shalimar Land Development Code" and may be referred to as the "LDC."

1.02.00 AUTHORITY

This LDC is enacted pursuant to the requirements and authority of Chapter 163, Part II, F.S., Chapter 166, F.S., and Chapter 177, F.S.
1.03.00 APPLICABILITY

1.03.01 Generally

Except as otherwise provided in this LDC, the use of any parcel of land, or any structure, or any combination thereof, within the corporate limits of the Town shall be in conformance with the requirements of this LDC.

1.03.02 Exceptions

Previously approved projects that are identified as exempt from the provisions of this LDC are exempt only to the extent of the previous approval and are exempt from the provisions of this LDC only to the extent that such provisions are inconsistent with the prior, unexpired approval. Specific requirements regarding existing, valid development orders and permits are set forth in Chapter 9 Administration Procedures herein.

1.04.00 ADMINISTRATIVE RESPONSIBILITY FOR IMPLEMENTATION

1.04.01 Town Administrator

The Town Administrator is the chief administrative official of the Town. For the purposes of this LDC, the Town Administrator is assigned to administer, interpret, and implement the standards, criteria, and procedures of this LDC where other specific staff positions within the Town have not been designated for such action.

The Town Administrator is the staff person designated to issue development orders, approve Technical Review Board compliance reports, authorize administrative waivers, and other actions required for implementation of this LDC. The Town Administrator may assign some or all of the development administration duties and responsibilities to a designee, as necessary. That designee shall then be responsible for agendas for Boards identified in the Section 1.06.00 Boards herein.

1.04.02 Floodplain Administrator

The Town Administrator shall serve as the Floodplain Manager required to administer and implement the floodplain management regulations set forth in Chapter 3 Environmental and Floodplain Management herein. As required by Federal Emergency Management Agency (FEMA), the Floodplain Administrator shall have the following duties:

A. Review building permits to ensure sites are reasonably safe from flooding;
B. Review all building permits to ensure that the permit requirements of Section 3.05.00 Floodplain Management herein have been satisfied;
C. Require copies of additional Federal, State, or building permits, especially as they relate to environmental permitting for development activity to be submitted along with the building permit application and maintain such permits on file with the development permit;
D. Notify adjacent cities and counties, the Florida Division of Emergency Management, State Floodplain Management Office, the Northwest Florida Water Management District, FEMA,
and other Federal and/or State agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

E. Notify FEMA within six (6) months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and floodplain management requirements will be based on current data;

F. Ensure that the flood-carrying capacity of the Town within the altered or relocated portion of any watercourse is maintained;

G. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new and substantially improved buildings, in accordance with Section 3.05.00 Floodplain Management herein;

H. Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved buildings have been flood-proofed, in accordance with Section 3.05.00 Floodplain Management herein;

I. Review certified plans and specifications for compliance. When flood proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building including attendant utilities and sanitary facilities below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Section 3.05.00 Floodplain Management herein;

J. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the floodplain administrator shall make the necessary interpretation;

K. When base flood elevation data and floodway data have not been provided in accordance with Section 3.05.00 Floodplain Management herein, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, in order to administer the provisions of Section 3.05.00 Floodplain Management herein;

L. Coordinate all change requests to the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), and Flood Boundary and Floodway Map (FBFM) with the requester, State, and FEMA;

M. Where base flood elevation is utilized, obtain and maintain records of lowest floor and flood proofing elevations for new construction and substantial improvements in accordance with Section 3.05.00 Floodplain Management herein.

1.05.00 INTERPRETATIONS

1.05.01 Generally

A. In interpreting and applying the provisions of this LDC, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the community.
B. In interpreting and applying the provisions of this LDC, all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the Town and shall not be construed to limit or repeal any other powers granted to the Town under State law.

C. It is not intended by this LDC to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties. However, private parties are not permitted from and after the date of this LDC, to abrogate its provisions by private agreement between themselves.

D. Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.

E. Where provisions of this LDC conflict with other regulations, the more stringent restrictions shall be applied.

F. Where written text and illustrations are in conflict, the written text shall govern.

G. The rules for interpretation of Statutes generally shall apply to the interpretation of this Code. Other provisions throughout this Code and other development Ordinances and Codes may also be used to interpret the language in this Code where ambiguity would otherwise exist.

**1.05.02 Responsibility for Interpretation**

A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this LDC, the Town Administrator or the designee shall be responsible for interpretation. In the interpretation of this LDC, the Town Administrator or the designee shall be guided by the requirements of the Comprehensive Plan.

B. Responsibility for interpretation by the Town Administrator shall be limited to standards, regulations, and requirements of this LDC, and shall not be construed to include interpretation of any technical codes adopted by reference in this LDC. Interpretation shall not be construed to override the responsibilities given to any commission, board, or official named in other sections or chapters of this LDC.

**1.05.03 Rules for Interpretation of Boundaries**

Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the rules set forth in this section shall apply.

A. Where such district boundaries are indicated as approximately following section or quarter section lines, street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.

B. In un-subdivided property or where a district boundary divides a lot, the location of such boundary, unless the boundary is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.

C. Where a district boundary divides the area of a lot unequally, the district classification and regulations of the larger portion shall apply to the remaining smaller portion of the lot.
D. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

E. In case any further uncertainty exists, the Town Commission shall interpret the intent of the official zoning map as to the location of such boundaries.

1.05.04 Rules of Construction

The rules of construction set forth in the Town of Shalimar General Ordinances shall apply to the provisions set forth in this LDC.

1.05.05 Days; Computation of Time

Where the number of days set forth in this LDC is seven (7) or less, the word “day or days” shall mean business day. Any number of days greater than seven (7) will mean calendar days, which will include weekends and holidays.

1.06.00 BOARDS

1.06.01 Generally

A. The Town Commission has established the Technical Review Board and the Planning and Zoning Board for the purpose of implementing the provisions of this LDC.

B. All procedures pertaining to matters before these Boards are set forth in Chapter 8 Variations from Standards in the LDC and Chapter 9 Administrative Procedures of this LDC.

C. The Town Commission shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of these Boards and shall also establish a schedule of fees to be charged by the Board. To accomplish the purposes and activities authorized by this LDC, the Board, with the approval of the Town Commission and in accordance with the fiscal practices and auditing requirements thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, official acceptance of loans and grants must be approved by the Town Commission.

D. The Boards may, subject to the approval of the Town Commission, consider and, within the financial limitations set by appropriations made or other funds available, employ such experts, technicians, and staff as may be deemed proper and establish their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the Board.

1.06.02 Technical Review Board

The Technical Review Board (TRB) is hereby established, organized, and empowered as stated in this LDC. The Board has primary responsibilities for preliminary development review as outlined herein. The Technical Review Board shall be comprised of three permanent members: the Streets and Grounds Commissioner, the Chairman of the Planning and Zoning Board, and the Town Administrator.
1.06.03 Requirements for the Planning and Zoning Board

The Planning and Zoning Board is established, organized, and empowered as stated in this LDC. The Board may engage in planning operations within its jurisdiction that is or will be coterminous with the political boundary of the Town.

A. The Planning and Zoning Board shall consist of five members appointed by the Mayor and approved by the Town Commission all of who must reside within the Town limits. *Ex officio* members in addition to the regular voting members are representatives of the following agencies and shall be included as non-voting members on the Local Planning Agency (reference Section 1.06.04 Planning and Zoning Board herein) when such agency appoints a representative:
1. Okaloosa County School Board;
2. Eglin Air Force Base;
3. Hurlburt Field.

B. The members of the Planning and Zoning Board shall be appointed for staggered terms of four years each by the Mayor, and may be reappointed for consecutive terms. The Town Commission is authorized to remove any member from the Planning and Zoning Board for cause after written notice and a public hearing. The Town Commission is authorized to remove a member from the Planning and Zoning Board that misses three (3) consecutive meetings and will be considered to have resigned unless member shows good cause why that presumption should not apply. Any vacancies occurring during the unexpired term of office of any member shall be filled by the Town Mayor. Such vacancies shall be filled within 30 days after the vacancy occurs.

C. The Planning and Zoning Board Chairperson shall be appointed by the Town Mayor, and a Vice-Chairperson shall be elected by the Planning and Zoning Board from among its members. The Town Administrator or designee shall serve as Secretary for the Planning and Zoning Board.

D. When required, a public hearing may be held during a regular or special meeting, provided that notice has been given in accordance with the requirements set forth in Section 9.04.00 Notice Requirements herein.

1. When a public hearing is a quasi-judicial hearing, the hearing shall comply with the requirements set forth in Section 9.06.00 Quasi-judicial Hearings herein.
2. If there is no business scheduled for a regular meeting prior to the deadline for applications, the Chairperson may cancel the regularly scheduled meeting provided that the public notice consistent with this LDC, and the Boards and Town Commission policies and procedures are met.
3. The Planning and Zoning Board shall meet at such times as the Chairperson or Board may determine. The Bylaws adopted by the Planning and Zoning Board shall reflect the schedule of regular meetings; the manner in which notice shall be given; date; time; place; and the subjects to be discussed; as well as the method of calling meeting to order and conducting special meetings. A simple majority of the total membership shall constitute a quorum. After a quorum has been established, a simple majority of that
quorum can transact any official business. All meetings of the Planning and Zoning Board shall be open to the public.

E. Quorum and voting

1. A simple majority in attendance of the Planning and Zoning Board shall constitute a quorum.
2. A quorum shall be required for a board to take action and transact business.
3. All actions shall require a simple majority of the members present and voting at a meeting or hearing.
4. A member who is present shall vote unless the member discloses that a conflict of interest exists and files appropriate documentation with the Town Administrator acting as the Board Secretary and Town Clerk.

F. Rules of Procedure

The Board shall take actions and transact business in conformity with the provisions of applicable State law. The Board may adopt additional rules of procedure as needed.

G. Records

1. The Town Administrator or designee shall be responsible for support to the Board; including recording any decision made by the Board and entering it into the minutes of the meeting or hearing.
2. All records shall be public records as set forth by applicable State law.
3. The Board shall keep a record of meeting minutes and decisions, including recommendations, resolutions, findings, and determinations, providing required notices, providing notices of vacancies to the Town Commission, providing notices of absences per Section 1.06.03 (C), and other such support as may be required for the appropriate conduct of Board business.
4. The word “Records” shall include all submissions, surveys, applications, and other papers in any way related to any issue that comes before the Board, Administrative Official, or the Town Commission. Every record shall be inscribed with a legend that will state the person by whom it was presented and the date of this presentment. The Administrative Official may require that oversize records be also submitted in digital format.

H. Compensation

All Board members serve without compensation. However, where travel is required by the Town Commission, travel expenses shall be paid in accordance with Town policy for travel reimbursement.

1.06.04 Planning and Zoning Board (Local Planning Agency, LPA)

The Planning and Zoning Board shall have the general responsibility for the oversight of the comprehensive planning program. Specifically, the Planning and Zoning Board will serve as the Local Planning Agency (LPA) required by Section 163.3174, F.S. for the following:
A. Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the Town Commission regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the Town Commission, the Planning and Zoning Board shall hold at least one public hearing, with due public notice, on the proposed plan or plan amendment. The Town Commission in cooperation with the Planning and Zoning Board may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the Town Commission shall be the responsibility of the Planning and Zoning Board;

B. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Town Commission such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by Chapter 163, F.S.;

C. Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the Town Commission as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the Planning and Zoning Board is serving as the land development regulation commission or the Town Commission requires review by the Planning and Zoning Board acting as the local planning agency and the land development regulation commission;

D. Serve as the accredited representative of the Town Commission for the purpose of reviewing and/or approving plats as provided for in Chapter 163, F.S. and Chapter 177, F.S. where so designated by the Town Commission in this LDC and procedures for subdivision and plat approval;

E. Serve as the approval authority for the following activities which apply only to single family residential development (Planning and Zoning Board activities receiving less than a unanimous vote will be forwarded to the Town Commission with the Board recommendation):
   1. Dimensional variances;
   2. Applications for permits and variances concerning docks, piers, seawalls and riprap;
   3. Variances relating to tree ordinances;
   4. Variances pertaining to satellite dish and radio and television antenna;
   5. Swimming pool variances;
   6. Fence variances;
   7. Permits and variances for accessory structures.

F. Perform any other functions, duties, and responsibilities assigned to it by the Town Commission or by general or special law such as the following:
   1. Initiate, review, hear, consider, and make recommendations to the Town Commission to approve, approve with conditions, or deny applications to amend the text, Future Land Use Map, or other portions of the Comprehensive Plan;
   2. Initiate, review, hear, consider, and make recommendations to the Town Commission to approve, approve with conditions, or deny applications to amend the text of this LDC;
3. Initiate, review, hear, consider, and make recommendations to the Town Commission on
applications to rezone land and applications for approval of a Planned Unit Development;
4. Prepare studies, recommendations, plans, or other documents as may be requested by the
Town Commission;
5. Review, consider, and render decisions regarding applications to expand or modify
benign nonconformities;
6. Review, consider, and render decisions regarding applications for variances;
7. Review, consider, and render decisions regarding appeals of administrative decisions.

1.06.05 Board of Adjustment (BOA)

The Town Commission serves as the Board of Adjustment for the Town. All meetings of the
BOA should be Quasi-judicial.

1.07.00 DOCUMENTS REFERENCED

The Town may publish and maintain documents, codes, and checklists which are adopted to
facilitate compliance with this LDC.

1.08.00 ACRONYMS AND DEFINITIONS

1.08.01 List of Acronyms

ADA  Americans with Disabilities Act
AASHTO  American Association of State Highway and Transportation Officials
CCCL  Coastal Construction Control Line
CRA  Community Redevelopment Agency
CEB  Code Enforcement Board
DBH  (dbh) Diameter at breast height (54”)
DO  Development Order
DRI  Development of Regional Impact
EPA  Environmental Protection Agency
ERP  Environmental Resource Permit
FAA  Federal Aviation Administration
FAC  Florida Administrative Code
FBC  Florida Building Code
FBFM  Flood Boundary and Floodway Map
FCC  Federal Communications Commission
FDEP  Florida Department of Environmental Protection
FDOT  Florida Department of Transportation
FEMA  Federal Emergency Management Agency
FIS  Flood Insurance Study
FIRM  Flood Insurance Rate Map
FLUM  Future Land Use Map
FS  Florida Statutes
ITE  Institute of Transportation Engineers
LDC Land Development Code
LPA Local Planning Agency as defined by 163.3174, F.S.
LOS Level of Service
NGVD National Geodetic Vertical Datum
PUD Planned Unit Development
ROW Right-of-Way
USACOE United States Army Corps of Engineers

1.08.02 List of Defined Terms

Words used in this LDC shall be construed according to the common meaning as defined in a standard dictionary, such as the *Merriam-Webster Collegiate Dictionary*, *Oxford English Dictionary* or other source, such as *A Planner’s Dictionary*, *The Florida Building Code*, or the *Florida Statutes and FEMA NFIP*. Words defined in this section have the meaning provided when used in this LDC.

A

Access: A way or means of vehicular or pedestrian approach to provide physical entrance to a property.

Accessory dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a principle dwelling, whether part of the same structure as the principle dwelling or a detached dwelling. Accessory dwellings may be called helpers quarters, guest quarters, mother-in-law suites, granny flats, or other similar terms, all having the same meaning as “accessory dwelling.”

Accessory use or building: A subordinate use or building customarily incident to the principle building or use and is on the same lot or parcel of ground as the principle building or use.

Adverse effects: Any modifications, alterations, or effects to waters, associated wetlands, or shore lands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses that are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

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 that may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Animated Sign: A sign that flashes, moves, or otherwise changes at intervals more frequently than once each six (6) seconds.

Appeal: A request for a review of the Flood Plain Administrator interpretation of any provision of this LDC.

Aquifer: An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield usable quantities of water.
Archaeological site: A property or location that has yielded or may yield information on the Town's and local area's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features indicating the past use of a location by people.

Arena, auditorium, or stadium: An open, partially enclosed, or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

Artisan studio: A workplace for a person skilled in an applied art.

As-built plans: The amended site development plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

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.

Awning Sign: Any sign attached to, in any manner, or otherwise made a part of any awning or awning-like structure that projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

B

Banner Sign: A sign constructed of cloth, paper, or other non-rigid material, with or without frames, and secured at both ends. Flags are not banners.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC] 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]

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

Bench Sign: Any sign painted on or attached to a bench.

Billboard or off-premise sign: Any sign which provides information of any kind concerning any activity that takes place on property other than that where the sign is located.

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

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Building Height: Building height is the overall height of a building from finished grade to the highest point of the roof line for all types of roofing architectural styles.

Building Official: The officer or other designated authority charged with the administration and enforcement of the current Florida Building Code, or a duly authorized representative [also defined in FBC].
**Building permit:** An official document issued by the Town of Shalimar that authorizes construction, building, or similar activities approved by the appropriate Town authority. This document authorizes the applicant to undertake development activities related to all construction, tree removal or alteration of existing structures.

**Changeable copy Sign:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

**Clearing:** The removal of trees and brush from a substantial part of the land but shall not include mowing of grass.

**Coastal construction control line:** The line, established by the State of Florida pursuant to section 161.053, F.S. and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal high hazard area:** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

**Commercial sign:** Any sign related primarily to the economic interests of the owner or lessee of such sign and its readers.

**Commercial vehicle:** Any vehicle whether motor-driven or towed, and used, constructed, or equipped for the transportation of goods, wares, merchandise, tools, or equipment in a trade, commerce, or industry. The following vehicles shall be excluded from the effect of this LDC: Passenger vehicles including station wagons, SUVs, and vehicles constructed for recreational purposes or other noncommercial purposes, vehicles used by governmental agencies for official business, and vehicles that are or may be required to be similarly identified by State or Federal law.

**Computation of time:** In computing any period of time prescribed or allowed by ordinance, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. (State law reference— Computation of time, Florida Rules of Civ. Proc., Rule 1.090(a).)

**Copy:** The linguistic or graphic content of a sign.

**Copy area:** The advertising sign face or display surface area encompassed within any sign. Each surface area of a multiple-faced sign will be counted for total square foot measurement—not to exceed 200 square feet in all cases.

**Corner lot:** A lot abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than 135 degrees.
**Cottage industry**: The creation or assembly of products in a home-based setting rather than a factory.

**Cross-access**: A vehicular and/or pedestrian connection between abutting properties that permits the exchange of trips between the two adjacent sites without the need to use the public street system.

**Cultural or historic resource**: Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. The properties may include, but are not limited to, monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof relating to the history, government, and culture of the Town, the state, or the nation.

**D**

**Dedication**: The deliberate appropriation of land by its owner for any general and public use, reserving to such owner no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

**De minimis**: A matter so minor as to be disregarded.

**Density**: Number of residential dwelling units per acre.

**Design flood**: The flood associated with the greater of the following two areas [also defined in FBC]:

A. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

B. 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 Town’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].

**Detention**: The collection and storage of surface water for subsequent controlled discharge at a rate less than the rate of inflow.

**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.

**Development Agreement**: A document complying with the requirements of Section 163.3220 - .3243, F.S.

**Development Order**: Any order granting, denying, or granting with conditions, any official action of the Town having the effect of allowing or denying the development or use of land.
Direct hydrologic connection: A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Directional Sign: A sign located on premises to identify exits, entrances, driveways, or off-street parking.

Discharge or discharge point: The point of outflow of water from a project, site, aquifer, drainage basin, or facility.

Double frontage lot: A lot having two (2) non-adjointing property lines abutting upon a street.

Drainage: Surface water runoff; the removal of surface water or groundwater from land by drains, grading, or other means which include runoff controls.

Drip line: The outer perimeter of the crown of a plant or tree.

Dwelling: An independent habitable unit including facilities for living, sleeping, sanitation to include toilet, sink, and permanent bathing unit, and cooking.

Dwelling, duplex: A single building containing two (2) contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

Dwelling/multi-family: A structure containing three (3) or more dwelling units attached to each other by walls, garages, carports, utility rooms, breezeways, etc. or conventional dwelling units, whether attached or detached from each other, sharing a single deeded lot. Or each dwelling unit of the multiple family structures may be on separately deeded lots. Multifamily dwellings include structures commonly called garden apartments, apartments, and condominiums.

Dwelling/single-family: A structure containing a single dwelling unit, detached from other dwelling units by horizontal or vertical space with no connection provided by walls, garages, carports, utility rooms, breezeways, etc.

E

Easement: An interest in land owned by another which entitles its holder to a specific use or enjoyment.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Elevation (geography): Vertical distance to a point or object from sea level or some other datum, as specified within this LDC.

Elevation (structures): A drawing showing the vertical elements of a building, either exterior or interior, as a direct projection to a vertical plane.

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 July 27, 1976 [also defined in FBC].
**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 July 27, 1976.

**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).

**Ex parte:** An oral and/or written communication with a decision-maker regarding an application for development approval that occurred prior to the quasi-judicial hearing at which the decision-maker is to consider such application. An ex parte communication includes a private site visit to the property that is the subject of the application for development approval.

F

**Façade:** That portion of a building encompassing the area extending in a generally vertical plane from the ground to the highest point of the building, marquee, or canopy and extending in a horizontal plane between the vertical ends of the structure.

**Façade sign:** A sign serving also as a surface of a building and presenting a false, superficial or artificial appearance or effect.

**Farmers market:** A group of vendors principally involved in the sale of locally produced and grown fruits, vegetables, meats, prepared foods, and art and crafts.

**Finished floor elevation:** The top of a floor surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction measured from the mean sea level.

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

**Flag:** A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two (2) corners.

**Flashing sign:** Any sign which displays an intermittent, flashing or varying intensity light source, or which includes or gives the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Changing signs, as defined in this section, are not classified as flashing signs.

**Flood or flooding:** A general and temporary condition of partial or complete inundation of normally dry land from [also defined in FBC]:

A. The overflow of inland or tidal waters.

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

**Flood damage-resistant materials:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair [also defined in FBC]:

**Flood hazard area:** The greater of the following two areas [also defined in FBC]:
A. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

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

**Flood Insurance Rate Map (FIRM):** The official map of the Town on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the Town [also defined in FBC].

**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].

**Floodplain Administrator:** The Town Administrator position is designated by the Town Commission and charged with the administration and enforcement of the provisions of Section 3.01.00 Environmentally Sensitive Lands and Habitats of this LDC (the Town Administrator is also the Floodplain Administrator).

**Floodplain development permit or approval:** An official document or certificate issued by the Town, 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 Section 3.05.00 Floodplain Management herein.

**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 a one (1) foot [also defined in FBC].

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

**Floor:** The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor area ratio (FAR):** A measurement of the intensity of development on a site. The floor area ratio is the relationship between the total floor area of all buildings on a site and the gross site area. The FAR is calculated by adding together the floor areas of all floors and dividing this total by the gross site area. FAR = Total building floor area divided by total lot area in square feet.

**Florida Building Code (FBC):** The current 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.

‘For Sale’ sign. See real estate sign. Also, for condominiums, appropriate signs may be affixed to an existing pole or other sign that is used primarily for the condominium identification.

**Frontage:** The length of the property line of any one (1) premises parallel to and along a public right-of-way, excluding alleyways.
**Functionally dependent use:** A use that 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.

**G**

**Grade:** The established average level of ground exclusive of mounds and berms.

**Ground Sign:** A sign that is supported by one (1) or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

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

**H**

**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 resource:** Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, architectural interiors, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the Town.

**Historical site:** Any place, building, or district of historical, architectural or archaeological significance or value that has been officially identified in the National Register of Historic Places, or by the State Division of Archives, History and Records Management, or by the Town.

**Historic structure:** Any structure that is determined eligible for the exception to the flood hazard area requirements of the current *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

**I**

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

**Impervious surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots, and similar structures.

**Incidental sign:** A sign restricted to incidental information, such as: credit cards accepted, services offered or trade affiliations; offers of trading stamps or coupons accepted.

**L**
Land: The earth, water, air, above, below, or on the surface.

Landmark: A building, structure, or location of architectural, archaeoological, or historic significance to the Town of Shalimar and meets one (1) or more of the criteria for designation. A landmark may include an historical site which was the location of a significant historical event. References to landmarks shall include any or all designated landmarks, landmark sites, and archaeological sites.

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:

A. 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;

B. 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;

C. 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 Town’s floodplain management regulations;

D. 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:

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

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

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

Lot: The latest fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified. The word "lot" shall include the words "plot," "parcel," or "tract."

Lot depth: The distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot/interior: A lot other than a corner lot, and abutting one (1) street.
**Lot line:** A line that marks the boundary of a lot.

**Lot width:** The horizontal distance between the side lot lines measured at the median point between the foremost point and the rearmost point of the side lot lines.

**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, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the current Florida Building Code or ASCE 24 [also defined in FBC].

**Manufactured/modular building:** A structure fabricated in an offsite manufacturing facility for installation or assembly as a finished building or as part of a finished building on the building site. This shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures. The building must bear an insignia of approval certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of 1979.

**Manufactured home:** For purposes of floodplain management, structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than 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 section 320.01, F.S.].

**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**Marina:** Shall mean any commercial facility having ten (10) or more slips or moorage spaces (inclusive) for vessels.

**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 herein, 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.

**Marquee sign:** A sign affixed or inherent with the structure of metal, glass, canvas or other appropriate material projecting over and from points of ingress or egress of a building or other structure.

**Mean high water:** The average height of the high waters over a nineteen (19) year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19) year value.

**Mean high-water line:** The intersection of the tidal plane of mean high water with the shore.
Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this LDC, the term is synonymous with national geodetic vertical datum (NGVD).

Micro irrigation (low volume): The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro irrigation encompasses a number of methods or concepts including drip, subsurfaces, bubbler, and spray irrigation, previously referred to as trickle, low volume, or low flow irrigation.

Mobile home: A structure fabricated prior to June 15, 1976, and transportable in one (1) or more sections, which is eight (8) feet or more in width and which is built on an integral chassis and designed to be used as a one-family dwelling when connected to the required utilities.

Monument Sign: A sign which is attached to a self-supporting structure and is not attached or affixed in any way to a building or other structure.

Multiple-faced sign: A sign consisting of more than one face affixed to a single-support device or structure.

National Geodetic Vertical Datum (NGVD) (as corrected in 1929): A vertical control used as a reference for establishing varying elevation within the floodplain.

New construction: For the purposes of administration of Section 3.01.00 Environmentally Sensitive Lands and Habitats Chapter 3 herein and the current Florida Building Code, structures for which the “start of construction” commenced on or after July 27, 1976, 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 July 27, 1976.

Nonresidential: Any building or structure or portion thereof that is not classified residential in accordance with the current Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24 [also see definition in ASCE 24].

Off-premise sign: see Billboard sign.

Owner: The person in whom is vested the fee ownership, dominion, or title of property.

Parcel: A unit of land within legally established property lines.

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters
when connected to utilities necessary for operation of installed fixtures and appliances [defined in section 320.01, F.S.].

**Planned Unit Development (PUD):** A parcel or combination of contiguous parcels designed and developed as a single, integrated unit rather than as an aggregate of individual lots or buildings, with design flexibility from the development standards applicable to the zoning district.

**Plat:** A map or drawing depicting the division of lands and lots, blocks, parcels, tracts, or sites, and streets.

**Pole Sign:** A sign affixed to a pole or standard in the ground. See ground sign.

**Political sign:** A temporary sign identifying and urging voter support for or opposition to a particular issue, political party or candidate for public office. These signs are limited to four square feet or less.

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

**Portable Sign:** A sign affixed to any object that because of integral wheels or tracks has the capability of moving or being moved and a sign that is designed or constructed such that the sign has the capability of moving or being moved for freestanding display.

**Premises:** A parcel of land consisting of a lot, tract, parcel, other unit, or combinations thereof, recorded in the public records of Okaloosa County.

**Principal use of building:** The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be occupied or maintained.

**Projecting Sign:** A sign attached to and supported by a building or other structure and which extends at any angle therefrom.

**R**

**Real estate Sign:** A sign on premises that are offered for sale or lease.

**Recreational vehicle:** A vehicle, including a park trailer, which is [defined in section 320.01, F.S.]:

A. Built on a single chassis;

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

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

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

**Retention:** The collection and storage of water runoff without subsequent surface discharge to surface waters.

**Right-of-way (ROW):** Land dedicated, deeded, used or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress, egress, or other purpose.
Roof Sign: A sign erected over or on the roof, or extending above the roof line, which is dependent upon the roof, parapet or upper walls of any building, or portion thereof, for support.

Runoff: Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Safety sign: A sign intended to prevent danger or harm.

Sand dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sandwich or Sidewalk Sign: A moveable sign not secured or attached to the ground constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top.

Sign: Any writing, pictorial presentation, number, illustration, or decoration, banner or pennant, or other device which is used to announce direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

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

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

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

Sketch plan: An informal plan indicating the salient existing features of a site and its surroundings, and the general layout of a proposed development.

Snipe Sign: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on any public road rights-of-way, easements, or alleys.

Special flood hazard area: An area in the floodplain subject to a one (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.

Start of construction: The date of issuance of permits for new construction and substantial improvements, 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, or 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, 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]

**Structure:** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. “Structure” also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. Specifically excluded from the definition of “structure” are canvas or vinyl covers up to 120 square feet in area.

**Subdivision:** Putting together two or more lots of record, or the division of existing lots or parcels into three or more other parcels shall be treated as a subdivision.

**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 exceeds fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC]

**Substantial improvement:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (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]

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

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

**Temporary Sign:** An attached on-premises sign made of non-rigid materials and intended to be displayed for a limited time period.

**Use:** The specific purpose, activity, or function for which land, a building, a lot, a sign, or a structure is intended, designated, arranged, occupied, or maintained.

**Variance:** A grant of relief from the requirements of Section 3.05.00 Floodplain Management herein, or the flood load and flood resistant construction requirements of the current Florida Building Code, which permits construction in a manner which would not otherwise be permitted by this LDC or the current Florida Building Code.

**Vehicle Sign:** A sign affixed to or painted on the surface of a transportation vehicle, including automobiles, trucks, boats, and trailers.
**Wall Sign:** A sign affixed to or painted upon the wall or window of a structure and the subject of which advises of an activity carried on within the structure.

**Waterbody or surface waterbody:** Any natural or artificial pond, lake, reservoir, or other area that ordinarily or intermittently contains water and has a discernible shoreline.

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

**Waters of the State:** Includes, but is not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters.

**Water's edge or wetland's edge:** The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

A. The boundary established by the average annual high water mark;
B. The landward boundary of hydric soils;
C. The landward boundary of wetland vegetation, based on the wetland vegetation index.

**Water use zone:** A grouping of sprays, sprinklers, or micro irrigation emitters so that they can be operated simultaneously by the control of one (1) valve according to the water requirements of the plants used.

**Wetlands:** Areas saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a dominance of vegetation adapted for life in saturated soil conditions. Wetlands covered in this LDC shall include the following:

A. Areas within the dredge and fill jurisdiction of the State Department of Environmental Protection;
B. Areas within the jurisdiction of the U.S. Army Corps of Engineers, as authorized by section 404, Clean Water Act of section 10, River and Harbor Act;
C. Areas within the jurisdiction of the Northwest Florida Water Management District;
D. Areas identified by the state natural areas inventory.

**Window Sign:** A sign affixed or applied to the exterior of a window, or located on the inside of a window or within ten (10) feet of a window or enclosed structure, and which is visible from the street or building exterior through a window or other opening.

**Y**

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided in this LDC.

**Yard, front:** The yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.
Yard, rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, side: An open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, side facing a street: An open unoccupied space on the same lot measured between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard along the side street.
### TABLE OF HISTORICAL NOTES AND REFERENCES

<table>
<thead>
<tr>
<th>Section that was changed</th>
<th>Ordinance or Resolution that authorized the change(s)</th>
<th>Date the change(s) went into effect</th>
</tr>
</thead>
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<tr>
<td>Minor Corrections to all of Chapter 1</td>
<td>Resolution 2017-015</td>
<td>05/09/2017</td>
</tr>
<tr>
<td>1.06.04</td>
<td>Ordinance 2017-04, number 1</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>1.08.02</td>
<td>Ordinance 2017-04, number 2</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>1.08.02</td>
<td>Ordinance 2018-03, number 1</td>
<td>12/12/2017</td>
</tr>
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</table>
CHAPTER 2 ZONING DISTRICTS AND USES

2.00.00 GENERALLY

2.00.01 Purpose and Intent

It is the intent of this chapter to describe the zoning districts and permissible uses of land within the Town. Zoning Districts are established to implement the Comprehensive Plan and to meet the following purposes:

A. Protect and promote health, safety, and the general welfare. Encourage the most appropriate use of land throughout the Town;

B. Conserve the value of land and structures;

C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

D. Provide adequate light and air;

E. Secure, protect, and promote health, safety, and the general welfare safety from fire, panic and other dangers;

F. Lessen congestion in the streets and encourage energy efficient land use patterns;

G. Avoid undue concentration of population;

H. Encourage greenhouse reduction strategies.

2.00.02 Official Zoning Map

Zoning districts and zoning district boundaries are hereby established and declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the map designated the "Official Zoning Map of the Town of Shalimar, Florida.” The Official Zoning Map is on file in the Town of Shalimar, Town Hall. Such map and all notations, references and other information shown thereon are as much a part of this chapter as if the information set forth thereon was fully described and set out in this section.

The Town of Shalimar Official Zoning Map includes PUD Overlays as approved and adopted by the Shalimar Town Commission.
2.01.00 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

The Town is divided into zoning districts as listed below:

2.01.01 Residential Districts

A. R-1 - Residential Single-family Low Density Zoning District

The low density residential zoning district is established to provide for single-family homes in traditional residential neighborhoods. The R-1 zoning district is limited to single-family homes with accessory uses and structures customarily associated with residential development. Accessory dwelling units may be permissible when standards for such uses can be met, including lot sizes and compatibility standards.

The maximum R-1 density is one (1) to five (5.0) dwelling units per gross acre.

B. R-2 - Residential Single-family - Low to Medium Density Zoning District

The low to medium density residential zoning district is established to provide for single-family homes in traditional residential neighborhoods. The R-2 zoning district is limited to single-family homes with accessory uses and structures customarily associated with residential development. Accessory dwelling units may be permissible when standards for such uses can be met, including lot sizes and compatibility standards.

The maximum R-2 density is one (1) to eight (8.0) dwelling units per gross acre.

C. R-3 - Residential Multi-family Low to Medium Density Zoning District

The multi-family residential zoning district is established to provide locations for single-family detached, single-family attached and multi-family structures. All styles of housing are permissible: single-family dwellings, duplex and triplex structures, townhouse structures, apartments, and other styles of multi-family development. Accessory dwelling units may be permissible when standards for such uses can be met, including lot sizes and compatibility standards. Accessory uses and structures in this district may include onsite amenities, such as recreation facilities, carports, garages, storage buildings, parking lots, transit stops, and community buildings.

The maximum R-3 density is one (1) to fifteen (15.0) dwelling units per gross acre.

2.01.02 Mixed Use (MU) District

A. MU-1 - Mixed-use One (1) (MU-1) Zoning District

The mixed-use (1) zoning district is established to provide for a wide variety of land uses, including single-family housing attached and detached, multifamily structures, live-work units, commercial and office uses, artisan studios, and cottage industries. Accessory uses for residential developments include onsite amenities, such as recreation facilities, carports, garages, storage buildings, parking lots, transit stops, and community buildings. Accessory uses for nonresidential developments include such onsite amenities as parking lots, parking structures, storage buildings, or transit stops. Open space in the form of plazas and courtyards may be provided. Waterfront locations may include accessory uses such as docks, boardwalks, or facilities for direct water access to support water dependent uses. Uses within
the MU-1 zoning district may be mixed within one (1) parcel or lot and may be mixed within one (1) building.

The maximum MU-1 density is one (1) to fifteen (15.0) dwelling units per gross acre. The maximum floor area ratio (FAR) shall be .74 FAR per gross acre. The target mix of uses within the district shall be approximately 40% commercial, 50% residential, and 10% open space. See Table 2.01.02 Minimum and Maximum Uses Within the MU-1 Land Use Category for minimum/maximum use ratios.

Table 2.01.02 Minimum and Maximum Uses Within the MU-1 Land Use Category

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential and Live Work</td>
<td>30%</td>
<td>60%</td>
</tr>
<tr>
<td>Commercial Retail, Office</td>
<td>30%</td>
<td>60%</td>
</tr>
<tr>
<td>Open Space</td>
<td>10%</td>
<td>60%</td>
</tr>
<tr>
<td>Civic</td>
<td>Optional</td>
<td></td>
</tr>
<tr>
<td>Educational, Cultural</td>
<td>Optional</td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td>Optional</td>
<td></td>
</tr>
</tbody>
</table>

B. MU-2 Mixed Use Two (2) (MU-2) Zoning District

The Mixed-Use 2 zoning district is established to provide for a limited variety of land uses, including single-family housing attached and detached, multifamily structures, live-work units, office uses and cottage industries. Accessory uses for residential developments include onsite amenities, such as recreation facilities, carports, garages, and storage buildings. Uses within the MU-2 zoning district may be mixed within one (1) parcel or lot and may be mixed within one (1) building.

The maximum MU-2 density is one (1) to eight (8) dwellings per gross acre. The maximum floor area ratio (FAR) shall be .74 FAR per gross acre. There is no target mix of uses; however, 10% minimum open space is required.

2.01.03 Mix of Uses Within the MU-1 Land Use Category

The general type of use identified in Table 2.01.02 Minimum and Maximum Uses Within the MU-1 Land Use Category will be provided in the MU-1 land use category. It is intended that the implementation of the minimum and maximum amount of development shall be evaluated for the entire MU-1 land use category and shall not be applied within a zoning district or development. Percentages should be based on available floor space.

2.01.04 Public Lands and Commercial Districts

A. PL - Public Lands Zoning District

The public lands zoning district is established to provide for civic, cultural, municipal services and structures, educational facilities and activities, and other government operations.
and facilities necessary for public health, safety, and welfare. The public lands district uses include recreation and open space that is established to provide locations for passive recreation uses such as passive parks, open spaces, and areas designated for protection, such as water bodies, shorelines, and habitats for protected species. The maximum floor area ratio (FAR) for public lands and facilities shall be .74 per gross acre.

B. C - Commercial Zoning District

The commercial zoning district is established to provide for business offices, a wide range of retail and wholesale establishments, including shopping centers, grocery stores, automobile service stations, marinas, personal service uses, day care, light repair such as small appliances, small equipment, jewelry, shoes, computers and small electronic equipment, family entertainment and hospitality uses, restaurants, lodging facilities, medical facilities and uses, commercial or trade schools, civic or cultural uses, vehicle sales and rentals, vehicle repair, commercial parking in lots or structures, parks and recreation, and similar activities. Uses may be limited by location due to impacts and compatibility issues. Accessory uses and structures include parking lots and structures, plazas, courtyards, transit stops, and may include employee support facilities such as fitness centers, day care centers, or cafeterias. Prohibited uses include manufacturing, distribution centers, or similar industrial activities. Residential uses are prohibited, except that one (1) onsite caretaker dwelling may be permissible by special exception. The maximum floor area ratio (FAR) for commercial uses and facilities shall be .74 per gross acre.

2.01.05 Zoning District Comparison to Future Land Use Categories

A. The Future Land Use Map of the Comprehensive Plan establishes allowable land uses within the Town. The zoning districts set forth within this LDC must be consistent with the Future Land Use Map. Any rezoning of land must maintain this consistency.

B. From time to time it is necessary to assign a zoning district to land due to annexation or to assign a new zoning district in a rezoning action. The following criteria shall be applied to the determination of the appropriate zoning district:

1. Whether the requested zoning district is consistent with the Town Comprehensive Plan and the Future Land Use Category;

2. Whether the uses within the requested zoning district are compatible with the uses in adjacent zoning districts. Compatibility is determined by considering scale of use; intensity of use as determined by floor area ratio and impervious surface coverage; hours of operation; impacts from noise in parking lots or structures; noise from outdoor gathering places (recreation areas, plazas, courtyards); noise from outdoor speakers; noise from commercial activity; lighting from parking lots or structures and vehicles; and security lighting. Compatibility shall consider the range of allowable uses on parcels adjacent to the proposed rezoning parcel and the typical impacts for those uses;

3. Whether the requested use is substantially more intense or less intense than allowable development on adjacent parcels. The range of uses permissible according to the land use
category and zoning district on the adjacent parcels is the basis for determination. The existence of a nonconforming use on adjacent parcels which is substantially more or less intense than the requested zoning shall not establish the sole reason for denial of the requested zoning;

4. Whether the requested use is based on soil types, topography, protection of natural resources, and protection of established and stable residential subdivisions.

2.02.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS

2.02.01 Generally

The purpose of overlay districts is to provide a means of modifying the site design and development requirements applicable to the underlying zoning district(s).

2.02.02 Waterfront Overlay District (Reserved)

2.03.00 LAND USES PERMISSIBLE IN EACH ZONING DISTRICT

2.03.01 How to Read the Table of Permissible Uses in Each Zoning District

A. The letter “P” indicates that the land use is permissible, subject to compliance with the standards of the zoning district.

