

## VILLAGE OF INDIANTOWN - Land Development Regulations

### Chapter X

#### ARTICLE 3 – ZONING DISTRICTS

##### Division 1 - General Provisions

The purpose of this division is to establish the zoning districts. The established zoning districts shall govern the use of land and water in the Village.

##### **Sec. 3-1.1. - Establishment of Districts.**

The Village is divided into 13 zoning districts that are established by Table 1, Indiantown Zoning Districts. These districts are shown on the Official Zoning District Map.

Table 1 - Indiantown Zoning Districts

Zoning District Name	Abbreviation	Future Land Use District	District Purpose/Character
Rural Residential	RR	Rural Community and Small Residential Farm	To maintain a scenic character in very low-density parts of the Village. Development may cluster in small enclaves or hamlets without detracting from the rural character of the area.  Character: Dispersed or clustered rural living
Limited Residential	LR	Suburban Residential	To Accommodate development in newer, outer-fringe residential neighborhoods, together with complementary facilities to serve them.  Character: Suburban neighborhood
Single-Family Residential	SR	Mobile Home and Residential	To preserve the integrity of established residential neighborhoods, including established mobile home subdivisions, while allowing compatible infill development.  Character: Traditional neighborhood
Neighborhood Mixed Use	NM	Village Core Mixed Use and Urban Residential Office	To encourage the creation of complete neighborhoods through integration of residential, commercial and mixed-use developments.  Character: Walkable neighborhood
Downtown	D	Village Core Mixed Use	To provide for a dense, mixed-use and walkable district to serve as the business, cultural, social and geographic center of the Village.  Character: Urban center/Main street

Village Mixed Use	V	Village Core Mixed Use	To accommodate a broad range of uses in corridors and nodes, but with more flexible design standards than Downtown.  Character: Community corridor/Walkable center
Canal Mixed Use	CM	Commercial Waterfront	To support the development of water-dependent and water-related uses along waterfront-accessible sites.  Character: Active waterfront
Utility	U	Utility	To accommodate existing (and future) utility infrastructure.  Character: Specialty district
Light Industrial	LI	Light Industrial	To accommodate manufacturing businesses and activities which do not have a substantial impact on adjacent uses, together with complementary commercial activities.  Character: Employment center
Heavy Industrial	HI	Heavy Industrial	To accommodate manufacturing businesses and activities which do not have a substantial impact on adjacent uses, together with complementary commercial activities.  Character: Employment center
Civic Facilities	CF	Institutional and Educational	To accommodate public and semi-public uses, facilities and services necessary to a complete community.  Character: Specialty district
Parks & Open Space	P	Recreational	To designate and preserve publicly and privately-owned recreational and open space property and facilities.  Character: Open space
Conservation	C	Conservation	To facilitate the conservation of environmentally sensitive public and private lands.  Character: Open space
Planned Unit Development	PUD	Multiple Underlying	To accommodate a unified development that was: (1) planned, approved and controlled according to provisions of a binding written document and associated development plans negotiated between a developer and Martin County as a special PUD zoning district and, (2) approved at a public hearing.  Character: Flexibility in density distribution, land use, structure and project design

**Sec. 3-1.2. - Conformance with the Comprehensive Plan.**

All development in the Village must be consistent with the Village's comprehensive plan. Where there are apparent conflicts between the Village's comprehensive plan and any adopted rule, regulation, or ordinance, the Village's comprehensive plan shall prevail.

**Division 2 - Zoning Districts and Standards**

The purpose of this division is to establish the general character and dimensional regulations for the zoning districts.

**Sec. 3-2.1. - Rural Residential Zoning District.**

The Rural Residential zoning district is intended to maintain a scenic character in very low-density parts of the Village. Development may cluster in small enclaves or hamlets without detracting from the rural character of the area. Allowable uses in the Rural Residential zoning district include detached single-family dwellings along with accessory uses characteristic of rural development. Low impact farming activities are permitted on parcels larger than one (1) acre.

Density:

Maximum density for Rural Residential ranges from one (1) to two (2) dwelling units per acre, depending upon the underlying Future Land Use District. The Rural Community Future Land Use District allows for half acre lots and the Small Residential Farm Future Land Use District requires one (1) acre lots.

Table 2 - RR Dimensional Regulations

Development Standards	Development
Lot Size, Minimum (acres)	1 or .5 *
Lot Width, per Article 2 (feet)	100
Lot Depth, Minimum (feet)	n/a
Impervious Coverage, Maximum (percent)	
Building Height, Maximum (feet)	40
Building Height, Maximum (stories)	3
Density, Maximum (units per acre)	1 or 2**
Floor Area Ratio (FAR)	n/a
Front Setback, Minimum (feet)	35
Side Setback, Minimum (feet)	15
Rear Setback, Minimum (feet) Principal	35
Rear Setback, Minimum (feet) Accessory	10

\*Small Residential Farm Future Land Use District requires 1-acre parcels,  
Rural Community Future Land Use District requires .5-acre parcels.

**\*\*Small Rural Farm Future Land Use District allows 1 unit per acre, Rural Community Future Land Use District allows 2 units per acre.**  
Principal and accessory setbacks are the same, except as otherwise noted.

Table 3 - Impervious Percentage

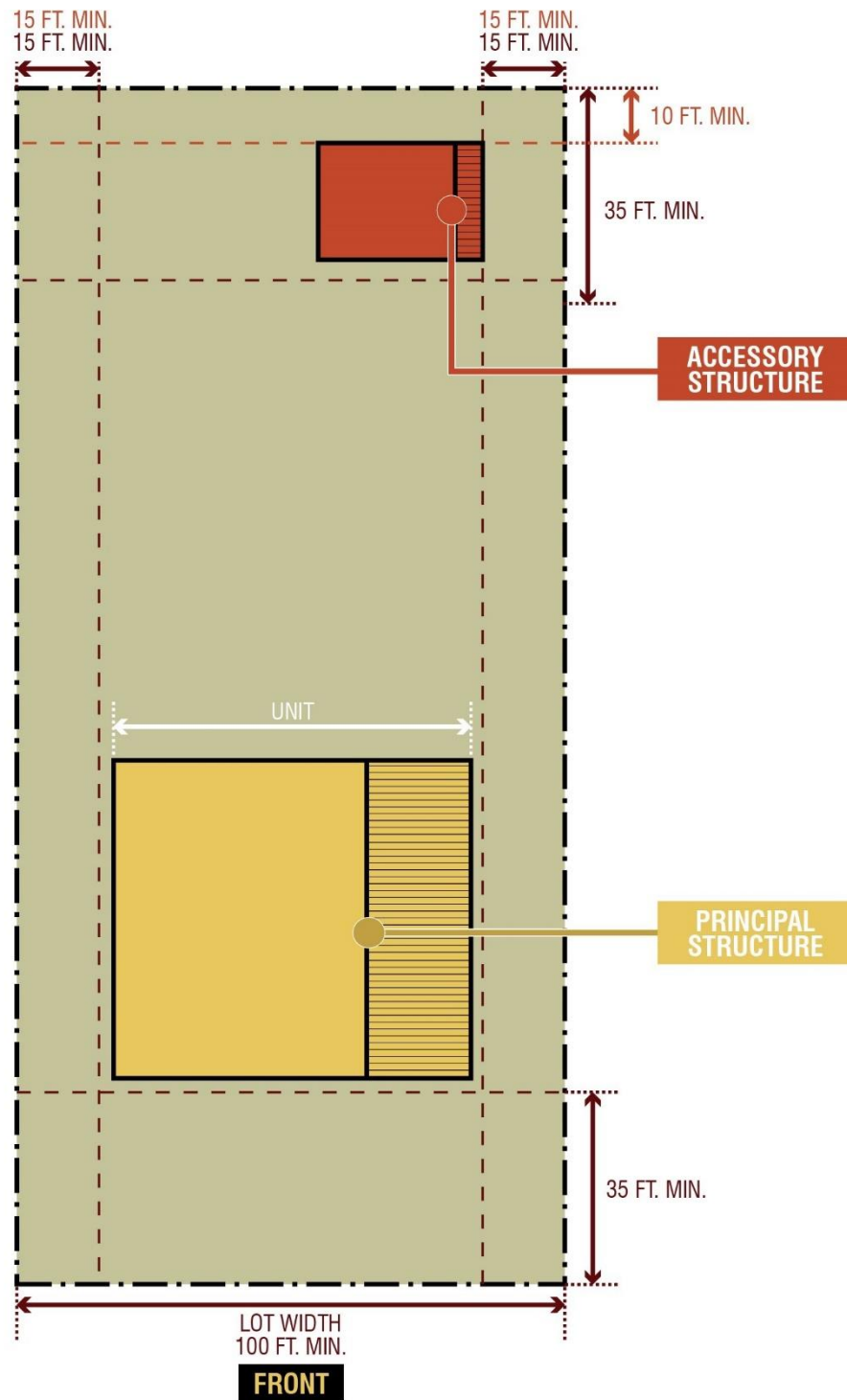
Lot Size Increment or Portion (increment in square feet)	Maximum Impervious Area (percentage of lot area)
20,000 or less	35
20,001-50,000	30
50,001-100,000	20
More than 100,000	10