B. The letter “SE” indicates that the land use is permissible, subject to a Special Exception approval process as identified in Section 9.01.00 Procedures for Review and Decision Making herein and subject to compliance with the standards of the zoning district.

C. The letters “SS” indicates that the land uses are subject to the Supplemental Standards specified for the use. Supplemental standards are contained in Section 4.01.02 Residential Design Standards, Section 5.02.03 Roadside and Mobile Vendors, and Section 5.04.00 Supplemental Standards for Specific Uses herein.

D. All uses approved as Permitted (P), Special Exception (SE), or Supplemental Standards (SS) are subject to all other requirements of the Land Development Code.

E. An empty cell indicates the use is prohibited.

F. Any use that is not identified in Table 2.03.02 Accessory Uses and Structures in Each Zoning District is prohibited unless it is found to be substantially similar by the Town Administrator or designee.

1. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.02. Examples of characteristics to be considered include the following:
   a. Typical hours of operation;
   b. Use of outdoor storage;
   c. Trip generation rates;
d. Generation of noise, light pollution, odor, smoke, electromagnetic interference, or vibration;

e. Customary activities associated with the use:

f. Compatibility with surrounding zoning.

2. A requested use shall be consistent with the Comprehensive Plan.

3. A requested use shall be consistent with the purposes of the zoning district applicable to the parcel.

4. The administrative interpretation of uses shall be subject to appeal, as set forth in Chapter 8 Variations From Standards herein.

Table 2.03.02 Accessory Uses and Structures in Each Zoning District

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>MU-1</th>
<th>MU-2</th>
<th>Public Lands</th>
<th>Commercial</th>
<th>Working Waterfronts Overlay (Reserved)</th>
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<td>Single-Family Dwelling</td>
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<td>Duplex or Triplex</td>
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<td>Multifamily Structure</td>
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<tr>
<td>Manufactured Home</td>
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<td>SS</td>
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<td></td>
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<tr>
<td>Adult Entertainment Establishments</td>
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<td>SE, SS</td>
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<td>Alcohol Package Store, no consumption on premises</td>
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<td>Animal hospital or veterinary clinic</td>
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<td>Arena, amphitheater, outdoor performance area</td>
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<td>Artisan studio</td>
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<td>ATM kiosk</td>
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<td>Bait and tackle shop</td>
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<td>Barber, beauty salon, nail salon, aesthetician, skin care salon, and similar</td>
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<td>Bed and breakfast lodging</td>
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<td>Building materials, building supply, enclosed lumber yards</td>
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<td>Building materials, outdoor storage, onsite lumber processing</td>
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<td>Business support services, such as copying, mailing, printing, private mail services</td>
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<td>Car wash or detailing facility</td>
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<td>Cemetery</td>
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<td>Community center, club, or lodge</td>
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<td>Cultural facility, such as a library, museum, or gallery</td>
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<td>Daycare (child), nursery school, kindergarten, or pre-school</td>
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<td>Day care, adult</td>
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<td>Distribution centers, include warehousing, dispatch offices, and vehicle yards</td>
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<td>Drug stores and pharmacies</td>
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<td>Dry storage for watercrafts</td>
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<td>Essential public services</td>
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<td>Farmers markets, outdoor sales, roadside vendors</td>
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<td>Financial institutions, banks, credit unions, brokerages</td>
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<td>Food stores, specialty, such as bakeries, candy, ethnic groceries, catering services</td>
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<td>Freight and moving companies</td>
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<td>Fuel / gasoline station, may include convenience store, restaurant, automotive supplies, but not repair</td>
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<td>Funeral homes, mortuaries, crematoria</td>
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<td>Garden, community or neighborhood</td>
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<td>Golf course</td>
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<td>Grocery store, supermarket</td>
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<td>Group home, congregate living facility and similar uses</td>
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<td>Hospital</td>
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<td>Hotels, motels, inns and similar lodging facilities</td>
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<td>Ice vending machine</td>
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<td>Kennel with outdoor runs</td>
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<td>Kennel, no outdoor runs</td>
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<td>Landscaping materials, plants, stone, mulch, gravel, supplies, greenhouse, and nursery yards</td>
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<td>Laundry facility, self-service</td>
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<td>Lounge, bar, or nightclub</td>
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<td>Marinas, including fuel, supplies, docking, boat ramps</td>
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<td>Offices, general, includes offices for trades or construction</td>
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<td>Personal services, such as jewelry repair, shoe repair, tailoring, dry cleaning pickup center</td>
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<tr>
<td>Professional offices, accounting, government operations, legal services, bookkeeping, realtors, brokers, insurance, etc.</td>
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<td>Public service facilities such as fire stations, emergency services, or public works, includes vehicle storage and maintenance</td>
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<td>Recreation, indoor, such as pool, bowling, game rooms, video arcades</td>
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<td>Recreation, indoor, intense, such as skating rinks, indoor shooting range, indoor kart tracks, and similar</td>
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<td>Recreation, outdoor, active, such as sports fields, courts, playgrounds</td>
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<tr>
<td>Recreation, outdoor, intense, such as go-karts, miniature golf, lighted courts and fields, water slides, boat ramps, and similar amusements</td>
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<td>Recreation, outdoor, passive, such as picnic areas, trails, open spaces, includes botanical gardens</td>
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<td>Religious facility</td>
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<td>Zoning Districts</td>
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<td>Repair shops, small equipment, small appliances</td>
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<td>Restaurants, indoor, enclosed outdoor seating, without drive-up windows (alcohol sales require SE)</td>
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<td>Restaurants, drive-up or drive through and fast food</td>
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<tr>
<td>Retail shops, freestanding or within centers, include department stores or specialty shops, such as art, antiques, furniture, florist, appliances, jewelry, books, electronic media, office supplies, automotive supplies, etc.</td>
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<td>Schools, academic, charter, public or private</td>
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<td>Schools, business, commercial, trade, vocational</td>
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<td>Self-storage facilities</td>
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<td>Stone, granite, monument sales</td>
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<td>Studios for personal instruction, such as music, dancing, art, or photography</td>
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<td>Tattoo and body piercing Shops</td>
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<td>Bus, transit stop</td>
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<td>Theaters, movie or performing arts</td>
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<td>Towers, radio, TV, telecommunication</td>
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<td>Utility facilities, such as water towers, treatment plants, public wells</td>
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<td>Vehicle repair, body shop</td>
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<td>Vehicle sales and rentals, including automobiles, trucks, and motorcycles</td>
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<td>Vehicles, watercraft rentals</td>
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<td>Vehicles, storage yards</td>
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</tbody>
</table>
2.03.02 Accessory Uses and Structures in Each Zoning District

A. The letter “P” indicates the use is permissible as an accessory use subject to compliance with the standards for accessory uses set forth in Section 5.01.00 Accessory Uses and Structures in Chapter 5 herein.

B. The letter “SE” indicates the accessory use is permissible, subject to a Special Exception approval process as identified in Section 9.01.00 Procedures for Review and Decision Making in Chapter 9 herein and subject to compliance with the standards of the zoning district.

C. The letters “SS” indicates the accessory use is subject to the Supplemental Standards specified for the use. Supplemental standards are contained in Section 5.01.00 Accessory Uses and Structures and Section 5.04.00 Supplemental Standards for Specific Uses in Chapter 5 herein.

D. All uses approved as Permitted (P), Special Exception (SE), or Supplemental Standards (SS) are subject to all other requirements of the Land Development Code.

E. An empty cell indicates the use is prohibited.

2.03.03 Change of Use Requirements

A. A request to change the permissible use of a parcel of land or structure shall be considered according to the procedures established in Section 8.01.04 Change of Use in Chapter 8 herein.

B. A change of the permissible use of a parcel of land or structure shall meet the following criteria:

1. The requested use is permissible according to Table 2.03.02, Permissible Uses in Each Zoning District;

2. When the requested use has greater impacts than the existing use it shall be established only in compliance with the following site design and development standards:

   a. Parking, loading, handicapped access, stacking lanes, or driveway standards set forth in Chapter 6 Standards for Transportation, Access, Parking, and Loading herein;

   b. Landscaping and buffering requirements set forth in Section 4.08.00 Standards for Landscaping, Buffers, and Tree Protection in Chapter 4 herein;

   c. Level of service standards set forth in Section 9.03.00 Concurrency Requirements in Chapter 9 herein;
d. Impervious surface coverage standards for the applicable zoning district are set forth in Sections 4.01.00 Development Standards in Residential Districts in Chapter 4 herein through Section 4.04.00 Development Standards for the Recreational and Open Space Uses Allowed in the Public Lands Zoning District in Chapter 4 herein;

e. Compatibility with surrounding zoning.

3. The requested use does not require exterior building alterations, except that such alterations may be permissible in compliance with applicable building, fire, and life and safety codes;

4. The requested use can be granted a new Certificate of Occupancy.
### CHAPTER 2 TABLE OF HISTORICAL NOTES AND REFERENCES

<table>
<thead>
<tr>
<th>Section that was changed</th>
<th>Ordinance or Resolution that authorized the change(s)</th>
<th>Date the change(s) went into effect</th>
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<tr>
<td>Minor Corrections to all of Chapter 2</td>
<td>Resolution 2017-015</td>
<td>05/09/2017</td>
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CHAPTER 3 ENVIRONMENTAL AND FLOODPLAIN MANAGEMENT

3.00.00 GENERALLY

3.00.01 Purpose and Intent

The purpose of this chapter is to protect the existing natural resources in the Town. These standards preserve the natural environment and protect wildlife habitat and migration corridors.

3.00.02 Applicability

The standards in this chapter shall apply to all new development and redevelopment within the Town, except for development on lots of record that were approved for single-family residential use prior to the effective date of this LDC.

3.01.00 ENVIRONMENTALLY SENSITIVE LANDS AND HABITATS

3.01.01 Wetlands and Shoreline Protection

A. The natural function of wetlands within the Town shall be protected. Potential wetlands are identified in the Comprehensive Plan data and analysis; however, final delineation shall be established by an independent survey conducted in accordance with the methodology set forth in the Florida Statutes.

1. Wetlands shall not be removed, altered, or destroyed, except where permitted and mitigated as required by the Florida DEP, NFWWMD, and the U.S. Army Corps of Engineers.

2. A de minimus exemption may be granted by the Florida DEP, NFWWMD, and the U.S. Army Corps of Engineers.

3. Where an applicant is exempt from permitting requirements of the NFWWMD, State of Florida, or the U.S. Army Corps of Engineers, the Town shall determine whether a building permit is required to protect the natural function of wetlands. The building permit requirements are set forth in Chapter 9 Administrative Procedures herein.

B. Creation of Shoreline Protection Zone and Setbacks required.

1. In order to protect and preserve the natural functions of all seagrass beds and water bodies, a shoreline protection zone is hereby created. The Shoreline Protection Zone shall begin landward of the mean high water line and is defined as a 30-foot buffer which extends landward 30 feet. This buffer zone shall consist of preserved and protected native vegetation, including canopy, understory, and ground cover. If there is no native vegetation on the site, a planted vegetative buffer shall be required upon development of the site.

2. Principal buildings and all accessory buildings, including supporting site development, shall be prohibited within the 30 foot Shoreline Protection Zone.

C. Permitted uses and activities in the Shoreline Protection Zone.
Native vegetation located within the required setback on estuarine shorelines shall be protected. Where removal of native vegetation is permissible, replacement of such native vegetation may be required. Permitted uses and activities must comply with the supplemental standards for the specific situation as outlined in Section 5.01.00 Accessory Uses and Structures in Chapter 5 herein of this LDC.

Permitted uses and activities authorized in the shoreline protection zone are those which are compatible with the protection and conservation of the areas. The following uses are permissible:

1. Marinas;
2. Piers;
3. Boardwalks;
4. Walking trails;
5. Riprap, but not shoreline armoring;
6. Installation of buoys or other aids to navigation;
7. Fences where no fill activity is required and where navigational access will not be impaired by construction of the fence;
8. Bridges, both pedestrian and vehicular;
9. Minor maintenance or emergency repair to existing structures or improved areas;
10. Bulkheads and seawalls shall be permitted only to stabilize previously disturbed shorelines, to replace deteriorated existing bulkheads and seawalls, or to construct a new seawall no more than 150 feet in length or length that will connect with adjacent lots that have existing seawalls at the time of adoption of the comprehensive plan. Rip-rap shall be placed at the toe of all new or replaced bulkheads and seawalls. Also, bulkheads and seawalls shall be permitted only if the applicant for a bulkhead or seawall has obtained all necessary state and/or federal permits;
11. Where wet moorage is offered for boats which have holding facilities for sewage, or where other recreational vehicles are allowed to stay overnight, then pump-out, holding, or treatment facilities shall be provided by the developer for sewage and other wastes, including bilge, contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and/or vehicles;
12. Any other development activity which is determined by the Town Administrator or designee to be water dependent or water related may be allowed.

D. Residential Development

All residential development shall be set back from the landward boundary of the Shoreline Protection Zone.

1. Total impervious surface is limited to 50 percent for principal and accessory structures. Buildings, houses, parking lots, garages, accessory buildings, driveways, pools, and walkways are all included in the impervious surface calculation of 50 percent of the land area of the entire site.
2. The residential development shall leave a minimum of 18 percent of the site as native trees, shrubs, or other natural vegetation, or replace existing native trees at a minimum ratio of 2:1.

3. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the Shoreline Protection Zone or water body to prevent erosion and siltation.

E. Shoreline Enhancement

All persons constructing elevated boardwalks on property located within the shoreline protection zone shall include in their boardwalk plans, provisions to enhance, restore, and re-vegetate the shoreline protection zone.

F. Prohibitions

The following activities, unless specifically allowed, shall be prohibited within the shoreline protection zone:

1. Construction of buildings and structures, except for permitted minor structures;
2. Removal of vegetation;
3. Planting of vegetation except for replacement of native vegetation species suitable for shoreline stabilization;
4. Point source and nonpoint source discharges, except for stormwater, which may be discharged only if it meets the state standards and minimum standards contained in this LDC;
5. Piers, docks, or walkways located over submerged land which is vegetated with seagrasses except as necessary to reach waters at a depth of one foot below the lowest point of the boat, including the motor, at mean low tide. Boring to set pilings is allowed. However, any material removed must be disposed of at an upland site intended for this purpose. Unless vessel access would be prohibited, docking terminus shall not be located over submerged vegetation areas, such as seagrass beds;

3.01.02 Habitat Protection

A. This section provides standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the Town. It is the intent of this section to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered, or special concern plant and animal species.

B. Areas subject to the standards of this section shall be those identified in the Comprehensive Plan data and analysis as habitat for rare and endangered species, threatened species, or species of special concern.

C. A habitat management plan shall be prepared as a prerequisite to the approval of any development proposed on a site containing areas subject to this section. The habitat management plan shall be prepared by an ecologist, biologist, or other related professional. The plan shall document the presence of affected species, the land needs of the species that
may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.

D. A site development plan for a site containing protected habitat shall not be approved except in compliance with the guidance for habitat protection set forth by State of Florida wildlife management agencies. Where land is set aside as protected habitat, such land shall be adjacent to existing viable habitat, a wetland, floodplain, or wildlife corridor, except when such locations are not available.

E. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.

F. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within 30 days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.

G. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate (sand).

H. If no natural vegetation exists, strips of buffer vegetation shall be planted between development activities and the shoreline protection zone. Buffers shall be a minimum of ten feet wide and shall be composed of native species.

3.02.00 WELLHEAD PROTECTION

3.02.01 Purpose and Intent

The purpose of this section is to safeguard the health, safety, and welfare of the citizens of the Town. Standards are described in this section with the intent of protecting both the quantity and quality of the potable water supply. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

3.02.02 Wellhead Protection Area

A. A 500-foot wellhead protection area is established surrounding the wellhead of existing and new wells drawing water from the Floridian aquifer to supply potable water for public consumption. The following development activities are prohibited within the wellhead protection area:
   1. Landfills;
   2. Facilities for the bulk storage, handling, or processing of materials on the Florida substance list;
   3. Activities that require the storage, use, handling, production, or transportation of restricted substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.;
   4. Feedlots or other concentrated animal facilities;
   5. Wastewater treatment plants, percolation ponds, and similar facilities;
6. Mines;
7. Excavation of waterways or drainage facilities which intersect the water table;
8. Drainage wells and sinkholes for storm water disposal where recharge is into potable water aquifers.

B. A 200-foot wellhead protection area is established surrounding the wellhead of existing and new wells drawing water from the sand and gravel aquifer to supply potable water for public consumption. All development activity is prohibited within this wellhead protection area.

3.03.00 AIR QUALITY

3.03.01 Compliance with State and Federal Regulations

To protect and enhance the air quality of the Town, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida DEP. In all cases the strictest of the applicable standards shall apply. No person shall operate a regulated source of air pollution without a valid operation permit.

3.03.02 Testing Required

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

3.04.00 HISTORICAL AND ARCHAEOLOGICAL RESOURCES

3.04.01 Applicability

The requirements of this section pertain to all structures and sites with identified historical or archaeological significance as determined by listing on the Florida Master Site File or the National Register of Historic Places. No previous sites have been identified in the Town’s Comprehensive Plan data and analysis.

3.04.02 Survey Requirements

A. Where a proposed development is located on a protected historical or archaeological site, a survey shall be conducted by a State of Florida qualified archaeologist or similar expert. The survey shall contain recommendations on methods of preservation, protection, or mitigation of resources on the site. The survey shall be submitted along with the application according to the submittal, review, and decision making procedures set forth in Chapter 9 Administrative Procedures herein. Any proposed development shall be consistent with the findings and recommendations contained in the survey.

B. Where previously unidentified historical or archaeological resources are unearthed during site preparation, excavation, construction, or development activity on a site, development shall be suspended and the Town shall be notified. The Town shall determine if a survey is required.
3.05.00 FLOODPLAIN MANAGEMENT

3.05.01 Title & Intent

These regulations shall be known as the Floodplain Management Ordinance of the Town of Shalimar, hereinafter referred to as “this section.” Definitions specific to implementation of this Floodplain Management Ordinance are located in Section 1.08.00 Acronyms and Definitions in Chapter 1 of this LDC.

A. Scope

The provisions herein 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 current 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.

B. Intent

The purposes of this section and the flood load and flood resistant construction requirements of the current 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:

1. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. 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;
4. 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;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
8. 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.

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

D. Warning

The degree of flood protection required by this section and the current *Florida Building Code* 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 FIS and shown on the FIRM and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by FEMA, requiring the Town of Shalimar 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.

E. Disclaimer of Liability

This section shall not create liability on the part of the Town Commission of Shalimar 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.

### 3.05.02 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 Shalimar as established in Section 3.05.02 (C) Applicability of this section.

C. Basis for establishing flood hazard areas

“The Flood Insurance Study for Okaloosa County, Florida and Incorporated Areas” dated December 6, 2002 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRMs), 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 the Shalimar Town Hall at 2 Cherokee Road, Shalimar, FL.

D. Submission of additional data to establish flood hazard areas

To establish flood hazard areas and base flood elevations, pursuant to Section 3.05.05 Site plans and Construction Documents herein of this code, 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:
1. 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 a flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the current Florida Building Code;

2. Are above the closest applicable base flood elevation, the area shall be regulated a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

E. Other laws
The provisions of this section shall not nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions
This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this 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.

G. 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;
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.05.03 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 3.05.07 Variances and Appeals herein.

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. Review applications to determine whether all necessary permits and approvals have been obtained from any federal, state, or local agencies from which prior or concurrent approval is required;

8. Approve floodplain development permits or approvals for development other than buildings and structures that are subject to the current Florida Building Code, including buildings, structures and facilities exempt from the current Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance;

9. 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. Substantial improvement and substantial damage determinations

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Building Official of Okaloosa County working with the Town Floodplain Administrator 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; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement”, 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 current Florida Building Code and this section is required.

E. Modifications of the strict application of the requirements of the current Florida Building Code

The Building Official shall review requests submitted that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the current Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 3.05.07 Variances and Appeals herein of this code.

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 3.05.06 Inspections herein of the code for development that is not subject to the current Florida Building Code, including buildings, structures, and facilities exempt from the current Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development has commenced 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. Establishing procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to part (D) of Section 3.05.03 Duties and Powers of the Floodplain Administrator of this code;

2. Requiring that applicants proposing alteration of a watercourse notify adjacent cities and counties 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. Requiring 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 six (6) months of such data becoming available;

4. Reviewing required design certifications and documentation of elevations specified by this section and the current Florida Building Code to determine that such certifications and documentations are complete;

5. Notifying FEMA when the corporate boundaries of the Town of Shalimar 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 current *Florida Building Code*, including Flood Insurance Rate Maps (FIRMs); Letters of Map 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 current *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 current *Florida Building Code*. These records shall be available for public inspection at the Shalimar Town Hall, 2 Cherokee Road, Shalimar, FL, and at the Okaloosa County Administration Building.

3.05.04 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 current *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 current *Florida Building Code*, including buildings, structures and facilities exempt from the current *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.

C. Buildings, structures, and facilities exempt from the current *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 current *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with a railroad;
2. Non-residential farm buildings on farms, as provided in section 604.50 *FS*;
3. Temporary buildings or sheds used exclusively for construction purposes;
4. Mobile or modular structures used as temporary offices;
5. 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 in the Town;

6. 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, and other non-wood features.

7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site of preassembled and delivered on site and have walls, roofs, and floor constructed of granite, marble, or reinforced concrete;

8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

9. Structures identified in Section 553.73(10), 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.

D. 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 3.05.05 Site Plans and Construction Documents herein;

5. State the valuation of the proposed work;

6. Be signed by the applicant or the applicant's authorized agent;

7. Give any such other data and information as required by the Floodplain Administrator.

E. 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 current Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. 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.

G. 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 ordinance, regulation or requirement of this community.

H. 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 Northwest Florida 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. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.;
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. Federal permits and approvals.

3.05.05 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 Section 3.05.05 (B) (2) or (3) of this code;
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 Section 3.05.05 (B) (1) of this code;
4. Location of the proposed activity, proposed structures, and locations of existing buildings and structures. If applicable in coastal high hazard areas, new buildings shall be located 30 feet landward of the reach of mean high tide;

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. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable;

8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection;

9. 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. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. 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;

3. Where base flood elevation data are not available from another source, where the available data are deemed by the Floodplain Manager 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 include 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 that two (2) feet.

4. 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 Section 3.05.05 (D) of this code 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, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH;

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 Section 3.05.05 (D) of this code;

4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage. In the Town of Shalimar this would include any proposed impacts to natural elevations in Zones AE and VE.

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.

3.05.06 Inspections

A. General
Development for which a floodplain development permit or approval is required shall be subject to inspection.

B. 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.

C. Buildings, structures and facilities exempt from the current Florida Building Code

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the current Florida Building Code to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.

D. Buildings, structures and facilities exempt from the current 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 current Florida Building Code, or the owner’s authorized agent, shall submit to the Floodplain Administrator:

1. 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;

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 3.05.05 (B) (3) (b) herein of this code, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner’s authorized agent.

E. Buildings, structures, and facilities exempt from the current Florida Building Code, final inspection

As part of the final inspection, the owner or owner’s authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in (D) of Section 3.05.06 Inspections herein.

F. Manufactured homes

The Building Official 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 Building Official.

3.05.07 Variances and Appeals

A. The Town of Shalimar Commission, acting as the Board of Adjustment, 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 Town of Shalimar Commission acting as the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from
the strict application of the flood resistant construction requirements of the current Florida Building Code. This section does not apply to Section 3109 of the current Florida Building Code, Existing Building.

B. Appeals

The Board of Adjustment 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 Board of Adjustment may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on authority to grant variances

The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in (G) of Section 3.05.07 Variances and Appeals of this code, the conditions of issuance set forth in (H) of Section 3.05.07 Variances and Appeals of the code, and the comments and recommendations of the Town Administrator or designee acting as the Town Floodplain Administrator and the Okaloosa County Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

D. 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 3.05.05 (C) herein of this code.

E. 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 current Florida Building Code, Existing Building, Chapter 12 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 current Florida Building Code.

F. 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 3.05.07 (D) herein, 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.

G. Considerations for issuance of variances

In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the current 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;
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.

H. Conditions for issuance of variances

Variances shall be issued only upon:

1. Submission by the applicant, showing 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 Board of Adjustment 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 ordinances;
   c) The variance is the minimum necessary, considering the flood hazard, to afford relief and shall not affect the Town’s standing with the Community Rating System Program rating nor the Town’s participation in the National Flood Insurance Program.

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Okaloosa County Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land.

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.

3.05.08 Violations

A. Violations

Any development that is not within the scope of the current 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 of this section. 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 current 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 current 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.

3.05.09 Flood Resistant Development – Buildings and Structures

Design and construction of buildings, structures and facilities exempt from the current Florida Building Code. Pursuant to Section 3.05.04 (C) herein of this code, buildings, structures, and facilities that are exempt from the current 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 current Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 3.05.15 Flood Resistant Development – Other Development herein of this code.

3.05.10 Flood Resistant Development – 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;

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;

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 3.05.05 (B) (1) herein of this code;

3. Compliance with the site improvement and utilities requirements of Sections 3.05.11, 3.05.12, 3.05.13, 3.05.14, and 3.05.15 of this code.

3.05.11 Flood Resistant Development – Site Improvements, Utilities, and Limitations

A. Minimum requirements

   All proposed new development shall be reviewed to determine all of the following:

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;

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, Florida Administrative Code and the American Society of Civil Engineers 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 re-grading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 3.05.05 (C) (1) herein of this code 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 current Florida Building Code.

F. Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard area, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 3.05.05 (C) (1) of this code demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 3.05.15 (H) (3) of this code.

3.05.12 Flood Resistant Development – 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. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements. New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

B. Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance the foundation requirements of the current Florida Building Code, Residential Section R322.2 and this section. Foundations for manufactured homes subject to Section 3.05.12 (D) of this code are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the current Florida Building Code, Residential Section R322.3 and this
section. The Town of Shalimar’s FEMA Flood Zone FIRM Map only depicts X, AE and VE Zones.

C. Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices that 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 Section 3.05.12 (E) or (F) of this code, as applicable.

E. General Elevation Requirement

Unless subject to the requirements of Section (D) of this code, all manufactured homes that are placed, replaced, or substantially improved on sites located:

1. outside of a manufactured home park or subdivision;
2. in a new manufactured home park or subdivision;
3. in an expansion to an existing manufactured home park or subdivision; or
4. 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) or Section R322.3 (Zone V).

F. Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to (E) of this section of this code, 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:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the current Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.

G. Enclosures

Enclosed areas below elevated manufactured homes shall comply with the requirements of the current Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

H. Utility equipment
Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, shall comply with the requirements of the current Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

### 3.05.13 Flood Resistant Development – 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 Section 3.05.13 (A) of this code for temporary placement shall meet the requirements of Section 3.05.12 Flood Resistant Development – Manufactured Homes herein of this code for manufactured homes.

### 3.05.14 Flood Resistant Development – 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 Section 3.05.14 (C) herein of this code shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high 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;
2. Not be permitted in coastal high hazard areas (Zone V).

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;

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

3.05.15 Flood Resistant Development – 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 current Florida Building Code, shall:

1. be located and constructed to minimize flood damage;

2. meet the limitations of Section 3.05.11 (D) herein of this code 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;

5. have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, 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 3.05.11 (D) herein of this code.

C. Retaining walls, sidewalks, and driveways in regulated floodways

Retaining walls, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.05.11 (D) herein of this code.

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 3.05.11(D) herein of this code. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.05.05 (C)(3) herein of this code.

E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas (Zone V).
In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure;
3. Have a maximum slab thickness of not more than four (4) inches.

F. Decks and patios in coastal high hazard areas (Zone V)

In addition to the requirements of the current *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck;
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures;
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures;
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run up and wave reflection.

G. Other development in coastal high hazard areas (Zone V)

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state, or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
Chapter 3. Environmental and Floodplain Management

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters;
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

H. Nonstructural fill in coastal high hazard areas (Zone V)
   1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
   2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures.

3.05.16 Definitions

The definitions for Alteration of a watercourse, Appeal, ASCE 24, Base flood, Basement, Coastal construction control line, Coastal high hazard area, Conditional Letter of Map Revision (CLOMR), Design flood, Design flood elevation, Development, Encroachment, Existing building and existing structure, Existing manufactured home park or subdivision, Expansion to an existing manufactured home park or subdivision, Federal Emergency Management Agency (FEMA), Flood or flooding, Flood damage-resistant materials, Flood hazard area, Flood Insurance Rate Map (FIRM), Flood Insurance Study (FIS), Floodplain Administrator, Floodplain development permit or approval, Floodway, Floodway encroachment analysis, current Florida Building Code, Functionally dependent use, Highest adjacent grade, Historic structure, Letter of Map Change (LOMC), Letter of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F), Light-duty truck, Lowest floor, Manufactured home, Manufactured home park or subdivision, Market value, Marina, New construction, New manufactured home park or subdivision, Park trailer, Recreational vehicle, Sand dunes, Special flood hazard area, Start of construction, and Substantial damage, Substantial improvement addressed in this chapter are as defined in Section 1.08.00 Acronyms and Definitions in Chapter 1 of this LDC.

A. Scope

   Unless otherwise expressly stated, the words and terms shall, for the purposes of this section, have the meanings shown in the Definitions Section.

B. Terms defined in the current Florida Building Code

   Where terms are not defined in the Definitions Section and are defined in the current 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 the Definitions Section and are defined in the current Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where
terms are not defined in the Definitions Section or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.
# CHAPTER 3 TABLE OF HISTORICAL NOTES AND REFERENCES

<table>
<thead>
<tr>
<th>Section that was changed</th>
<th>Ordinance or Resolution that authorized the change(s)</th>
<th>Date the change(s) went into effect</th>
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<tr>
<td>Minor Corrections to all of Chapter 3</td>
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<td>05/09/2017</td>
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CHAPTER 4 DEVELOPMENT STANDARDS

4.00.00 GENERALLY

4.00.01 Applicability

The purpose of this chapter is to provide development standards applicable to all development activity within the Town. Subdivisions, re-subdivisions or any plat amendments, lot combinations, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the development standards for the applicable zoning district and the development standards for all zoning districts as set forth in this chapter.

4.00.02 Measurements

A. Lot width is the horizontal distance between side lot lines measured at the mid-point between the endpoints of the side lot lines.

B. Setbacks

1. Setbacks are measured as the shortest distance from the exterior building wall to the property line.
2. The rear yard setback for any waterfront lot is measured to the mean high water line.
3. Eave overhangs shall not be included as a main part of any building provided that no eave overhang shall exceed three (3) feet and shall not be less than eight (8) feet from ground level.

C. The Impervious Surface Ratio (ISR) is calculated by dividing the total of all impervious surfaces on the lot by the total lot area. Waterbodies are impervious surfaces.

D. Building Height (Figure 4.00.02 (B))
1. The overall height of a building as measured from flood level or the average of natural grade elevations to the highest portion of the roof line whether a gable, hip, or flat roof line.

2. Calculation of maximum building height shall include the roof line and is the overall height of building from the flood level or the average of natural elevations.

3. Calculation of maximum building heights shall not include water towers, utility facility, or appurtenances or attachments such as chimneys, elevator shafts, antennas, decorative architectural features, steeples, air conditioning equipment enclosures, cupolas, weather vanes, and other similar building features. All appurtenances or attachments that are exempt for purposes of calculating the maximum height shall not be habitable.

4. It may be necessary to calculate the height of a building from mean sea level in order to determine compatibility with the Eglin Air Force Base mission, in which case appurtenances shall also be considered.

**4.00.03 Compatibility Standards Pertaining to Building Height in All Zoning Districts**

A. Applicability

The standards set forth in this section apply to buildings other than single-family dwellings when such buildings are located adjacent to parcels zoned to allow single-family residential use.

B. Maximum Height Standards

The maximum height for buildings located 100 feet or less from a parcel with a single-family residential use shall not exceed one and one-half (1.5) times the average height of single-family dwellings in the adjacent or surrounding block of single-family dwellings.
4.00.04 Standards Pertaining to Metal Buildings in all Zoning Districts

A. Applicability

1. The standards set forth in this section apply to principal buildings and accessory buildings larger than 200 sq. ft.

2. The requirement for a veneer applies to metal building facades that are visible from a public right-of-way.

B. Standards

1. Facades subject to this section shall have a veneer added consisting of brick, stucco, stone, or a similar decorative material.

2. The decorative material shall be applied to 100 percent of the façade.

C. Waiver Entitlement

The requirements of this section may be waived by the Board of Adjustment, pursuant to certain review criteria as outlined in Section 8.00.01 Waiver of Standards Pertaining to Metal Buildings in Chapter 8 herein.

4.01.00 DEVELOPMENT STANDARDS IN RESIDENTIAL DISTRICTS

4.01.01 Site Development Standards

A. The base standards for development in residential zoning districts are provided in Table 4.01.01.

1. Setbacks are as provided in Table 4.01.01 will apply unless compatibility standards require greater setbacks in R-3 and MU Zoning Districts adjacent to R-1 and R-2 Zoning Districts.

2. A double frontage lot is a lot that has frontages on two nonintersecting streets, as distinguished from a corner lot. Setbacks shall be as outlined in Table 4.01.01, for the primary access to lot. The secondary street setback shall be equal to one-half (1/2) of the roadway right-of-way.

B. A lot of record in the R-1, R-2, R-3 and MU Zoning District is a lot that was established on or before adoption of this LDC. Development of a lot of record that is non-compliant with Table 4.01.01 requires approval by special exception.

**Table 4.01.01 Development Standards in Residential Zoning Districts.**

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>MU-1</th>
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<td>Maximum impervious surface (%)</td>
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<tr>
<td>Maximum building height (feet)</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>75</td>
<td>45</td>
</tr>
</tbody>
</table>
### Minimum setbacks (feet)

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>MU-1</th>
<th>MU-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20*</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side yard, interior</td>
<td>7.5</td>
<td>5</td>
<td>7.5</td>
<td>7.5</td>
<td>7.5</td>
</tr>
<tr>
<td>Side yard, adjacent to a street</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard, adjacent to state water body</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

*Or ½ frontage road right-of-way, whichever is greater.

### 4.01.02 Residential Design Standards

All single-family dwellings, whether site-built or built off-site and moved onto the lot shall comply with the following design standards:

A. The minimum width of the building shall exceed sixteen (16) feet;

B. The minimum roof pitch shall be 3:12;

C. The minimum roof overhang shall be twelve (12) inches, exclusive of porches and patios;

D. All homes shall be situated so that the conventional front of the home faces the front yard;

E. The building shall be constructed according to standards established by the Town, Okaloosa County, State, and where applicable, FEMA;

F. The exterior siding material shall consist of wood, masonry, concrete, stucco, Masonite, or vinyl lap siding or other materials of like appearance. Where vinyl lap siding is used, the siding shall not have a shiny surface or be reflective;

G. The dwelling shall be attached to a permanent foundation system, including supporting, blocking, leveling, securing, and anchoring the home and connecting multiple and expandable sections of the home. The foundation shall be designed and constructed according to the requirements of the current Florida Building Code;

H. Roof materials shall be wood shakes, asphalt composition, wood shingles, standing seam metal, raised rib metal, other typical residential metal roofing systems, concrete, clay tile, fiberglass tiles, slate, or built-up gravel materials;

I. For dwellings elevated forty-eight (48) inches or less, the area beneath the home shall be enclosed by brick, concrete, wood, rock, vinyl, or other materials specifically manufactured for this purpose and shall enclose the space between the floor joists and the ground level, except for the required minimum ventilation and access. Such access shall remain closed when not being used for that purpose. Dwellings located within flood zones A or V are exempt from this requirement;

J. For manufactured homes, all tongues, wheels, axles, transporting lights and other towing apparatus shall be removed from the site prior to occupancy;

K. At each exterior door, there shall be a landing that is a minimum of thirty-six (36) inches by thirty-six (36) inches. Such landing shall be permanently affixed to the ground and shall be constructed of materials similar to other housing in the surrounding area, where porches, landings, or stoops are constructed.
4.02.00 DEVELOPMENT STANDARDS IN MIXED-USE DISTRICTS

4.02.01 Site Development Standards

A. The base standards for development in the Mixed-Use Zoning Districts are provided in Table 4.02.01, except as modified below:

1. Setbacks are as provided in Table 4.02.01 unless compatibility standards require greater setbacks in MU Zoning Districts where adjacent to R-1 and R-2 Zoning Districts;

2. A double frontage lot is a lot that has frontages on two nonintersecting streets, as distinguished from a corner lot. Setbacks shall be as outlined in Table 4.02.01, for the primary access to lot. The secondary street setback shall be equal to one-half (1/2) of the roadway right-of-way.

B. Specific site development standards are provided for townhouse development in Section 5.04.02 Townhouses in Chapter 5 herein.

C. Proposed building height, including appurtenances and building attachments, in the MU district shall be analyzed to determine if it exceeds the limitations of the Eglin Air Force Base Tall Structure Analysis Map. In consultation with an Eglin AFB representative, the Town may establish the maximum height at less than 120 feet in the MU district, but no less than the maximum structure height (above mean sea level) causing no major negative mission impacts for Eglin AFB, as depicted on the Map. The Town has established the maximum height in the MU Zoning District to be 75 feet overall height. The height shall be measured consistent with Section 4.00.02 Measurements herein with any exceptions to the height being less than the 120 feet in height as measured from above mean sea level and not natural grade.

D. Parcels abutting the water that have a view corridor established by a valid development order approved prior to the date of adoption of this LDC shall maintain such view corridor according to the terms and conditions set forth in the development order. No development shall be approved that results in encroachment into such established view corridors.

E. New view corridors may be provided as a PUD provision, as set forth in Section 4.06.00 Development Standards for Planned Unit Developments (PUD) herein. When a view corridor is established, the following standards for design and use of the view corridor shall apply:

1. Sidewalks, pedestrian paths, bicycle paths, or driveways may cross or be located within the corridor, provided that no fixtures, street furniture, or other structures obstructs the view between two and one-half feet (2.5) above the natural grade and eight (8) feet above the natural grade.

2. Landscaping, vegetation, and trees shall not obstruct the view of the waterfront between two and one-half feet (2.5) above the natural grade and eight (8) feet above the natural grade.

3. Balconies, awnings, or other permissible structures or structural components that overhang the view corridor shall be designed, constructed, and installed such that the lowest structural component is at least eight (8) feet above the natural grade.
Table 4.02.01. Development Standards in Mixed-Use Zoning Districts

<table>
<thead>
<tr>
<th>Development Standards</th>
<th>MU-1</th>
<th>MU-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum base density (dwelling units per acre)</td>
<td>15</td>
<td>8</td>
</tr>
<tr>
<td>Maximum base floor area ratio</td>
<td>.74</td>
<td>.74</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum lot width (feet)</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Maximum impervious surface (%)</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Maximum building height (feet)</td>
<td>75</td>
<td>45</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum setbacks (feet)</th>
<th>MU-1</th>
<th>MU-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side yard</td>
<td>7.5</td>
<td>7.5</td>
</tr>
<tr>
<td>Side yard, abutting R-1 or R-2</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard, abutting R-1 or R-2</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard, adjacent to state water body</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

4.02.02 Standards for Mixing Uses on One (1) Lot

A. Uses identified in Table 2.01.02 for the MU Zoning Districts may be combined on one (1) development lot or parcel.

B. When combining uses, the development shall meet the maximum number of residential units based on the density calculation for the residential portion of the development and non-residential uses shall meet the maximum amount of floor area based on the floor area ratio. Residential dwelling units are not included in the calculation of floor area.

C. Shared parking is required. A parking study shall be prepared according to the standards set forth in Section 6.04.06 Parking Studies in Chapter 6 herein to demonstrate the actual parking requirements for the project.

D. Where multiple uses and multiple buildings are proposed on one (1) lot, there is no buffer requirement between buildings containing different uses.

E. Multiple buildings proposed on one (1) lot shall have an integrated design. An integrated design shall not be construed to mean that buildings are identical.

F. Access to residential units shall be separated from access to nonresidential development in order to provide privacy for residents. A shared entrance to a building may be established, provided that the interior entrances to the residential areas and nonresidential areas are separated.

G. Balconies, courtyards, plazas, recreation areas, and outdoor gathering places shall be located and designed to ensure privacy for residents.

H. Buildings may have a common wall. However, when separated, the separation shall be a minimum of five (5) feet to ensure space for maintenance of each building.
4.02.03 Standards for Mixing Uses Within One (1) Building

A. Uses identified in Table 2.01.02 for the MU Zoning Districts may be combined within one (1) building. The building may stand alone on a development parcel or may be integrated into a mixed use development consisting of multiple buildings.

B. When combining uses, the development shall meet the maximum amount of floor area based on the floor area ratio for the MU Zoning Districts. The floor area portion of the building proposed for the residential dwelling units shall be included in the calculation of floor area.

C. Shared parking is required. A parking study shall be prepared according to the standards set forth in the Section 6.04.06 Parking Studies in Chapter 6 herein to demonstrate the actual parking requirements or the project.

D. Access to residential units shall be separated from access to nonresidential development in order to provide privacy for residents within the building. This requirement may be met when an elevator serves upper floor residential units through a secured access method, such as key-activated access to residential floors.