Cluster Development:

Required minimum lot sizes, widths and setbacks may be reduced for cluster subdivisions. See Article 5 – Subdivision Design for specific requirements.

Non-residential Uses:

Low impact non-residential uses or those uses which provide needed services to rural residences may be permitted through the Special Exception process. Permitted uses can be found in the Use Table in Division 3 of this Article.



## RURAL RESIDENTIAL ZONING DISTRICT | SINGLE FAMILY DETACHED

**Sec. 3-2.2. - Limited Residential Zoning District (LR).**

The Limited Residential zoning district is intended to accommodate development of residential neighborhoods with a mix of community facilities. Allowable uses in this zoning district include all housing types and residential accessory uses, as well as complimentary community services, recreational facilities and light infrastructure serving the residential uses.

Density:

Maximum density for Mixed Residential is 5 dwelling units per acre. This zoning district enables the Suburban Residential Future Land Use District.

Table 4 - LR Dimensional Regulations

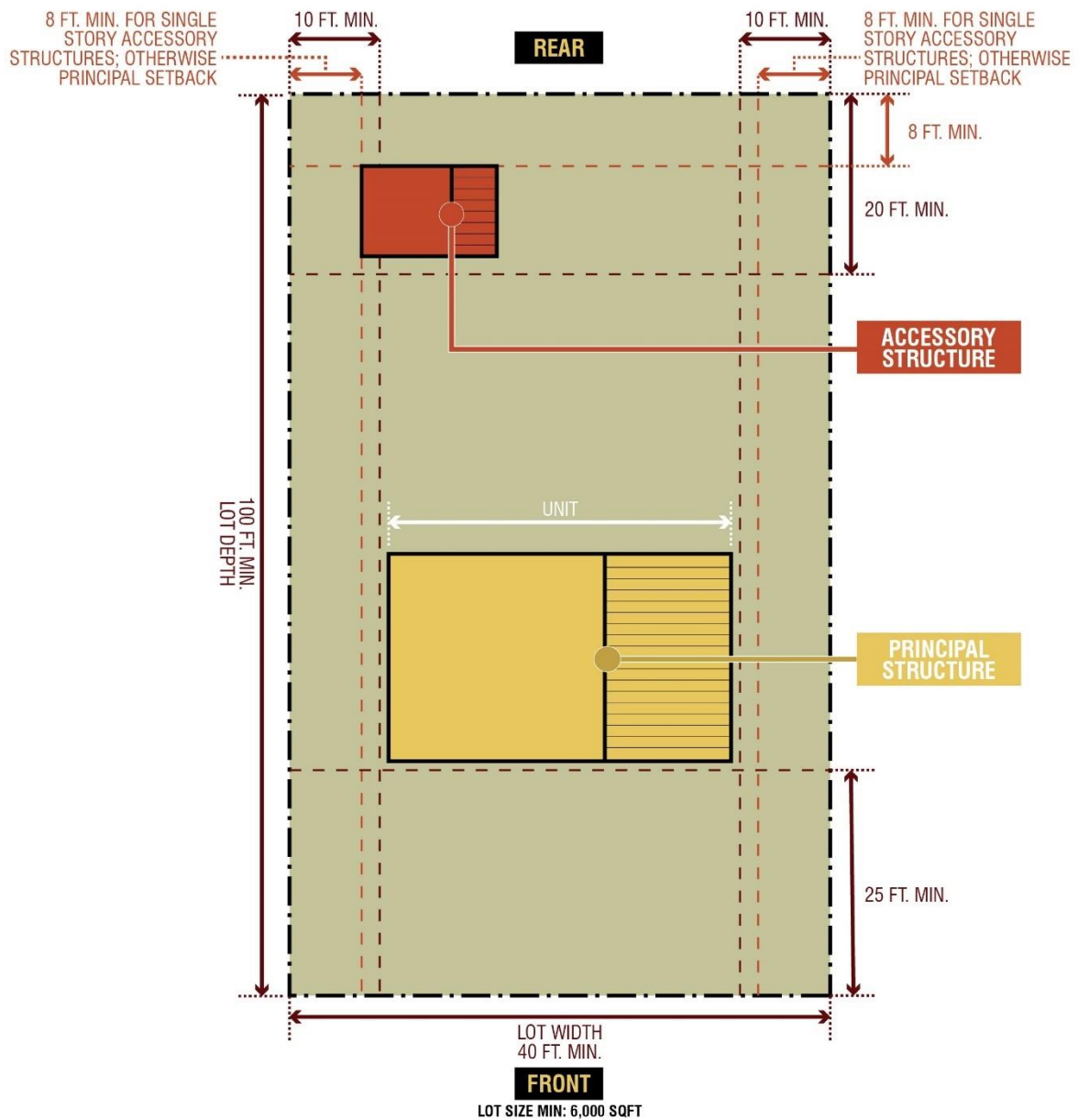
Development Standards	Single-family Detached & Multi-family	Single-family Attached
Lot Size, Minimum (square feet)	6,000	2,500
Lot Width, per Article 2 (feet)	40	25
Lot Depth, Minimum (feet)	100	100
Impervious Coverage, Maximum (percent)	65	75
Building Height, Maximum (feet)	40	40
Building Height, Maximum (stories)	3	3
Density, Maximum (units per acre)	5	5
Floor Area Ratio (FAR)	n/a	n/a
Front Setback, Minimum (feet)	25	20
Side Setback, Minimum (feet) Principal	10	10
Interior Side Setback, Minimum (feet) Principal	n/a	0
Side Setback, Minimum (feet) Accessory*	8	5
Rear Setback, Minimum (feet) Principal	20	20
Rear Setback, Minimum (feet) Accessory	8	5

\*Setback is for single story accessory buildings, for 2 story accessory buildings, the setback increases to the Principal structure side setback.

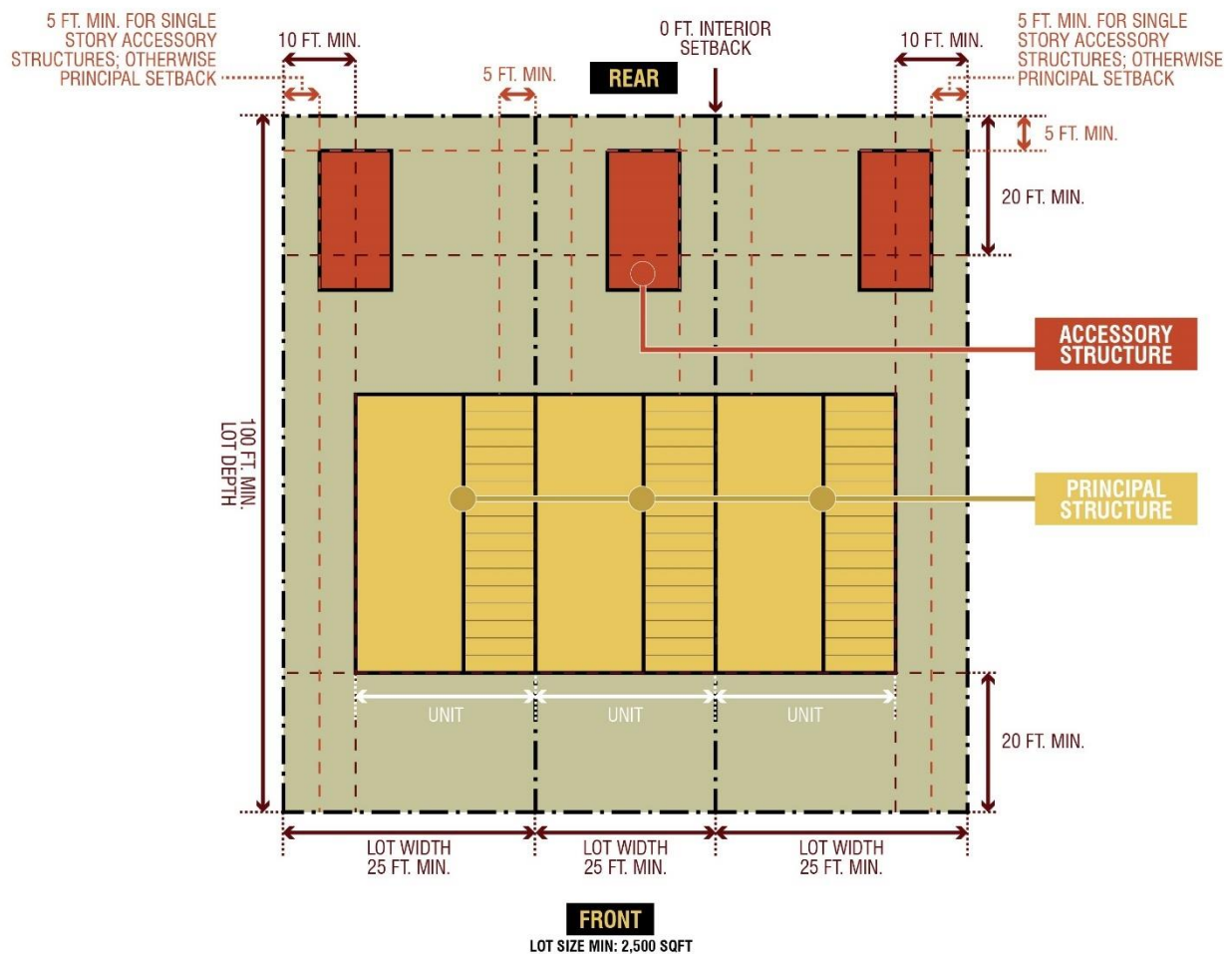
Principal and accessory setbacks are the same, except as otherwise noted.

Non-residential Development:

This zoning district permits community services, recreational facilities and light infrastructure, serving the residential uses, which are compatible and complimentary to a residential neighborhood. All non-residential development shall meet the Community Facility (CF) development standards.



LIMITED RESIDENTIAL ZONING DISTRICT | **SINGLE-FAMILY DETACHED & MULTI-FAMILY**



### LIMITED RESIDENTIAL ZONING DISTRICT | SINGLE-FAMILY ATTACHED

#### 3-2.3. - Single-Family Residential Zoning District (SR).

The Single-Family Residential zoning district is intended to preserve the integrity of established residential neighborhoods, including established mobile home subdivisions, while allowing compatible infill development. Allowed uses in this zoning district are attached and detached single-family dwellings, including mobile homes where appropriate, and residential accessory uses; commercial development is not permitted.