E. Balconies, courtyards, plazas, recreation areas, and outdoor gathering places shall be located and designed to ensure privacy for residents.

4.03.00 DEVELOPMENT STANDARDS IN COMMERCIAL AND PUBLIC LANDS

4.03.01 Site Development Standards

A. The base standards for development in Commercial and Public Lands Zoning Districts are provided in Table 4.03.01. Setbacks are as provided in Table 4.03.01 unless compatibility standards require greater setbacks in Commercial and Public Lands Zoning Districts where adjacent to R-1, R-2, and R-3 Zoning Districts. All Commercial development requires electrical service runs to be installed underground.

B. Variances to maximum building heights in Commercial and Public Lands zoning districts shall only be granted after determination by the appropriate Eglin AFB representative that the proposed height has no negative impact on Eglin AFB.

Table 4.03.01 Development Standards in Commercial and Public Lands Zoning Districts.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Commercial</th>
<th>Public Lands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum base floor area ratio</td>
<td>.74</td>
<td>.74</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum lot width (feet)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum impervious surface (%)</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Maximum building height (feet)</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>Minimum setbacks (feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side yard, interior</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Side yard, adjacent to a street</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side yard, adjacent to R-1 or R-2</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>
4.03.02 Nuisance/Pollution Standards for Developments

All uses and activities conducted in developments shall conform to the standards of performance described below. The failure to conform to any such standards is hereby declared to be a public nuisance.

A. Fire and explosion hazards

All activities and all storage of flammable and explosive materials or products at any place shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed by all applicable fire prevention laws, ordinances, and regulations.

B. Radiation

Any operation involving radiation (e.g. the use of neutrons, protons and other atomic or nuclear particles) shall be conducted in accordance with the codes, rules, and regulations of State and Federal regulating agencies. Radiation limitations shall not exceed quantities established as safe by the United States Bureau of Standards.

C. Electromagnetic radiation

For the purpose of these regulations, electromagnetic interference shall be defined as disturbances of an electromagnetic nature that are generated by the use of electrical equipment, other than planned and intentional sources of electromagnetic energy that would interfere with the proper operation of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation. Further, said operations, in compliance with the FCC regulations, shall be unlawful if such radiation causes an abnormal degradation of performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems, or harmonic content. The determination of "abnormal degradation of performance" and of "quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturers' Association.

D. Toxic or hazardous matter

Any activity involving the use or storage of toxic or hazardous 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.

E. Waste disposal

No activity shall be conducted that results in the discharge of any liquid or solid waste, including industrial wastes, into any public or private sewage system, the ground, or any
lake, stream, or other body of water, in violation of any provision of Regional, State, Federal, or local law or any regulation of any Regional, State, Federal, or local agency.

F. Vibration

No use of any property shall cause perceptible earth vibrations beyond any property line, except when pilings are driven for structure foundations. All stamping machines, punch presses, press brakes, hot forgings, 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 manufacture recommended capacity.

G. Heat, cold, dampness, or movement of air

Activities on any property that produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot lines are not permitted.

H. Glare

There shall be no direct or sky-reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise so as to be visible from, or interfere with uses on, adjacent properties.

I. Smoke, dust, and particulate matter

There shall be no emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, vents, or other openings or from any other source, into the air that can cause damage or irritation to health, animals, vegetation, or to any form of property or that results in the violation of any applicable Federal, State, or local requirements.

J. Odor

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process that may involve the creation or emission of any such odors shall have both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

K. Noise

No person shall maliciously or willfully disturb the quiet of any street or neighborhood, or of any family of persons, by making loud or unusual noises; by blowing horns or other instruments; by the beating of drums, or other things of like nature; by loud and boisterous laughing, singing or screaming; or by using any other device or means whatever to disturb the peace. Any events likely to create such noises between the hours of 10:00 p.m. and 7:00 a.m. must be specifically approved by the Town Administrator or the Town Commission.

1. Prohibited noises defined

   The following acts and commissions are hereby prohibited:

   a. **Horns and other signaling devices**

      The sounding of any horn or other signaling device on any motor vehicle on any street or public place of the Town, except as specifically permitted or required by law or as a danger warning, and the sounding of any such device for any unnecessary period of time;
b. **Exhausts**

The discharge into the open air of the exhaust of any stationary or portable internal combustion engine, or motor vehicle, except through a muffler in good repair or other device that effectively prevents loud or disturbing noises. Stationary or portable internal combustion engines or motor vehicles enclosed within a building used for industrial or commercial purposes may produce a reasonable level of such noise;

c. **Loudspeakers, amplifiers, or noise devices for advertising**

The use of any radio or television set, musical instrument, phonograph, loudspeaker, sound amplifier, bell, drum, horn, or other machine or device for the production or reproduction of sound directed upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or tent. Temporary exceptions for civic events, civic or religious organizations or the playing of music during special events only may be authorized by the Town Administrator for such periods of time and under such conditions as may be consistent with the public interest;

d. **Radios, television sets, phonographs, etc.**

The playing of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants;

e. **Yelling, shouting, etc.**

Yelling, shouting, hooting, whistling, or singing on the public streets, or at any other place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity;

f. **Tools**

The use in a residential zone or in the vicinity of a hotel or motel of hand or power tools, other equipment, or machinery, resulting in loud and disturbing noises, between the hours of 10:00 p.m. and 7:00 a.m.;

g. **Hawkers, peddlers, and vendors**

The shouting and crying of peddlers, hawkers or vendors on any public street or place or on private property so closely adjacent thereto that crowds may be collected and traffic obstructed thereon;

h. **Sirens**

The sounding of sirens on escort services, except where specifically required or permitted by law and not for the purpose of calling attention to a vehicle or caravan, and the sounding of a siren on an ambulance, except when operated in response to an emergency call and when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

2. **Exceptions to prohibited noises**

None of the preceding prohibited noise provisions shall apply to emergency situations where life, health, or property is at stake or to intermittent situations arising out of
industrial research and development work carried on in areas zoned for industrial purposes, nor to those normal situations of community life where noise is inherent and has long been accepted by the community, such as activities during school recess and at public parks and athletic contests, and otherwise as permitted pursuant to the procedure set forth.

4.04.00 DEVELOPMENT STANDARDS FOR THE RECREATION AND OPEN SPACE USES ALLOWED IN THE PUBLIC LANDS ZONING DISTRICT

4.04.01 Site Development Standards

The standards for development for the recreation and open space uses in the Public Lands Zoning district are provided in Table 4.04.01. Setbacks are as provided in Table 4.04.01 unless compatibility standards require greater setbacks for recreation and open space uses in the Public Lands Zoning District where adjacent to R-1, R-2, and R-3 Zoning Districts.

Table 4.04.01 Development Standards for Recreation and Open Space Uses in the Public Lands Zoning District.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Recreational Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum base floor area ratio</td>
<td>.74</td>
</tr>
<tr>
<td>Minimum lot area (square feet)</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum lot width (feet)</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum impervious surface (%)</td>
<td>75</td>
</tr>
<tr>
<td>Maximum building height (feet)</td>
<td>75</td>
</tr>
<tr>
<td>Minimum setbacks (feet)</td>
<td>N/A</td>
</tr>
<tr>
<td>Front yard</td>
<td>20</td>
</tr>
<tr>
<td>Side yard, interior</td>
<td>7.5</td>
</tr>
<tr>
<td>Side yard, adjacent to street</td>
<td>20</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10</td>
</tr>
</tbody>
</table>

4.05.00 WORKING WATERFRONT DISTRICT (RESERVED)

4.06.00 DEVELOPMENT STANDARDS FOR PLANNED UNIT DEVELOPMENTS (PUD)

4.06.01 Generally

A. Purpose and intent

A planned unit development (PUD) is an overlay available to encourage flexibility in the design and development of land and allow improved design and quality in new development. The PUD is intended to provide for diversification and integration of uses and structures consistent with the underlying zoning district. The PUD is specifically intended to:

1. Promote more efficient and economic uses of land;
2. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;
3. Provide for open spaces and common areas and provide usable and suitably located recreation facilities within the development;
4. Allow clustering or other innovative designs to protect sensitive environmental areas within the proposed site.

B. Applicability
1. A proposal for a PUD overlay district shall be an entirely voluntary procedure.
2. The minimum area of a PUD overlay district shall be one (1) acre.
3. The PUD overlay district shall be permissible in all zoning districts.
4. A PUD requires a preliminary and final site development plan prepared, reviewed, and approved according to the procedures set forth in Chapter 9 (Chapter 9 Administration Procedures). A PUD requires a preliminary and final plat approval, if applicable, according to the procedures set forth in Chapter 9 Administration Procedures herein.
5. Preliminary and final site development plans and plats may be combined upon approval of the Town Administrator or his designee.

C. Uses
Permissible uses in a PUD are limited to those identified for the underlying zoning district, as set forth in Table 2.03.02.

4.06.02 Site Development Standards

A. A proposed PUD shall include design standards necessary to meet the unique design requirements of the proposed development, in compliance with the following:
1. The maximum residential density shall not exceed the permissible maximum density of the underlying zoning district;
2. The maximum floor area ratio (FAR) shall not exceed the permissible FAR of the underlying zoning district;
3. The setback on the perimeter of the development parcel shall not be less than required by the underlying zoning district;
4. Building height and building height compatibility consistent with the standards set forth in Section 4.00.02 Measurements and Section 4.00.03 Compatible Standards for Building Height in all Zoning Districts herein;
5. Maximum lot coverage for the underlying zoning district;
6. Parking;
7. Accessory structures;
8. Signage;
9. Landscaping, tree protection, buffers, and stormwater management;
10. Other applicable standards in Chapter 3 Environmental and Floodplain Management;

11. All remaining aspects of the proposed development shall comply with the standards of the underlying zoning district and all other requirements of this LDC.

B. Upon approval and recordation of the final development plan for a PUD, the site development standards contained in the final development plan shall be binding upon all future development on the PUD site. The PUD may be amended as contained in Chapter 9 Administrative Procedures.

4.06.03 Compatibility Standards

The PUD overlay provisions provide for flexibility in site design and the ability to depart from the site development standards required for the underlying zoning district. The purpose of this departure is to allow flexibility in design toward the end of creating better design and higher quality development. However, the variation in site development standards also has the potential for incompatibility with adjacent development. Therefore, a proposed PUD shall demonstrate that compatibility is maintained in compliance with the following standards:

A. Landscaped buffers shall be provided at the perimeter of the development parcel when the adjacent zoning district provides for less intense development as measured by residential density and floor area ratio;

B. Plazas, courtyards, recreation facilities, and outdoor gathering spaces shall be located and buffered to protect adjacent properties from noise and loss of privacy;

C. Outdoor lighting for security, pedestrian paths, parking lots, and other purposes shall be shielded and directed to avoid glare and spillover onto adjacent properties;

D. Parking lots, drive-thru lanes, and loading areas shall be located and buffered to protect adjacent properties from noise, light, and loss of privacy;

E. Dumpsters shall not be located at the perimeter adjacent to property zoned for residential use;

F. Loudspeakers, including equipment for fast-food restaurant ordering, shall be located to protect adjacent property zoned for residential use from noise.

4.06.04 Conditions of Approval

Specific conditions may be required to address compatibility, including conditions to address the situations identified in Section 4.06.03 Compatibility Standards herein, and any other compatibility factors that may be identified during the review process. Such conditions shall be depicted upon the approved and recorded site development plan and shall be binding upon all future development on the PUD site.

4.07.00 STANDARDS FOR SUBDIVISIONS

4.07.01 Purpose and Applicability

A. Applicability
1. The provisions of this section apply to all subdivisions, re-subdivisions or any plat amendments, and lot combinations, of land within the Town. All development shall be on a designated, platted, and recorded lot that meets all standards set forth in this LDC.

2. Property owned by the Town within the Public Lands Zoning District shall be exempt from the provisions set forth in this section. The Town shall not be construed to be a developer, person, or subdivider. The Town may divide and convey parcels of land for the purpose of transfer of ownership within the Public Lands Zoning District by metes and bounds description.

B. Purpose

This section is provided for the following purposes:

1. To establish the standards for the division of land within the Town and ensure proper legal description, identification, documentation, and recordation of real estate boundaries;
2. To ensure the orderly layout of parcels, blocks, and lots;
3. To provide suitable building sites;
4. To provide for well-planned neighborhoods;
5. To promote the public health, safety, and general welfare;
6. To ensure that where lot combination is proposed for a development site that the Town reviews and approves lot combination for potential negative impacts.

C. Procedures for preparing, reviewing, approving, and recording plats are set forth in Chapter 9 Administrative Procedures herein.

4.07.02 Division of Lots

A. A proposal to subdivide a parcel into three (3) or more lots is considered a subdivision. A subdivision shall comply with the design standards set forth in Section 4.07.03 Design Standards for Subdivisions herein and Chapter 177, F.S.

B. A proposal to divide a parcel into two (2) lots shall be considered a minor lot split and shall comply with the standards set forth in Chapter 9 Administrative Procedures herein. A proposal to adjust the common lot lines between two (2) or more parcels or defining ownership of property by describing parcel as parts of existing platted lots shall be considered a lot line adjustment. A lot line adjustment shall comply with the standards set forth in Chapter 9 Administrative Procedures herein.

4.07.03 Design Standards for Subdivisions

A. Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
   a) The provision of adequate building sites suitable to the special needs of the type of use contemplated;
   b) The need for convenient and safe access, circulation and control of pedestrian and vehicular traffic;
c) Zoning requirements as to lot sizes and dimensions;
d) Limitations and opportunities of topography.

2. Blocks shall be a minimum of 500 feet and a maximum of 1,320 feet in length.
3. Rights-of-way for pedestrian crosswalks may be required in order to provide direct pedestrian access to schools, shopping centers, and parks.

B. Lots
1. The lot size, width, depth, shape, orientation, and the minimum building setback lines shall comply with the requirements for the zoning district set forth in this LDC.
2. Corner lots for residential use shall have extra width to permit appropriate building setback from, and orientation to, adjacent streets on all sides.
3. Side lot lines shall be approximately at right angles to straight right-of-way lines or radial to curved right-of-way lines.
4. Double frontage and reverse frontage lots shall be avoided. Where such lots are necessary to provide separation of residential development from arterial streets or to meet specific orientation requirements, the access to such lots shall be from the street with the lower functional classification. A landscaped buffer strip, in addition to landscaping and buffering required by Section 4.08.05 Landscape and Buffer and Requirements, herein, shall be provided along the property line abutting the street with the higher functional classification.

C. Access requirements
1. Each lot shall have frontage on and permanent access to an existing or proposed paved public street.
2. A subdivision plat shall include streets as established by transportation plans in the Comprehensive Plan and plans by the Transportation Planning Organization. The arrangement, character, extent, width, grade, and location of all streets shall conform to the plans of the State, Okaloosa County, and the Town, respectively, and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety.
3. Alleys shall be provided to serve multifamily development and commercial development.
4. Private streets shall meet all public street access requirements.
5. All streets shall be designed and constructed in compliance with the standards of the Town set forth in Chapter 6 Standards for Transportation, Access, Parking and Loading herein. All costs shall be paid by the subdivider.
6. Subdivisions shall include sidewalks and bicycle paths or lanes in compliance with the standards set forth in Chapter 6 Standards for Transportation, Access, Parking and Loading herein.

D. Easements
All lots within a subdivision shall provide easements for stormwater drainage, water systems, sanitary sewer systems, gas lines, electric lines, cables, telephone lines, and utility poles. Standards for such utility easements are set forth by the specific utility provider.

E. Site improvements

1. All subdivisions shall be required to have underground utility service (electrical, cable television and telephone) unless all lots within the subdivision front existing streets that currently are serviced above ground.

2. Land shall be dedicated for parks if the subdivision plat proposes 10 lots or more. The amount of land to be dedicated shall equal at least five (5) percent of the gross area of the land to be subdivided. The park shall be deeded to the Town and open to the public for park purposes, or the subdivider may pay to the Town 5% of the undeveloped land value for public recreational uses to be determined by the Town.

3. Land determined to be unsuitable for subdivision due to flooding, bad drainage, or other features likely to be harmful to the health, safety, and general welfare of future residents, shall not be subdivided, unless adequate methods of correction are designed by the subdivider, permitted by regional, state, and federal agencies and approved by the Town.

4. All standards for site preparation and improvement set forth in Section 4.09.00 Standards for Site Preparation and Improvements herein shall be met.

5. All applicable standards set forth in this LDC shall be met.

4.08.00 STANDARDS FOR LANDSCAPING, BUFFERS, AND TREE PROTECTION

4.08.01 Generally

A. Purpose

The purpose of this section is to provide requirements for landscaping, buffering of developments, and tree protection within the Town of Shalimar.

B. Intent

It is the intent of this section to establish minimum requirements for the development, installation, and maintenance of landscaped areas without inhibiting creative landscape design and to promote the public health, safety, and general welfare. The specific intent of the Town is to reduce potential adverse visual, environmental, and aesthetic effects of development in order to:

1. Minimize the rate of stormwater runoff;
2. Maximize the capability of groundwater recharge;
3. Provide shade for ground surfaces;
4. Buffer adjacent incompatible land uses;
5. Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way and adjacent properties;
6. Improve the appearance of parking areas and vehicular surface areas;
7. Assist in energy conservation, production of oxygen, and reduction of carbon dioxide;
8. Filter dust and pollutants;
9. Reduce the negative impacts of noise;
10. Provide habitats;
11. Prevent protected trees from removal except as provided in this LDC and exclusive of the area for a proposed principal structure.

C. Specific intent for water conservation

It is the intent of this section to further the Town’s creative site development concepts used to promote water conservation. Water requirements may be reduced by providing for:

1. The preservation of existing plant communities;
2. The reestablishment of native plant communities;
3. The use of site specific plant materials;
4. Site development that retains storm water runoff on site;
5. The use of pervious paving materials;
6. The use of water efficiency in landscaping;
7. The use of other environmentally sensitive site development concepts.

D. Applicability

This section shall apply to all new construction; site modification of areas devoted to parking, driveways, access points, pavements, buffers, storm water management, or open spaces, and clearing and grubbing the site; redevelopment; change of use; and maintenance of all property within the Town except for the following situations:

1. Applications for accessory uses, accessory structures, or temporary uses;
2. Plant or tree nurseries or botanical gardens;
3. Approval by the Town Administrator, or designee, for the purpose of removal of a tree on Town owned property or a public right-of-way, that is dead or a hazard to the public;
4. Utility companies or their authorized agents for the purpose of removal of a tree that is a substantial hazard to overhead wires or for trimming that is necessary for establishment or maintenance of service;
5. The trimming or pruning of trees or the removal of underbrush;
6. The removal of trees or other landscaping damaged by fire, windstorm, lightning, or other acts of nature, which pose imminent danger to life or property.

E. Landscaping plan required

In order to demonstrate compliance with the requirements of this section, a landscaping plan shall be submitted in compliance with the following standards:
1. The landscaping plan shall be prepared by a licensed landscape architect; the landscape plan may be prepared by another licensed design professional when such plan is submitted as part of the site development application;

2. The landscaping plan shall include a maintenance plan and an irrigation plan;

3. The requirements for plan contents and procedures for submittal, review, and approval of all applications are set forth in Chapter 9 Administrative Procedures herein.

F. Prohibited conditions

The following conditions regarding landscaping and plant materials are prohibited:

1. Trees, plants, shrubs, vegetation, or parts thereof, that overhang any sidewalk, street, alley or fire hydrant, and obstruct or impair the free and full use of the sidewalk, street, alley, or fire hydrant by the public;

2. Grass, weeds, shrubs, bushes, trees, or vegetation that constitutes a fire hazard or a menace to public health, safety, or welfare;

3. At any street intersection, no plant, tree, shrubbery or any other obstruction shall be allowed to grow in a manner that would impede or restrict the vision of pedestrians or vehicle operators to oncoming traffic.

G. Preservation and restoration

Where a proposed site plan cannot be designed to accommodate existing protected trees on the site, a Town permit shall be required to remove any such protected tree as specified in Section 4.08.04 Requirements for Trees and Tree Protection herein. Where practical, when proposed improvements necessitate removal of protected trees, the trees shall be relocated on the site in the required perimeter or interior landscaped areas. If the relocation of the trees is impractical, the owner or his agent shall reforest with a protected tree species. The number of reforestation trees required on any developed area shall be determined by using the ratio of one tree for each one-tenth (1/10) of an acre. Credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within this land development code. No credit will be given for nonindigenous trees. Reforestation requirements shall be credited for existing protected trees at the rates as described in Table 4.08.01. The tree must be measured at a height of 54” above the natural grade of the site.

<table>
<thead>
<tr>
<th>Diameter of Tree Trunk of Existing Tree</th>
<th>Number of Trees Credited</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-24 inches</td>
<td>5</td>
</tr>
<tr>
<td>13-19 inches</td>
<td>4</td>
</tr>
<tr>
<td>7-12 inches</td>
<td>3</td>
</tr>
</tbody>
</table>

4.08.02 Requirements for Irrigation and Irrigation Systems

A. All new, preserved, or retained landscaped areas shall be divided into water use zones. The irrigation system shall be included in the landscaping plan and shall be designed to correlate to the water use zones.
1. The high water use area shall not exceed twenty-five (25) percent of the total landscaped area. A non-potable water source shall be used, if available. A central, automatic water system shall be installed.

2. The moderate water use area shall not exceed twenty-five (25) percent of the total landscaped area. A non-potable water source is encouraged to be available within twenty-five (25) feet of the landscaped area to allow watering during periods of drought or low rainfall.

3. The low water use area shall be comprised of drought-tolerant, Xeriscape, or Florida-Friendly plant materials. A non-potable water source is encouraged to be available within fifty (50) feet of the landscaped area to allow watering during periods of extreme drought.

B. The irrigation system shall be designed to provide only the water required to sustain the plants and vegetation.

C. New and replacement irrigation systems shall comply with the following standards:

   1. Moisture sensor and rain shut-off equipment constructed or replaced after adoption of this LDC shall be required on automatic irrigation systems. The equipment shall consist of an automatic mechanical or electronic sensing device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred;

   2. The Town promotes the alternative, if available, for non-potable or reclaimed water be used in the irrigation system;

   3. Drip or trickle irrigation systems shall be used whenever practicable to deliver water directly to the root system of plants.

4.08.03 Specifications for Landscape Materials and Vegetation

A. Minimum specifications for plant materials:

   1. All plant material shall be nursery grown, number one (1) grade, meet current American Association of Nurseryman Standards, and installed according to accepted planting procedures;

   2. Shrubs shall be at least eighteen (18) inches in height at the time of installation;

   3. Shrubs shall be planted approximately thirty-six (36) inches apart, measured on center;

   4. Hedges shall be planted in double-staggered rows;

   5. Trees shall be a minimum of four (4) inches dbh (diameter at breast height) or no less than six (6) feet in height at time of planting;

   6. Trees shall be planted to provide a minimum growing area consistent with best horticultural practices;

   7. Trees shall be properly guyed, braced, and/or staked at the time of planting to ensure established and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within twenty-four (24) hours in the event of failure of the guying or staking system. Stakes shall be
removed when the tree is established, and not later than twelve (12) months after installation;

8. Canopy trees shall not be installed under any overhead utility line, over any buried utilities, or within a utility easement;

9. All landscaped areas and buffers shall be stabilized with grass (sod or seeded) or ground cover. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and substantially complete coverage;

10. Mulch or other acceptable ground cover material may be used in lieu of grass or ground cover. Mulch shall be provided in planting areas for shrubs and ornamental plants and around individual trees. Mulch shall be organic and provided to a depth of three (3) inches. The use of impervious materials as a weed barrier under mulch is prohibited. Mulch shall be maintained free of debris and replaced as needed to comply with best horticultural management practices;

11. Landscaped areas shall be protected from vehicular or pedestrian encroachment through the use of wheel stops, curbs, raised planting areas, or other approved protection devices. Vehicles may overhang not more than one (1) foot into landscape areas;

12. Trees, shrubs, grasses, and ground cover for landscaped and buffer areas shall be selected from lists of appropriate plants for north Florida identified by the Institute of Food and Agricultural Sciences, University of Florida;

13. Landscaping materials qualify as native plants and drought tolerant plants when selected from the Florida-Friendly Landscaping Pattern Book: Sample plant lists and designs for four Florida regions – USDA Hardiness Zones 8A and 8B, North Florida.

B. Prohibited plant materials include all vegetation identified on the Noxious Weed List as adopted in the Florida Statutes.

C. Synthetic and artificial plants are prohibited outdoors.

D. Site preparation shall be limited to the minimum area necessary for plantings and shall occur in stages based on the proposed planting schedule. Site preparation shall include erosion control measures consistent with the requirements set forth in this LDC.

4.08.04 Requirements for Trees and Tree Protection

A. Preservation of protected trees.

1. Canopy tree protection zones.

   All lands within ten feet of the right-of-way of the following described roads are hereby declared to be canopy tree protection zones. No person shall cut, remove, trim or in any way damage any protected tree in any canopy tree protection zone or create any condition injurious to any such tree without first obtaining a Town permit, except as provided for in this section. The exemption for utility companies in subsection (1) above shall also apply to the canopy tree protection zone. Private property owners shall be exempt from this subsection for normal pruning activities, with the condition that such pruning shall not remove more than 30 percent of the existing tree material.

   a) Eglin Parkway.
b) Shalimar Drive.
c) Plew Avenue.
d) Sunset Bay Drive.
e) Palm Shores Drive.
f) Clifford Drive.
g) Gardner Drive.
h) Cherokee Road.
i) Cherokee Park.

2. Tree removal permit

A Town permit will be attained before removing any tree equal or greater in trunk diameter than 8” diameter at breast height (dbh). In addition to the information required for the permit, a written statement shall be included noting the reason why tree removal is requested.

a) Inspection of site.

Prior to the issuance of a tree removal permit for a protected tree, an on-site inspection must be conducted by the Town Administrator or designee.

b) Conditions for approval.

A permit may be approved for removal of a protected tree and issued by the Town Administrator or designee in lieu of Planning and Zoning Board or Town Commission approval if one or more of the following conditions are present:

i. Safety hazard. Necessity to remove trees that pose a safety hazard to pedestrians or vehicular traffic or threaten to cause a disruption of public services, or that pose a safety hazard to person or buildings;

ii. Diseased or weakened trees. Necessity to remove diseased trees, or trees weakened by age, storm, fire or other injury;

iii. Good forestry practices. Necessity to observe good forestry practices;

iv. Necessity to remove trees in order to construct proposed improvements as a result of:

   (a) Need for access immediately around the proposed structure for construction equipment;
   (b) Need for access to the building site for construction equipment;
   (c) Essential grade changes;
   (d) Surface water drainage and utility installations;
   (e) Location of driveways, structures, or other permanent improvements.

v. Necessity for compliance with other Town codes, e.g., building regulations, health provisions, zoning regulations, etc.
c) Issuance or denial.

If an application is not within the Town Administrator’s authority according to the above, or is denied, permitting may be pursued by filing a request for a quasi-judicial hearing on the variance to be reviewed by the Planning and Zoning Board for residential uses only. The Planning and Zoning Board will be provided written documentation by the Town Administrator to explain reasons for a permit denial. All other requests must be reviewed by the Town Commission.

3. Protected tree list

The following species are defined as protected trees for this land development code.

a. The trees listed in Table 4.08.04A are protected in the sizes indicated.

Table 4.08.04A Protected Trees.

<table>
<thead>
<tr>
<th>Medium, 8 inches dbh +</th>
<th>Large (canopy or shade) 12 inches dbh +</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Red Cedar (Juniperus virginiana)</td>
<td>Live Oak (Quercus virginiana)</td>
</tr>
<tr>
<td>Southern Red Cedar (Juniperus silicola)</td>
<td>Sweet Gum (Liquidambar styraciflus)</td>
</tr>
<tr>
<td>Southern Magnolia (Magnolia grandiflora)</td>
<td>Sycamore (Platanus occidentalis)</td>
</tr>
<tr>
<td>Willow Oak (Quercus phellos)</td>
<td>Pecan (Carga illinoensis)</td>
</tr>
<tr>
<td></td>
<td>Water Oak (Quercus nigra)</td>
</tr>
<tr>
<td></td>
<td>Red Oak (Quercus falcata)</td>
</tr>
<tr>
<td></td>
<td>White Oak (Quercus alba)</td>
</tr>
<tr>
<td></td>
<td>Shumard Oak (Quercus shumardii)</td>
</tr>
</tbody>
</table>


c. Trees for replacement shall be native and selected from a list of trees for reforestation from the Institute of Food and Agricultural Sciences, University of Florida.

d. The design of any required perimeter or interior landscaping or buffers shall include preservation of protected trees on the development site to the maximum extent possible.

B. Reduction of required parking spaces for tree protection

The required number of parking spaces may be reduced when such reduction results in the preservation of a protected tree at least eight (8) inches dbh. Table 4.08.04B provides the allowable reduction in required spaces. When the calculation results in a fraction of a parking space, the number of spaces shall be rounded up to the next whole number.
Table 4.08.04B Parking Reduction for Tree Protection.

<table>
<thead>
<tr>
<th>Number of Required Parking Spaces</th>
<th>Maximum Spaces to be Reduced</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 9</td>
<td>0</td>
</tr>
<tr>
<td>10 – 19</td>
<td>1</td>
</tr>
<tr>
<td>20 or more</td>
<td>10% of the total requirement, not to exceed 10 spaces</td>
</tr>
</tbody>
</table>

C. During development activity, preserved trees shall be protected from activities that may injure or kill them. Tree protection techniques found in the *Urban Forestry Manual*, Southern Group of State Foresters and USDA Forest Service, Southern Region, or equivalent techniques, shall be used.

D. Dead, dying, damaged, or diseased trees are prohibited. The Town Administrator or his designee may make a determination that a tree is in danger of falling upon an adjacent lot or street due to death, disease, or damage, including damage caused by weather conditions, which shall be considered prima facie evidence of a violation.

**4.08.05 Landscape and Buffer Requirements**

A. All development sites not otherwise exempt as set forth in Section 4.08.01 Generally in this chapter herein shall provide a minimum of fifteen (15) percent of the site as landscaped area in compliance with the standards in this section.

B. The number of trees required shall be calculated as one (1) tree for each twenty-five (25) linear feet of the perimeter dimension of the site.

1. Trees may be clustered or spaced according to best horticultural practices.

2. Existing trees located on the proposed development site within the interior or perimeter landscaped use areas shall be eligible for credit against the total number of trees required on the site given the following:
   a. The trees shall be native and be a minimum of eight (8) inches dbh, or if included in Table 4.08.04 shall meet the dbh standards of the table.
   b. Trees that are dead, diseased, dying, or prohibited are not eligible for credit and subject tree shall be removed.
   c. One-half (1/2) of the area within the drip line of preserved trees, which are eligible for credit pursuant to this section, shall be maintained in either vegetative landscape material or pervious surface cover.

C. Both canopy (shade) and understory trees shall be provided. A minimum of fifty (50%) of the trees shall be canopy trees.

D. Where nonresidential development abuts on the side or rear property line land zoned for residential purposes, the following standards apply:

1. A landscaped buffer shall be provided on land zoned Commercial and MU adjacent to land zoned for residential purposes. The buffer shall be a minimum of ten (10) feet in
width and shall include understory trees, a hedge, and a fence or wall. The fence or wall shall be a minimum of eight (8) in height and shall comply with the standards set forth in Section 5.01.08 Fences, Hedges, and Walls in Chapter 5 herein. The buffer strip and plantings shall be counted toward meeting the landscaping requirement for the site;

2. Access ways, sidewalks, and pedestrian paths may cross buffer areas.

E. Utility and service equipment shall be buffered by a continuous hedge. An access across the buffer, not to exceed five (5) feet in width, may be provided.

F. Planters may be used in landscaped areas provided such plants are integrated into the design of the site, provide adequate depth and area consistent with best horticultural practices, and are maintained free of debris and litter.

**4.08.06 Landscaping Requirements for Vehicle Use Areas**

A. All new or redeveloped off-street parking lots with ten (10) or more required parking spaces, including access drives, service drives, and loading areas, shall be landscaped as set forth in this section.

B. Perimeter landscaping
   1. A landscaped area not less than five (5) feet in width shall be located around the perimeter of the parking lot.
   2. Where the parking lot abuts a side or rear property line, and a buffer is required, the buffer shall satisfy the requirements for perimeter landscaping of the parking lot.
   3. A vehicular or pedestrian access way may be provided through the required perimeter landscaping.
   4. Perimeter landscaping of parking lots shall include canopy trees consistent with best horticultural practices.

C. Interior landscaping
   1. Parking lots with more than twenty-five (25) parking spaces shall be required to provide interior landscaping.
   2. Interior planting areas shall be provided as tree islands, terminal islands, or medians.
   3. Canopy trees should be included in the interior planting areas consistent with best horticultural practices.
   4. There shall not be more than ten (10) contiguous parking spaces (twenty [20] in a double parking row) between interior planting areas.
   5. Interior planting areas shall be located and designed to accommodate stormwater runoff.
   6. Where existing trees are preserved within the vehicular use area, tree wells, tree islands, or other protection shall be provided to protect the trunk and root system from damage. A drainage system shall be provided within the area defined by the drip line of the tree(s).
   7. The addition of parking spaces to any developed site shall not be denied for the purpose of tree protection.
4.08.07 Requirements for Street Trees

A. Street trees are trees located on land lying between property lines on either side of all streets, avenues, and rights-of-way within the Town.

B. The Town shall have the right to plant, prune, maintain, and remove street trees as well as plants and shrubs within the public right-of-way.

C. An annual permit may be issued to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this LDC, the permit may be revoked. The offender will be provided a written notice stating the reason for the revocation. In no case shall the utility company be permitted to prune more than 30 percent of the existing tree canopy.

D. No person or agency shall cut, remove, trim, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit.

4.08.08 Landscaping Maintenance Requirements

A. All landscaped areas shall be maintained to ensure that plant materials are healthy and thriving, and present an orderly appearance, clear of weeds, refuse, and debris. Structural elements relating to nonliving landscape material shall be maintained in good condition at all times. Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than six (6) months following identification of the need for replacement. Upon inspection, the Town may provide notice regarding corrective action to replace plant materials or other elements of the landscaped area. (See Section 9.10.00 Violations and Enforcement procedures in Chapter 9 herein.)

B. A watering plan shall be provided and implemented to ensure that plants are established in a healthy growing condition. Standards for irrigation are set forth in Section 4.08.02 Requirements of Irrigation and Irrigation Systems herein.

C. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.

D. No required landscaped area shall be used for storm water retention, sidewalks, recreation facilities, parking, storage, dumpsters, or other structures, except as specifically permissible according to the standards set forth in this LDC.

4.09.00 STANDARDS FOR SITE PREPARATION AND IMPROVEMENTS

Site preparation and site improvements shall comply with the requirements set forth in this LDC.

4.09.01 Site Lighting

Site lighting is not required. However, where site lighting is proposed, a lighting plan shall be provided to demonstrate compliance with the following standards:

A. Lighting shall be designed to shine downward and not skyward;
B. Lighting shall be shielded to avoid glare and direct illumination of adjacent properties;
C. Only full-cut off lighting fixtures shall be permitted.
<table>
<thead>
<tr>
<th>Section that was changed</th>
<th>Ordinance or Resolution that authorized the change(s)</th>
<th>Date the change(s) went into effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Corrections to all of Chapter 4</td>
<td>Resolution 2017-015</td>
<td>05/09/2017</td>
</tr>
<tr>
<td>4.03.01</td>
<td>Ordinance 2017-04, number 5</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>4.08.01</td>
<td>Ordinance 2017-04, number 6</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>4.08.04</td>
<td>Ordinance 2017-04, number 7</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>4.08.00</td>
<td>Ordinance 2019-03, number 1</td>
<td>10/23/2018</td>
</tr>
</tbody>
</table>
CHAPTER 5 ACCESSORY, TEMPORARY, AND SPECIAL USE SITUATIONS

5.00.00 GENERALLY

5.00.01 Purpose and Intent

A. It is the purpose of this chapter to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that such structures and uses are compatible with surrounding areas.

B. Accessory structures and uses are those uses, activities, and structures that are customarily associated with the principal uses permissible in a zoning district. Accessory uses and structures shall be clearly incidental and subordinate to permissible principal uses.

C. Permissible accessory uses and structures are identified in Table 2.03.02 Accessory Uses and Structures in Each Zoning District herein.

D. No accessory use or structure shall be established prior to the establishment of a principal use on the site where an accessory use or structure is proposed.

5.01.00 ACCESSORY USES AND STRUCTURES

5.01.01 Home Occupations

A. Home occupations may be permitted as an accessory use in a lawfully established dwelling unit located in the R-1, R-2, R-3, and MU zoning districts. The standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood.

B. The following and similar uses shall be considered home occupations:

1. An office, such as for professionals and general businesses;

2. Instruction or teaching, such as, but not limited to, academic tutoring, performing arts, or fine arts, provided that no more than two (2) students are instructed at any one (1) time;

3. Administrative or clerical support services, such as transcription, court reporting, stenography, notary public, or word processing, data entry, or addressing services;

4. Authors, composers, or creators of intellectual property;

5. Telephone answering services;

6. Beauty salons, barber shops, nail technicians, or similar personal service, limited to one (1) chair or station;

7. Repair of antique furniture, radios, televisions, computers, clocks, CD or DVD players, or other similar small appliance or equipment;

8. Similar uses. An interpretation that a use is similar shall be based on the tasks and activities normally associated with the proposed use and the similarity of those tasks and activities with the tasks and activities of uses as listed uses in this section of this LDC.
C. The following uses are specifically prohibited as home occupations:

1. Large appliance and gasoline or diesel engine repair;
2. Automotive, vehicle, or watercraft repairs;
3. Florist;
4. Veterinary clinic;
5. Office for a doctor, dentist, or other medical practitioner;
6. Any occupation involving hazardous materials;
7. Restaurants;
8. Any other occupation that does not meet the standards in this section.

D. All home occupations shall comply with the following standards:

1. Employees of the home occupation shall be limited to the residents or family members of the dwelling in which the occupation is located;
2. A home occupation shall be required to have a Town Business Tax Receipt (BTR). There shall be one (1) BTR for each business conducted in the dwelling;
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and shall not change the residential character of the structure;
4. Not more than twenty-five (25) percent of the habitable floor area of the dwelling unit shall be used in the conduct of the home occupation;
5. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation including outside storage or signs pertaining to the home occupation. However, one (1) unlighted nameplate, not more than one (1) square foot in area, may be attached to the front wall of the dwelling unit identifying the name of the business which constitutes the home occupation;
6. No home occupation shall be conducted in any accessory building, except for the permissible parking of vehicles in a garage or carport;
7. No open storage of equipment shall be permitted except for a quantity and configuration normally used for purely domestic purposes;
8. The home occupation shall not generate noise, vibration, glare, fumes, odors, or electrical interference to adjacent properties;
9. Up to two (2) passenger vehicles, which may be commercially marked, are permissible in association with the home occupation. All permissible vehicles shall be parked within a lawful garage, lawful carport, or on the driveway. However, vehicles with a primary purpose of commercial use are prohibited; such vehicles include well-drilling trucks, tow-trucks, cement mixers, semi-trailers, tractors, refrigerated trucks or vans, graders, or other earth moving equipment. Lawn equipment trailers and similar vehicles are permissible provided that they are screened from public view and limited to one (1) per dwelling. Taxi cabs may be permissible, provided that all such vehicles can be parked within a garage, or carport, or on the driveway;
10. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. The basis for evaluating traffic generated shall be data available from the Institute of Transportation Engineers;

11. Any need for parking generated by the conduct of such home occupation shall be met by the parking areas serving the residential use, such as the driveway, garage, or carport. No vehicle shall block access to the driveway or pedestrian movement on a sidewalk.

5.01.02 Accessory Structures and Uses in All Zoning Districts

A. Accessory uses and structures may be located on a parcel, provided that the following requirements are met:

1. There shall be a permitted principal structure or use on the development site, located in full compliance with all standards and requirements of this LDC;

2. Accessory structures shall be included in all calculations of impervious surface and storm water runoff;

3. Accessory structures shall be on the same development site, which may consist of combined lots, and shall be subordinate to the principal use or structure;

4. Permanent accessory structures shall not be located within or on any required easement;

5. Accessory structures, other than fences and flagpoles located in compliance with the requirements in Section 5.01.08 Fences, Hedges, and Walls and Section 5.03.06 Permitted Signs General Criteria herein, shall not be located within any required buffer or landscaping area, parking lot, or protected area. The applicant shall demonstrate that accessory structures proposed in a storm water management area shall have no negative impact on the intended function of the area.

B. Accessory uses and structures that contain recreation facilities, gyms and health club facilities, parks, playgrounds, play courts, and play fields shall not be open to the general public unless the development order approved for the principal use authorized general public use. Such accessory uses and structures are intended for the use of the residents or employees of the principal use.

1. There shall be no signage advertising the uses and structures.

2. Parking to support the accessory use or structure shall be provided as set forth in Section 6.04.02 Standards for Parking in Chapter 6 herein.