#### Density:

The single-family residential district allows a density of eight (8) dwelling units per acre with an optional density bonus up to 10 dwelling units per acre when in compliance with additional criteria (see Additional Density within this section for details). This zoning district enables the Residential Future Land Use District.



Table 5 - SR Dimensional Regulations

Development Standards	Single-family Detached	Single-family Attached
Lot Size, Minimum (square feet)	4,000	2,000
Lot Width, per Article 2 (feet)	40	20
Lot Depth, Minimum (feet)	95	95
Impervious Coverage, Maximum (percent)	67	70
Building Height, Maximum (feet)	40	40
Building Height, Maximum (stories)	3	3
Density, Maximum (units per acre)	8	8
Front Setback, Minimum (feet)	20	20
Side Setback, Minimum (feet) Principal	5	5
Internal Side Setback, Minimum (feet) Principal	n/a	0
Side Setback, Minimum (feet) Accessory	5	5
Rear Setback, Minimum (feet) Principal	20	20
Rear Setback, Minimum (feet) Accessory	5	5

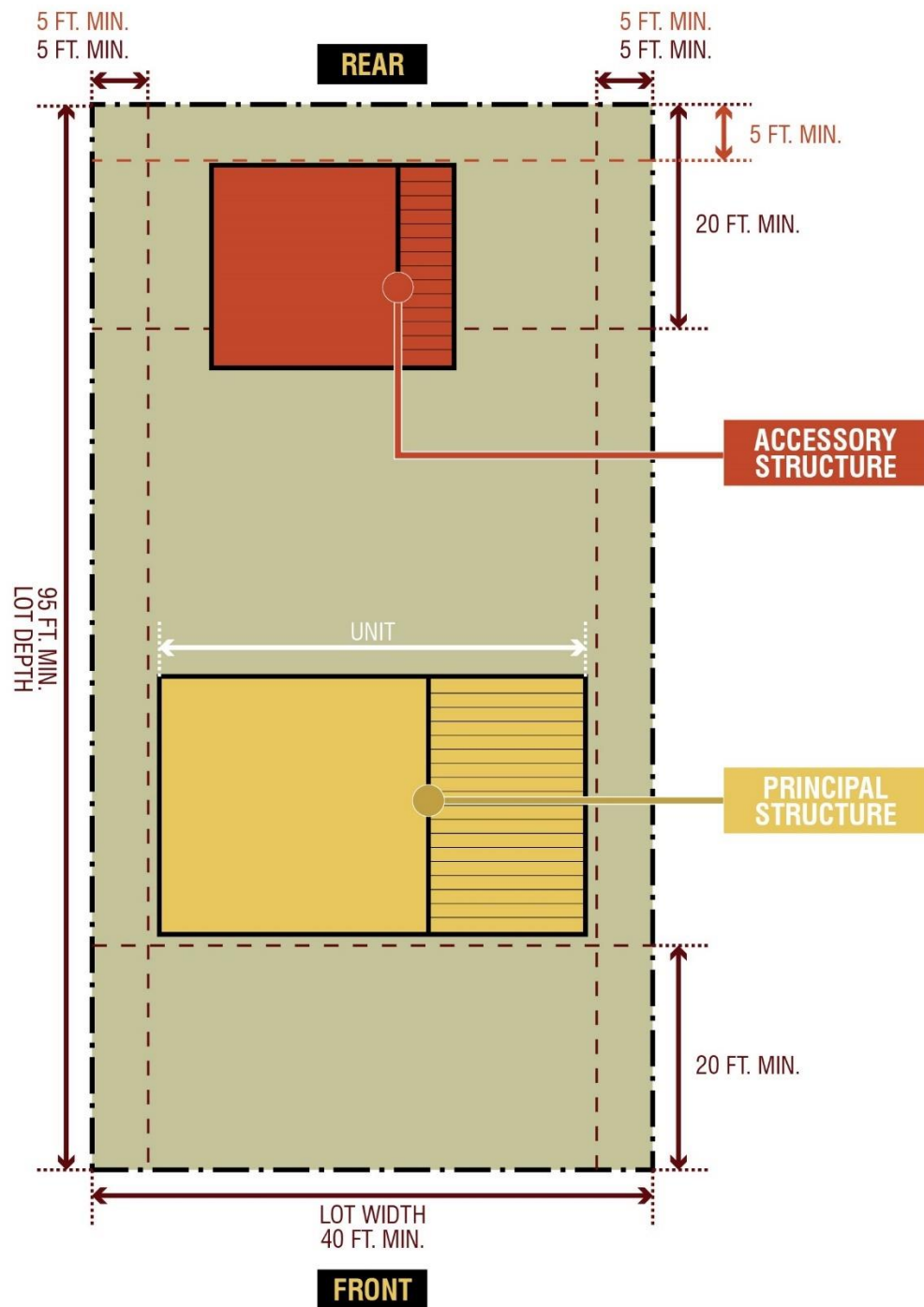
Additional Density:

Developments in the Single-Family Residential zoning district may achieve a density bonus to allow up to 10 units per gross acre by meeting the following criteria:

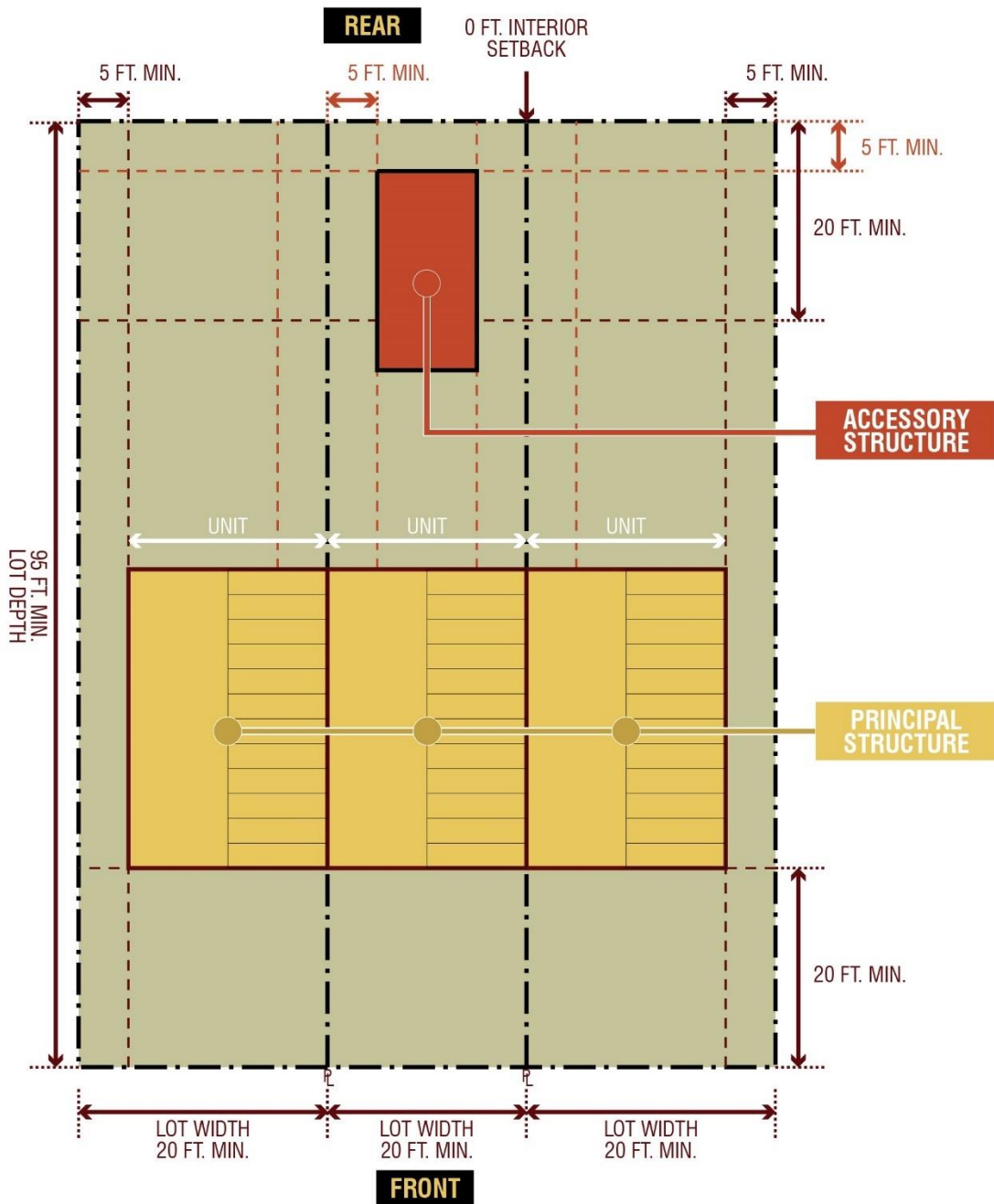
- (1) The development provides affordable or workforce housing;
- (2) The units will have access to all utilities, including water and wastewater service;
- (3) The development provides significant open spaces, natural landscaping, appropriate landscaping buffers or a decorative wall or fence to effectively shield the development from adjacent uses. Refer to Article 4 of these LDRs for buffer requirements.