3. Accessory structures shall be designed for consistency and compatibility with the principal building(s) on the site.

C. Site development standards for accessory buildings

1. An accessory building in the R-1, R-2, R-3, and MU zoning districts shall not exceed one (1) story, except where an accessory dwelling unit is approved in the second story above a garage.

2. An accessory building in the R-1, R-2, R-3, and MU zoning districts shall have at a minimum a roof pitch of 4:12 or shall match the roof pitch and type of roof of the
principal building. The required side and rear yard setbacks for accessory buildings in the R-1, R-2, R-3, and MU zoning districts are shown below:

a. Accessory buildings up to 200 s.f. in floor area shall be setback five (5) feet from side and rear property lines;

b. Accessory buildings in excess of 200 s.f. in floor area shall be setback seven and one-half (7 1/2) feet from side and rear property lines;

c. Accessory buildings on a corner lot shall have a setback of fifteen (15) feet from the property line abutting a street unless it is determined in the permitting process by the Town Administrator or designee that a greater setback is necessary for clear visibility.

3. An accessory building in the Commercial zoning district shall be setback from the rear property line ten (10) feet. The square footage of the accessory building must be included in the overall F.A.R. of .74.

4. Accessory buildings in the Public Lands zoning districts shall have a minimum rear yard setback of seven and one-half (7 ½) feet.

5. The thirty (30) feet waterfront setback applies should any accessory building have a waterfront rear or side setback.

D. Standards for specific accessory structures are set forth in the following sections.

5.01.03 Accessory Dwellings in Residential Zoning Districts

A. Purpose

1. The purpose of this section is to help ensure a wide variety of housing choices to Town residents and allow opportunities for extended family living.

2. This section provides for accessory dwellings, also called accessory apartments, guesthouses, helper quarters, mother-in-law suites, and granny flats.

3. The intent of this section is to ensure that the establishment of an accessory dwelling in a residential zoning district maintains compatibility of the area by minimizing or avoiding potential negative impacts from a secondary dwelling unit.

B. Applicability

Accessory dwelling units are permissible in R-1, R-2, R-3, and MU zoning districts when established in compliance with the standards set forth in this section.

C. No more than one (1) accessory dwelling shall be established on a single-family lot.

D. Standards for an accessory dwelling located within the principal dwelling.

1. An accessory dwelling shall be an integral part of the principal dwelling structure. It shall be construed to be located within a principal dwelling when it is connected to the principal dwelling only by a breezeway or roofed passageway.

2. An accessory dwelling shall not be permissible within a nonconforming dwelling.

3. The establishment of an accessory dwelling shall only be permissible when the principal dwelling can continue to meet all site development standards, including setbacks, height
limits, stormwater management, landscaping and tree protection, and impervious surface coverage after establishment of the accessory dwelling unit. An accessory dwelling shall not be permissible where a variance or waiver is necessary in order to allow the accessory dwelling.

4. Two (2) additional parking spaces shall be provided, which are required in addition to parking for the principal use.

5. An accessory dwelling shall be limited to a maximum of twenty-five (25) percent of the total livable floor area of the principal dwelling.

6. An accessory dwelling shall not result in changes to the exterior appearance of the principal dwelling that are inconsistent and incompatible with the style and appearance of the neighborhood.

7. The existence of an accessory dwelling shall not be construed to allow additional accessory structures on a single-family parcel beyond the number and type of accessory structures permissible with the principal dwelling.

8. There shall be no additional signage to identify the accessory dwelling, other than the signage permissible for the principal dwelling. Standards for signs in a residential zoning district are set forth in Section 5.03.00 Signs herein.

9. There shall be no additional mailbox, exterior utility equipment, or other evidence of an accessory dwelling unit. An accessory dwelling shall not have separate metered utility service, except as otherwise provided in the current Florida Building Code.

E. Standards for an accessory dwelling within a detached garage structure.

1. An accessory dwelling shall be an integral part of the detached garage structure. The accessory dwelling may be located on the ground floor or a second floor above the garage, provided that the height limit for the zoning district is met.

2. An accessory dwelling shall not be permissible within a nonconforming structure.

3. The garage, together with the accessory dwelling, shall comply with all site development standards pertaining to the district, except that setback standards for a detached garage are applicable as set forth in Section 5.01.07 Storage Buildings, Storage Sheds, Greenhouses, and Detached Garages and Carports herein.

4. An accessory dwelling located within a detached garage shall not exceed 600 square feet or twenty-five (25) percent of the total living area of the principal dwelling on the site, whichever is less.

5. Two (2) additional parking spaces shall be provided, which are required in addition to parking for the principal use.

6. The existence of an accessory dwelling shall not be construed to allow additional accessory structures on a single-family parcel beyond the number and type of accessory structures permissible with the principal dwelling.

7. There shall be no additional signage to identify the accessory dwelling, other than the signage permissible for the principal dwelling. Standards for signs in a residential zoning district are set forth in Section 5.03.00 Signs herein.
8. There shall be no additional mailbox, exterior utility equipment, or other evidence of an accessory dwelling unit.

9. The exterior appearance of the detached garage, together with the accessory dwelling, shall be consistent and compatible with the principal dwelling, considering architectural style, color, building materials, and roof design and materials.

5.01.04 Caretaker/Security Dwellings (Accessory Dwellings) in Specified Nonresidential Zoning Districts

A. Purpose

The purpose of this section is to provide for a dwelling unit as an accessory to commercial and public lands uses where such dwelling provides for security and caretaking of the principal use.

B. Applicability

One (1) caretaker dwelling shall be permissible as an accessory structure in the Commercial and Public Lands zoning districts.

C. Standards

1. There shall be no more than one (1) caretaker dwelling unit per lot or business establishment, or public lands use, whichever is more restrictive.

2. The caretaker dwelling shall be provided for the manager, owner, or caretaker of the principal use.

3. The caretaker dwelling shall be located only within a side or rear yard.

4. The caretaker dwelling shall not exceed 750 square feet.

5. The caretaker dwelling shall be included in calculations of maximum impervious surface coverage and maximum floor area ratio for the site.

6. The caretaker dwelling shall not be located in any required buffer, landscaped area, easement, shoreline protection area, or stormwater management area.

7. The caretaker dwelling shall comply with the setback and height standards applicable to the principal building.

8. Two (2) parking spaces shall be provided, which are required in addition to parking for the principal use.

9. No residential accessory structures shall be permitted, including recreational facilities and equipment, swimming pools, storage sheds, detached garages or carports, or other similar residential accessory structures.

10. No home occupation shall be conducted in the caretaker dwelling.

5.01.05 Employee Cafeteria/Dining Room

A principal use located in the Commercial and Public Lands zoning districts may provide an employee cafeteria or dining room, subject to the following standards:
A. The facility shall not be open to the general public;
B. There shall be no signs advertising the presence of the facility;
C. The facility shall be an integral part of the permitted principal building;
D. The cafeteria or dining room shall occupy not more than ten (10) percent of the total gross floor area of the principal building or buildings on the site.

5.01.06 Dumpsters

A. Dumpsters shall be located for easy access for pick-up, and shall not be located within the buffer zone between commercial and residential zoning districts.
B. Dumpsters shall be located to the rear or side of the principal building. A location in the front of the principal building shall be permissible only where side and rear yard locations prevent adequate access for pick-up.
C. Dumpsters shall be located to avoid or minimize visibility of the dumpster from any public area or right-of-way.
D. Dumpsters shall be screened on three (3) sides, with a gate on the fourth side for access.
   1. Screening shall be a solid masonry wall, wood fence, or landscaping.
   2. Where a fence or wall is installed, it shall be a minimum of six (6) feet and a maximum of eight (8) feet in height. The fence or wall shall be designed as an integral part of the site, considering color and materials of the principal building. No signs shall be posted on the fence or wall. The fence shall be maintained as to the purpose intended to screen the dumpster.
E. Dumpsters shall be located on a paved surface of sufficient size to accommodate the dumpster.
F. Dumpsters for food service establishments shall provide a drain and grease trap.
G. Dumpsters shall not be located within any required buffer area, required landscaped area, shoreline protection zone, required parking lot landscaping, or storm water management area.
H. A sign may be placed on a dumpster to identify the owner or to provide notice of “no parking”, “private dumpster”, “no dumping”, or similar messages. Such a sign shall not exceed one (1) s.f. in area. All other signage, including advertising, is prohibited.
I. The design of the dumpster and dumpster pad shall comply with the standards set forth in this LDC.

5.01.07 Storage Buildings, Storage Sheds, Greenhouses, and Detached Garages or Carports

A. Storage buildings, storage sheds, and detached garages in the Commercial and Mixed Use zoning districts that exceed 600 s.f. of floor area, must provide brick veneer, stone, stucco, or other similar decorative materials to the façade on all sides of the building that are visible from the public right-of-way.
B. Carports shall not exceed twenty (20) feet in height.
C. A detached garage may be located within the front yard in the R-1, R-2, and R-3 zoning districts, provided that the detached garage or carport complies with the setback standards for the R-1, R-2, and R-3 zoning districts set forth in Section 4.06.02 Site Development Standards in Chapter 4 herein.

D. Storage buildings, storage sheds, greenhouses, detached garages, and carports shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, stormwater management area, shoreline protection area, driveway, or easement.

E. Vehicles shall not be used as storage buildings, utility buildings or other such uses. Vehicles include: travel trailers, motor homes, and similar recreational vehicles; manufactured housing and mobile homes; trucks; cargo trailers; or other similar vehicles.

F. PODS or similar temporary storage units do not qualify as permanent storage units.

5.01.08 Fences, Hedges, and Walls

A. Location of fences, perimeter hedges, and walls
   1. Fences, perimeter hedges, and walls may be located on or inside the property line.
   2. A fence located on the property line may be shared by adjacent properties.
   3. Owners of fences on adjacent properties that are not shared shall make provisions for maintenance.
   4. Setback requirements applicable to principal buildings shall not prohibit or restrict the installation of a retaining wall.
   5. Fences, perimeter hedges, and walls shall not be located within the required clear visibility area designed in Section 6.03.00 Visibility at Intersections in Chapter 6 herein.
   6. Fences, perimeter hedges, and walls shall not obstruct, hinder, or impede the safe movement of pedestrian, bicycle, or vehicular traffic.
   7. Fences, perimeter hedges, and walls shall not obstruct, hinder, or impede the stormwater facilities.

B. Materials and appearance requirements
   1. Fences and walls shall be constructed of wood, masonry, stone, wrought iron, chain link, vinyl, or composite materials.
   2. The following fence types are prohibited: wire and welded wire.
   3. All fences shall be installed with the finished side facing outward.
   4. Fences located at the front yard setback or in the area between the front yard setback and the front property line shall not be solid and shall be a minimum of fifty (50) percent open. The front yard is the area between the principal structure and the front property line.
   5. A fence installed for security purposes for commercial or public lands uses may include barbed wire, provided that the barbed wire is eight (8) feet above ground.
C. Electrical fencing may be installed for security purposes and shall meet the following standards:

1. Electrical fencing may be installed on the top of a fence in the Commercial and Public Lands zoning districts, provided that the electrical fencing is a minimum of six (6) feet above the ground;

2. Electrical fencing may be installed in residential areas provided that such fencing shall be limited to rear yards and shall be contained within a fence structure;

3. All electrical fencing shall be accompanied by signs to provide a warning of the type of fence and the voltage of the fence. Warning signs shall be placed at each corner of the enclosed area; additional signs shall be placed fifteen (15) feet apart along the entire fence. Warning signs shall not exceed four (4) square feet in area each.

D. Mandatory fencing and buffering.

1. Where the Commercial zoning district abuts property zoned to allow residential use, a fence and hedge shall be installed on or at the abutting property line. The fence and hedge shall be opaque and shall be a minimum of six (6) feet in height. The hedge or landscaped buffer shall be no less than ten (10) feet in width. The fence and buffer shall be installed by the owner of the commercial property.

2. Where the Commercial zoning district abuts a road or street adjacent to property zoned to allow residential use, a fence and hedge shall be installed on or at the abutting property line. The fence and hedge shall be opaque and shall be a minimum of six (6) feet in height. The hedge or landscaped buffer shall be no less than five (5) feet in width. The fence and buffer shall be installed by the owner of the commercial property. The Town Administrator or designee shall review proposed fence and buffer plan as to compliance with clear visibility for streets.

3. The Town Administrator or designee may approve an alternate plan for fencing placement and buffer widths and plantings, where appropriate, for adequate buffering of uses.

E. Height standards

1. Fence and wall height shall be measured from the natural grade at the base of the fence to the highest part of the fence.

2. The maximum height for a fence on a lot line on property zoned R-1, R-2, R-3, and MU adjacent to a property zoned for nonresidential use shall be eight (8) feet.

3. Height standards are provided in Table 5.01.08. The height standards shall not apply to a fence for safety and protection of hazard by any public agency; however, the Town Administrator or designee will review for compliance with the visibility requirements in Section 6.03.00 Visibility at Intersections in Chapter 6 herein.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Height in a Side or Rear Yard (feet)</th>
<th>Maximum Height in a Front Yard (feet)</th>
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<tbody>
<tr>
<td>R-1</td>
<td>8</td>
<td>4</td>
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</table>
5.01.09 Swimming Pools

A. Purpose

The purpose of this section is to regulate the location of swimming pools, spas, and associated decks and enclosures as accessory uses and structures to principal residential dwelling units and lodging establishments. Swimming pools that are principally freestanding are permissible, subject to the site development standards of the zoning district and the current *Florida Building Code*.

B. Standards

1. A deck or patio shall be limited to a wooden or composite deck or patio constructed of pavement or concrete pavers and without a roof or other covering.

2. A swimming pool, with or without spa, deck, patio, or screen enclosure, is permissible as an accessory structure to a principal dwelling unit in a zoning district allowing residential uses.

3. A swimming pool, with or without spa, deck, patio, or screen enclosure, is permissible as an accessory structure to a principal building providing transient lodging facilities, such as a hotel, motel, or bed and breakfast establishment.

4. A swimming pool or spa shall meet setback standards set forth in Table 5.01.10. Setbacks for pools shall be measured to the edge of water.

5. A screened enclosure without a solid roof, pool deck, or patio is permissible as an accessory when installed in conjunction with the pool or spa. A screened enclosure, pool deck, or patio shall meet setback standards set forth in Table 5.01.10.

6. A screened enclosure with a solid roof shall meet the minimum setback requirements for the zoning district in which it is located, as set forth in Chapter 4 Development Standards herein.

7. Pool equipment shall be screened with a wall, fence, or landscaping.

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<tr>
<td>R-2</td>
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<tr>
<td>R-3</td>
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<tr>
<td>MU</td>
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<td>8</td>
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<tr>
<td>Public Lands</td>
<td>8</td>
<td>6-8</td>
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</tbody>
</table>
5.01.10 Table of Setback Standards for Swimming Pools, Spas, Screened Enclosures, and Patios.

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<tbody>
<tr>
<td>Pools and Spas</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Single-family, duplex, and triplex structures</td>
<td>28</td>
<td>8</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>Multifamily structures and lodging establishments</td>
<td>Shall meet the setbacks for accessory structures plus three (3) feet for the pool perimeter.</td>
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<tr>
<td>Screened enclosure, pool deck, or patio</td>
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<tr>
<td>Single-family, duplex, and triplex structures</td>
<td>25</td>
<td>5</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Multifamily structures and lodging establishments</td>
<td>Shall meet the setbacks for accessory structures.</td>
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</table>

5.01.11 Specific Requirements for Accessory Structures in the R-1, R-2, and R-3 Zoning District

The following accessory structures may be located within the rear yard of lots zoned R-1, R-2, and R-3 provided that such structures are located a minimum of thirty (30) feet from the mean high water line or the seawall: pool and pool deck; gazebo; cabana with shower and/or rest room facilities; outdoor kitchen which may include a grill and wet bar with associated storage; deck; paved or wooden terrace; and a walkway connecting to a dock.

5.01.12 Specific Requirements for Accessory Structures in the Commercial and MU Zoning Districts

A. Parking and storage for boats and boat trailers may be located within the front yard.
B. Tennis courts may be located within the front yard.

5.01.13 Outdoor Storage Areas – Commercial

A. Outdoor (or outside) storage includes the storage of equipment, machinery, or materials outside of the principal building on a site.
B. The provisions of this section shall not be construed to prohibit the outdoor storage of non-commercial lawn equipment in residential areas.
C. Outdoor storage shall be located within a rear yard or side yard.
D. Except in the Public Lands zoning district, outdoor storage shall be fully concealed from public view and shall be enclosed with a solid fence, solid wall, or landscaping.
E. Outdoor storage of parts, materials, equipment, machinery, or vehicles shall be maintained in a neat, orderly, dust free, and safe manner.

F. Stored materials and parts shall not exceed six (6) feet in height.

G. Outdoor storage shall not be located within any required buffer or other landscaped area, shoreline protection zone, stormwater management area, easement, required parking spaces, driveway or parking aisle, or loading spaces.

5.01.14 Vending Machines and Vending Boxes

A. Vending machines and vending boxes include devices that dispense a product, either by coin operation or freely distributed; examples include food and beverages, newspapers, flyers, cigarettes, media such as DVDs, and ice. Ice vending kiosks and buildings are regulated in Section 5.04.17 Ice Vending Kiosks and Buildings herein.

B. Vending machines and vending boxes are permissible within a principal building, within an accessory building, and under the roof of a principal or accessory building.
   1. The principal or accessory building shall be in conformance with the requirements of this LDC.
   2. The principal or accessory building shall be a commercial, office, business, civic or other public land type uses, cultural, or multifamily building.
   3. When located outside under the roof of a principal or accessory building, vending machines and vending boxes shall be flush against the façade of the building.
   4. Vending machines and vending boxes shall not be located to impede or interfere with pedestrian access, pedestrian circulation, emergency access, or otherwise present an impediment to public health and safety.

C. Vending machines and vending boxes may be located outside on private property, subject to the following standards:
   1. Outdoor vending machines and boxes shall be placed on an impervious surface;
   2. Outdoor vending machines and boxes shall be placed in groups of no more than six (6) such machines or boxes. Groups of such machines and boxes shall be separated by a minimum of fifty (50) feet;
   3. Vending machines and boxes shall not be located in such a manner as to impede pedestrian access, obstruct parking areas or driveways, obstruct emergency lanes or access, or otherwise create an unsafe situation;
   4. The property on which the vending machines or boxes are located shall remain in compliance with ADA standards;
   5. Vending machines and boxes shall be maintained in good operating condition.

D. Vending machines and boxes may be placed on public property, subject to the following standards:
   1. The machine owner shall obtain permission from the Town for the proposed location;
   2. Vending machines and boxes shall not be located on public sidewalks;
3. Vending machines and boxes shall not obstruct pedestrian access to transit shelters, business entrances, driveways, parking areas, crosswalks, or other pedestrian facilities;

4. Vending machines and boxes shall not be located in such a manner as to interfere with or damage landscaping and street trees;

5. Vending machines and boxes shall not be attached to or interfere with the operation of traffic signs, traffic signals, fire hydrants, public safety call boxes, utility poles, mail boxes, or street furniture such as benches;

6. Vending machines and boxes shall be in groups of no more than six (6) such machines or boxes in any one location. Groups of machines and boxes shall be separated by a minimum of fifty (50) feet;

7. Vending machines and boxes shall not be placed to allow drive-up access from a vehicle.

5.01.15 Boathouses, Docks, Piers, and Seawalls

This section establishes regulations, procedures, and standards by which the Town shall control and regulate development, construction, and activities on, within, and contiguous to the bayous. While the following regulations and prohibitions shall apply to the bayous and contiguous lands, no agency’s authorization precludes the issuance of a Town permit:

A. No person shall construct, or add to an existing dock, seawall, bulkhead, mooring piling, modify an existing submerged land lease, or conditions thereto, or conduct dredge or fill operations in or contiguous to the bayous, without first obtaining the proper authorization from the State of Florida Department of Environmental Protection, United States Army Corps of Engineers Regulations and Town agencies;

B. Boathouses, docks, piers, and seawalls shall be designed and located to avoid channeling stormwater runoff directly into adjacent wetlands and bodies of water;

C. Dumping garbage, trash, or any kind of refuse, to include offal, into wetlands, bodies of water, waterways, or shorelines is prohibited unless approved by Florida Statutes;

D. Boathouses, docks, piers, and seawalls shall be maintained in a safe and clean manner;

E. No new or existing dock shall be constructed or modified such that the length of any pier as completed is greater than 20 percent of the width of the bayou at the place where the pier is located, or out 200 feet, whichever is less. No pilings shall be added to the waterward end of any pier where pilings would make the total length of the dock more than 200 feet;

F. No dock shall be constructed or modified in any manner that infringes upon the riparian rights of any other property owner;

G. No new dock or modification of an existing dock shall be placed within the setbacks of the riparian line of a property without providing prior written notification to the adjoining land owners and requesting their response. Any objections received from the adjoining property owners will be considered by the Planning and Zoning Board in the permit request approval process;

H. No pier or dock may lose its structural and aesthetic appearance due to age or use. If more than 35 percent of the materials the structure is composed have become broken, torn loose, or otherwise deteriorated structurally or aesthetically, the structure must be repaired in such
manner as to ensure it is uniform in appearance and is structurally sound, or removed in its entirety;

I. If existing facilities are damaged by accidents, vandalism, ordinary wear and tear, or acts of God, the structure may be reconstructed without application for a permit so long as the damaged facilities are reconstructed in the same or lesser dimensions.

5.01.16 Kennels

Kennels are permissible accessory structures in areas zoned for residential use, subject to the following standards:

A. Kennels shall be for the private use of residents on the property on which they are located. Commercial activity, such as breeding, grooming, or training, is prohibited;

B. Kennels shall be located within a fenced enclosure;

C. Kennels shall be designed and constructed to provide for waste management and pest control consistent with best practices for animal husbandry.

5.01.17 Recreation Facilities

Recreation facilities, such as tennis courts, playing fields, ball courts, playgrounds, and other similar recreational amenities, are permissible accessory structures and uses in areas zoned for residential use, subject to the following standards:

A. Recreation facilities shall be for the private use of residents on the property on which they are located;

B. Recreation facilities shall provide for off-street parking in compliance with the parking standards in Section 6.04.02 Standards for Parking in Chapter 6 herein;

C. Recreation facilities shall provide safety fencing to ensure that playing equipment is contained within the recreation site;

D. Lighting for security and use of facilities after dusk shall be shielded and directed to avoid direct glare and illumination of residential structures. Lighting for facility use shall be limited to the hours from dusk to 10:00 P.M.

5.02.00 TEMPORARY USES AND STRUCTURES

5.02.01 Temporary Dwellings

One (1) on-site manufactured home may be located on a residential construction site as a temporary residence for the owner or builder, subject to the following standards:

A. A building permit is required for installation of the temporary residence, and shall not be issued until a valid building permit has been issued for construction of the principal dwelling;

B. The applicant shall connect the temporary dwelling to the Okaloosa County water and sewer system whenever possible. Where such connection is not possible, the applicant shall demonstrate adequate provisions for sewage pump-out and disposal;

C. The dwelling shall be setback from all property lines a minimum of ten (10) feet;
D. Two (2) parking spaces shall be provided on the site to serve the dwelling;

E. The temporary dwelling shall be removed within thirty (30) days following issuance of a certificate of occupancy for the principal dwelling;

F. One (1) temporary storage shed may be located on the site to support use of the temporary dwelling, subject to the following standards:
   1. The storage shed shall not be installed prior to installation of the temporary dwelling;
   2. The storage shed shall be removed not later than removal of the temporary dwelling;
   3. The storage shed may be relocated as a permissible accessory building for the principal dwelling, subject to the standards in Section 5.01.07 Storage Buildings, Storage Sheds, Greenhouses, and Detached Garages and Carports herein.

5.02.02 Construction and Job Site Buildings and Storage Yards

Temporary buildings or uses in connection with a construction project shall be permissible during the construction period. The following standards shall be met by temporary uses established during construction:

A. A building permit is required;

B. Temporary buildings and storage yards shall not be established until a valid building permit has been issued for the construction activity on the site;

C. Temporary buildings shall comply with the accessibility requirements of the current Florida Building Code;

D. All construction buildings shall meet tie-down requirements for mobile structures;

E. Portable sanitation facilities shall be provided for the construction site;

F. Construction buildings, equipment, machinery, and materials shall be removed within thirty (30) days of completion of the construction site for which they are permitted;

G. A temporary office may be located on a construction site to be used for administrative functions during construction;

H. A temporary office may be allowed for sales functions or sales offices, allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control;

I. If restrooms are provided in the temporary office buildings, the applicant shall demonstrate adequate provisions for sewage pump-out or disposal;

J. On-site outdoor storage of equipment and construction materials shall be allowed during the period of construction. Stored materials shall be located at least one (1) foot from all property lines. Equipment and materials shall be stored in a safe manner;

K. Construction and demolition debris dumpsters are allowable and are not required to be screened. Dumpsters shall not be located to occupy or obstruct required parking spaces, driveways, or aisles;

L. Adequate parking shall be provided;
M. Additional parking areas shall be designated for construction vehicles, sufficient to accommodate all such vehicles off the public right-of-way;

N. Location of temporary buildings, parking areas, dumpsters, and storage yards shall comply with the tree protection requirements of Section 4.08.04 Requirements for Trees and Tree Protection in Chapter 4 herein;

O. Construction signs are permissible and shall comply with the requirements of Section 5.03.00 Signs herein.

5.02.03 Roadside and Mobile Vendors

A. Applicability

Roadside and mobile vendors conducting retail sales or displays are permissible as a temporary use in the Commercial and Public Lands zoning districts in accordance with the standards of this section.

B. Temporary uses subject to this section shall not exceed fifteen (15) days in any one (1) month.

C. A temporary use building permit is required according to the requirements of the current Florida Building Code.

D. Standards for roadside and mobile vendors

1. The applicant shall possess a valid Town Business Tax Receipt.

2. The applicant shall have written permission from the property owner and the business owner of the site on which the roadside or mobile vendor is proposed.

3. The applicant shall demonstrate that the proposed use meets all applicable Town, Okaloosa County, and State requirements, including, but not limited to a Florida Department of Professional and Business Regulation Mobile Food Dispensing Vehicle License and/or Public Food Service License, if applicable. Proof of an approved Florida Plan Review for hot dog carts and other mobile vendors shall also be submitted, if applicable.

4. The proposed use shall provide sufficient on-site parking.

5. The proposed use shall not be located in or block a fire lane.

6. The hours of operation shall be appropriate for the location.

7. The proposed use shall not block or impede any roadway, driveway, access, or sidewalk in a way that hinders normal traffic flow or pedestrian traffic flow.

8. The applicant shall demonstrate proper control of sanitation and litter associated with the proposed use.

9. The applicant shall demonstrate that the proposed use includes proper restroom facilities available during all hours of operation.
5.02.04 Modular Storage Containers

Modular storage containers (sometimes called storage pods) are permissible temporary structures, provided they are located in compliance with the following standards:

A. A temporary structure building permit is required;

B. Location of the storage pod is limited to a maximum of thirty (30) days per installation, renewable one (1) time, not to exceed sixty (60) days per year;

C. The storage pod may be placed on a paved or unpaved surface. When the authorized location is unpaved, the temporary use permit shall include a condition that grass or landscaping shall be restored upon removal of the unit;

D. The storage pod may be placed in a required front or rear yard setback, provided that it is setback a minimum of five (5) feet. Placement in a side yard shall comply with the required side yard setback;

E. The storage pod shall not be placed within a required easement, required parking space, stormwater management area, or required buffer;

F. Placement of the storage pod shall not interfere with or obstruct pedestrian access;

G. Placement of the storage pod shall not interfere with the required visibility triangle standards set forth in Section 6.03.00 Visibility at Intersections in Chapter 6 herein.

5.03.00 SIGNS

5.03.01 Generally

A. The requirements of this section are the minimum requirements to promote the public health, safety, aesthetics and welfare and to maintain, enhance, improve and protect the appearance and character of residential, professional office and commercial areas of the Town. Additionally, this chapter will improve traffic safety and control the number, location, size and type of signs while still permitting reasonable identification and advertising by professional and commercial establishments.

B. This section includes provisions for on-site signs placed on land or on a building for identification or for advertising a use conducted thereon or therein and shall be deemed to be accessory and incidental to the subject land, building or use. The regulation of on-site signs is intended to prevent excessive competition and clutter among signs and to improve and preserve traffic safety and aesthetics. The control and regulation of off-site signs or billboards, outdoor advertising not related to the site on which the sign is located, is deemed to be necessary to protect the character and development of the Town as well as preserving traffic safety and aesthetics.

C. This section shall not relate to building design. This section shall not regulate official traffic or government signs, the content and message of signs, gravestones and religious symbols or commemorative plaques.

D. Whenever the occupancy of a premises with nonconforming signs changes, the new occupant shall be required to remove, change or alter such signs to conform to this section. This requirement is not intended to apply to changes in ownership where the same business,
operating under the same name, continues to occupy the premises.

E. Any sign which is in violation of this section and which does not qualify as a nonconforming sign may be removed by the Town, its agents and authorized representatives. In carrying out the task of removing such signs, the Town, its agents and authorized representatives may enter upon private property without subjecting the Town to any liability for entry and removal. Any fees and costs incurred by the Town under this section shall be borne by the sign owner.

5.03.02 Permitting and Exemptions

A. All new signs shall be required to have a building permit. Application for a sign permit shall be accompanied by a fee pursuant to a fee schedule to be established by motion or resolution of the Town Commission, and such application shall be on file in the Town clerk's office. No sign shall be constructed, structurally altered, extended or relocated until such a permit has been issued. No permit shall be issued until the administrative official determines that the sign is in compliance with the current Florida Building Code.

B. The following signs shall be exempt from this permit requirement. Such signs are, however, subject to all other LDC requirements:

1. Window signs.
2. Temporary Political signs; see 5.03.05 Temporary Signs.
3. Real estate signs not exceeding eight square feet in copy area.
4. Signs which are a permanent architectural feature of the building or structure, such as a cornerstone or identifying letters carved into or embossed on the building, providing 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.
5. Within the scope of portable signs, vehicles to which signs are attached or painted thereon while in a transitional status through the Town are authorized and are exempt from the requirements for permits and payment of fees.
6. A maximum of two temporary signs located on residential property set back at least 15 feet from all public rights-of-way, restricted to signs no more than eight square feet in copy area, total height limited to four feet.
7. Identification signs at the entrance drive of residences, estates or ranches bearing only street numbers, mailbox numbers or names of the occupants of the premises.
8. Signs erected or required by governmental agencies.
10. Warning, non-advertising signs or symbols, e.g., no trespassing or no dumping signs, located on and pertaining to a parcel of property, and such signs shall not exceed four square feet in area and shall be non-illuminated.
11. Changing the copy of a sign, or maintaining or repainting the sign where no structural or electrical changes are made; also, the changing of interchangeable letters on signs.
12. Temporary, non-illuminated signs erected by the owner on residential property up to
eight square feet in total copy area. This includes any changes made to the temporary sign by the residential owner.

13. Window displays of merchandise which are changed on a regular basis, except as specifically prohibited.

14. Special instruction signs, including signs which identify restrooms, no smoking, shoes and shirts required, no food or beverage, open or closed, and hours of operation, with a total copy area not to exceed ten square feet on any parcel of property.

15. Temporary signs advising of special activities by a nonprofit organization may be placed without fee or permit at a location designated by the Town Administrator for a period not to exceed five days.

16. Parking area identification or directional signs not in excess of eight square feet in copy area per parcel.

17. Safety signs. Classification of a sign as a safety sign shall be determined by the administrative official.

5.03.03 Sign Maintenance

All signs shall be adequately maintained in a structurally sound and safe condition. At a minimum, the following standards shall be met:

A. The area around the sign shall be clear of overgrown vegetation or other obstacles so as to make the sign readily visible;

B. All damaged or deteriorated panels or structural components shall be replaced;

C. Any sign copy shall be maintained securely to the face, and all missing copy shall be replaced;

D. All defective, discolored, faded, broken, or torn parts shall be replaced or repaired. When a sign is found to be nonconforming, an inspection report, stating what changes must be made in order to make the sign conform to this LDC and the date the sign must be made to conform or be removed, shall be issued to the sign owner or to the property owner if the sign owner cannot be located;

E. Any sign that becomes unsafe, dangerous or a threat to public safety shall be replaced, repaired, or otherwise made safe within the time limit set by the Town. If any sign becomes insecure, dilapidated, or in danger of falling or otherwise unsafe as determined by the Town’s Engineer or if any sign shall not be kept in good repair and in a neat and clean condition, the Town Administrator or designee shall inform the sign owner and person or business maintaining or having control over the sign or the person or business upon whose property the sign is located, in writing, to secure, remove, or repair the sign within ten days from receipt of notice. The notice shall require the sign to conform to this LDC and shall specify the section of this LDC with which the sign does not comply. If the person or business receiving notice as set forth in this subsection does not bring the sign into compliance within the ten-day period, the sign shall be deemed illegal and subject to removal provisions of this LDC, and such person or business shall be subject to any and all other sections of this LDC imposing fines, penalties, and proceedings for violation. Any fees and costs incurred by the
Town in taking action under this section will be borne by the sign owner and person or business maintaining or having control over the sign and the person or business upon whose property the sign is located;

F. All signs, together with their parts and support elements, are to be painted and otherwise refurbished as needed or as required by the Town Administrator or designee. Failure to maintain signs in a presentable and safe condition will be sufficient cause to revoke the permit and require removal of the sign. The Town Administrator or designee is authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any section of this LDC;

G. Any decision or action made or taken by the Town Administrator or designee pursuant to this section may be appealed in writing to the Town Commission within 90 days after any such decision or action, and the action of the Town Commission upon such appeal shall be final and conclusive. Failure to remove the sign will constitute a violation of this LDC unless an appeal has been filed with the Town Commission within the 90 days;

H. If not specified otherwise, the owner of property upon which a sign is located will be held responsible for compliance with all applicable sections of this LDC;

I. For political signs, the violation will be construed to have been made by the individual affixing the sign, the candidate whose name or picture appears on the sign, or the campaign organization of the candidate;

J. Any dispute or ambiguity concerning the interpretation of this section shall be resolved by the Town Administrator subject to appeal of this decision to the Town Commission.

5.03.04 Prohibited Signs

The following signs are prohibited:

A. Off-premises signs;

B. Portable signs;

C. Snipe signs, including temporary signs stuck in the ground (sometimes also called bandit signs), and signs attached to utility poles, trees, rocks, or other natural object;

D. Signs with visible moving, revolving, or rotating parts, flashing or oscillating lights, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means;

E. Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination;

F. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe;

G. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics;

H. Abandoned signs;
I. Signs erected on public property, with the exception of signs erected by public authority for public purposes;

J. Any other signs that are not specifically permitted or exempted as set forth in Section 5.03.00 Signs herein.

Table 5.03.04 Sign Standards

<table>
<thead>
<tr>
<th>Mixed Use (MU)*, Commercial, Public Lands Zoning Districts</th>
<th>Type of Sign</th>
<th>Maximum Number</th>
<th>Sign Copy Area</th>
<th>Max Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall</td>
<td>1 per façade per tenant</td>
<td>200 sq. ft. maximum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Awning</td>
<td>1 per façade per tenant</td>
<td>200 sq. ft. maximum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Window</td>
<td>N/A</td>
<td>75% of window area</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Pole</td>
<td>1 per parcel</td>
<td>200 sq. ft. maximum</td>
<td>40 ft. in height</td>
<td></td>
</tr>
<tr>
<td>Ground</td>
<td>1 per parcel</td>
<td>200 sq. ft. maximum</td>
<td>6 ft. in height</td>
<td></td>
</tr>
</tbody>
</table>

*Parcels zoned Mixed Use (MU) on on all streets except Eglin Pkwy and Old Ferry Road are limited to 64 sq. ft. of copy area and 4 ft. in height for pole and ground signs.

5.03.05 Temporary Signs

Temporary signs shall comply with the following standards:

A. Temporary signs are permissible subject to receipt of a temporary sign permit specifying type, size, location, and duration of placement. Temporary sign permits are limited to three (3) per business in any one (1) calendar year. Temporary signs may be displayed for a period not exceeding thirty (30) days;

B. Temporary signs shall not be placed in the public right-of-way;

C. Temporary signs shall not flash, blink, spin, or rotate;

D. Temporary signs include banners, flags, and pennants. The placement of temporary signs shall comply with the clear visibility requirements set forth in Section 6.03.00 Visibility at Intersections in Chapter 6 herein, and such signs shall not block traffic or pedestrian visibility, or constitute a vehicular or pedestrian traffic hazard;

E. The placement of temporary signs shall not cause a public nuisance;

F. Permissible temporary signs shall be firmly secured to the ground or to a building according to the requirements of the temporary permit. Temporary signs may be attached to or cover an existing permitted sign only for the period during which the temporary sign is permitted.

G. Temporary political signs (permit exempt) shall comply with the following standards;

1. Are not authorized more than 60 days in advance of the election or referendum voting date to which the sign refers and must be removed within 2 days following the election or referendum voting date to which the sign refers.

2. Single signs, or multiples of the same sign, shall exhibit no more than 2 sq. ft. of copy area (4 sq. ft. if double sided) on any individual property parcel. Maximum sign height above ground is 4 ft.

3. Signs are not permitted on publicly owned property or any public right-of-way.
4. Signs must have their own support frames and shall not be attached to existing structures, poles or signs.

5. Written Permission from the person or entity entitled to occupy a is property is required before placing any political sign on private property and copy of written permission must be provided to Shalimar Town Hall. Political sign permission forms are available at Town Hall.

**5.03.06 Permitted Signs General Criteria**

A. *Copy Area.* The copy area of signage permitted for any given site shall be determined by the following formula:

$$\text{Total Copy Area} \leq 200 \text{ sq. ft.} = 2 \text{ sq. ft.} \times \text{principal right-of-way frontage in linear feet}$$

Unless otherwise specified, a total of two square feet of sign copy area for each linear foot of principal right-of-way frontage with the copy area not to exceed 200 square feet. In computing sign copy area, standard mathematical formulas for known common shapes will be used. Common shapes shall include squares, rectangles, cones, spheres, ovals, triangles, trapezoids, circles and cylinders. On any sign with more than one face, the aggregate square footage of all faces will be counted. Where words, letters, numbers, symbols or other components comprise the copy but are not contained within a sign face, such as independent letters on a wall forming the name of an establishment, the square footage of the copy area shall be determined by drawing an imaginary standard geometric form around and about the words, letters, numbers, symbols or other components comprising the copy, and the copy area shall be the entire area within the perimeter of such imaginary, standard form. All the words, letters, numbers, symbols or other components which comprise the copy shall be included within the perimeter of the imaginary, standard form in determining copy area.

B. *Flagpoles.* Flagpoles shall not exceed 40 feet in height. All flagpoles shall be located so that the flag will not extend over a right-of-way. No flagpole may be erected without a building permit for the pole itself.

C. *Visibility triangle.* On corner lots, signs within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.

D. *Illumination.* All illumination of signs shall be directed in a manner that avoids undue glare and direct illumination or reflection on abutting properties. The intensity or brightness of the light shall not adversely affect the safe vision of operators of vehicles moving on public or private roads, highways or parking areas.

E. *Changing signs* are only permitted on Commercial-zoned parcels.

F. *Setbacks.* In all zoning districts, there shall be a minimum ten-foot setback of signs from all road rights-of-way.
5.04.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

5.04.01 Generally

A. This section sets forth standards for specific uses that are permissible subject to supplemental standards. Uses that are permissible subject to these supplemental standards are identified by the letter “SS” in Table 2.03.02.

B. Where there is a conflict between a standard applicable to the zoning district in which the use is located and the supplemental standards set forth below, the more restrictive standard shall apply.

5.04.02 Townhouses

A. A townhouse is a single-family dwelling unit attached horizontally by a common or party wall to one (1) or more dwelling units.

B. A townhouse development shall be designed and developed as a single, integrated development project. The development and the individual townhouse units shall comply with the following standards:

1. A townhouse shall be not less than two (2) stories;

2. An individual townhouse unit shall be located on a platted lot, established in compliance with the standards for subdivisions set forth in Section 4.07.00 Standards for Subdivisions in Chapter 4 herein;
   a. The minimum lot area for an individual townhouse unit is 1,400 s.f.
   b. The minimum lot width for an individual townhouse unit at the end of a group of units and adjacent to a street on the side property line shall be twenty-five and one-half (25 ½) feet.

3. The structures containing townhouse units shall comply with the zoning standards setting forth maximum impervious surface, maximum height, and maximum density on a development site;
   a. The minimum setback from a side property line shall be seven and one-half (7 ½) feet.
   b. There shall be a maximum of six (6) individual townhouse units within one structure.
   c. Each individual townhouse unit shall have a private entrance.
   d. The front façade of each structure shall include projections.

4. Where a townhouse development abuts property zoned or used for single-family or duplex development, a fence, six (6) feet high, shall be provided. The finished side of the fence shall face outward. No fence is required where an alley separates the townhouse development from the single-family or duplex development. Each portion of the fence shall be the property of the owner of the townhouse lot on which it is located; such owner is responsible for maintenance of that portion of the fence;

5. Standards for refuse containers
a. Individual refuse containers shall be provided for each townhouse and all such containers shall be located together on a paved area not larger than five (5) feet by five (5) feet.

b. The refuse area shall be setback a minimum of twenty (20) feet from any property line. Where an alley is provided, the dumpster or refuse area may be located adjacent to the alley.

c. The dumpster or refuse area shall be screened in compliance with the standards set forth in Section 5.01.06 Dumpsters herein.

5.04.03 Boatyards and Marina Facilities as water related uses in the Commercial Zoning district

A. This section is intended to address water related facilities where worn out and discarded materials are collected, accumulated, stored, disassembled, processed, or handled.

B. Materials may include:

1. Scrap metals such as iron, steel, brass, copper, aluminum, tin, lead, or other base metals;
2. Plastics;
3. Rubber;
4. Glass;
5. Paper or cardboard;
6. Inoperable machinery, equipment and parts;
7. Inoperable vehicles or parts;
8. Other similar waste or scrap materials.

C. Collection, storage, or handling of hazardous materials shall comply with State and Federal standards.

D. The outdoor portion of the facility shall be screened with an opaque fence, wall, or landscaped buffer.

1. The facility shall not be visible from a public right-of-way or from land zoned to allow residential use.
2. The facility shall be enclosed with a fence or wall not less than eight (8) feet and not more than ten (10) feet high. The fence or wall shall be solid. The finished side shall face outward.
3. Where a landscaped buffer is provided, the plants shall include evergreen trees and shrubs.
   a. The planting strip shall be a minimum of fifteen (15) feet wide and located on the perimeter of the site.
   b. Plant materials shall comply with the specifications set forth in Section 4.08.00 Standards for Landscaping Buffers and Tree Protection in Chapter 4 herein.
c. Trees and shrubs shall be planted in double-staggered rows and shall be of sufficient size to form an opaque screen at least eight (8) feet in height.

d. The landscaping shall be maintained to ensure continuation of the vegetative screen. Dead or damaged plant materials shall be replaced as soon as possible based on the growing season.

e. Where the landscaped buffer is not adequately maintained, the Town may require replacement of the landscaped buffer with a solid wall or fence.

5.04.04 Vehicle Repair and Body Shops, Including Small Equipment and Small Appliances

A. Vehicle repair and body shops are establishments for the mechanical repair, maintenance, painting, and body repair of passenger vehicles; standards also apply to small equipment and small appliance facilities.

B. Any outside storage of vehicles awaiting repair and maintenance shall be enclosed with a fence, wall, or landscaped screen.

1. A fence or wall shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.

2. A fence or wall shall be solid. The finished side shall face outward.

3. Where a landscaped buffer is provided, the plants shall include evergreen trees and shrubs. The trees and shrubs shall be planted in double staggered rows to form a continuous screen at least six (6) feet in height.

4. The landscaping shall be maintained to ensure continuation of the vegetative screen. Dead or damaged plant materials shall be replaced as soon as possible based on the growing season.

5. Where the landscaped buffer is not adequately maintained, the Town Administrator may require replacement of the landscaped buffer with a solid wall or fence.

C. Parts and materials shall be stored within the principal building or a permissible accessory storage building. Outside storage of parts and materials is prohibited.

D. The sale of vehicles is prohibited on the vehicle repair facility site and any adjacent right-of-way.

E. Drainage pits for oil and fluid change shall be located within an enclosed structure.

F. Doors or openings to service bays shall not open toward adjacent properties with a residential use.

G. Perimeter landscaping required by Section 4.08.05 Landscape and Buffer Requirements in Chapter 4 herein shall be doubled.

H. Loading docks shall be screened from view from public rights-of-way and properties with a residential use.

I. Dumpsters shall be located a minimum of fifty (50) feet from a property line adjacent to a residential use.
J. All exterior lighting shall be directed and shielded to avoid direct illumination of adjacent properties.

K. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that the sound cannot be heard on adjacent properties.

L. The owner of the vehicle repair establishment shall prepare and provide to the Town a plan for the safe storage of flammable or hazardous materials to be stored or used on the property and an inventory of such materials. The plan shall provide for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous material. The inventory shall be submitted to the Town prior to the building permit approval, listing the type, quantity, and location of these materials. The inventory shall be kept current pursuant to direction provided by the Town.

5.04.05 Fuel/Gasoline Stations

A. The term gas station includes convenience stores with gas pumps and establishments that provide the following accessory uses in addition to gas or other fuel pumps: oil change and light repair (but not including body work) for automobiles; car wash facility; fast food restaurants; drive-through restaurants; groceries; sundries; supplies for the traveling public; food; and beverages.

B. Access shall be from a collector or arterial street.

C. Fuel pump islands shall be set back a minimum of thirty (30) feet from any property line.

D. Underground storage tanks shall be designed, located, and monitored in full compliance with State requirements. Evidence of such compliance shall be provided to the Town.

E. Oil drainage pits and hydraulic lifts shall be located within an enclosed structure.

F. Gasoline service stations located within 100 feet of any property zoned to allow residential uses shall be buffered in compliance with the following standards:
   1. A masonry, wooden, or solid fence shall be required on any side or rear property line that is within 100 feet of any property in a district zoned to allow residential uses;
   2. The decorative or finished side of the fence shall face outward;
   3. Perimeter landscaping shall include evergreen shrubs or understory trees planted in a double staggered row to form a continuous hedge. The landscaping shall comply with the specifications set forth in Section 4.08.03 Specifications for Landscape Material and Vegetation in Chapter 4 herein and the number of plants shall be doubled.

G. Drive-through lanes for restaurants or car wash facilities associated with the gasoline service station shall be located a minimum of twenty-five (25) feet from any property zoned to allow residential uses. Distance shall be measured from the outermost edge of the drive-through lane to the property line of property zoned to allow residential use.

H. Dumpsters shall be located a minimum of twenty-five (25) feet from the property line of property zoned to allow residential use.

I. All exterior lighting shall be directed and shielded to avoid direct illumination of adjacent properties.
J. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that the sound cannot be heard on adjacent properties.

K. Repair services shall be limited to minor repairs to passenger vehicles, such as tires repair or replacement; oil and other fluid changing; replacement of belts, hoses, filters, and windshield wipers; and similar minor repairs. All permissible repair services shall be carried out only within an enclosed building.

L. Vehicle parts, supplies, damaged parts, or other materials and supplies shall be stored within an enclosed building.

M. Canopies over gas pumps or pump islands shall meet the setback requirements for the zoning district in which they are located.

N. The sale of vehicles is prohibited on the gas station site and any adjacent right-of-way.

5.04.06 Religious Facilities

A. The principal use for a site developed for religious uses is worship. Worship is a form of religious practice with its creed and ritual.

B. Uses and activities other than worship shall be considered accessory uses and shall be clearly ancillary to the principal use. Such uses and activities shall be limited to:

1. Religious instruction (such as “Sunday School,” Bible school, or similar instruction or study typically associated with the religion); offices to support the religious facility;
2. Child day care, adult day care, preschool, or child nursery school subject to the standards of this section (E);
3. Private academic school, subject to the standards of this section (H);
4. Fellowship hall or social hall, which may be known as a community center, activity hall, or life center, with or without a kitchen, subject to the standards of this section (I);
5. Individual meeting spaces.

C. All accessory uses are subject to the following requirements:

1. The accessory use shall be operated only by the owner of the principal use;
2. The facility housing the accessory use shall meet all local, State, or Federal standards;
3. The owner of the principal use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon demonstrating that all licenses have been obtained;
4. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that the sound cannot be heard on adjacent properties;
5. All outdoor activities shall occur no earlier than 8:00 a.m. and no later than 10:00 p.m.;
6. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties;
7. Outdoor play or activity areas shall be no closer than thirty (30) feet from property designated for residential use, as measured to the nearest residential property line.

D. The following activities shall be prohibited in association with religious uses: overnight lodging facilities; and any use not specifically identified as an allowable accessory use. Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage, subject to the standards of this section (H).

E. Child day care, adult day care, preschool, or child nursery school uses are allowable accessory uses subject to the following standards:

1. The total floor area allocated to the child day care, adult day care, preschool, or child nursery school uses shall not exceed ten (10) percent of the total gross floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, child nursery school facilities, and mechanical and support facilities required for operation of the child day care, adult day care, preschool, or child nursery;

2. An off-street drop-off area for persons served by the facility shall be provided.

F. Private academic schools are allowable accessory uses subject to the following standards:

1. The total floor area allocated to the school shall not exceed twenty (20) percent of the total gross floor area on the site. The calculation of total floor area allocated to the school shall include all components of the school: classrooms, school library, school offices, teacher work areas, and the like, including related mechanical and support facilities;

2. An off-street drop-off area for persons served by the facility shall be provided.

G. A fellowship hall is an allowable accessory use subject to the following standards:

1. Dining, including dining open to the public as a “soup kitchen,” is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:
   a. The owner of the religious use ensures that meal recipients remain on the site except during travel to and from the fellowship hall;
   b. No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.

2. The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.

H. One (1) residential dwelling unit is allowable to serve as a parsonage, subject to the following standards:

1. The minimum lot area devoted to the dwelling unit (“parsonage lot”) shall comply with the standards set forth for dwelling units in R-2 in Table 4.01.01. The parsonage lot shall be used exclusively for the dwelling unit and shall not include any primary or other accessory use allowable on the site;

2. Two (2) parking spaces shall be provided within the parsonage lot;

3. The parsonage lot may contain children’s outdoor play equipment, in a size and quantity typical of a single-family residential use, but shall not contain an accessory recreation facility for the principal religious facility.
I. The parsonage lot may contain a residential swimming pool, fully enclosed, and attached to the dwelling.

J. A specific parking plan shall be provided. This plan shall identify the principal use and each accessory use proposed on the site. The parking plan shall indicate the hours of operation and peak times of use (parking demand) for the principal use and each accessory use on the site. The parking standards for the primary use and each accessory use shall be identified based upon Section 6.04.02 Standards for Parking in Chapter 6 herein. The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak use and associated parking requirements shall not result in a parking deficiency on the site. The parking plan shall indicate areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).

K. The proposal for the religious facility shall demonstrate compliance with street, driveway, and sidewalk standards set forth in Chapter 6 Standards for Transportation, Access, Parking, and Loading herein.

5.04.07 Dry Storage Facilities for Watercraft

A. Dry storage facilities for watercraft may be freestanding or co-located with a permitted marina.
   1. All exterior lighting shall be directed and shielded to avoid direct illumination of adjacent properties.
   2. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that the sound cannot be heard on adjacent properties.

B. Dry storage facilities for watercraft may include repair facilities.
   1. Such repair facilities may include an open boat yard for watercraft awaiting repair or engaged in repair. The open boat yard shall not exceed fifteen (15) percent of the site area for the dry storage facility.
   2. Open boat yards shall be screened from view from a public right-of-way by means of fencing, a wall, or a landscaped buffer, in compliance with this section (G).
   3. Repair facilities shall be fully enclosed and setback twenty-five feet (25) from the property line. Doors or openings to service bays shall not open toward adjacent properties with a residential use.
   4. The owner of the watercraft repair establishment shall prepare and provide to the Town a plan for the safe storage of flammable or hazardous materials to be stored or used on the property and an inventory of such materials. The plan shall provide for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous material. The inventory shall be submitted to the Town prior to the building permit approval, listing the type, quantity, and location of these materials. The inventory shall be kept current pursuant to direction provided by the Town.

C. Open lot storage
1. Open lot storage shall not exceed twenty-five (25) percent of the site area for the dry storage facility. Open lot storage excludes any stacking or racks for watercraft.

2. Open lot storage shall be screened from view from any public right-of-way by means of fencing, a wall, or a landscaped buffer, in compliance with this section (G).

D. Open storage racks

1. Open storage racks are permissible only in conjunction with other onsite enclosed or partially enclosed storage facilities or enclosed buildings.

2. Open storage racks shall be screened from view from any public right-of-way by means of fencing, or a wall, or by locating behind onsite buildings.

3. Open storage racks shall not exceed three (3) tiers of storage.

E. Partially enclosed storage racks

1. Partially enclosed storage racks shall not exceed four (4) tiers of storage.

2. Partially enclosed storage racks shall include one (1) or more walls, designed and constructed to ensure that the storage racks are not visible from a public-right-of-way.

F. Fully enclosed storage racks shall not exceed four (4) tiers of storage.

G. Standards for screening where screening of facilities is required in this section, the following standards shall be met:

1. A fence or wall used for screening shall be opaque and eight (8) feet in height. The finished side shall face outward and be installed ten (10) feet off property line of storage facility;

2. A landscaped buffer is required. The buffer shall be ten (10) feet in width along the opaque fence. The plants shall include evergreen trees and shrubs. The trees and shrubs shall be planted in double staggered rows to form a continuous screen at least eight (8) feet in height with the canopy trees selected from the Town approved replanting list of native trees. The canopy trees shall be planted every twenty-five (25) feet for the length of the property;

3. The landscaping shall be maintained to ensure continuation of the vegetative screen. Dead or damaged plant materials shall be replaced as soon as possible based on the growing season;

4. Where the landscaped buffer is not adequately maintained, the Town may require replacement of the landscaped buffer;

5. The landscape buffer shall be planted between the fence and the property line with the fence setting in on the property a minimum of ten (10) feet. The buffer shall be planted along the entire perimeter of the fence.

5.04.08 Vehicle Rentals – New or Used Vehicles

A. Vehicle rental establishments may rent or lease vehicles.

B. Vehicles offered for rent or lease shall be operable. In addition, the owner shall have a valid dealer’s license.
C. All areas established for display shall be provided with a paved, or stabilized, dust free surface. The driveway aisle providing access to the display area shall comply with driveway standards set forth in this LDC.

D. Doors or openings to service bays shall be located a minimum of seventy-five (75) feet from property zoned to allow residential use. As an alternative to the minimum setback, the doors or openings to service bays shall not open towards property zoned to allow residential use and shall be screened from view.

E. All property lines adjacent to vehicle displays shall have installed a permanent guardrail, fence, or parking block to prevent vehicles from accidentally rolling from the display area.

F. The owner of the vehicle rental establishment shall prepare and provide to the Town a plan for the safe storage of flammable or hazardous materials to be stored or used on the property and an inventory of such materials. The plan shall provide for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous material. The inventory shall be submitted to the Town prior to the building permit approval, listing the type, quantity, and location of these materials. The inventory shall be kept current pursuant to direction provided by the Town.

G. Vehicles, signs, banners, tents, or other items used in connection with the operation of the vehicle rental establishment shall not be stored, parked, displayed, or otherwise placed on public rights-of-way at any time.

H. All exterior lighting shall be directed or shielded to prevent illumination of adjacent properties.

I. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that they cannot be heard on adjacent properties.

J. All outside storage and loading areas shall be fully screened from view from adjacent properties zoned for residential use, and from the public right-of-way.
   1. Screening may be landscaping or enclosure by a wooden, masonry, or solid fence.
   2. Where landscaping is provided, the plant materials shall include understory trees and shrubs. Plant materials shall meet the specifications set forth in this section. The trees and shrubs shall be planted in double staggered rows.
   3. Where a fence is provided, the fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height. The finished side shall face outward.

5.04.09 Communication Towers and Antennas

Each applicant requesting a building permit for the location of communication towers and antennas shall meet the following. While the following regulations and prohibitions shall apply no agency’s authorization precludes the issuance of a Town permit:

A. Federal approvals

   All communication towers must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and any other agency of the Federal government with the authority to regulate communication towers and antennas. The applicant shall submit copies of all FAA, FCC, Eglin Air Force
Base, Hurlburt Field, Destin-Fort Walton Beach Regional Airport, and FDOT approvals, whichever is/are applicable.

B. Design

The applicant shall submit the communication tower design plans which shall be designed by an engineer licensed in the State of Florida in accordance with the building code requirements of the Town. The design shall show the access that is provided for inspections. Communication towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.

C. Safety fall zone

Applicants shall submit a report by an engineer licensed in the State of Florida of the safety fall zone of the specified communication tower. The safety fall zone shall be measured from the base of the communication tower to any property line. Communication towers shall be designed to collapse within the lot lines in case of structural failure.

D. Co-location.

1. The applicant shall submit a certification from an engineer licensed in the State of Florida that the communications tower has been designed to accommodate co-location. If the communication tower cannot accommodate co-location, then the engineer should certify the reason(s) it cannot accommodate additional antennas.

2. The applicant shall submit a plan for co-location, providing for at least three (3) other providers, with local government needs considered. If co-location is not possible, the applicant shall provide evidence as to the reason(s) it is not possible to meet this requirement.

3. The applicant shall commit to ensuring that each antenna owner will comply with Federal, State, and local regulations.

4. Each antenna owner shall have an approved building permit prior to erecting the antenna on the communication tower. The applicant shall show that the antenna will not extend more than ten (10) feet horizontally beyond the vertical plane of the edge of the communications tower and will not project above the existing communication tower structure's approved height.

E. Setback

The applicant shall submit a site plan showing a minimum of one-half (½) the tower height plus fifty (50) feet between the base of the communication tower and any residential property line, otherwise a distance equal to the safety fall zone between the base of the communication tower and any nonresidential property.

F. Buffer

The applicant shall submit a plan showing:

1. An eight (8)-foot high fence or wall, with access by a locked gate only, around the base of the communication tower or the property as required by the FCC. The fence or wall shall be equipped with an appropriate anti-climbing device;
2. A minimum of a five (5)-foot landscaping buffer, consistent with the requirements of Section 4.08.05 Landscaping and Buffer Requirements installed around the entire perimeter of the fence or wall. Additional landscaping may be required if deemed necessary to provide a buffer between the communication tower and adjacent residentially zoned properties. This requirement may be waived by the Town Administrator or his designee if the base of the communication tower is a minimum of 500 feet from all property lines.

G. Signage
The applicant shall submit a sign plan showing:
1. That no portion of the communication tower will be used for advertising purposes, including a company's name;
2. That the party responsible for the operation and maintenance of the facility, its address, and telephone number is provided;
3. That all security or safety signs required by Federal, State, or local regulations are provided.

H. Lighting
The applicant shall submit a plan that shows the signals, lights, or illumination provided and the Federal, State, or local rule, regulation, or requirement.

I. Maintenance and inspections
The applicant shall submit a plan for inspections and maintenance of the communication tower so that it remains in good condition, order, and repair and that the same shall not menace or endanger the life or property of any person.
1. The Town may require FCC inspection reports and/or that the communication tower be inspected if there is reason to believe that the structural or electrical integrity of the communication tower is jeopardized. All certifications and inspections required herein shall be made by and at the sole cost of the provider, and certified and submitted to the Town.
2. The Town and its agents shall have the authority to enter onto the property upon which a communications tower is located, upon reasonable notice to the owner, to inspect the communications tower for purposes of determining whether it complies with all applicable laws and regulations. All expenses relating to such inspections by the Town shall be borne by the owner.

J. Abandonment
The owner shall submit a plan for abandonment of the communication tower which shall include a copy of the notice to the FCC of intent to cease operations for each user of the communication tower and a plan to remove the communication tower within a minimum of 180 days after abandonment. Any communication tower or antenna that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of each such communication tower or antenna shall remove same within 180 days of receipt of notice from the Town notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables, and support
buildings. If there are two (2) or more users of a single communication tower, then this provision shall not become effective until all users cease using the communication tower.

5.04.10 Arenas, Auditoriums, and Stadiums

A. Arenas, auditoriums, and stadiums include open, partially enclosed, or fully enclosed facilities intended to be used for such activities as spectator sports, entertainment events, expositions, or other public gatherings.

B. Arenas, auditoriums, and stadiums may include accessory uses, such as snack shops or food stands, ice cream stands, gift shops, or similar uses, provided that such uses are not open to the general public without entrance to the arena, auditorium, or stadium.

C. An arena, auditorium, or stadium shall be located a minimum of 500 feet from property zoned to allow residential uses. The distance shall be measured from the property line.

D. The parking lot or structure serving the arena, auditorium, or stadium shall be located a minimum of 200 feet from property zoned to allow residential uses.

E. All access to an arena, auditorium, or stadium shall be directly from an arterial road. The location and design of the primary and secondary access points to the arena, auditorium, or stadium shall minimize traffic impacts on local streets and residential neighborhoods.

F. A perimeter landscaped buffer shall be required and shall be twice the minimum standard set forth in Section 4.08.05 Landscape and Buffer Requirements in Chapter 4 herein.

G. Exterior lighting shall be directed and shielded to avoid illumination of adjacent properties.

H. Loudspeakers or paging systems shall be designed, installed, and used to avoid noise intrusion on adjacent properties.

I. Outside storage and loading areas shall be fully screened from view from the public right-of-way and adjacent properties. The design and development of the outdoor storage and loading areas shall comply with the standards set forth in Section 5.01.13 Outdoor Storage Areas herein.

J. Temporary or permanent sanitation facilities that are not located within the principal building shall be fully screened from view from the public right-of-way and adjacent properties.

5.04.11 Community Residential Homes

A. A community residential home is defined in Chapter 419.001, F.S.

B. A community residential home for six (6) or fewer residents is considered a single family dwelling and is permissible by the Town provided that the home is no closer than 1,000 feet from another such facility.

C. The sponsoring agency shall notify the Town in writing of establishment of the community residential home.

D. All matters pertaining to the establishment of a community residential home shall be governed by the requirements of Chapter 419.001, F.S.
5.04.12 Self-Service Storage

A. The following activities or uses are permissible on the grounds or within the buildings of self-service storage facilities:
   1. Rental of storage bays;
   2. Sales of boxes or goods related directly to the operation of a self-service storage facility;
   3. Sales by the owner or manager of the facility of abandoned items for reclamation of rental costs.

B. One (1) caretaker accessory dwelling may be permissible in compliance with the standards set forth in Section 5.01.04 Caretaker/Security Dwellings (Accessory Dwellings) in Specified Nonresidential Zoning Districts herein.

C. The following activities or uses are prohibited on the grounds or within the buildings of self-service storage facilities:
   1. Wholesale sales;
   2. Retail sales, including garage sales, or other commercial activities;
   3. Manufacturing, fabrication, processing, or other industrial activities;
   4. Service or repair of vehicles, engines, electronic equipment, or similar activities;
   5. Rehearsal or practice of musical instruments;
   6. Residential use.

D. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

E. Except as specifically provided in this section, all property stored on the site shall be entirely within enclosed buildings.

F. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

G. Open storage of recreational vehicles and dry storage of pleasure boats shall be permissible within a self-service storage facility, provided that the following standards are met:
   1. A designated area shall be provided and clearly delineated;
   2. The storage area together with buildings on the site shall not exceed the buildable area, as defined by the setbacks required for the zoning district;
   3. The storage area shall be entirely screened from view from adjacent properties zoned to allow residential use and public rights-of-way by buildings, fences, or walls. Landscaping shall be provided on the outside of the fence, according to the standards set forth for perimeter landscaping in Section 4.08.05 Landscape and Buffer Requirements in Chapter 4 herein;
   4. Dry stacking of boats is prohibited.

H. The site shall comply with the following standards:
1. The minimum site area is one (1) acre;
2. Where two (2) or more buildings are provided, buildings shall be separated by a minimum of ten (10) feet;
3. Overhead access doors shall not be visible from the public rights-of-way or adjacent properties zoned to allow residential use;
4. Outdoor lighting shall be shielded and directed to avoid direct illumination of adjacent properties;
5. The façade design shall comply with the requirements set forth in Section 4.00.04 Standards Pertaining to Metal Buildings in Chapter 4 herein in all Zoning Districts;
6. Loudspeaker or paging equipment is prohibited.

I. Traffic circulation requirements

1. Interior parking shall be provided in the form of aisle ways adjacent to the storage bays.
2. Aisle ways shall be used both for circulation and temporary customer parking while using storage bays.
   a. Where lanes are for one-way traffic, the minimum lane width shall be twenty (20) feet.
   b. Where lanes are for two-way traffic, the minimum lane width shall be twenty-four (24) feet.
   c. Traffic flow patterns, directional signage, and painted land markings with arrows shall also be clearly marked.
3. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the fire marshal at the time of preliminary plan review.

5.04.13 Marinas and Watercraft

A. A marina may include the following facilities and uses:
   1. Wet slips for temporary or permanent dockage;
   2. Dry storage for boats;
   3. Rental of watercraft;
   4. Fuel and oil sales for watercraft;
   5. Sale of parts and supplies for watercraft;
   6. Sale of prepared, packaged food and beverages for personal consumption;
   7. Sale of personal safety equipment for use on watercraft;
   8. Bait, fresh, frozen, or artificial;
   9. Sale or rental of fishing equipment.
B. Engine repair and maintenance, fiberglass repair, painting, or other repair services including oil changes are allowable activities.

C. A marina shall provide off-street parking in compliance with the standards set forth in Section 6.04.02 Standards for Parking in Chapter 6 herein and shall include parking for boat trailers or vehicle-boat trailer combinations. Up to fifty (50) percent of the required off-street parking for vehicles may be replaced with parking spaces for vehicle-boat trailer combinations. However, parking for only boat trailers shall not count toward meeting the requirement for off-street parking spaces.

D. Stacked dry storage for boats shall be permissible in compliance with the standards set forth in Section 5.04.07 Dry Storage Facilities for Watercraft herein.

E. Where fuel or other hazardous substances will be stored, handled, or sold, the marina shall provide facilities and procedures for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous substances. Facilities and procedures shall be designed to prevent such substances from entering the water or soil, and shall include adequate means for prompt and effective cleanup of spills.

F. Docks, piers, pilings, ramps, and other marine structures shall be placed to avoid obstruction of navigable waters and alteration of natural water flow and circulation.

G. Docks, piers, pilings, ramps, and other marine structures shall be placed to avoid grass beds and wetlands.

H. Construction materials and processes shall avoid or minimize environmental impacts and shall implement best practices.

I. Outdoor lighting shall be directed and shielded to avoid direct illumination of adjacent properties.

J. A marina that provides mooring for live-aboard boats or any other type vessel shall comply with the following standards:
   1. Only boats with U.S. Coast Guard approved sewage holding facilities shall be permissible. Live-aboard vessels must provide to the Town administrative office a signed affidavit of waste management equipment and a maintenance plan of sewage disposal;
   2. The marina shall provide and maintain equipment capable of pumping out all fluid waste stored on vessels, moored within the marina facilities;
   3. A dumpster shall be provided and shall comply with the standards set forth in Section 5.01.06 Dumpsters herein;
   4. All marinas must maintain equipment and dedicated space capable of hauling out of the water and removal by vehicle of any vessel slipped or moored in the marina, except transient vessels.

K. New or modification of an existing marina structure, construction on the bayous shall require a permit from the Town.
   1. The permittee shall be responsible for personal injury or property damage which arises from construction and use of the project to the extent provided by common law.
2. The Town shall retain the right to revoke any permit issued if the health, safety, or welfare of any person or property is determined to be in jeopardy.

3. Upon completion of a dock or other structure requiring a construction permit, a final inspection shall be conducted by the Town and Okaloosa County Building Official.

L. A permit to construct a new dock or add to, alter, or remodel an existing dock is required.

1. Persons desiring to construct a new dock or substantially renovate an existing dock to the extent of reconstructing more than 50 percent of the existing structure or constructing an addition that would increase the structure by more than 30 percent shall apply for and obtain a permit and other authorization from the Town and County prior to construction.

2. The application shall be filed with the Town Administrator or designee and shall comply with Section 9.02.00 Application Requirements in Chapter 9 herein of this LDC.

3. All construction shall be inspected for compliance with applicable building codes. Dock owners shall be responsible for the condition and repair of docks. Failure to maintain docks in a safe condition shall constitute grounds for directed removal of the entire dock structure.

4. Permits may be granted for joint ownership of a dock at the prolongation of common lot lines, subject to the following conditions:
   a. No permits shall be granted to persons other than the title of record owner or long term lessee of the abutting upland property;
   b. The permit application must be signed by the title of record or long term lessee of all abutting upland property having access to the facility;
   c. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this LDC;
   d. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines.

5.04.14 Manufactured Home Communities

Mobile homes, manufactured homes, or modular homes may be located within a manufactured home community. Such homes are not required to comply with the standards set forth in Section 4.01.02 Residential Design Standards in Chapter 4 herein. The following standards apply to manufactured home communities:

A. The manufactured home community shall be limited to rental of lots. Where lots are intended to be sold, the subdivision standards set forth in Section 4.07.00 Standards for Subdivision in Chapter 4 herein shall be met;

B. The minimum parcel size shall be three (3) acres;

C. The following setbacks shall be provided on the perimeter of the manufactured home community parcel:
   1. The front yard setback shall be a minimum of twenty-five (25) feet;
2. The side yard setback shall be a minimum of fifteen (15) feet;
3. The rear yard setback shall be a minimum of twenty-five (25) feet.

D. The impervious surface coverage standard shall be calculated for the manufactured community parcel as a whole.

E. Perimeter landscaping shall be provided as set forth in Section 4.08.05 Landscape and Buffer Requirements in Chapter 4 herein.

F. Individual lots for manufactured homes within a manufactured home community shall meet the following standards:
   1. Each lot shall be clearly defined;
   2. Each lot shall provide an individual utility connection;
   3. The minimum lot area shall be 4,000 s.f.;
   4. The minimum lot width shall be forty (40) feet;
   5. Lots shall be located to provide a minimum of twenty (20) feet between adjacent manufactured home units and between a manufactured home unit and any other building within the manufactured home community. The separation shall be measured at the outermost point of each building;
   6. Where adjacent units have porches, the minimum separation may be reduced to fifteen (15) feet.

G. Each individual manufactured home lot shall have the parking requirements as other residential properties, designed and built in compliance with this LDC.

H. A manufactured home community may include one (1) building which may include administrative offices, social hall / community meeting space, self-service laundry, and equipment storage. Parking shall be provided for the building according to the standards set forth in Section 6.04.02 Standards for Parking in Chapter 6 herein.

I. Manufactured home communities with fifty (50) or more units shall provide on-site recreation facilities.

J. The entrance drive and internal streets shall comply with the standards set forth in this LDC.

5.04.15 Bed and Breakfast Lodging Establishments

A. A newly constructed building for a bed and breakfast lodging establishment shall be consistent and compatible with the design, appearance, and character of residential dwellings located within the surrounding block.

B. An existing residential building may be converted to a bed and breakfast lodging establishment for short term rentals, provided that the zoning, building, and the site are conforming to the standards in this LDC.

C. The owner/operator of the bed and breakfast establishment shall reside on the premises.

D. Density of the bed and breakfast lodging establishment shall be determined as follows:
1. Two (2) bedrooms or lodging rooms shall be the equivalent of one (1) residential dwelling unit;
2. Where the equivalent number of residential dwellings contains a fraction, the number shall be rounded up to the next whole number;
3. All bedrooms shall be counted in the determination of density, whether occupied by the owner, the owner’s family in residence in the bed and breakfast inn, or lodging guests.

E. A private bath shall be provided for each guest room.

F. Breakfast, social events, and activities shall be limited to the guests or lodgers in the bed and breakfast lodging, and shall not be offered or available to the general public.

G. Parking shall be located to the side or rear of the principal building, provided that the parking lot and spaces are not located in the required setback. The number of required spaces shall be as set forth in Section 6.04.02 Standards for Parking in Chapter 6 herein. The design of the parking lot shall comply with the standards set forth in this LDC.

H. One (1) sign identifying the bed and breakfast lodging establishment shall be permissible, subject to the following standards:
   1. The sign shall not exceed six (6) square feet;
   2. The sign shall have color, design, and materials consistent with the color, design, and materials of the bed and breakfast lodging establishment;
   3. The sign shall not be illuminated;
   4. Only a monument sign or wall mounted sign shall be permissible.

### 5.04.16 Car Wash and Detailing Facility, Freestanding

A car wash and detailing facility proposed as an accessory to a principal use shall meet the standards for accessory structures set forth in Section 5.01.02 Accessory Structures and Uses in all Zoning Districts herein. Where a car wash and detailing facility is an accessory to a fuel/gasoline station, the standards of Section 5.04.05 Fuel/Gasoline Stations herein shall apply. A car wash and detailing facility may be established as a freestanding principal use, and may include both self-service and attendant operations, subject to the standards of the zoning district and the following supplemental standards:

A. The car wash and detailing facility shall be located a minimum of twenty-five (25) feet from any parcel zoned to allow residential use, measured as the shortest distance from property line to property line. In addition, the washing bays shall be screened from view in compliance with the following standards:
   1. A fence or wall a minimum of six (6) feet and a maximum of eight (8) feet in height shall be installed. The fence or wall shall be solid and the finished side shall face outward;
   2. A landscaped buffer may be installed, provided that the plants are evergreen trees and shrubs, planted in double staggered rows to form a continuous screen at least six (6) feet in height.

B. The primary access to the car wash facility shall be from a collector or arterial street;
C. An off-street stacking lane shall be provided for each car washing bay. Each stacking lane shall be a minimum of sixty (60) feet in length;

D. Where an office is included on the site of the car wash facility, off-street parking shall be provided in compliance with Section 6.04.02 Standards for Parking in Chapter 6 herein;

E. Exterior lighting shall be directed and shielded to avoid direct illumination of adjacent properties;

F. All car wash and detailing bays shall be designed to minimize and capture airborne particles of water, chemicals, and dust;

G. The car wash facility shall provide for treatment and recycling of runoff water;

H. No permanent storage of vehicles or equipment shall be permissible outside.

5.04.17 Ice Vending Kiosks and Buildings

A. Ice vending kiosks and buildings are free-standing kiosks or buildings where ice is dispensed in bags.

B. Ice vending kiosks and buildings may be accessory structures on sites where a principal building is located.

C. Ice vending kiosks and buildings may be principal structures on a platted commercial lot.

D. Where the ice vending kiosk or building is located on a lot with a principal building, the area devoted to the ice vending kiosk or building shall not occupy any required parking, loading area, easement, buffer, landscaped area, or setback area.
   1. The site area for an ice vending kiosk or building shall not exceed twenty-five (25) feet wide and thirty (30) feet long.
   2. The kiosk or building shall be located at least two (2) feet from the side line of the site area designated for the ice vending operation.
   3. The kiosk or building shall be located at least two (2) feet from the rear line of the site area designated for the ice vending operation.
   4. A portion of the site measuring nine (9) feet wide and eighteen (18) feet long shall be clearly marked as a loading space, or temporary parking space to accommodate a motorist obtaining ice from the vending building.
   5. The traffic circulation on the site of the principal use shall allow for queuing of two (2) additional vehicles awaiting use of the vending building.

E. Where the ice vending kiosk or building is the principal use on the site, the kiosk or building shall comply with the setback and impervious surface standards for the zoning district as set forth in Chapter 4 Development Standards herein.
   1. One temporary parking or loading space shall be provided.
   2. The driveway shall provide off-street space for queuing of two (2) vehicles in addition to the temporary parking/loading space.
F. All ice vending kiosk and building sites, whether accessory or principal uses, shall meet the following standards:
   1. The site shall be adequately lighted; lights shall be directed to provide safety for operators and shall be shielded to avoid glare onto adjacent properties;
   2. Roof-mounted equipment shall be shielded from view on all sides by a material consistent with that of the vending kiosk or building.

![Image of ice vending kiosk]

Figure 5.04.17 (F). Screening of ice vending kiosks

5.04.18 Golf Course

A. A golf course may be public or private and may include the following buildings and accessory uses:
   1. Clubhouse, with or without a pro shop;
   2. Retail sales of golf supplies and accessories;
   3. Restaurant or snack shop;
   4. Cart rental;
   5. Equipment building for maintenance, minor repairs, and storage. Storage may include grounds maintenance equipment, fertilizers, herbicides, and pesticides;
   6. Driving range.

B. The types of golf courses that are permissible include par 3, executive, or regulation.

C. The following site development standards are required for all golf course development:
   1. The minimum setback from any property line for buildings, greens, and fairways shall be sixty (60) feet;
   2. Safety netting is required for a driving range and shall be located on the perimeter of the playing area where such area abuts a public right-of-way. The safety netting shall be a minimum of thirty-two (32) feet in height;
   3. Outdoor lights for driving ranges, tees, greens, fairways, or buildings shall be directed and shielded to avoid direct illumination of adjacent properties;
   4. Loudspeaker or paging systems are prohibited;
   5. Golf cart crossings of pedestrian paths or public rights-of-way shall be plainly marked and located for safety of the cart users, pedestrians, and motorists;
6. Outdoor areas for storage of golf carts shall be fully screened from view from adjacent properties and any public right-of-way.

5.04.19 Gardens, Freestanding

A garden may be an accessory use, subject to the standards for all accessory uses set forth in Section 5.01.02 Accessory Structures and Uses in All Zoning Districts herein. A garden may be a freestanding principal use, subject to the standards set forth below.

A. The garden plot shall be located as follows:
   1. The minimum setback from the front property line shall be twenty (20) feet;
   2. The minimum setback from side and rear property lines shall be five (5) feet.

B. A storage building may be placed on site, provided such building is in compliance with the standards for storage buildings set forth in Section 5.01.07 Storage Buildings, Storage Sheds, Greenhouses, and Detached Garages and Carports herein.

C. A fence may be placed on site, provided that the fence is transparent and complies with the standards for fences set forth in Section 5.01.08 Fences, Hedges, and Walls herein.

D. Proper Town and State licensing and permit/inspections shall be obtained, including approval from the Florida Department of Agricultural and Consumer Services (only for commercial sites).

E. In R-1, R-2, and R-3 zoning districts, no sales shall take place at the garden site. No distribution of goods to or from the site is allowed.

F. Parking requirements are as follows:
   1. In R-1, R-2, and R-3 zoning districts, two (2) off-street parking spaces shall be provided. Such spaces shall be provided in compliance with the standards set forth in this LDC;
   2. In Commercial zoning district, parking shall be provided as set forth in Section 6.04.02 Standards for Parking in Chapter 6 herein for farmer’s markets.

5.04.20 Restaurants, Drive-Up, or Drive-Through

A. The drive-up window(s) for restaurants with drive-up or drive-through service shall not be located adjacent to property that is used or zoned for residential use. Where the site configuration does not allow for locating the drive-up or drive-through window on property lines adjacent to nonresidential uses, the drive-up or drive-through window shall be a minimum of fifty (50) feet from the property line abutting property used or zoned for residential development.

B. All drive-up or drive-through lanes shall comply with the stacking standards in Section 6.05.02 Design Requirements for Stacking Lanes in Chapter 6 herein of this LDC.

C. All drive-up or drive-through lanes shall be designed and located to avoid lights from vehicles in the drive-up or drive-through lanes shining toward or onto residential property. This standard may be met through the installation of a solid wall or solid fence.
D. Speaker systems shall be located to avoid sound that is audible above daytime ambient noise at the property line.

5.04.21 Alcoholic Beverages, Hours of Sale, Penalty for Violation

A. Standards and hours of Sale

Establishments that sell alcoholic beverages for consumption on premises and/or off-site shall require a Special Exception to be approved by the Town Commission with the Special Exception approval documents addressing standards for Alcoholic Beverages and Hours of Sale.

B. Penalty for Violation

Any person violating the provisions of this ordinance shall, upon conviction of such violation, be punished as provided in Section 9.10.00 Violations and Enforcement in Chapter 9 herein.

5.04.22 Child Care Centers, Nursery Schools and Kindergartens

Child care centers, nursery schools and kindergartens in which more than five children are present at any given time shall have a minimum floor space, apart from administrative or residential use, of 35 square feet per child. Each child must also have a minimum of 100 square feet of outside play area enclosed by a minimum of six-foot high chain-link fence. All licensed child care facilities must provide a separate kitchen and separate bathrooms apart from the normal living quarters in accordance with state law.
## CHAPTER 5 TABLE OF HISTORICAL NOTES AND REFERENCES

<table>
<thead>
<tr>
<th>Section that was changed</th>
<th>Ordinance or Resolution that authorized the change(s)</th>
<th>Date the change(s) went into effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Corrections to all of Chapter 5</td>
<td>Resolution 2017-015</td>
<td>05/09/2017</td>
</tr>
<tr>
<td>5.03.00</td>
<td>Ordinance 2017-04, number 8</td>
<td>07/11/2017</td>
</tr>
<tr>
<td>5.03.02</td>
<td>Ordinance 2019-03, number 6</td>
<td>10/23/2018</td>
</tr>
<tr>
<td>5.03.04</td>
<td>Ordinance 2019-03, number 7</td>
<td>10/23/2018</td>
</tr>
<tr>
<td>5.03.05</td>
<td>Ordinance 2019-03, number 8</td>
<td>10/23/2018</td>
</tr>
</tbody>
</table>
CHAPTER 6 STANDARDS FOR TRANSPORTATION, ACCESS, PARKING AND LOADING

6.00.00 GENERALLY

6.00.01 Purpose

This chapter establishes standards and requirements for the Town’s transportation system, including access, streets, bicycle ways, sidewalks, off-street parking, on-street parking, loading areas, stacking lanes for drive-thru situations, and transit.

6.00.02 Applicability

All development and redevelopment shall be designed, constructed, and established in compliance with the standards set forth in this chapter.

6.01.00 STREETS, ACCESS MANAGEMENT, AND RIGHT-OF-WAY PROTECTION

6.01.01 Purpose

This section is to ensure a safe and efficient traffic circulation system, manage access, establish right-of-way widths for future transportation facilities, and prohibit encroachment of structures into existing rights-of-way.

6.01.02 Right-of-Way Requirements

Minimum right-of-way widths for new roadways are provided in Table 6.01.02.

Table 6.01.02 Required Minimum Right-of-Way Widths

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Urban Section (Feet)</th>
<th>Transitional Section (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>2-lane collector, one way</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>4-lane undivided arterial</td>
<td>96</td>
<td>96</td>
</tr>
<tr>
<td>4-lane divided arterial</td>
<td>112</td>
<td>112</td>
</tr>
<tr>
<td>6-lane divided arterial</td>
<td>112</td>
<td>112</td>
</tr>
</tbody>
</table>

6.01.03 Use of Rights-of-Way

A. Construction, maintenance, or use of a public right-of-way requires a building permit issued as set forth in the procedures of Chapter 9 Administrative Procedures herein.

B. Encroachment shall not unreasonably restrict the public use of the right-of-way.

C. No person shall willfully obstruct any portion of the right-of-way for a new roadway.

D. Roadside stands are prohibited within or on any portion of the right-of-way of any public road.
E. The following uses of a public right-of-way are permissible with a Town approved use agreement:

1. Improvement of a public right-of-way by the owner of property adjacent to the public road with landscaping, shrubbery, or grass consistent with the use of the public road for road purposes;
2. Parking motor vehicles on that portion of the public right-of-way not used as traffic lanes if not otherwise prohibited;
3. The replacement or maintenance of existing utility facilities, such as telephone poles.

F. No person shall remove or dig up grass, earth, or sand from any street, or deposit material of any kind on any street or right-of-way, without Town authorization.

### 6.01.04 Access Management

Street arrangement and layout shall meet the following standards:

A. The arrangement, character, extent, width, grade, and location of all streets shall be consistent with the existing street network;

B. The arrangements of streets shall either:

1. Provide for the continuation or appropriate projection of existing planned or platted streets in surrounding areas;
2. Conform to a plan for the neighborhood approved or adopted by the Town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

C. When a project site abuts two (2) or more Town streets, access shall be from the Town street with the lower functional classification. Where the Town determines that other access standards preclude placement of a drive on the street with the lower functional classification, an alternate design may be approved;

D. The separation between access points on State-maintained roads shall be in accordance with Florida Department of Transportation (FDOT) rules. On roads that are not maintained by the State, the separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in **Table 6.01.04**;

#### Table 6.01.04 Separation of Access Points

<table>
<thead>
<tr>
<th>Functional Classification of Road</th>
<th>Distance or Separation between Access Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Arterial</td>
<td>175</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>100</td>
</tr>
<tr>
<td>Major Collector</td>
<td>50</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>40</td>
</tr>
</tbody>
</table>

E. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.
6.01.05 Street Access and Driveway Design Requirements

All ingress and egress driveways onto a Town street shall be located to allow the greatest degree of safety to both pedestrian and vehicular traffic on a Town street. Private streets are required to be constructed in accordance with county standards. No driveway or road shall connect to or intersect with any public road without first obtaining a permit from the Town Administrator. The person desiring the connection or intersection with a public road shall submit such information as is necessary to show compliance with this Code. The Town Commission shall have no legal duty to permit such connection or intersection, and may use its reasonable discretion to grant or permit the application. All proposed development shall meet these standards for vehicular access and circulation:

A. Access points shall be able to accommodate all vehicles entering the site, including delivery vehicles;

B. Access design shall ensure that an entering standard passenger vehicle will not encroach upon the exit lane of a two-way driveway;

C. Access design shall ensure that a right-turning exiting vehicle shall be able to use only the first through traffic lane available without encroaching into the adjacent through lane;

D. There shall be sufficient onsite storage to accommodate queued vehicles waiting to park or exit without using any portion of the street right-of-way or in any other way interfering with street traffic;

E. Number, location and separation requirements for driveways. Driveways shall be designed to adequately accommodate the volume and normal character of vehicles anticipated to be attracted to the development;

1. The number of driveways shall be determined by existing site conditions and ensuring safe and efficient access and use for both pedestrian and vehicular traffic on the Town street.

2. Minimum distance of driveway to a street intersection.
   a. The edge of a driveway for all uses other than a single-family residential dwelling shall be located a minimum of seventy-five (75) feet from the right-of-way line of a street intersection.
   b. The edge of a driveway for a single-family residential dwelling shall be located a minimum of twenty-five (25) feet from the right-of-way line of a street intersection.
3. Where two (2) or more driveways connect a single development site to any one (1) Town street, a minimum clear distance of fifty (50) feet, measured along the curb line of the tangents of the proposed driveway curb radii, shall be provided.

4. The edge of a driveway for uses other than a single-family residential dwelling shall be located a minimum of twenty-five (25) feet from the proposed property line. Where a property line is the same as the right-of-way line referenced in this section (E) (2) (a), the minimum distance shall be the standard in this section (2) (a).

5. Opposing driveway intersections
   a. Opposing driveway intersections for uses other than a single-family dwelling shall be located directly across from each other along Town streets.
   b. If conditions prohibit locating a proposed driveway intersection directly opposite an existing or proposed driveway intersection along a Town street, the offsets between the existing and proposed intersections shall be a minimum of 150 feet.

6. Driveways shall be located and designed to ensure that vehicles do not back onto the Town right-of-way, except for driveways serving a single-family dwelling in single-family developments and residential zoning districts.

F. Driveway design;
   1. Depressed curbing may be required across driveway openings, in order to promote the continual flow of street stormwater runoff.
   2. Driveways shall intersect the Town street at an angle as near 90 degrees as site conditions permit, and in no case shall be less than 75 degrees.
3. All driveway aprons shall be paved from the existing or proposed edge of pavement back to the existing or proposed right-of-way line. Paving within this area shall comply with the Town’s paving specifications as set forth in this LDC. Additional paving or a reinforced concrete driveway may be required, depending upon the type and amount of expected vehicular traffic.

4. All driveways shall be fully maintained by the property owners served by the driveways.

G. New Driveway Permit Requirements Expanding a driveway or making a new parking area can only be done if the property owner ensures:
   1. That the new parking area or driveway does not exceed the impervious surface coverage according to the zoning of that property. The impervious surface area for impervious brick pavers will be calculated as 50% pervious, if the subbase material is pervious. Alternate pervious hard surface material may be approved on a case by case basis. The subbase material will be considered.
   2. The new or expanded parking area or driveway is paved with brick, concrete, or asphalt (asphalt only allowed for commercial and multi-family).

6.01.06 Transit Facility Design Requirements (Reserved)

6.02.00 BICYCLE AND PEDESTRIAN WAYS

6.02.01 Generally

Bicycle and pedestrian ways shall be considered during the planning and development of onsite and off-site transportation facilities, including the connection and extension of existing bicycle and pedestrian ways on or serving Florida State, regional, and local transportation systems.

6.02.02 Bicycle Way Access and Connectivity

A. Bicycle lanes, paths, and other ways shall connect traffic generators and shall be located along a direct line, convenient for users.
B. Bicyclists shall have equal access to all streets whenever possible and feasible.
C. Within a neighborhood, links shall be considered through cul-de-sacs, making use of greenways, utility rights-of-way, and other open ways.
D. Bicycle ways shall be designed and constructed in compliance with the standards set forth in this LDC.

6.02.03 Sidewalks

A. The purpose of this section is to require sidewalks to be constructed in conjunction with all new development and redevelopment.
B. Sidewalks are required along the street frontage of all lots where new development, redevelopment, subdivisions, or change of use is proposed.
C. Where a sidewalk is already provided, but the sidewalk is in disrepair and/or does not meet current standards for sidewalk location, width, and construction, such sidewalk shall be brought up to current standards as part of the development or redevelopment of the lot.

D. Where no sidewalks exist within the block, the developer may be allowed to pay a fee in lieu of construction. The amount of fee shall be equal to the costs of a sidewalk as required in Table 6.02.03, including the driveway triangle design and construction of the required sidewalk. The Town will construct the sidewalk.

E. Sidewalks shall be designed and constructed in compliance with the standards set forth in this LDC.

F. All sidewalk widths shall be a minimum of four (4) feet.

G. Location
   1. All sidewalks shall be constructed along the width of yards fronting upon a street right-of-way. Corner lots at street intersections shall have sidewalks constructed to, extended to, and ramped to the street pavement in compliance with Federal and State ADA requirements.
   2. Sidewalks shall be constructed in the street right-of-way with the rear edge on the front property line, and shall be constructed in compliance with the standards set forth in this LDC. Sidewalks shall be located as far back from the edge of the road surface as practical and aligned against the property line.
   3. Where sidewalks exist on adjacent property, any new sidewalk shall be aligned with preexisting sidewalks.
   4. Sidewalks shall not be constructed without receiving a permit therefore.
   5. Sidewalks are to be constructed on rights-of-way of the various streets within the Town. However, where it is impractical because of the width of such streets or because of trees or other improvements which may be partially on private property, the owner shall be deemed to have granted by implication a nonexclusive easement to the public for the purpose of ordinary pedestrian traffic.

H. Variance to standards
   Notwithstanding all the foregoing provisions of section, the Town Commission shall have the authority and jurisdiction to grant a variance from the requirement to construct a sidewalk within a planned unit development or subdivision, if granting such variance is not contrary to the health and general welfare of the citizens of the Town. Matters which must be taken into consideration by the Town Commission in evaluating requests for such variance are as follows:
   1. Whether or not the street sought to be constructed without adjacent sidewalks is to be a public street;
   2. Whether or not the street proposed to be constructed without adjacent sidewalks is a through street;
   3. Whether or not a homeowners association exists, the majority interest of which requests the issuance of a variance for sidewalks within that subdivision;
4. The width of the street proposed to be constructed;
5. Whether or not on-street parking is permitted or expected within the project;
6. Whether the granting of a variance would constitute a special benefit to the developer not granted to other developers similarly situated;
7. The probable age and family size of the owners of units within the project;
8. Whether or not the developer, owner, or association has made provision for other project-wide or community public improvements such as sidewalks to be constructed in other areas of the Town which also serve that project, or has agreed to construct parks or other dedicated areas within the project.

I. Maintenance of sidewalks

It shall be the duty of all owners of real property in the Town that abuts any constructed public sidewalks to keep and maintain those sidewalks in good repair at all times, including the proper maintenance of vegetative materials such as trees, grass, hedges and shrubs, to keep such materials from encroaching on the sidewalks. The Town may require reconstruction or implement special assessments to ensure that sidewalks are maintained in good condition. Failure to maintain sidewalks in good condition may constitute a violation of the LDC.

6.03.00 VISIBILITY AT INTERSECTIONS

6.03.01 Purpose

The purpose of this section is to ensure clear sight areas for driveways and intersections.

6.03.02 Clear Visibility for Residential Driveways

On each side of the driveway that intersects with a Town street, a minimum of a six (6) foot by twenty (20) foot driveway sight triangle shall be provided (see Figure 6.03.02 Residential visibility triangle). The clear driveway sight area is to be maintained and kept clear by the property owner. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and eight feet above the grade, measured at the centerline of the intersection, except those signs or devices approved pursuant to this LDC. Any violation of this clear visibility triangle, to include parked vehicles in adjacent driveways, may be issued parking citations with fines (see General Ordinance section 14.03.00 No Parking District).
6.03.03 Clear Visibility for Commercial Driveways and Intersecting Streets

For intersecting streets and commercial driveways, the clear sight triangle shall be determined as required by the American Association of State Highway and Transportation Officials (AASHTO) *Green Book* and other Federal, State, or local regulations.

6.04.00 REQUIREMENTS FOR PARKING AND LOADING

6.04.01 Generally

A. All development and redevelopment shall provide off-street parking in compliance with the standards set forth in this section.

1. Within the MU zoning districts, parking facilities shall be provided and shared by all uses within a mixed-use development site. Standards are set forth in section (H).

2. On-street parking spaces and spaces in off-site private parking lots may be counted toward meeting the parking requirement for a development site. Standards for counting on-street and private parking lot spaces are set forth in Section 6.04.05 Standards for Parking Off the Development Site herein.

3. In situations not addressed by section (A) (1) and (2), developments shall provide off-street parking as set forth in Section 6.04.02 Standards for Parking herein.

B. Limitations on use of parking facilities.
Required off-street parking spaces, access driveways, and aisles shall not be used for any purpose other than vehicular parking. This prohibition applies to:

1. Storage of goods and equipment;
2. Location of dumpsters and other refuse containers;
3. Location of goods and materials offered for sale;
4. Storage of inoperable vehicles and equipment;
5. Repair activities;
6. Special events;
7. Any other activity that occupies the required spaces, drives, and aisles on a temporary or permanent basis.

C. Calculating the number of non-residential parking spaces.

1. The gross floor area of a building shall be used to calculate parking requirements.
2. When the calculation results in a fraction, the result shall be rounded up by one (1) parking space.
3. For places of assembly with open seating, such as benches or pews, the calculation of parking spaces shall be based on the occupancy as rated by the fire marshal.
4. When a site is occupied by two (2) or more separate and individual uses, the parking spaces required shall be determined by a parking study according to the requirements for such study set forth in Section 6.04.06 Parking Studies herein.

6.04.02 Standards for Parking

A. The minimum number of vehicular parking spaces are provided in Table 6.04.02B.

B. The minimum standards for parking spaces designed for automobiles and light pick-up trucks:

Table 6.04.02B Minimum Parking Standards for Parking Spaces

<table>
<thead>
<tr>
<th>Parking</th>
<th>Width of Stall</th>
<th>Depth of Stall</th>
<th>Minimum Aisle Width</th>
<th>Length of Curb per car</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angle</td>
<td>(feet)</td>
<td>(feet and inches)</td>
<td>(feet)</td>
<td>(feet and inches)</td>
</tr>
<tr>
<td>0</td>
<td>9</td>
<td>19</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>45</td>
<td>9</td>
<td>19,10</td>
<td>16</td>
<td>12.9</td>
</tr>
<tr>
<td>60</td>
<td>9</td>
<td>21</td>
<td>18</td>
<td>12.9</td>
</tr>
<tr>
<td>90</td>
<td>9</td>
<td>20</td>
<td>24</td>
<td>9</td>
</tr>
</tbody>
</table>

C. The minimum standards for parking spaces for vehicles other than automobiles and light pick-up trucks will be determined during the development review.

D. Parking spaces to meet Federal and State ADA requirements shall be provided in addition to the parking requirements set forth in Table 6.04.02B. The ADA requirement is 1 ADA space per 25 spaces.

E. Required parking spaces shall not include any area within the road right-of-way.
Table 6.04.02B Required Parking Spaces for Vehicles

<table>
<thead>
<tr>
<th>Use</th>
<th>Vehicle Spaces (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>2 spaces per 1 bedroom unit plus 1 space for each additional bedroom. Up to two garage parking spaces shall not count as required parking spaces.</td>
</tr>
<tr>
<td>Multifamily structure</td>
<td>2 spaces per 1 bedroom unit plus 1 space for each additional bedroom. Up to two garage parking spaces shall not count as required parking spaces.</td>
</tr>
<tr>
<td><strong>Non-residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Business support services, such as copying, mailing, printing,</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>private mail</td>
<td></td>
</tr>
<tr>
<td>Car wash or detailing facility</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Community center, club, or lodge</td>
<td>1 per 100 s.f.</td>
</tr>
<tr>
<td>Cultural facilities, such as library, museum, or gallery</td>
<td>1 per 1,000 s.f.</td>
</tr>
<tr>
<td>Day-care (child or adult), nursery school, kindergarten, or</td>
<td>1 per employee plus 5 spaces</td>
</tr>
<tr>
<td>pre-kindergarten</td>
<td></td>
</tr>
<tr>
<td>Drug stores and pharmacies</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Dry cleaning establishment</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Dry storage for watercraft</td>
<td>1 per 10 dry storage spaces</td>
</tr>
<tr>
<td>Financial institutions</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Food stores</td>
<td>1 per 200 s.f.</td>
</tr>
<tr>
<td>Fuel / gasoline station, may include convenience store, restaurant,</td>
<td>1 per 2 fuel pumps plus spaces needed for accessory uses</td>
</tr>
<tr>
<td>automotive supplies, but not repair</td>
<td></td>
</tr>
<tr>
<td>Funeral homes, mortuaries, crematoria</td>
<td>1 per 4 seats in largest chapel</td>
</tr>
<tr>
<td>Furniture and/or appliance sales</td>
<td>1 per 500 s.f.</td>
</tr>
<tr>
<td>Golf course</td>
<td>4 per hole</td>
</tr>
<tr>
<td>Golf driving range Principal use</td>
<td>1 per tee</td>
</tr>
<tr>
<td>Accessory use</td>
<td>1 per 2 tees</td>
</tr>
<tr>
<td>Group home, congregate living facility and similar uses</td>
<td>1 per 2 beds plus 1 per employee</td>
</tr>
<tr>
<td>Health clubs, exercise clubs, spas, gymnasiums</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Hospital</td>
<td>4 per bed</td>
</tr>
<tr>
<td>Hotels, motels, inns and similar lodging facilities</td>
<td>1.1 per unit plus parking for accessory uses</td>
</tr>
<tr>
<td>Ice vending machine</td>
<td>See supplemental standards</td>
</tr>
<tr>
<td>Laundry facility, self-service</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Lumberyard, nursery yard, similar outdoor sales establishments</td>
<td>1 per 300 s.f. office or indoor sales area plus 1 per 1,000 s.f. of outdoor sales and display area</td>
</tr>
<tr>
<td>Marinas, including fuel, supplies, docking, boat ramps</td>
<td>1 per 2 wet slips</td>
</tr>
<tr>
<td></td>
<td>1 per 10 dry slips</td>
</tr>
<tr>
<td></td>
<td>2 spaces per live-aboard slip</td>
</tr>
<tr>
<td>Medical and dental clinics and offices, outpatient facilities</td>
<td>1 per 200 s.f.</td>
</tr>
<tr>
<td>Nursing home or convalescent facility, overnight stay</td>
<td>1 per 4 beds plus 1 per employee on the largest shift</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Vehicle Spaces (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices, general or government</td>
<td>1 per 400 s.f.</td>
</tr>
<tr>
<td>Pawn shops</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Personal services, such as jewelry repair, shoe repair, tailoring, dry cleaning pick-up center</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Public service facilities such as fire stations, emergency services, or public works, includes vehicle storage and maintenance</td>
<td>1 per employee on the largest shift</td>
</tr>
<tr>
<td>Recreation, indoor, intense, such as, indoor shooting range, indoor kart tracks, and similar uses</td>
<td>1 per 2 users based on computed capacity plus 1 per employee on the largest shift</td>
</tr>
<tr>
<td>Recreation, outdoor, active, such as sports fields, courts, playgrounds</td>
<td>2 per court plus 1 per 1,000 s.f. of the active use area</td>
</tr>
<tr>
<td>Religious facility</td>
<td>See supplemental standards</td>
</tr>
<tr>
<td>Repair shops, small equipment, small appliances, shoes, etc.</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Restaurants, indoor, enclosed outdoor seating, with or without drive-up windows</td>
<td>1 per 50 s.f. (gross) plus 1 space per 4 employees</td>
</tr>
<tr>
<td>Retail sales, not otherwise listed</td>
<td>1 per 300 s.f.</td>
</tr>
<tr>
<td>Schools, academic, charter, public or Private Elementary or middle school</td>
<td>1 per classroom plus 1 per employee</td>
</tr>
<tr>
<td>High school or college</td>
<td>1 per classroom plus 1 per employee plus 1 per 2 students</td>
</tr>
<tr>
<td>Schools, business, commercial, trade, vocational</td>
<td>1 per classroom plus 1 per employee plus 1 per 10 students</td>
</tr>
<tr>
<td>Theaters, movie or performing arts</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Video and DVD rentals and sales</td>
<td>1 per 300 s.f.</td>
</tr>
</tbody>
</table>

### 6.04.03 Standards for Parking Lot Design

A. All off-street parking lots, other than single-family and duplex dwellings, shall be designed to meet the following standards:

1. Parking and loading areas, access aisles, pedestrian walkways, landscaping, and open space shall be designed as integral parts of an overall development plan and shall properly relate to existing and proposed buildings;

2. For uses that involve the sale, repair, rental, or storage of vehicles, required off-street parking spaces shall be identified for customers and distinguished from spaces used for the vehicles that are an integral part of the business activity onsite;

3. The parking lot circulation system shall be contained on-site. Access from one section of the parking lot to another section of the parking shall be entirely onsite;

4. When dead-end parking bays are included, adequate and safe areas shall be provided for backing and turning around;

5. Driveways and access aisles shall be interconnected with all existing driveways and access aisles on abutting commercial properties. Where the abutting commercial property is not developed, driveways and access aisles shall be extended to the common property.
line, so that future interconnection is possible. Each party to the interconnection shall be entitled to a ten (10) percent reduction in the parking requirement. A cross-access easement agreement shall be provided and determined to be acceptable to the Town. Upon approval, the easement agreement shall be recorded;

6. A parking lot shall be designed to prevent backing onto a public right-of-way, other than an alley;

7. Access to each parking space shall be directly from an access aisle or driveway; all required parking spaces shall be designed to permit entry and exit without moving any other vehicle. No spaces shall be located directly in aisles or driveways;

8. All parking and loading spaces shall be striped or otherwise marked to indicate their location and area;

9. No parking space shall be located so as to block emergency access;

10. Fire lanes shall be posted with appropriate signage, approved by the fire marshal;

11. All parking spaces shall be delineated by bumper strips or painted curbs.

B. Parking lot design

1. The design and construction of a parking lot shall comply with the standards set forth in this LDC.

2. The dimensions of parking spaces and access aisles shall comply with the standards set forth in this LDC.

6.04.04 Standards for Loading Spaces

The required number of off-street loading spaces is shown in Table 6.04.04. The design and construction of off-street loading spaces shall comply with the standards set forth in this LDC.

Table 6.04.04 Required Off-Street Loading Spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Required spaces (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multifamily residential, 20 to 40 dwelling units</td>
<td>1</td>
</tr>
<tr>
<td>Multifamily residential, over 40 dwelling units</td>
<td>1</td>
</tr>
<tr>
<td>Offices, up to 75,000 s.f.</td>
<td>1</td>
</tr>
<tr>
<td>Offices, each additional 25,000 s.f. over 75,000 s.f.</td>
<td>1</td>
</tr>
<tr>
<td>Theaters, auditoriums, stadiums, places of general assembly, each additional 100,000 s.f. over 20,000 s.f.</td>
<td>1</td>
</tr>
<tr>
<td>Commercial uses, up to 30,000 s.f.</td>
<td>1</td>
</tr>
<tr>
<td>Schools, libraries, hospitals, nursing homes, per 100,000 s.f.</td>
<td>1</td>
</tr>
</tbody>
</table>

6.04.05 Standards for Parking Off the Development Site

A. Development may count parking spaces located off the development site in the following circumstances:

1. The development parcel is located in the C or MU zoning district;
a. On-street parking is available within 150 feet of the principal entrance of the building(s) to be served by parking. Distance shall be measured along the most direct walking route from the entrance to the parking.

b. An available public parking lot is located within 200 feet of the principal entrance of the building(s) to be served by parking. Distance shall be measured along the most direct walking route from the building entrance to the nearest entrance to the public parking lot. A public parking lot is available when it provides parking to the general area and is not intended to provide off-street parking to support a public or civic structure or use.

c. A private off-site parking lot is available within 200 feet of the principal entrance of the building(s) to be served by parking. The parcel containing the private off-site parking lot shall be located on land zoned C or MU.

2. The off-site parking lot shall be provided by the owner of the development parcel to exclusively serve the development parcel. A private off-site parking lot is available within 400 feet of the principal entrance of the building(s) to be served by parking. The parcel containing the private off-site parking lot shall be located on land zoned C or MU;

3. The owner of the development parcel and the owner of the parking lot shall enter into an agreement guaranteeing the availability of the parking spaces to be counted to meet parking needs of the development parcel. The agreement shall be a recordable instrument in a form acceptable to the Town Attorney. The Town shall be a party to the agreement and shall retain enforcement authority. The agreement shall contain covenants running with the lands of both the development parcel and the parcel containing the parking lot;

4. The development parcel is located in the C or MU zoning district. One (1) of the following situations shall provide parking to meet needs on the development parcel:

a. An available public parking lot is located within 400 feet of the principal entrance of the building(s) or uses to be served by parking. Distance shall be measured along the most direct walking route from the building entrance to the nearest entrance to the public parking lot;

b. On-street parking is available within 400 feet of the principal entrance of the building(s) or use to be served by parking. Distance shall be measured along the most direct walking route from the entrance to the parking.

B. Valet parking

1. A portion of the required off-street parking in C and MU zoning districts may be provided off of the development site and accessed through a valet service. The property owner shall ensure the availability of the number of spaces required in Table 6.04.02 through provision of a recordable legal instrument acceptable to the Town. The agreement shall guarantee the number and location of the off-site parking spaces and the availability of the spaces to the property owner.

2. The property owner shall ensure the availability of a valet service through provision of contractual agreements with a valet service that demonstrates the availability of valets to transfer cars from the business location to the off-site parking. Handicapped parking in
compliance with ADA requirements shall be provided on-site and is not subject to the valet agreement.

6.04.06 Parking Studies

A. The required number of parking spaces may be reduced based on the results of a parking study prepared in compliance with the standards of this section. The parking study shall be prepared by a traffic engineer, certified transportation planner, or other professional with expertise in parking.

B. Parking spaces may be shared by two (2) or more adjacent uses when a parking study prepared in compliance with the standards of this section demonstrates that adequate parking will be available to meet all parking needs.

C. Development located in the MU zoning districts shall share parking. A parking study shall be prepared in compliance with the standards of this section to demonstrate the amount of parking required.

D. The Town Administrator or his designee may require a parking study when the characteristics of the proposed development is believed to require a greater or lesser number of parking and/or loading spaces than established by the standards in Section 6.04.02 Standards for Parking and Section 6.04.04 Standards for Loading Spaces herein.

E. A parking study shall include estimates of parking requirements based on one (1) of the following sources:
   1. Urban Land Institute;
   2. Institute of Traffic Engineers;
   3. American Planning Association;
   4. Traffic Institute;
   5. A study of parking requirements prepared by a Traffic Engineer based on data collected demonstrating the actual parking needs of comparable uses. Uses shall be considered comparable based on type of use, density, or intensity of development, scale, bulk, and location. The study shall clearly document the location of parking counts, and the time of the counts (week days, weekends, peak use periods, and season).

F. The parking study shall also include an analysis of the extent to which a transportation system management program and use of alternative forms of transportation lessen the parking requirement. The following factors shall be considered:
   1. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of proposed parking reduction;
   2. The availability and estimated use of private and public ride sharing, such as car pools and van pools;
   3. The availability of subscription bus service;
   4. Parking charges;
5. The guaranteed provision of annual employee or customer bus passes by the development occupying the development site;

6. The implementation of guaranteed flexible work hour scheduling;

7. The establishment of a transportation coordinator position to implement a car pool, van pool, and/or other transit programs;

8. The reduction in parking spaces corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to travel to the facility. Documentation of the source of this data shall be provided.

G. The parking study may demonstrate a deferral of the provision of otherwise required parking spaces provided that the following standards are met:

1. A parking plan is provided to demonstrate that sufficient space is available to meet the parking requirements set forth in Section 6.04.02 Standards for Parking herein;

2. A parking plan is provided that illustrates the layout for the required number of spaces, designating the spaces to be deferred;

3. Spaces proposed for deferral shall not be used for required landscaping, required buffers, required setbacks, or stormwater management;

4. A parking plan shall demonstrate full compliance with all design requirements of this LDC, except for the design and construction of deferred spaces;

5. The parking plan shall include a written agreement, in the form of a recordable instrument approved by the Town Attorney, guaranteeing conversion of the deferred spaces to paved spaces in full compliance with the standards of this LDC, based upon the Town’s determination that the deferred spaces are necessary for the safety and welfare of the public. The Town shall be a party to the agreement. The agreement shall include a requirement that the property owner shall be responsible for any expenses of a traffic and/or parking study to address the need for the deferred spaces;

6. The property owner may at any time request approval of a revised development plan to allow converting the deferred spaces to operable parking spaces.

H. A parking study to support shared parking requirements shall meet the following standards:

1. The parking spaces for joint use shall be located within 200 feet of the respective uses they are intended to serve;

2. The study shall include sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap;

3. The study shall contain sufficient information to demonstrate that the joint use of parking and subsequent reduction in the total number of otherwise required parking spaces will not have a negative impact on adjacent properties;

4. The owner of parcels proposing to share parking shall enter into an agreement guaranteeing the joint access and use of the parking spaces to meet parking needs of all properties represented in the agreement. The agreement shall be a recordable instrument in a form acceptable to the Town Attorney. The Town shall be a party to the agreement
and shall retain enforcement authority. The agreement shall contain covenants running with the lands of all parcels relying on the shared parking arrangement. The agreement shall include provisions for maintenance of the shared parking facility. The agreement shall also include provisions that address discontinuance of one (1) or more uses and a change in one (1) or more uses resulting in an increased parking need. The agreement shall contain covenants running with the lands of all development parcels relying on the shared parking arrangement.

6.05.00 STANDARDS FOR STACKING LANES AND DRIVE-THROUGH FACILITY LANES

6.05.01 Stacking Space Requirements

All facilities providing drive-up or drive-through service shall provide on-site stacking lanes. Where a proposed use includes drive up or drive through facilities, the applicant must provide for in the design of the site plan adequate facilities based upon industry standards. The Town Administrator or designee shall determine the stacking requirement. Determination shall be based on the requirements for a substantially comparable use, considering traffic generation, intensity of development, scale of development, and hours of operation.

6.05.02 Design Requirements for Stacking Lanes

A. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility. Stacking distance shall be computed at eighteen (18) feet per vehicle.

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

C. On-site parking lots, pedestrian areas, and drive-through lanes shall be designed to avoid pedestrians crossing drive-through lanes.

D. Vehicular traffic from stacking lanes shall not encroach on the public right-of-way.

E. A separate bypass lane around the drive-through facility shall be provided.

F. Stacking lanes shall not be located within a designated delivery area or area designated for loading spaces.
### Chapter 6 Table of Historical Notes and References

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<th>Date the change(s) went into effect</th>
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CHAPTER 7 ADULT ENTERTAINMENT ESTABLISHMENTS

7.00.00 GENERALLY

7.00.01 Purpose and Intent

It is the intent of this chapter to describe the permissible and prohibited Adult Entertainment, Nudity, and Sexual Conduct uses and activities within the Town.

7.01.00 CONDUCT IN ESTABLISHMENTS, ALCOHOL SALES

It is hereby declared that the following prohibited acts encourage conduct in and around establishments dealing in alcoholic beverages which results in violation of law and is dangerous to the health, safety and welfare of the public, and it is the intent of this section to prohibit nudity, gross sexuality, and the simulation and depiction thereof in establishments dealing in alcoholic beverages.

7.01.01 Definition

As used in this section, "establishment dealing in alcoholic beverages" means any business establishment operating within the corporate limits of the Town which sells alcoholic beverages.

7.01.02 Nudity and Sexual Conduct Prohibited

No person shall violate the following prohibitions:

A. No person shall expose to public view his or her genitals, pubic area, vulva, anus, anal cleft, or cleavage or any simulation thereof in an establishment dealing in alcoholic beverages;

B. No female person shall expose to public view any portion of her breasts below the top of the areola or any simulation thereof within such establishment;

C. No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose to public view his or her genitals, pubic area, vulva, anus, anal cleft, cleavage, or simulation thereof within such establishment;

D. No person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to expose to public view any portion of her breasts below the top of the areola or any simulation thereof within such establishment;

E. No person shall engage in, and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit, any sexual intercourse, bestiality, oral copulation, flagellation, sexual act prohibited by law, or touching, caressing, or fondling of human breasts, buttocks, anus, or genitals, or any simulation thereof, within an establishment dealing in alcoholic beverages;

F. No person shall cause, and no person maintaining, owning, or operating an establishment dealing in alcoholic beverages shall suffer or permit, the exposition of any graphic representation, including pictures or the projection of film, which depicts human genitals, the human pubic area, vulva, anus, anal cleft, or cleavage, the female breasts below the top of the areola, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, a
sexual act prohibited by law, or touching, caressing or fondling of human breasts, buttocks, anus, or genitals, or any simulation thereof, within any establishment dealing in alcoholic beverages except that the exhibition or showing of motion picture films which have received a rating of "General," "Parental Guidance," "Parental Guidance 13" or "Restricted" from the Motion Picture Association of America shall not be restricted or prohibited.

7.02.00 CONDUCT IN ESTABLISHMENTS, ADULT ENTERTAINMENT (RESERVED)

7.02.01 Generally (Reserved)

7.02.02 Adult Entertainment Establishments (Reserved)
# CHAPTER 7 TABLE OF HISTORICAL NOTES AND REFERENCES

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CHAPTER 8 VARIATIONS FROM STANDARDS

8.00.00 GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this LDC where hardship would otherwise occur. There are several ways that potential relief from hardship is addressed: potential relief through requirements regarding the use of and changes to nonconforming development; potential relief through the grant of a variance from the site development standards of this LDC; potential relief when an administrative decision is appealed; and potential relief when an administrative waiver is granted to modify certain site development standards of this LDC.

The Planning and Zoning Board may consider and approve variances for single family residential purposes only.

The Town Commission meeting in the official capacity as the Town of Shalimar Board of Adjustment may consider residential variances denied by the Planning and Zoning Board.

The Town Commission meeting in the official capacity as the Town of Shalimar Board of Adjustment may consider and approve, approve with conditions or deny all other variance requests submitted to the Town pursuant to Section 8.02.00 Variances herein and Chapter 9 Administrative Procedures of this LDC.

8.00.01 Waiver of Standards Pertaining to Metal Buildings

The Planning and Zoning Board may approve a waiver of standards pertaining to metal buildings, provided the following standards are met:

A. The proposed metal building shall be consistent with the character of the neighborhood within 500 feet of the site of the metal building;

B. The metal building shall be designed to ensure compatibility with development in the zoning district in which it is proposed;

C. The metal building and the site on which it is proposed are designed to minimize potential detrimental impacts on properties within 500 feet of the development site. The determination that potential detrimental impacts are minimized shall be based on the following:
   1. Proposed architectural design of the metal building;
   2. Proposed placement of the metal building on the site and the relationship to open space on the site;
   3. Proposed fencing and screening;
   4. Proposed landscaping.

8.01.00 NONCONFORMING SITUATIONS

8.01.01 Generally

A. Purpose
It is the purpose of this section to address the continuation and potential modification of uses, structures, lots, and site features that meet the following conditions also known as a nonconformity:

1. A use, structure, lot, or site feature that was lawfully established and in compliance with regulations applicable to the use, structure, lot, or site feature at the time of establishment of such use, structure, lot, or site feature;
2. Such use, structure, lot, or site feature does not comply with the regulations set forth in this LDC.

B. It is the intent of the Town to:
   1. Establish two (2) types of nonconformities: benign and detrimental;
   2. Allow continuation of nonconformities until such nonconformities are abandoned;
   3. Allow change of use of specified nonconformities;
   4. Allow modifications to specified nonconformities;
   5. Eliminate or reduce detrimental nonconformities.

C. It is further the intent of the Town that the casual, intermittent, temporary, or illegal use of land, water, buildings, structures, characteristics of use, or any such use in combination shall not be sufficient to establish the existence of a nonconforming use to create rights in the continuance of such use.

D. Maintenance
Normal and customary maintenance or repair of nonconforming lots, sites, and structures shall be allowed, provided that such maintenance or repair does not otherwise increase the extent of the nonconformity. Maintenance or repair shall be performed only to ensure safety and to prevent a nuisance.

E. Relocation of nonconforming buildings or structures
A nonconforming structure shall not be moved, in whole or in part, to another location within the Town, unless the lot, site, and resulting structure placement conforms in all respects to the standards and requirements of this LDC.

8.01.02 Types of Nonconformities

A. Benign nonconformities
   1. A benign nonconformity exists when the degree of nonconformity does not result in a harmful or unsafe condition. A negative impact on public safety or health is not expected to occur due to the continuation or modification of a benign nonconformity.
   2. Only the following situations shall be considered benign nonconformities:
      a. An encroachment into a required setback of less than ten (10) percent;
      b. A lot area which is less than the minimum required by not more than ten (10) percent;
      c. A lot width which is less than the minimum required by not more than ten (10) percent;
d. A building height which is more than the maximum allowed by not more than ten (10) percent;

e. A front yard setback that fails to comply with the standards in this LDC due to road widening;

f. Provision of off-street parking that contains up to ten (10) percent fewer spaces than required by this LDC;

g. Impervious surface coverage in excess of maximum allowed not more than ten (10) percent.

B. Detrimental nonconformities

1. Any use of land or structure that does not comply with the uses permissible in the applicable zoning district, as set forth in Chapter 2 Zoning Districts and Uses herein, shall be considered to be a detrimental nonconformity.

2. Any nonconformity of a structure or site that is not identified as a benign nonconformity in this section (A) shall be considered to be a detrimental nonconformity.

8.01.03 Continuation of Nonconformities

A. Benign or detrimental nonconformities shall be allowed to continue except as follows:

1. The nonconformity is declared to be unsafe or unlawful;

2. The nonconformity is declared to be a public nuisance as defined in General Ordinances.

B. A detrimental nonconformity which is discontinued for a period of 180 consecutive days shall be considered abandoned.

1. Such nonconformity shall not thereafter be reinstated.

2. Any subsequent occupancy of such nonconformity shall be permissible only when such nonconformity has been brought into compliance with the requirements of this LDC.

3. The removal of buildings, structures, equipment, or other aspects of such nonconforming use; the absence of a water utility service deposit or account; or the absence of a current business tax receipt shall be deemed to be prima facie evidence of the discontinuance of a nonconformity.

4. If the reason for discontinuance is the documented action by a governmental agency, the time of delay caused by the governmental agency shall not be calculated as part of the period of discontinuance.

C. A benign nonconformity may be discontinued for any period of time and shall not be considered abandoned.

8.01.04 Change of Use

A. All rights and obligations associated with a nonconformity shall run with the ownership of the land or water, are not personal to the present owner or tenant of the nonconforming use of land or water, and are not affected by a change in ownership or tenancy, except if abandoned.
B. Benign nonconformities

A land use carried out in or on a lot, site, or structure that has been identified as a benign nonconformity may be changed to any use permissible in the zoning district in which it is located, subject to the requirements set forth in Section 2.03.00 Land Uses Permissible In Each Zoning District in Chapter 2 herein. The nonconformities are not required to be modified for compliance with the standards of this LDC.

C. Detrimental nonconformities

The use of a lot, site, or structure identified as a detrimental nonconformity may be changed, provided the following standards are met:

1. The new use is less intense than the existing use. Intensity shall be determined by impervious surface coverage and either density for residential uses or the floor area ratio for nonresidential uses;

2. The new use complies with the requirements of this LDC.

**8.01.05 Damage and Restoration of Nonconforming Buildings or Structures**

A. In the event that any nonconforming building or structure is damaged by any means, including fire, flood, wind, explosion, or other act of God, or act of the public enemy, to an extent of less than fifty (50) percent of the total replacement value of the building or structure, such building or structure shall be permitted to be restored, or reconstructed according to the development standards in effect at the time of original construction except for compliance with FEMA NFIP and current Florida Building Codes. The replacement value shall be determined by State Certified appraiser establishing the replacement value on the date of the damage event. The replacement value is to include demolition, disposal, and professional services where the replacement value of the improvements are less than 50% damaged structure(s). Where an independent appraisal is not provided, the assessed value shall be the most recent market value shown for the structure as determined by the Okaloosa County Property Appraiser on January 1 of the year in which the damage occurred.

B. Replacement, restoration, and reconstruction shall be permissible only in compliance with building, plumbing, electrical, gas, mechanical, fire, and other construction and life safety regulations in effect at the time of application for a building permit to allow such replacement, restoration, or reconstruction.

C. Permits for replacement, restoration, or reconstruction shall not be issued after twelve (12) months have elapsed since the damage event.

**8.01.06 Expansion or Modification of Benign Nonconformities**

A. A structure which is a benign nonconformity may be modified or expanded, subject to the following standards:

1. Any addition or expansion of the structure shall comply with the standards applicable to the zoning district as set forth in this LDC;

2. Any addition or expansion of the structure shall not increase the extent of the nonconformity;
3. Any addition or expansion of a structure shall comply with all building permit requirements as set forth in Chapter 9 Administrative Procedures.

B. A lot or site which is a benign nonconformity may be modified, subject to the following standards:
   1. Any additional structures or site features shall comply with the standards set forth in this LDC;
   2. The addition of structures or site features shall not increase the extent of the nonconformity;
   3. The addition of structures or site features shall comply with all building permit requirements as set forth in Chapter 9 Administrative Procedures herein.

8.01.07 Expansion or Modification of Detrimental Nonconformities

A. A structure which is a detrimental nonconformity shall not be expanded.

B. A structure which is a detrimental nonconformity may be modified, subject to the following standards:
   1. The proposed modification of the structure shall be reviewed by the Planning and Zoning Board;
   2. Any modification of the structure shall not increase the extent of the nonconformity;
   3. Any modification of the structure shall comply with the standards set forth in this LDC;
   4. A modification shall not be permissible when off-street parking and loading required for the modification cannot be provided;
   5. When a modification is to allow or accommodate a change of use, the use shall be in compliance with the use requirements of the zoning district as set forth in Chapter 2 Zoning Districts and Uses herein;
   6. The modification of the structure shall maintain or improve compatibility of the structure with the neighborhood in which it is located;
   7. Approval of modifications to nonconforming structures shall be conditioned upon the addition or improvement of access, driveways, sidewalks, drainage, and landscaping, in compliance with the requirements of this LDC.

C. A lot or site which is a detrimental nonconformity may be modified, subject to the following standards:
   1. The proposed modification of the lot or site shall be reviewed by the Planning and Zoning Board;
   2. Additional or modified structures or other site features shall be permissible only where such additions or modifications improve the degree of conformity or provide for the public safety;
   3. The addition or modification of structures or other site features shall not increase the extent of the nonconformity;
4. The addition or modification of structures or other site features shall maintain or improve compatibility of the site with the neighborhood in which it is located;

5. As a condition of approval of applications to add or modify structures or other site features, the applicant may be required to demonstrate that the site is designed in compliance with the requirements of this LDC with regard to access, sidewalks, drainage, and landscaping.

8.01.08 Specific Requirements for Lots of Record

When an individual lot or parcel has an area smaller than the requirements of the zoning district in which it is located, but was a lot or parcel of record on the adoption date of this LDC, permitted uses of the zoning district shall be allowed on such lot or parcel, provided all requirements, other than minimum lot area, depth, or width, are maintained.

8.02.00 VARIANCES

8.02.01 Generally

A. The purpose of a variance is to provide a means to grant permission to depart from the standards of the zoning district where unique characteristics of a parcel together with the imposition of the specific regulations of the zoning district result in a hardship.

B. Variances granted prior to adoption of this LDC

1. Any variance granted before the date of adoption of this LDC shall remain in full force and effect, including any conditions of that variance, except as set forth in this section (B) (2) and (3).

2. Property for which a variance was granted prior to the adoption of this LDC may be developed in accordance with the plans previously approved. Where construction or development does not commence prior to the expiration of the variance, the variance shall have no further force and effect and the provisions of this LDC shall apply to development and use of the property.

3. Where a variance does not contain an expiration date, and a building permit application has not been submitted for the development for which the variance was granted, such variance shall expire twelve (12) months after the effective date of the order granting the variance. Upon expiration, the variance shall have no further force and effect and the provisions of this LDC shall apply to development and use of the property.

8.02.02 Required Findings for a Grant of Variance

A. In order for an application for a variance to be approved or approved with conditions, the Planning and Zoning Board (PZB and LPA) shall make a positive finding, based on the evidence submitted, for each of the following provisions:

1. The need for the proposed variance is due to the unusual or unique physical shape, configuration, or other physical condition of the development site. These special conditions are not generally applicable to other lands, structures, or buildings in the same zoning district;
2. The literal interpretation and application of the provisions of this LDC would deprive the property owner of property rights commonly enjoyed by other properties in the same zoning district, resulting in an undue hardship;

3. The special conditions are not the result of actions of the property owner and are not based solely on a desire to reduce development costs;

4. Approval of the proposed variance shall not provide to the property any special privilege that is denied to other development sites within the same zoning district;

5. The proposed variance is the minimum variance that results in reasonable use of the land, building, or structure;

6. Approval of the proposed variance shall ensure compatibility of the resulting development with the uses of land and character of the adjacent and surrounding neighborhood;

7. The proposed variance is consistent with the intents and purposes of the requirements of this LDC;

8. The proposed variance is consistent with the provisions of the Comprehensive Plan;

9. The proposed variance is not detrimental to the health, safety, or general welfare of the public.

B. The Planning and Zoning Board shall not consider a nonconforming use of neighboring lands, structures, or buildings in the same zoning district, or a permitted use of lands, structures, or buildings in other zoning districts, when determining whether to grant an application for a variance.

8.02.03 Procedures for Variances

A. Any person requesting a variance from the provisions of this LDC shall submit an application to the Planning and Zoning Board on forms provided by the Town.

1. The application shall include the information required for all applications as set forth in Section 9.02.02 Submittal Requirements for All Applications in Chapter 9 herein.

2. The application shall include a detailed explanation regarding how the proposed variance complies with each of the requirements of the previous sections.

3. An application for a variance for development subject to review of a site development plan shall be processed prior to completion of the site plan review process.

4. The appropriate fee as established by the Town shall accompany the application. No portion of the fee shall be refunded whether the application is withdrawn by the applicant or is denied by the Town Commission in the official capacity as the Town of Shalimar Board of Adjustment.

B. The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 8.02.02 Required Findings for a Grant of Variance herein.

C. The application shall be reviewed by the Town Administrator or designee for compliance with the required findings set forth in Section 8.02.02 Required Findings for a Grant of
A variance herein. A report shall be prepared and provided to the Planning and Zoning Board at least seven (7) business days prior to the scheduled hearing date.

D. The Planning and Zoning Board shall conduct a quasi-judicial hearing according to the procedures set forth in Section 9.06.00 Quasi-Judicial Hearing in Chapter 9 herein.

E. Notice of the hearing shall be provided as set forth in Section 9.04.00 Notice Requirements in Chapter 9 herein.

F. The Planning and Zoning Board shall approve, approve with conditions, or deny the application for a variance, based upon findings for each of the provisions set forth in Section 8.02.02 Required Findings for a Grant of Variance herein. The decision of the Planning and Zoning Board shall be reduced to a written order, which shall be issued to the applicant and filed with the Okaloosa County Clerk of Court where the approval of a variance may impact the title chain of the property. An order approving or approving with conditions shall expire within one (1) year of the date of such order, unless development subject to the variance is completed. The order may be extended once by the Planning and Zoning Board for good cause for a period not to exceed one (1) year.

G. Limitations on the grant of a variance

1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.

2. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC.

8.02.04 Appeal of Planning and Zoning Board Decisions

The applicant may appeal to the Town Commission for further review. If denied, the applicant may then resort to a court of competent jurisdiction.

8.02.05 Specific Requirements for Variances in Areas of Flood Hazard

A. An application for a variance in an area of flood hazard identified in Chapter 3 Environmental and Floodplain Management herein shall comply with the findings and procedures set forth in Sections 8.02.01 Generally through Section 8.02.03 Procedures for Variances herein this chapter.

B. In addition to the required findings set forth in Section 8.02.02 Required Findings for a Grant of Variance herein, the Planning and Zoning Board shall make the following findings when a variance is requested in an area of flood hazard:

1. There is no anticipated danger to public safety from materials that may be swept onto other lands thereby causing the injury of others;

2. There is no anticipated danger to life and property resulting from flooding or erosion;

3. The proposed facility and its contents are not susceptible to flood damage and the potential effects of such damage;
4. The proposed facility and services to the public provided by the facility are of such importance to the community that maximum protection from flood waters shall be ensured;

5. The facility requires a waterfront location, and is considered a water-dependent facility;

6. There are no alternative locations for the proposed use that are not subject to flooding or erosion damage;

7. Safe access to the property can be maintained in times of flood for ordinary and emergency vehicles;

8. The proposed variance is the minimum required to avoid undue hardship and is designed to address the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

9. The proposed variance shall not result in increased costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;

10. The proposed variance shall not result in any adverse effect on the Town’s Community Rating System rating and compliance status with the National Flood Insurance Program.

C. Variances shall not be granted within any designated floodway if any increase in flood levels would occur during the base flood discharge.

8.03.00 APPEALS OF ADMINISTRATIVE DECISIONS

8.03.01 Applicability

Administrative decisions include decisions by the Town Administrator or designees, and staff members pertaining to the following matters: zoning determinations, certificates of concomitance, minor plats, administrative waivers, change of use, interpretation of permissible uses within zoning districts, and development orders and permits. A person adversely affected by an administrative decision may appeal such decision to the Planning and Zoning Board.

8.03.02 Notice of Intent to File an Appeal of an Administrative Decision

A. Prior to filing an application for an appeal of an administrative decision, an affected party shall file a Notice of Intent to Appeal within five (5) business days following the administrative decision, determination, or action to be appealed. The Town shall provide a form for filing a Notice of Intent to Appeal. No fee shall be required.

B. When a Notice of Intent to Appeal is filed, all work that is the subject of the appeal on a site shall be stayed for ten (10) business days.

8.03.03 Filing an Appeal of an Administrative Decision

A. Within ten (10) business days following filing of a Notice of Intent to Appeal, the affected party filing the Notice of Intent may file an application to appeal an administrative decision.
B. The application shall include a detailed explanation regarding how the applicant is adversely affected by the administrative decision. Where the administrative decision was based on technical standards, the applicant shall provide detailed data and analysis regarding alleged errors in the application of the technical standards.

C. The appropriate fee as established by the Town shall accompany the application. The application shall not be accepted without the filing fee. No portion of the fee shall be refunded.

D. Upon receipt of an application to appeal an administrative decision, the Town Administrator or designee shall schedule the appeal to be heard by the Planning and Zoning Board.

E. The administrative decision subject to the Notice of Intent shall become final and effective if an application to appeal is not timely filed.

8.03.04 Stay of Work

Filing an appeal of an administrative decision stays all work on the premises and all proceedings in furtherance of the action appealed that is subject to the appeal. When the Town Administrator or designee determines that a stay would cause imminent peril to life or property, the Town Administrator or designee shall notify the Planning and Zoning Board of the determination. Only the work necessary to avoid imminent peril to life or property shall be permissible; all other work shall be stayed.

8.03.05 Procedures for Consideration of an Appeal of an Administrative Decision

A. The consideration of an appeal by the Planning and Zoning Board of an administrative decision shall be a de novo quasi-judicial hearing.

B. The Town Administrator or designee shall prepare a report following the procedure for preparation of a Technical Review Board compliance report set forth in Section 9.01.05 Preparation of Technical Review Board Compliance Reports and Recommendations for Applications Other than Development Orders in Chapter 9 herein.

C. Notice of the hearing shall be provided as set forth in Section 9.04.00 Notice Requirements in Chapter 9 herein.

D. The applicant has the burden of proof to demonstrate that the administrative decision was in error.

E. The Planning and Zoning Board shall determine whether the provisions of this LDC have been properly applied and shall take action as follows:
   1. Affirm the administrative decision that is the subject of the appeal;
   2. Reverse, wholly or in part, the administrative decision that is the subject of the appeal;
   3. Modify the administrative decision that is the subject of the appeal.

F. The Planning and Zoning Board shall issue a written order containing findings of facts and conclusions of law.
8.03.06 Appeal of Planning and Zoning Board Decisions

The decision of the Planning and Zoning Board shall be final. The applicant may appeal to the Town Commission for further review. If denied, the applicant may then resort to a court of competent jurisdiction.

8.04.00 ADMINISTRATIVE WAIVERS

8.04.01 Generally

A. Purpose

The purpose of an administrative waiver is to provide a means to grant permission for a de minimis departure from the standards of the zoning district where unique characteristics of a parcel together with the imposition of the specific regulations of the zoning district result in a potential hardship.

B. Applicability

The Town Administrator or designee is authorized to waive or reduce site development standards as set forth in the next section herein where the intent of this LDC can be achieved and compatibility can be maintained.

8.04.02 Standards

The Town Commission may consider a waiver or reduction of one (1) or more of the specified site development standards in the following situations:

A. After commencement of development activity, a waiver may be granted subject to all of the following conditions:

1. A valid building permit has been issued;

2. An error in a dimensional standard has been identified during construction by the contractor, surveyor, builder, or property owner;

3. The dimensional standard on the development site does not deviate from the approved dimensional standard by more than ten (10) percent;

4. Developing according to the incorrect dimensional standard shall not result in an adverse health, safety, or welfare impact on the site or to the public.

B. Where the lot area standards and/or lot dimension standards for the zoning district in which the development is proposed do not allow the development to achieve the otherwise permissible density, the Town Administrator or designee may waive up to ten (10) percent of the standard;

C. Where two (2) or more lots are proposed for a unified development with a central stormwater management facility, the Town Administrator or designee may waive the requirement for each lot to provide a separate stormwater management facility;
D. Where a native tree that is eight (8) inches or more dbh would be removed in order to allow building placement in compliance with all required setbacks, a waiver of up to ten (10) percent of the applicable setback may be granted by the Town Administrator or designee;

E. Where a native tree that is eight (8) inches or more dbh would prevent compliance with building separation standards, a waiver of up to ten (10) percent of the required separation may be granted by the Town Administrator;

F. As an alternative to a parking study where a permissible change of use is proposed, the Town Administrator or designee may waive up to ten (10) percent of the required parking spaces;

G. Where a permissible change of use is proposed, the Town Administrator or designee may waive up to ten (10) percent of the required landscaping.

8.04.03 Procedures for Administrative Waivers

A. Any person requesting a waiver to a provision set forth in the previous section herein shall submit an application to the Town on forms provided by the Town.

1. The application shall include the information required for all applications as set forth in Section 9.02.02 Submittal Requirements for all Applications in Chapter 9 herein.

2. The application shall include detailed information to explain how the proposed waiver conforms to the requirements set forth in the previous section herein.

3. An application for a waiver for development subject to review of a site development plan shall be processed as part of the site development plan review.

4. The appropriate fee as established by the Town shall accompany the application. No portion of the fee shall be refunded.

B. The Town Administrator or designee shall approve, approve with conditions, or deny the requested administrative waiver, based on compliance with the requirements of the previous section herein and the following findings:

1. There are special circumstances applicable to the development site consistent with the situations set forth in the previous section herein;

2. Approval of the administrative waiver is consistent with the intent of this LDC and the purposes of the zoning district in which the development site is located;

3. Approval of the administrative waiver is consistent with the Comprehensive Plan;

4. The administrative waiver is the minimum necessary to ensure that the proposed development is able to achieve reasonable use;

5. The administrative waiver shall ensure compatibility of the resulting development with the uses of land and character of the adjacent and surrounding neighborhood;

6. The administrative waiver includes conditions to ensure that the administrative waiver does not constitute a grant of special privileges inconsistent with the limitations upon other properties within the same zoning district.

C. The decision regarding the administrative waiver shall be provided in writing to the applicant and shall be recorded with the approved site development plan. The administrative waiver
shall expire when the site development plan approval expires. The expiration date for an administrative waiver shall not be extended except upon extension of the expiration date for the site development plan to which the administrative waiver pertains.

D. A decision regarding an administrative waiver may be appealed to the Planning and Zoning Board in compliance with the requirements set forth in the previous section herein.
### CHAPTER 8 TABLE OF HISTORICAL NOTES AND REFERENCES

<table>
<thead>
<tr>
<th>Section that was changed</th>
<th>Ordinance or Resolution that authorized the change(s)</th>
<th>Date the change(s) went into effect</th>
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<tr>
<td>Minor Corrections to all of Chapter 8</td>
<td>Resolution 2017-015</td>
<td>05/09/2017</td>
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</table>
CHAPTER 9 ADMINISTRATIVE PROCEDURES

9.00.00 GENERALLY

9.00.01 Purpose and Intent

A. Purpose

The purpose of this chapter is to set forth responsibilities and procedures for the administration of this Land Development Code. This chapter sets forth the procedures for receiving, reviewing, and rendering decisions on applications for development orders, permits, rezonings, and amendments to this LDC, the Comprehensive Plan, and development orders.

B. Intent regarding existing use of land

If an existing use was approved subject to one (1) or more conditions, those conditions shall continue in full force and effect unless a new approval is granted.

9.00.02 Applicant; Owner; Owner’s Agent; Contract Purchaser

Throughout this LDC the term applicant refers to the person submitting applications and associated materials. The applicant shall be the property owner, a designated representative of the property owner, or a purchaser under contract. The representative may be called the owner’s agent; the purchaser under contract may be the designated representative. For major developments, a notarized statement shall be provided by the owner authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures. Where an action is reserved to the owner of the property, the term owner is used.

9.00.03 Building Permits and Development Orders Required; Exemptions; Recording

A. A building permit shall be required in conformance with the provisions of this LDC prior to the commencement of any development activities.

B. A development order shall be required prior to applying for a building permit for any of the activities authorized by the following:

1. Site development plan, including proposed development subject to supplemental standards, by special exception or both;
2. Site development plan and rezoning for planned unit development (PUD);
3. Preliminary and final subdivision plats;
4. Rezoning;
5. Development agreements;
6. Development orders for Developments of Regional Impact as defined in Section 380.06, F.S.

C. A building permit shall be required for the following activities:

1. Land clearing, excavation, or modification, including dredge and fill;
2. Tree removal of protected trees;
3. Construction of any principal or accessory building or structure;
4. Storage of building materials or erection of a temporary job site office;
5. Installation of utilities, streets, driveways and driveway connections, drainage systems and connections, building systems (electrical, gas, mechanical, or plumbing), or landscaping for a single-family home;
6. Marine construction;
7. Moving any structure;
8. Alteration, demolition, or repair of any structure according to the requirements of the current Florida Building Code;
9. Any other construction, reconstruction, site improvement, or modification to the land or water on a site.

D. Land clearing shall not be construed to include routine landscaping maintenance.

E. Projects for which a building permit has been lawfully issued prior to the effective date of this LDC may continue, provided that:
   1. The building permit has not expired prior to the effective date of this LDC;
   2. The development activity authorized by the building permit commenced on or before the effective date of this LDC and continues in good faith according to the applicable time limits;
   3. The development activity authorized by the building permit is in accordance with all applicable development permits.

F. Recording
   1. A development order, and any amendments to a development order, shall be recorded in the office of the Town Administrator, at the expense of the applicant, prior to the issuance of a building or other building permit.
   2. Where the development order pertains to a final subdivision plat, a true copy of the approved final plat shall be recorded in the public records of Okaloosa County within sixty (60) days from the date of such approval. When recordation has not been accomplished within sixty (60) days, the Town Commission shall confirm that the final plat is not valid and provide notice to the applicant. The applicant may reapply for final plat approval. The final plat shall be provided to the Town after recording.

9.00.04 Commencement of Work and Expiration of Building Permits and Development Orders

A. A Development Order for a site development plan shall expire two (2) years after the date of issuance of the order where an application for a building permit has not been submitted. One (1) extension of up to one (1) year may be requested in writing prior to the expiration date and requires Planning and Zoning Board approval.
B. A development order for phased projects shall include expiration dates for each phase. When an application for a building permit has not been submitted for a phase of the project by the expiration date for that phase, the development order for that phase and all subsequent phases, if any, shall expire.

C. A building permit shall expire if work does not commence within one (1) year from the date of issuance of the permit.
   1. Where a permit is issued by a State or Federal agency with jurisdiction over the project, the permit shall expire as set forth by the agency.
   2. One (1) extension of up to one (1) additional year may be granted, except where there is an enforceable development agreement which establishes an expiration date.

D. Where activity toward completion of a project under a building permit ceases for a period exceeding six (6) months, the building permit shall be considered void. No further activity shall be undertaken until a new building permit is issued unless substantial completion has occurred and applicant provides sufficient documentation for the inactivity to the Town Administrator or designee.

E. Where a building permit has been obtained prior to the expiration of the associated development order according to the timeframes established in parts (A) and (B) of this section and the building permit expires for any reason, the development order on which the development was based may continue, but shall not be valid for more than three (3) years from the original date of issuance of the development order.

F. When litigation is filed challenging a development, development order, or building permit, all timeframes associated with such development, development order, or building permit shall be suspended during litigation.

9.00.05 Fees Required

A. The Town may charge a fee for any application, building permit, processing costs, or provision of requested information or documents in compliance with this chapter to cover the cost incurred by the Town. The Town shall establish a schedule of fees required by this LDC, hereafter referred to as the Fee Schedule and adopted as a separate ordinance or by resolution. The Fee Schedule is currently maintained in the Town Administrator’s office.

B. All required fees shall be paid at the time an application for development review is submitted. Multiple fees may be required for proposed development involving multiple applications.

C. The Town is authorized to enter into a contract with persons who have expertise necessary for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant; however, the Town shall provide information regarding the basis of fees for such experts when requested by the applicant.

9.00.06 Improvement Agreements, Guarantees, and Sureties

Where a guarantee is required to ensure that construction of required infrastructure improvements for any development are provided by the applicant or that funds are provided to
the Town to pay for such infrastructure improvements, the following methods of guarantee are permissible;

A. A surety bond may be provided, executed by a surety company authorized to do business in the State of Florida and having a resident agent within the Town. The bond shall be for a time period specified by the Town Commission, not to exceed one (1) year. The Town Commission may approve extension of the bond provided that the costs of construction are updated. The bond shall be enforceable by or payable to the Town in an amount equal to 110 percent of the cost of constructing the infrastructure improvements. The cost of constructing the infrastructure improvements shall be documented by the applicant and approved by the Town Commission. The form, surety, and conditions shall be approved by the Town Attorney;

B. A cashier’s check, cash, or certified check may be deposited with the Town or placed in escrow. The amount shall equal 110 percent of the cost of constructing the infrastructure improvements. The cost of constructing the infrastructure improvements shall be documented by the applicant and approved by the Town Commission. When the applicant satisfactorily completes a portion of the infrastructure improvements, the Town may release a commensurate portion of the deposit, provided that the amount remaining on deposit is equal to 110 percent of the amount required to complete the remaining infrastructure improvements.

9.00.07 Certificate of Occupancy

A Certificate of Occupancy issued by the Okaloosa County Building Official after approval of the Town Administrator is the only demonstration that the use or occupancy of land or buildings is in compliance with the requirements of this LDC and the provisions of an approved development order, development agreement, and/or building permit. A certificate of occupancy shall be received by the applicant prior to the use or occupancy of land or buildings. This section shall not be construed to apply to the transfer of ownership or the change of occupants.

9.00.08 Certificate of Completion

A Certificate of Completion issued by the Okaloosa County Building Official after approval of the Town Administrator is the only demonstration that the use or occupancy of land or buildings is in compliance with the requirements of this LDC and the provisions of the approved building permit for renovations, additions, and alterations. A certificate of completion shall be received by the applicant prior to the use or occupancy of land or buildings. When a change of use occurs, a new certificate of occupancy and a new certificate of completion shall be required.

9.00.09 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Okaloosa County Building Official after approval of the Town Administrator before the completion of the entire work covered by the building permit, provided that such portion or portions shall be occupied safely. The Okaloosa County Building Official shall, at the time of issuance, set a time period during which the temporary certificate of occupancy is valid. Failure to complete the project within the time
allotted will result in suspension of occupancy until such time as the project is completed and ready for a certificate of occupancy.

9.00.10 Zoning Determination

A. A zoning determination is a finding of fact that an existing use complies with the requirements set forth in this LDC and the Future Land Use Map of the Comprehensive Plan.

B. A zoning determination shall be limited to the use standards specified in the written determination and shall not be construed to extend to other matters regarding the use or development on the site when such matters are not specifically written in the zoning determination.

C. The zoning determination shall include the condition that the use or development that is the subject of the determination may become nonconforming if this LDC is amended.

D. The zoning determination shall expire one (1) year after issuance; however, where this LDC is amended within the one (1) year period, the zoning determination shall expire upon amendment of this LDC.

9.00.11 Adoption of Florida Building Code

The current Florida Building Code, as adopted by rule of the Florida Building Commission as required by state statute, with its main volumes on Building Code, Building Code Residential, Building Code Existing Buildings, Energy Code, Fuel Gas, Plumbing, Mechanical, Test Protocols, and Accessibility as amended from time to time, is hereby adopted and incorporated into this LDC by reference. The current Florida Building Code is remedial and shall be construed to secure the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment, including alteration, repair, removal, demolitions, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems.

A. Administration and Authority

The Okaloosa County Building Official is hereby authorized and directed to enforce the building code provisions for the Town of Shalimar consistent with agreement between the Town of Shalimar and Okaloosa County. The building official shall have the authority to render interpretations of the Town’s building codes and current Florida Building Codes to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this LDC and the current Florida Building Codes and shall not have the effect of waiving the requirements specifically provided for in this LDC.

B. Applications and Permits

The Okaloosa County Building Official shall receive applications, review construction documents and issue permits for the erections, alterations, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of the current Florida Building Codes and this LDC.
C. Revocation of Permits

The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate, incomplete information, or misrepresentation as to any material fact in the application or in violation of any provisions of this LDC or the current Florida Building Code. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this LDC or the current Florida Building Code.

D. Notices and Orders

The building official shall issue all necessary notices or orders to ensure compliance with this LDC and the current Florida Building Code. The Town of Shalimar shall be copied on all such notices and orders.

E. Inspections

The building official, or a designee who may include any competent and properly licensed or certified individual or agency, shall make all of the required inspections. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such experts to render an opinion as necessary to report upon unusual issues that arise.

F. Building Permit Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any required impact-resistant coverings, electrical, gas, mechanical, or plumbing system, or alter, improve, change, enlarge, or repair any parking area, storm water management system, or infrastructure, or any other installation of which is regulated by this LDC, or to cause any such work to be done, shall first make application for development permit issuance and then to the Okaloosa County Building Official and obtain the required permit.

G. Exceptions

Ordinary minor repairs may be made without the approval of the building official and without a permit. Minor repairs may include but are not limited to:

1. Interior and exterior painting;
2. Replacement of nonstructural flooring;
3. Repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping joints and repairing drop cords; for the installation of wiring, devices or equipment for common electrical or telecommunication devices;
4. Repairing or replacing any electrical or gas fixture;
5. Service conducted to repair or maintain systems, including replacement of any piece of the system;
6. Repairing or replacing any plumbing fixture.

H. Penalty for Commencement Prior to Permitting

Any person who commences any work on a building, site, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, or any individual who acquires a permit issued in error for either incorrect or false information provided on the application shall be subject to a fee as set by Okaloosa County Building Official and Town of Shalimar fee schedules.

I. Permit Fees

Permit application requests shall be accompanied by fees and charges as may be established by Okaloosa County and the Town of Shalimar.

9.01.00 PROCEDURES FOR REVIEW AND DECISION-MAKING

9.01.01 Types of Applications

Table 9.01.01 contains a list of the types of applications and identifies the entities responsible for reviewing and issuing decisions on applications. Site development plans are categorized as major developments or expedited developments, as follows:

A. Major developments are proposed developments where building heights are proposed to exceed the height limits established on the Eglin AFB Tall Structures Analysis for the Town of Shalimar map, proposed development subject to a development agreement, proposed development in a PUD, proposed development that requires a special exception, and any project that requires a plat approval. In addition, all commercial developments and residential developments, other than single family residential shall be considered major developments;

B. Expedited developments include any site development plans other than those described in part (A) of this section. In addition, expedited developments are for single family residential development in which no variances are necessary.

Table 9.01.01 Types of Applications and Entities Responsible for Recommendation (R) and Final Decision (D)

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<thead>
<tr>
<th>Type of Application or Petition</th>
<th>Staff¹</th>
<th>Technical Review Board</th>
<th>Planning and Zoning Board²</th>
<th>Town Commission</th>
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<td>Communication Towers</td>
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<td>Special Exceptions</td>
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Development Orders

| Major Development Orders | R | R | D |
### Type of Application or Petition

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#### Subdivision Plats in all Zoning Areas

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<td>PUD</td>
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<td>Rezoning</td>
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<tr>
<td>Vacations (Easements, ROW, Plats)</td>
<td>R</td>
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<td>Variances (See Chapter 8)</td>
<td>R</td>
<td>D2</td>
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<tr>
<td>Zoning Determination</td>
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#### Notes:

1. Staff means the Town Administrator or designee and includes any other technical staff reviewer’s input.
2. Planning and Zoning Board (PZB) has final decision authority for variances for single-family residential development only as indicated in Section 1.06.04 Planning and Zoning Board (Local Planning Agency, LPA).
3. D - Final Decision Authority
4. R - Recommendation

### 9.01.02 Pre-Application Conference Required

A. A pre-application conference is a required meeting between a potential applicant and the Town staff and/or Technical Review Board prior to submittal of an application for a development order, for the purposes of:

1. Exchanging information on the potential development of a site;
2. Providing information to a potential applicant on permissible uses of a site;
3. Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;
4. Providing information to an applicant regarding standards of regional, State, or Federal agencies that may be applicable to a potential application;
5. Determining the need and requirements for supporting plans, documents, and studies;
6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements;
7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.

B. It is the Town’s intent that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposed development will be ultimately approved or rejected in any form.

C. Prior to the submission of an application for a development order an applicant shall request a pre-application conference.

D. A pre-application conference shall be held not more than ten (10) business days following the date of request for such conference.

E. An application shall only be accepted within six (6) months of the date of the pre-application conference. After six (6) months, the applicant shall request a new pre-application conference.

F. The pre-application conference shall include representatives of Town departments responsible for reviewing applications and may include independent reviewers hired by the Town, as well as representatives of Okaloosa County, Regional, State, or Federal agencies with authority over specific aspects of the proposed development may attend.

G. The applicant may bring professionals who will prepare some or all of the application materials to the pre-application conference.

H. A pre-application development checklist will be finalized in the pre-application conference.

9.01.03 Determination of Completeness

A. The first step in the review of an application is a determination that the application is complete, called a determination of completeness. The determination of completeness ensures that all required documents and plans have been submitted in sufficient number and format (digital or print), and that all fees have been paid. A determination of completeness is not an evaluation of compliance with standards and criteria.

B. The Town staff shall issue a determination of completeness to the applicant, within seven (7) business days of receipt of an application. When the application is not complete, the written determination shall specifically identify the missing documents and/or plans and required due date. The Town shall issue a determination of completeness within seven (7) business days following receipt of the additional documentation. When, due to circumstances beyond the control of the Town, the determination cannot be made within seven (7) business days, the Town shall advise the applicant and provide the date on which the determination will be provided.

C. The application shall not be processed until missing documents and/or plans are submitted and the application is determined to be complete.
D. If the missing information is not provided within the time period established by the Town Administrator and no further communication is received from the applicant, the application shall be deemed withdrawn and all materials shall be returned to the applicant.

E. When all required submittals have been received within the required time, the application shall be assigned a number and processed for review and action in accordance with the procedures set forth below.

**9.01.04 Preparation of Technical Review Board Compliance Report for Development Orders**

A. All applications for development orders shall be reviewed by the Technical Review Board. The review shall document the compliance of an application with the requirements of this LDC, the Comprehensive Plan, and applicable technical codes and standards.

B. When an application is determined complete, the Technical Review Board shall have twenty (20) business days to prepare a compliance report. The steps in the compliance report process are described below.

1. Each application shall have a Town staff person designated as case manager.
2. The case manager shall prepare a draft compliance report. The case manager shall notify the applicant whether deficiencies have been identified in the application.

C. Actions following notification to the applicant:

1. The applicant shall have twenty (20) business days to correct deficiencies and submit revised or supplemental application documents;
2. Upon receipt of revised or supplemental application documents, the Town shall have twenty (20) business days to conduct a review of the revised or supplemental application documents, issue the final Technical Review Board compliance report, and take action as outlined in part (D) of this section;
3. Where the deficient application is not revised, corrected, or supplemented, the Town shall have seven (7) days to issue the final Technical Review Board compliance report and action shall be taken as outlined in Section 9.01.03 (D).

D. Actions by the Town Administrator or designee/Technical Review Board

1. For expedited development orders, the Town Administrator or designee shall render a decision as follows:
   a. Approve the application and issue a development order;
   b. Deny the application and issue a written notice of denial;
   c. Where a potential negative finding that was not in the compliance report is identified by the Town Administrator or designee, the Town Administrator or designee shall provide the updated compliance report with an explanation of modifications, if any, within ten (10) business days.
2. For major development orders, the Technical Review Board shall prepare a recommendation and forward the application and compliance report to Planning and
Zoning Board and Town Commission for consideration at the next available public hearing.

E. A development order shall have an effective date of seven (7) business days following the date of decision to provide for the appeals period established in Section 8.03.00 Appeals of Administrative Decisions in Chapter 8 herein.

9.01.05 Preparation of Technical Review Board Compliance Reports and Recommendations for Applications Other than Development Orders

A. A Technical Review Board compliance report shall be prepared for all applications for which the Town Commission makes the final decision as set forth in Section 9.01.00 Procedures for Review and Decision Making herein.

B. The Technical Review Board compliance report shall document consistency of the proposed action with this LDC, the Comprehensive Plan, and other ordinances or technical codes. The report shall include a recommendation for approval, denial, or where applicable, assigning conditions to an approval.

C. The Technical Review Board compliance report shall include information that all required notices have been provided. The application documents and Technical Review Board compliance report shall be provided to the applicable decision-making entity.

9.01.06 Procedures for Recommendations by the Planning and Zoning Board (PZB)

A. The Town staff shall provide application documents and the Technical Review Board compliance report to members of the PZB according to the Town’s schedule of public hearings.

B. The PZB shall hold a public hearing for each application and prepare a recommendation, which shall be forwarded to Town Commission for consideration at the next available public hearing.

C. The PZB shall hold a quasi-judicial hearing as set forth in Section 9.06.00 Quasi-judicial Hearings herein and shall consider and provide recommendations to the Town Commission on applications for amendments to the Comprehensive Plan, amendments to this LDC, PUDs, rezoning, special exceptions, variances in which the PZB do not have approval authority, and such other matters as may be assigned by the Town Commission.

D. Notice shall be provided as set forth in Section 9.04.00 Notice Requirements herein and an agenda prepared and posted at the Town of Shalimar Town Hall.

9.01.07 Procedures for Actions by the Town Commission

A. The Town Commission shall consider all applications as set forth in Section 9.01.00 Procedures for Review and Decision Making herein.

B. The Town staff shall provide application documents, applicable reports from staff, and recommendations from PZB, as described in the previous section to Town Commission members.
C. Notice shall be provided as set forth in Section 9.04.00 Notice Requirements herein and an agenda prepared and posted at the Town of Shalimar Town Hall.

D. Where a quasi-judicial hearing is required, procedures for conduct of the hearing shall be followed as set forth in Section 9.06.00 Quasi-judicial Hearings herein.

E. When the application is for rezoning, the Town Commission shall approve or deny the application. All other applications may have conditions attached to the approval. When approved or approved with conditions, a development order shall be issued. When the application is denied, a written decision shall be provided to the applicant within seven (7) days following the hearing describing the reasons for denial.

F. When an application for rezoning is denied, a new application for the same rezoning of the same property shall not be considered within twelve (12) months following the date of denial.

9.01.08 Requests for Delay of a Public Hearing

A. An applicant may request, in writing, a delay of a public hearing regarding his application.

B. If the written request for a delay is received at least five (5) business days prior to the public hearing at which the application is scheduled to be heard, the applicant’s request for a delay will be automatically granted. An applicant shall be limited to one (1) such automatic delay. Further requests for a delay shall be considered and granted only upon a demonstration by the applicant of good cause for such delay.

C. If the written request for a delay is received less than five (5) business days prior to the public hearing at which the application is scheduled to be heard, the Chairperson of the entity holding the hearing will consider the request for a delay and shall only grant such request upon a demonstration by the applicant of good cause for such delay.

D. Where the grant of a delay results in the provision of additional notice, the costs associated with such notice shall be paid by the applicant prior to rescheduling the public hearing. If a public hearing is delayed on the record, at the scheduled public hearing, to a date and time certain, no additional notice shall be required.

9.01.09 Withdrawal of Pending Applications

An applicant may withdraw an application at any time prior to issuance of a final decision. The applicant shall provide written notice of the withdrawal to the Town. A withdrawn application will be considered denied, and the same, or substantially same application, shall not be considered for twelve (12) months following the public hearing at which the application was scheduled to be heard.

9.01.10 Review of Applications for Building Permits

A. Prior to submission of an application for a building permit, a pre-application conference shall be held for the purposes set forth in Section 9.01.02 Pre-Application Conference Required herein. The pre-application conference may be waived by the Town Administrator or designee.
B. All applications for building permits shall be reviewed by designated Town staff. Applications in compliance with the requirements of this LDC, the Comprehensive Plan, and applicable technical codes and standards will be issued a permit.

C. Applications that are incomplete or do not meet the requirements of this LDC or applicable technical codes and standards will be denied.

D. Actions by the Okaloosa County Building Official as Applicable

For building permits, the Okaloosa County Building Official shall render a decision as follows:

1. Approve the application and issue a local building permit as required;
2. Approve the application with conditions and issue a building permit as required identifying the required conditions;
3. Deny the application and issue a written notice of denial.

E. Appeals

Action taken on an application for a building permit may be appealed as set forth in Section 8.03.02 Notice of Intent to File an Appeal of an Administrative Decision in Chapter 8 herein.

9.02.00 APPLICATION REQUIREMENTS

9.02.01 Generally

This section provides information regarding all types of applications and the submittals required for review of applications. The types of applications are described in Section 9.01.01 Types of Applications herein. The procedures for reviewing applications, holding required public hearings, and rendering decisions are set forth in Section 9.01.00 Procedures for Review and Decision Making and Section 9.06.00 Quasi-judicial Hearings herein.

9.02.02 Submittal Requirements for All Applications

This section is intended to describe the submittal requirements applicable to all applications. It is the intent of the Town to avoid duplication by providing a basic application to be supplemented by additional information for a specific type of application. Application package information is described in the following sections.

A. Each application shall contain the following information as applicable:

1. An application form available from the Town;
2. The name, address, telephone number, facsimile number, email address, and signature of the applicant. If any applicant is a business entity such as a partnership, corporation or joint venture, the names and business addresses of all partners and officers, as appropriate, and telephone numbers;
3. A copy of the deed or deeds conveying the subject property to the current owner;
4. The recorded ownership interests, including liens, title certification, encumbrances, and the nature of the applicant's interest if the applicant is not the owner;
5. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor licensed in the State, and shall have been performed not more than five (5) years prior to the date of application. For applications limited to permits for accessory structures, a Town approved alternative to the property survey may be submitted;

6. Proof of payment of applicable fees;

7. Stamped envelopes addressed to the owner of each property within 150 feet of the site proposed for a development order, in compliance with the notice requirements of Section 9.04.00 Notice Requirements herein.

B. An application regarding development within or affecting environmentally sensitive lands Chapter 3 Environmental and Floodplain Management herein shall include proof of submitting applications for all applicable permits or exemptions from Regional, State, or Federal agencies with permitting authority for such lands.

C. One (1) electronic copy and one (1) hard copy of all application documents shall be submitted.

9.02.03 Submittal Requirements for All Applications That Require Site Development Plans, Subdivision Plats, or Drawings

A. All site development plans, subdivision plats, and drawings for an application shall be prepared at the same scale.

B. Digital submissions of site development plans, subdivision plats, and drawings shall be submitted in Town approved formats.

C. All site development plans and drawings accompanying an application for development approval shall be prepared and certified by a land surveyor, landscape architect, architect, or engineer licensed by the State of Florida. Subdivision plats shall be prepared and certified by a land surveyor or engineer licensed by the State of Florida. Such plans, plats, and drawings shall contain the following information, unless the applicant justifies that the information is not applicable to the application:

1. The name, address, telephone number, facsimile number, and email address of the person preparing the plan, plat, or drawing;

2. The date of preparation and date(s) of any modifications;

3. A north arrow and a written and graphic scale;

4. A vicinity map showing the location of the property;

5. The name, plat book, and page number of any recorded subdivision within the development plan including any proposed lot consolidation or adjacent to the site;

6. Information regarding existing development on adjacent properties;

7. Location of any protected historical or archaeological resources;

8. Location of utilities, utility service, connections to existing utility facilities, sewer lines, water mains, culverts, fire hydrants, and easements necessary to provide access for maintenance or other activity;
9. Where development is proposed in phases, the plans shall include phase lines, a timeline for the development, and benchmarks for monitoring the progress of construction of each phase regarding land clearing, soil stabilization and erosion control, installation of infrastructure, and installation of landscaping;

10. Applications involving clearing of land shall be accompanied by a tree survey;

11. The location and size of any proposed common open space or commonly owned facilities and the form of the organization that will own and maintain such open space or facilities;

12. A summary block or site data table containing the following information:
   a. Land use category from the Future Land Use Map in the Comprehensive Plan;
   b. Zoning district;
   c. Total acreage;
   d. Total building square footage for residential and non-residential uses;
   e. Total density and number of units, proposed and permissible, for residential uses;
   f. Height of all existing and proposed buildings;
   g. Impervious surface ratio calculation, proposed and permissible;
   h. Floor area ratio calculation, proposed and permissible;
   i. Required and proposed number of parking and loading spaces.

9.02.04 Supporting Documentation to Accompany Applications

The application shall include all required supporting documentation, in compliance with the requirements set forth in the following sections. The Town has adopted level service C as the minimum operating level of service for local non-connector roads within the Town. The peak hour (100th highest hour) LOS has been adopted for SR 85 from the Garnier’s Bayou Bridge to Richbourg Avenue - Level Service D.

A. Concurrency analysis to demonstrate compliance with Section 9.03.00 Concurrency Requirements herein.

B. Traffic study, prepared by a traffic engineer licensed by the State of Florida, containing the following information and in compliance with the following:

1. The area of impact as identified during the pre-application conference, to include streets, street segments, and intersections, for the traffic analysis, based on accepted traffic planning principles and practices;

2. On-site and off-site traffic impacts, including:
   a. The existing average daily traffic on adjacent streets and streets impacted by the proposed development. Where traffic counts conducted within the previous six (6) months are not available, the applicant shall conduct traffic counts. There shall be no adjustment for internal capture of trips, except for mixed-use development. Volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors;
b. The total trips generated by the project and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates shall be used as the basis for trip generation calculations, except where an alternative source of data is specifically approved by the Town in advance;

c. Existing turning movement volumes at the impacted intersections;

d. Level of service calculations at each project access point for the p.m. peak hour, both existing and within the proposed development;

e. Level of service calculations at impacted intersections for the p.m. peak hour, both existing and within the proposed development;

f. Determination of projected volumes for the year of project completion using the annual growth factor provided by the Town;

g. Analysis of the proposed adjustments in trip generation or projected volumes for mixed use developments;

h. Analysis of the need for turning lanes or additional lanes on impacted roadways;

i. Analysis of the need for intersection improvements;

j. Analysis of the need for traffic signals or other traffic control devices;

k. Proposed trip distribution based on professionally accepted methodologies.

3. The traffic study shall include a statement of the assumptions used in conducting the analysis, including the following:

   a. Type and intensity or density of development;

   b. Projected population of a residential development;

   c. Proposed timing and phases of development;

   d. Proposed design of streets, access points, driveways, alleys, sidewalks, and other components of the transportation system.

C. Parking study, demonstrating compliance with the standards set forth in Section 6.04.06 Parking Studies in Chapter 6 herein.

D. The Town’s drainage and stormwater management Level of Service (LOS)

   1. Single family detached residential subdivisions post development runoff shall not exceed the pre-development runoff rate for a 25 year storm event with a 24 hour duration.

   2. For all other development the adopted level of service for drainage is to retain the first inch of runoff onsite; and post-development runoff shall not exceed pre-development runoff rate for a 25 year storm event, up to and including an event with a 24-hour duration; and including that a pop-off to an outfall with adequate capacity to handle additional stormwater runoff. The developer /applicant must document that the pop-off to the outfall has been authorized by the owner of the outfall system. If no pop-off is available the stormwater storage facility shall be designed with a minimum capacity to retain a storm event of 100 year frequency up to and including a 24-hour duration for post development. The stormwater management plan must be in compliance with the LOS above and the technical standards set forth in this LDC.
E. Identification of natural features and physical conditions in compliance with the Comprehensive Plan and Chapter 3 Environmental and Floodplain Management herein, as follows:

1. The location of streams, bodies of water, and natural features within the boundaries of the property and within 500 feet of any boundary of the property;
2. The location of the mean high water line, if such line is within the boundaries of the property including the Shoreline Protection Zone as set forth in Section 3.00.01 Purpose and Intent in Chapter 3 herein;
3. A topographic survey, soils report, grading plan, and an erosion control plan;
4. A general floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification.

F. Landscaping plan, containing sufficient information to demonstrate that the proposed landscape improvements are in conformity with the landscape development standards, design principles, irrigation standards and other requirements set forth in Section 4.08.00 Standards for Landscaping, Buffers, and Tree Protection in Chapter 4 herein, and containing the following information:

1. Location and size of all landscaped and buffer areas;
2. Designation of the name (botanical and common), size (height and spread), quantity, and location of the plant material to be installed;
3. Designation of the name, size, location, and condition of viable existing trees and vegetation and areas to be preserved;
4. Designation of existing trees and vegetation to be removed;
5. Designation of vegetation required by State or Federal law to be preserved;
6. Location of water use zones;
7. Details for the location and type of irrigation, when an irrigation system is proposed.

G. Signage plan, demonstrating compliance with the standards set forth in Section 5.03.00 Signs in Chapter 5 herein, and including the following information:

1. The type, square footage, height, and location of all signage currently displayed on the site;
2. The type, square footage, height, and location of the sign or signs proposed to be erected on the site. If the sign is to be electrically lighted, additional information is to be provided regarding the testing laboratory or the Electrical Testing Lab (ETL) number, and the name and address of the electrical contractor;
3. A fully dimensioned site plan showing the lot frontage, building frontage, sign face areas, and location of all existing and proposed signs. For ground signs, the site plan shall show the distance from the property line, right-of-way line, and edge of pavement, and the location of the clear visibility area as established in Section 6.03.00 Visibility at Intersections in Chapter 6 herein;
4. A summary table listing location, type, and area of any existing and proposed signs with fully dimensioned elevation drawing of any proposed sign, showing sign type, height and copy area; and, for facade signs, an elevation of the building, showing placement of any sign.

H. Details for the construction of improvements, in compliance with the requirements set forth in this LDC.

I. Details of all exterior lighting.

9.02.05 Submittal Requirements for Site Development Plans

A. In addition to the information required in Section 9.02.02 Submittal Requirements for All Applications, Section 9.02.03 Submittal Requirements for All Applications That Require Site Development Plans, Subdivision Plats, or Drawings, and Section 9.02.04 Supporting Documentation to Accompany Applications herein, all applications for site development plan approval shall contain the following information regarding existing and proposed development and supporting infrastructure:

1. The location of existing and proposed access points, driveway design, roads and rights-of-way, street intersections, sidewalks and other pedestrian facilities, bicycle facilities, and other paved areas within the boundaries of the property;

2. The location and use of any existing and proposed principal or accessory buildings and structures, showing proposed setbacks, building floor area, building heights, and other dimensional requirements of the zoning district in which the property is located;

3. The existing ground elevations, existing finished floor elevations, and proposed finished floor elevations for all buildings;

4. Information to demonstrate compliance with site development standards applicable within the zoning district and applicable to any specific uses subject to supplemental standards;

5. Information to demonstrate compliance with site development standards applicable to accessory uses and structures.

9.02.06 Submittal Requirements for Re-platting

A. At the discretion of the Town, and identified at the pre-application conference, the preliminary and final subdivision plats may be combined. Where the application is for a replat, the preliminary plat may be waived.

B. In addition to the information required in Section 9.02.02 Submittal Requirements for All Applications, Section 9.02.03 Submittal Requirements for All Applications That Require Site Development Plans, Subdivision Plats, or Drawings, and Section 9.02.04 Supporting Documentation to Accompany Applications herein, all applications for preliminary subdivision plat approval, including proposed townhouse developments, proposed zero lot line developments, and lot consolidation or combination shall contain the following information:

1. The proposed name of the subdivision;
2. Development specifications for the tract: land area and the proposed number and layout of lots and blocks;
3. Location of land to be dedicated or reserved for public use for rights-of-way, streets, sidewalks, bike trails, pedestrian trails, easements, schools, parks, open spaces, or other public uses;
4. The substance of covenants, grants, easements, or other restrictions that may be imposed upon the use of land, buildings, and structures.

C. Receipt of the signed copy of the approved preliminary plat is authorization for the applicant to proceed with the preparation of plans and specifications for minimum improvements and with the preparation of the final plat.

1. Prior to the construction of any improvement required, or the submission of a bond in lieu of construction, the applicant shall provide documentation to demonstrate compliance with the site improvement standards set forth in this LDC and the Town’s Comprehensive Plan.

2. All proposed construction shall be compatible with the soil conditions specific to the site. If necessary, the applicant shall provide boring and soils tests that shall be conducted by testing facilities licensed by the State.

D. The final plat shall conform substantially to the approved preliminary plat. The applicant may submit a final plat for a portion of the approved preliminary plat proposed to be recorded and developed at the time.

1. The applicant shall submit the reproducible drawing of the final plat as prescribed by Chapter 177, F.S., duly signed as required. Review copies of the final plat may be submitted for comment on bond paper. The number and size of review copies shall be specified by the Town Administrator or designee. The final plat submitted for recording shall be composed of individual sheets of the size approved by the Okaloosa County Clerk of Courts for purposes of recording.

2. The plat shall be tied to state plane coordinates. State plane coordinate (North American Datum 1983/90 or subsequent NGS adjustments) in U.S. survey feet shall be stated on the final plat Mylar submitted for recording. State plane coordinates for at least two boundary corners of the proposed plat shall be shown. These coordinates shall be derived from field measurements in conformity with State law.

3. In addition to the information required by Sections 177.041--177.091, F.S., the following shall be shown on the plat:
   a. A location sketch showing the location of the subdivision with respect to section or Town limit lot lines;
   b. The exact names, locations, and right-of-way widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract;
   c. Lots numbered in numerical order, beginning with number one in each block, and blocks lettered in alphabetical order, and whether a lot consolidation or combination is part of the plat or replat;
d. Common areas or other sites required for stormwater management areas or other shared facilities, adequate to accommodate all subdivision land development activities;

e. Acknowledgment of the owners and all lien holders to the plat and restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of the required easements;

f. Space and forms for the following necessary signatures indicating approval, as listed below:
   i. Town Administrator’s recording certificate;
   ii. Planning and Zoning Board approval;
   iii. Town Commission approval;
   iv. Okaloosa County Clerk of Court’s recording certificate;
   v. Title certification;
   vi. Certificate of surveyor and mapper;
   vii. Dedication with certificate of ownership and acknowledgements;
   viii. Joinder and consent to dedication with acknowledgements;
   ix. Certificate by Okaloosa County Tax Collector;
   x. Town Engineer;
   xi. Town Surveyor.

E. A replat of an existing subdivision or lot consolidation shall follow the same process as outlined for a new plat, except that a preliminary plat may not be required. The need for a preliminary plat shall be determined at the pre-application conference per Section 4.07.00 Standards for Subdivisions.

9.02.07 Submittal Requirements for Minor Plats

A. Applications for dividing a parcel into two lots (minor plats) shall require the following:
   1. An application form as specified in Section 9.02.02 Submittal Requirements for All Applications herein;
   2. A survey showing the following:
      a. The location of all structures, and utilities above and underground (including service lines to the remaining and proposed buildings) that exist on the property;
      b. Proposed new lot lines with setbacks to any existing buildings that will remain on site and include identification of any proposed lot consolidation or lot combination;
      c. Existing easements and any proposed easements that are required for public utilities, storm drainage, and other improvements as a condition of lot line adjustment approval.
B. If relocation of existing utility service lines is necessary to remedy an encroachment, a plan shall be provided to show how service will be provided from the existing utility mains without encroaching. Utility service lines to a lot shall not encroach across another lot. Water and sewer lines shall be available to all lots with no main line extensions or upgrades necessary;

C. A new legal description for each new lot created;

D. Demonstration that the applicant has paid or is obligated to pay any costs of new utility adjustments, extension, relocation, or connections;

E. Demonstration that any demolition or removal of structures shall be accomplished prior to approval of the minor plat.

9.02.08 Submittal Requirements for Planned Unit Developments

An application for a Planned Unit Development (PUD) is a combined application for site development plan approval and rezoning to PUD. When the PUD is proposed on a lot or parcel that is not platted, a subdivision plat is also required. The submittal shall include all information set forth in Section 9.02.02 Submittal Requirements for All Applications, Section 9.02.03 Submittal Requirements for All Applications That Require Site Development Plans, Subdivision Plats, or Drawings, Section 9.02.04 Supporting Documentation to Accompany Applications, Section 9.02.05 Submittal Requirements for Site Development Plans, and Section 9.02.09 Submittal Requirements for Rezoning Applications herein. When platting is required, the information set forth in Section 9.02.06 Submittal Requirements for Re-platting herein shall be provided. The application shall clearly identify all proposed site development standards in compliance with Section 4.01.01 Site Development Standards in Chapter 4 herein.

9.02.09 Submittal Requirements for Rezoning Applications

A. In addition to the information required in Section 9.02.02 Submittal Requirements for All Applications herein, all applications for amendments to the zoning map (rezoning) shall include the following information:

1. A map of the area indicating the existing and proposed zoning district designation for the subject property and the existing zoning district designations for all abutting properties. The map shall show the land use categories from the Future Land Use Map in the Comprehensive Plan for the subject property and all adjacent properties;

2. A detailed statement addressing the consistency of the proposed zoning district with the land use category of the subject property. The statement shall address permissible uses within the land use category and the zoning district and shall further address consistency of the proposed zoning with the goals, objectives, and policies of the Comprehensive Plan;

3. A detailed justification for the proposed zoning district, including identification of changed conditions that make the proposed PUD zoning district more appropriate than the existing zoning district;
4. A detailed statement regarding the existing land use pattern, the possible creation of an
isolated district unrelated to adjacent districts, and the potential impacts of the proposed
rezoning on the surrounding neighborhood.

B. Specific requirements for a proposed rezoning to PUD (Planned Unit Development) are set
forth in Section 9.02.08 Submittal Requirements for Planned Unit Developments herein.

9.02.10 Submittal Requirements for Vacations

An application to vacate a right-of-way, easement, or subdivision plat shall include the
information identified in Section 9.02.02 Submittal Requirements for All Applications herein
and the information set forth below:

A. A request to vacate a plat, either in whole or in part, shall include an attorney’s opinion
verifying that the applicant is the owner of the land proposed for vacating;

B. A written statement justifying vacating including the following information:
   1. Demonstration that the access of adjacent property owners will not be impaired;
   2. Demonstration that access to a public water body will not be negatively impacted;
   3. Demonstration that there is no public need for the right-of-way, easement, or plat.

9.02.11 Submittal Requirements for Amendments to this Land Development Code

A request to amend the Town’s Code of Ordinances must be formally submitted to the Town
Commission. For Land Development Code amendments, the request must be reviewed by the
Town’s Planning and Zoning Board for a recommendation to the Town Commission. The
request may require advertisement and notifications, and this cost must be borne by requestor.
There is no application form; however, a formal request must include the following information:

A. The name, address, telephone number, email address, and signature of the requestor;

B. Proof of payment of any applicable fees;

C. A description of the requested amendment with specific citations to the section(s) proposed
   for amendment;

D. A detailed justification for the requested amendment; and

E. A detailed statement of consistency of the requested amendment with the goals, objectives and
   policies of the Town’s Comprehensive Plan.

9.02.12 Submittal Requirements for Building Permit and Building Permit

A. An application for a building permit and building permit shall include documentation as
required by the current Florida Building Code, this LDC, and other documents identified
during a pre-application conference.

B. When an application pertains to a change of use, the requested change of use shall comply
   with the criteria in Section 2.03.00 Land Uses Permissible In Each Zoning District in Chapter
   2 herein.
C. When an application for a change of use pertains to a nonconforming use, the requested change of use shall comply with the criteria in Section 2.03.00 Land Uses Permissible In Each Zoning District in Chapter 2 herein and Section 8.01.04 Change of Use in Chapter 8 herein.

D. A wetland permit shall include a clearing/grubbing permit; tree removal permit, if needed; and wetlands survey.

9.02.13 Request for Final Approval and Submission of Final Special Exception Use Plan

Special exception uses may be permitted in only those zoning districts where they are designated as special exception uses by this section of this LDC and then only when specifically approved by the Board of Adjustment (Town Commission) in accordance with the provisions of this section and after review and recommendations by the Planning and Zoning Board. All special exception uses shall be subject to the regulations in this section unless otherwise stated in this Chapter.

All special exception uses shall be subject to the appropriate and applicable general standards set forth for planned development projects in this LDC.

All special exception uses shall be subject to the following regulations:

A. Uses
   The premises of a special exception use shall be used for only those buildings and uses and accessory buildings and uses specifically indicated by the Board of Adjustment in its approval of the special exception use.

B. Compatibility
   The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography, and the nature of surrounding development.

C. Standards
   Required standards and regulations for special exception uses and buildings are as follows:

   1. All special exception uses shall be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this chapter for principal building and single-lot development as well as the specific dimension and area regulations for lots and structures in the specific zoning district in which the special exception use is proposed;

   2. Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. Wider spacing between access points and intersecting street right-of-way lines should be required when the lot has more than the minimum required frontage on a street. All access points shall be specifically approved by the Board of Adjustment;

   3. All buildings shall be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines shall be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties;
4. A properly maintained landscaped separation strip, at least 15 feet in width, shall be provided along all property lines and along all streets serving the premises. The Planning and Zoning Board shall also require that the premises be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge and/or other approved enclosure when deemed necessary to buffer the special exception use from surrounding uses. Such screening, if required, shall be located within a required separation strip and shall have a minimum height of six feet.

All proposed special exception uses shall be referred to the Planning and Zoning Board for its review and recommendations. Upon written receipt of the Planning and Zoning Board's recommendation regarding the proposed special exception use, the Board of Adjustment shall proceed in its regular manner.

In applying for a special exception use permit, the applicant shall follow the same procedures as required by the Board of Adjustment for appeals in Section 9.01.07 Procedures for Actions by the Town Commission herein of this chapter. In addition the applicant shall submit three copies of a preliminary special exception use plan showing all of the appropriate and applicable data and information required for preliminary development plans.

If the special exception use permit application is approved by the Board of Adjustment, the applicant shall prepare a final plan of the approved preliminary plan and all attached special conditions and showing all of the appropriate and applicable data and information required for final development plans. The applicant shall submit the original and two copies of the final special exception use plan and required supplementary material, if any, to the Board of Adjustment, along with an application for final approval of the special exception use permit. If the final plan is in accordance with the approved preliminary plan and reflects all attached special conditions, the Board of Adjustment shall approve such final plan and the Chairman of the Board shall indicate such approval on the final special exception use plan by signing the certificate of approval for recording.

Any use which is permitted as a special exception in a district under the terms of this section, other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district, shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

All other special exceptions, such as utility structures, shall provide minimum areas as determined following review and recommendation of the Planning and Zoning Board and subsequent approval of the Board of Adjustment (Town Commission).

9.03.00 CONCURRENcy REQUIREMENTS

9.03.01 Purpose

The purpose of the certificate of concurrency process is to ensure the existence of sufficient infrastructure to maintain the levels of service adopted in the Comprehensive Plan.

9.03.02 Certificate of Concurrency Required

A. A certificate of concurrency shall be required prior to or concurrent with the issuance of a building permit, including de minimis situations. Where multiple development permits are
required, the issuance of the certificate of concurrency shall occur prior to the issuance of the initial building permit.

B. A certificate of concurrency shall be issued upon a finding that the determination of concurrency demonstrates the availability of capacity of the Town or in the case of water and sewer, Okaloosa County, to serve the proposed development.

1. The certificate of concurrency shall include the condition that facilities with the required capacity shall be in place and available to serve new development or as otherwise provided in State law.

2. For potable water, the certificate of concurrency shall include the condition that prior to approval of a building permit, the Town shall determine that adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy.

C. A certificate of concurrency shall automatically expire simultaneously with the expiration of the building permit to which it applies. If a time extension is granted prior to the expiration of a building permit, then the accompanying certificate of concurrency shall be automatically extended for the length of the time extension upon approval by the Okaloosa County Water and Sewer Department for the water and sewer portion of the concurrency approval.

D. A certificate of concurrency shall be issued in writing and signed by the Town Administrator or designee.

9.03.03 Determination of Concurrency

A determination of concurrency is a demonstration that the proposed impact on the specified public services and facilities does not exceed the capacity based on the minimum level of service standard. Water and sewer services, and solid waste services are provided by agreement between Okaloosa County and the Town. Accordingly, the Town prohibits package plants as an alternative for sewer.

A. Level of Service Standards

1. The minimum level of service standard for potable water is 100 gallons of potable water per person per day.

2. The minimum level of service standard for wastewater is 100 gallons of wastewater per person per day (average daily demand) for both collection and treatment.

3. The minimum level of service standard for solid waste is five (5) pounds per person per day.

4. The minimum level of service standard for recreation is five (5) acres of recreation land per 1,000 people.

5. The Town’s drainage and storm water management Level of Service (LOS).

   a. Single family detached residential subdivisions post development runoff shall not exceed the pre-development runoff rate for a 25 year storm event with a 24 hour duration.
b. For all other developments the adopted level of service for drainage is to retain the first inch of runoff onsite; and post-development runoff shall not exceed pre-development runoff rate for a 25 year storm event, up to and including an event with a 24 hour duration; and include a pop-off to an outfall with adequate capacity to handle additional storm water runoff. The developer/applicant must document that the pop-off to the outfall has been authorized by the owner of the outfall system. If no pop-off is available the storm water storage facility shall be designed with a minimum capacity to retain a storm event of 100 year frequency up to and including a 24 hour duration for post development. The storm water management plan must be in compliance with the LOS above and the standards set forth in this LDC.

c. The minimum level of service standard for storm water runoff quality shall be as set forth in Chapter 62-25, F.A.C.

6. The Town no longer has an adopted LOS for schools. The Town will provide coordination with the Okaloosa County School Board pursuant to an Inter-local Agreement for public school facilities planning.

B. The concurrency calculation and determination shall compare the available capacity of each required facility or service to the demand of the proposed development.

1. The required facilities to meet the level of service standard for storm water runoff shall be determined by the calculation of storm water impacts as set forth in this LDC.

2. The available capacity for the transportation system shall be determined by the provision of a transportation or traffic study as set forth in Section 9.02.04 Supporting Documentation to Accompany Applications herein.

3. The available capacity of all remaining facilities and services with an adopted level of service standard shall be calculated as follows:
   a. Establishing the capacity for the facility or service;
   b. Subtracting the capacity used by existing development;
   c. Subtracting the capacity committed to approved developments through issuance of certificates of concurrency;
   d. Yielding the amount of capacity remaining and available to serve proposed development.

C. The available capacity may be adjusted based on planned expansions to capacity that guarantee an increase in capacity prior to the issuance of a certificate of occupancy for the proposed development.

D. The required capacity may be established in an approved development agreement, in compliance with the requirements in Section 9.08.00 Development Agreements herein.

9.03.04 De Minimis Projects

A. Generally
1. A proposed development may be determined to have a *de minimis* impact on one (1) or more facilities and services with an adopted level of service standard, as set forth in Section 9.03.02 Certificate of Concurrency Required herein.

2. A proposed development with a *de minimis* impact shall be exempt from any further concurrency determination.

B. The following situations are considered *de minimis* for all facilities and services with an adopted level of service standard:

   1. A single-family dwelling;
   2. A nonresidential structure with fewer than 1,500 square feet of total floor area and generating fewer than fifty (50) trips per day;
   3. A building addition with fewer than 1,500 square feet of total floor area and generating fewer than fifty (50) trips per day.

C. Any proposed development or redevelopment with an impact of not more than one (1) percent of the maximum volume at the adopted level of service of the affected transportation facilities as determined by the Town, utilizing the most recent table of the generated two-way peak hour volumes in the Florida Department of Transportation (FDOT) Level of Service Handbook, shall be considered *de minimis* regarding the transportation level of service. No impact shall be deemed to be *de minimis* if the sum of existing roadway volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility, or if the impact would exceed the adopted level of service standard for any affected designated hurricane evacuation route.

**9.03.05 Strategies to Rectify a Lack of Concurrency**

Where available capacity cannot be demonstrated and a certificate of concurrency has been denied, the following methods may be used to maintain adopted level of service:

A. The applicant may provide the necessary improvements to maintain level of service except for a package treatment plant for sewer. 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 as required in Section 9.03.03 Determination of Concurrency herein, and recordable instruments guaranteeing the construction, consistent with determination of concurrency as set forth in Section 9.03.03 Determination of Concurrency herein;

B. The proposed project may be altered such that the projected level of service is no less than the adopted level of service;

C. The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.
9.04.00 NOTICE REQUIREMENTS

9.04.01 Generally

A. The Town Commission, Town Commission meeting as the Board of Adjustment, Planning and Zoning Board, and other boards implementing requirements of this LDC shall provide public notice of meetings and hearings pursuant to the requirements of State law and the provisions of this section.

B. Published notice shall be provided for:
   1. Amendments to the Comprehensive Plan;
   2. Amendments to site development plans;
   3. Amendments to this LDC;
   4. Appeals of administrative decisions;
   5. Development Agreements;
   6. Expansion or modification of nonconformities;
   7. Preliminary or final subdivision plats;
   8. Rezonings;
   9. Site development plans;
   10. Vacatings or other noun related to vacating or vacate;
   11. Variances;
   12. Special Exceptions;
   13. Nuisance and code violations.

C. In addition to published notice, posted notice shall be provided for applications involving a specific property. However, posted notice shall not be required for building permits.

D. A proposal by the Town to rezone less than ten (10) contiguous acres of land shall include mailed notice to the property owner of the parcel or parcels proposed for rezoning, in addition to published and posted notices.

E. All notices shall include the following information, unless otherwise specified in this LDC:
   1. The name of the applicant;
   2. The location of the property for which an application has been submitted;
   3. The nature of the approval sought by the applicant;
   4. The date, time, and place of any applicable public hearings on the application;
   5. The location where the application, supporting documentation, Technical Review Board compliance reports, and other information can be inspected or obtained;
   6. A statement that interested parties may appear at the hearing and be heard with respect to the application.
F. Where a proposed development will be considered at multiple public hearings or require two (2) or more separate applications, required notices may be combined into a single notice, provided that such notice includes all dates of public hearings and all proposed actions.

G. Specific additional information regarding a proposal to vacate a right-of-way shall include a general description of the obligations that may accrue to adjacent property owners upon approval of the vacation.

H. The Town website shall contain agendas for all Planning and Zoning Board and Town Commission meetings considering applications. All conferences, meetings, and hearings are open to the public.

9.04.02 Published Notice Requirements

A. In applications requiring approval or denial by the Planning and Zoning Board or the Town Commission, a notice shall be published in a newspaper of general circulation in the Town at least five (5) days prior to the public hearing at which the application will be considered. In addition, the notice shall be posted on the Town’s website at least five (5) days prior to the public hearing.

B. The costs of publishing notice shall be paid by the applicant. Payment of such costs shall be made prior to scheduling any required public hearing.

9.04.03 Posted Notice Requirements

A. A notice of a public hearing for consideration of an application shall be posted in a conspicuous place at the Town Hall of the Town of Shalimar prior to the date of the public hearing.

B. An applicant for changes to the current zoning map and all applicants for commercial development shall post a sign on the property that is the subject of an application. The sign shall comply with the following requirements:

1. One (1) sign shall be provided for each abutting right-of-way and shall be clearly visibly on each portion of the property that fronts a right-of-way;

2. The sign(s) shall be a minimum of two (2) s.f. in area. Lettering on the sign shall be large enough to be legible to motorists;

3. The sign(s) shall include only the following information: the action proposed, reviewing board or decision-making entity, and the date, time, and place of the public hearing for consideration of the application;

4. The sign(s) shall be posted at least ten (10) business days prior to the date of the public hearing;

5. The applicant shall provide photographic documentation of the sign(s) at least five (5) days prior to the public hearing;

6. The sign(s) shall be removed not later than five (5) business days following the public hearing.
C. Failure to maintain or replace the sign(s) shall not affect the jurisdiction of the reviewing board or decision-making entity to consider the application or the validity of any resulting decision.

9.04.04 Mailed Notice Requirements

Mailed notice shall be provided to all property owners within one hundred fifty (150) feet of the property that is the subject of an application for any zoning change or variances to be decided by the Planning and Zoning or the Town Commission. Mailed notice is not required for amendments to this LDC that do not affect a specific property. The applicant shall be responsible for providing proof to the Town that mailed notice has been provided a minimum of five (5) days prior to a public hearing addressing the application in compliance with the requirements in this section.

9.05.00 LEGISLATIVE HEARINGS (RESERVED)

9.06.00 QUASI-JUDICIAL HEARINGS

9.06.01 Procedures Regarding Ex Parte Communication

A. A member of a decision-making entity shall not willfully participate in an ex parte communication regarding a pending application.

B. All ex parte communications shall be disclosed.

9.06.02 Conduct of Hearings

A. The hearing shall be conducted in a manner to protect the due process rights of the applicant and any affected parties.

B. All testimony presented by the applicant, any affected party, any witness for any party, or the staff (other than legal advice given by the Town Attorney) shall be provided under oath.

C. The applicant, any affected party, and the staff may cross-examine any person presenting information at the hearing.

D. An electronic record shall be made of the hearing.

E. Members of the general public may provide comment during the hearing. If a member of the general public desires his or her testimony to be considered as potential competent substantial evidence, such person shall be placed under oath and subject to cross-examination.

F. The decision-making entity may question the applicant, other parties, witnesses, and the Town staff at any time during the hearing.

G. The decision-making entity shall render a decision which shall be based upon competent substantial evidence presented during the hearing.

H. The decision-making entity shall enter a written order which contains findings of fact and conclusions of law in support of its decision.
I. The decision-making entity’s written order shall be filed with the Town Administrator as part of the official records of the Town.

9.06.03 Order of Presentations

The following order of presentation shall be followed:

A. Announcement of the matter for consideration by the chairperson or the Mayor. Evidence that all notice requirements have been met shall be confirmed before continuing with such matter;

B. Disclosure by each member of the decision-making entity of any *ex parte* communications;

C. Presentation by the Town Administrator or designee of the Technical Review Board compliance report regarding the pending application;

D. Presentation by the applicant of evidence supporting the application. The applicant shall bear the burden of demonstrating that the application should be granted;

E. Presentation by an affected party, if any, of evidence opposing the application;

F. Public comment;

G. Rebuttal by the Town Administrator or designee, any affected party, and the applicant;

H. Conclusion of the evidentiary portion of the hearing;

I. Closing arguments by the Town Administrator or designee, any affected party, and the applicant;

J. Deliberation by the decision-making entity.

9.07.00 AMENDMENTS TO DEVELOPMENT ORDERS FOR SITE DEVELOPMENT PLANS AND PERMITS

9.07.01 Amendments to Expedited Development Orders

A. Proposed amendments to expedited development orders shall be processed in the same manner as the original application.

B. One (1) copy of the approved site development plan shall be submitted with the proposed amendments clearly identified.

C. If approved, an amended development order shall be issued.

9.07.02 Minor Amendments to Major Developments Approved by Town Commission

A. The following situations shall be considered minor amendments to major development orders issued by Town Commission:

1. A modification to the type and location of landscaping materials, provided that there is no reduction in the required total amount of landscaping material and the landscaping plan continues to comply with the provisions for landscaping and tree preservation set forth in this LDC;
2. A minor adjustment in the location of dumpsters, sidewalks, bicycle facilities, sheds, or other accessory buildings, provided that:
   a. The adjustment does not deviate from the approved location by more than ten (10) percent of the linear distance from the approved location in any direction;
   b. Such adjustment does not encroach into any required buffer or stormwater management area;
   c. Such adjustment does not increase the approved impervious surface ratio for the project;
   d. The location continues to comply with all standards of this LDC.
3. The addition of a deck, porch, patio, or similar appurtenance, provided that the addition is less than 300 s.f. and the location complies with the requirements for such appurtenances as set forth in Chapter 4 Development Standards and Chapter 5 Accessory, Temporary, and Special Use Situations herein;
4. A minor adjustment in the location and design of parking lots and access drives, provided that:
   a. Such adjustment does not encroach into any required buffer or other landscaped area;
   b. Such adjustment does not increase the approved impervious surface ratio for the project;
   c. Such adjustment does not reduce the number of parking spaces;
   d. Such adjustment continues to comply with all standards of this LDC.

B. One (1) copy of the approved site development plan shall be submitted with the proposed amendments clearly identified;

C. The amendment shall be processed in the same manner as an amendment to an expedited development order. If approved, an amended development order shall be issued by the Town Administrator or designee.

9.07.03 Amended Development Orders for Major Developments

Proposed revisions to a site development plan categorized as a major development where the development order was issued by Town Commission which do not meet the criteria set forth in the previous section shall be processed in the same manner as the original application.

9.07.04 Amendment after Issuance of a Building Permit

A. After a building permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the building permit without first obtaining an amendment to the permit. The process for amending the permit shall be the same as for review and issuance of the original permit. A written record of the amendment shall be entered upon the original permit.
B. A stop work order shall be issued for after-the-fact deviations and no further work shall continue or commence on that part of the development prior to the issuance of an amended permit authorizing the work.

9.08.00 DEVELOPMENT AGREEMENTS

The Town is authorized to consider and enter in a development agreement provided the following requirements are met:

A. The parties to the development agreement shall be the Town and the owner of real property to be used and developed according to the conditions set forth in the agreement;

B. The procedures and requirements for review, adoption, and monitoring of the development agreement shall comply with the requirements of Section 163.3220 -.3243, F.S;

C. The applicant shall meet the application requirements of Section 9.02.02 Submittal Requirements for All Applications of this LDC.

9.09.00 VACATINGS

9.09.01 Vacatons of Subdivision Plats

A. The owner(s) of any land within an existing approved plat may request approval to vacate that portion of the plat that is owned by the applicant(s). If the existing plat includes a plat agreement/amendment, a portion of the original plat cannot be vacated without the consent of all current property owners within the plat. The vacating of public streets/rights-of-way and easements within a plat is subject to State Statutes and local ordinances. Plats, or portions thereof, cannot be vacated without the consent of the appropriate utilities or regulatory agencies. Further, Town Commission approval is required to vacate a portion of the plat or to combine the lots into one development site.

B. An application for vacating a subdivision plat or lot consolidation shall be submitted as set forth in Section 9.02.10 Submittal Requirements for Vacations herein.

C. The procedures for review and recommendation shall be the same as for the consideration of the original application for approval of a subdivision plat, and shall comply with the requirements set for in Chapter 177, F.S.

9.09.02 Vacating Public Rights-of-Way

A. An application for vacating all or part of a public right-of-way shall be submitted as set forth in Section 9.02.10 Submittal Requirements for Vacations herein.

B. The following are required findings for approval of vacating all or part of a public right-of-way:

1. The area proposed for vacating no longer serves a public purpose;

2. The area proposed for vacating is consistent with the Comprehensive Plan;

3. Approval for vacating the area shall not deny access to private property;
4. Approval for vacating the area shall not result in a loss of public safety, considering vehicular and pedestrian movement;

5. Approval for vacating the area shall not result in a loss of access by emergency vehicles;

6. Approval for vacating the area shall not result in a loss of public services, such as waste collection or maintenance of public facilities.

C. The procedure for review and decision-making regarding a proposal to vacate shall be as set forth in Section 9.01.00 Procedures for Review and Decision-Making herein.

9.09.03 Vacating Easements

A. An application to vacate of all or part of an easement shall be submitted as set forth in Section 9.02.10 Submittal Requirements for Vacations herein.

B. The following are required findings for an approval to vacate all or part of an easement:
   1. The area proposed for vacation no longer serves a public purpose;
   2. The area is no longer required to provide access to or maintenance of public facilities.

C. The procedure for review and decision-making regarding a proposed vacation shall be as set forth in Section 9.01.00 Procedures for Review and Decision-Making herein.

D. Where an easement is required by a development order, the development order shall be amended prior to or concurrent with approval of vacation of the easement.

9.10.00 VIOLATIONS AND ENFORCEMENT

9.10.01 Violations

Failure to abide by the provisions of this LDC is considered a code violation and subject to penalty. Further, it is a code violation of this LDC to:

A. Use or develop property without a development order or building permit required by this LDC for such use or development;

B. Use or develop property for use that is not permissible in the applicable zoning district;

C. Use or develop property in violation of the conditions and limitations for such use or development set forth in this LDC;

D. Use or develop property in violation of the conditions set forth in the applicable local development order;

E. Violate the terms or conditions of any building permit issued under or pursuant to this LDC;

F. Construct or move any structure in violation of the applicable provisions of this LDC
9.10.02 Penalties

In addition to other remedies provided by the Code of Ordinances and other applicable laws, regulations, or ordinances, the Town Administrator or designee acting in the official capacity as the Code Enforcement Official as delegated by the Town Commission may take the following actions when a code violation has been determined to exist:

A. No subsequent development order, building permit, or certificate of occupancy shall be issued until the violation has been corrected;

B. A stop work order shall be issued and shall become effective at the time of delivery to the violator or upon posting at the job site, whichever is earlier. No further work or construction under an existing development order, building permit, or other approval shall be permissible until the violation is corrected;

C. No clearing of land or construction, erection, placement, or commencement of any other form of development shall be permissible;

D. An order may be issued to repair, restore, or demolish the work, to vacate the premises, or otherwise to abate the violation.

9.10.03 Enforcement

The Town Administrator or designee acting in the Code Enforcement Official capacity shall be responsible for administrative enforcement of the provisions of this LDC.

9.10.04 Town Commission in Official Capacity as the Town’s Code Enforcement Board

For all violations to this LDC, the Town Commission will act as the official Code Enforcement Board per F.S. Chapter 162. For purposes of assisting the Planning and Zoning Board and the Town Commission, the Town Administrator or designee will act as the Town code inspector and/or code enforcement officer. See Section 6.04.00 General Ordinances. The Town LDC code enforcement procedures are as outlined in the Florida Statues, Chapter 162, Sections 162.06, 162.07, 162.09, 162.10, 162.11, 162.12, 162.21, 162.22, 162.23 and 162.30

9.10.05 Appeals to LDC Code Enforcement Board Actions

The finding by the Town Commission is final. Any appeals must be considered by legal actions.

9.10.06 LDC Code Enforcement Order Mitigation Procedures

A. Definitions specific to the mitigation procedures are as follows:

1. **Satisfaction of Order:** A legal document, as approved by the Town Attorney, and the process by which the Town acknowledges and confirms that a violator has satisfied all obligations of a Code Enforcement Order imposing a fine;

2. **Release of Order:** A legal document, as approved by the Town Attorney and the process by which the Town acknowledges and confirms that the Town is releasing the violator from some of the obligations of a Code Enforcement Order imposing a fine while other obligations of the order have been satisfied by the violator;
3. **Satisfaction of Lien:** A legal document, as approved by the Town Attorney, and the process by which the Town acknowledges and confirms that a violator has satisfied all obligations of a code enforcement order imposing a fine that has been filed in the public records of Okaloosa County. The Town shall file a satisfaction of lien in the public records of Okaloosa County;

4. **Release of Lien:** A legal document, as approved by the Town Attorney and the process by which the Town acknowledges and confirms that the Town is releasing the violator from some of the obligations of a Code Enforcement Order imposing a fine that has been filed in the public records of Okaloosa County, while other obligations of the order have been satisfied by the violator. The Town shall file a release of lien in the public records of Okaloosa County.

**B. Satisfaction of Order or Lien**

At any time that a violator/property owner has satisfied all obligations of a Code Enforcement Order, the Mayor, upon request provided by the violator and a statement of compliance provided by the Code Inspector, shall execute a Satisfaction of Order or Lien, whichever is applicable. The Town Administrator or designee will record any Satisfaction of Lien in the public records of Okaloosa County, Florida, and provide a copy of the recorded document to the property owner.

**C. Release of Lien**

If a certified copy of a Code Enforcement Board order has been recorded in the public records and the property that was in violation has been brought into compliance with the code, the violator/property owner may apply to the Town for a release of lien as follows:

1. The violator/property owner shall apply for a release of lien in writing that includes, at a minimum:
   a. The address of the subject property;
   b. The date the subject property was brought into compliance;
   c. The factual bases for the request for Release of Lien;
   d. The terms upon which the violator/property owner believes a Release of Lien should be granted;
   e. Statement of compliance by the code inspector;
   f. The amount of the release in fines sought by the violator/property owner.

2. Upon receipt of the application for release of lien, the Town Administrator or designee shall review the request to determine if review by the Town Commission is appropriate or if the case can be settled by the Town Administrator or designee. If the request is not consistent with the suggested mitigation schedule or exceeds $20,000.00, it will be scheduled for the next available Town Commission meeting and Staff will prepare a recommendation to the Town Commission. If the request is consistent with the suggested mitigation schedule and the settlement amount is less than $20,000.00, the Town Administrator or designee may settle the case according to guidelines in this section;
3. If the property subject to the request is also the subject of a foreclosure proceeding filed by the Town against the property and property owner in violation, the Town Administrator or designee shall issue a written denial of the request that includes name, address and telephone number of the foreclosure attorney and advise the applicant that the matter must be considered as a settlement of the litigation;

E. When the request cannot be settled by the Town Administrator, the Town Commission shall consider the request for Release of Lien at a public meeting pursuant to the following criteria:

1. The Town Commission may take action based solely upon the sworn application and comments of the applicant, and the recommendation of the Town Administrator or designee;

2. The Town Commission may reduce the amount of the lien, waive the full amount of the lien or continue the lien in its full amount;

3. The Town Commission shall consider the following in determining whether to approve or deny an application for Release of Lien:
   a. The gravity of the violation;
   b. The time in which it took the violator/property owner to come into compliance;
   c. The accrued amount of the code enforcement fines/lien as compared to Okaloosa County Property Appraiser’s stated value of the property before exemptions;
   d. Any previous Code Violations;
   e. The mitigation schedule.

4. If the Town Commission approves a release of lien, the Mayor shall execute such release and the Town staff shall have the release recorded in the public records of Okaloosa County, Florida, and provide a copy to the property owner.

F. Waiver or Reduction of Administrative Fees or Costs

The Town Commission may consider a waiver or reduction of administrative fees or costs that were originally imposed in the code enforcement order or for subsequent remedial actions taken by the Town.
## CHAPTER 9 TABLE OF HISTORICAL NOTES AND REFERENCES

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<th>Section that was changed</th>
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