Non-residential Development:

This zoning district permits community services, recreational facilities and light infrastructure, serving the residential uses, which are compatible and complimentary to a residential neighborhood. All non-residential development shall meet the Community Facility (CF) development standards.



**SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT | SINGLE FAMILY DETACHED**



## SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT | SINGLE FAMILY ATTACHED

### Sec. 3-2.4. - Neighborhood Mixed-Use Zoning District (NMU).

The Neighborhood Mixed-Use zoning district is intended to encourage the creation of complete neighborhoods through the integration of residential, commercial and mixed-use developments. Allowable uses in the Neighborhood Mixed-Use zoning district include a mix of dwelling types, as

well as small-scale neighborhood-serving commercial uses and a complement of civic amenities (see Use Table for additional details and specific uses).

Density & Intensity:

The Neighborhood Mixed-Use zoning district enables the Village Core Mixed-Use and Urban Residential Office future land use districts. The allowable density and intensity of a property is dependent upon the underlying future land use district. For land in the Village Core Mixed-Use future land use district the maximum density is 20 dwelling units per acre and maximum intensity for non-residential uses is floor area ratio of 2.5. For land in the Urban Residential Office future land use district the maximum density is 15 dwelling units per acre and maximum intensity for non-residential uses is floor area ratio of 1.5.

Table 6 - NMU Dimensional Regulations

Development Standards	Mixed-Use	Commercial	Multi-family Residential	Single-family Detached	Single-family Attached
Lot Size, Min (square feet)	4,000	4,000	4,000	4,000	2,000
Lot Width, Min per Article 2 (feet)	25	25	25	40	20
Lot Depth, Min (feet)	100	100	100	100	100
Gross Area per Floor, Max (square feet)	5,000	5,000	5,000	n/a	n/a
Impervious Coverage, Max (percent)	90	85	80	67	75
Building Height, Max (feet)*	28	28	28	28	28
Building Height, Max (stories)*	2	2	2	2	2
Density, Max (units per acre)	20 Village Core, 15 Urban Residential Office				
Floor Area Ratio (FAR)	2.5 Village Core, 1.5 Urban Residential Office				
Front Setback, Min-Max (feet)	0-10	0-10	0-20	0-20	0-20
Side Setback, Min (feet) Principal	5	5	5	5	5
Internal Side Setback, Min (feet) Principal	n/a	n/a	n/a	n/a	0
Side Setback, Min (feet) Accessory	5	5	5	5	5

Rear Setback, Min (feet) Principal	10	10	10	10	10
Rear Setback, Min (feet) Accessory	5	5	5	5	5

\*Option for Green and Sustainable Development gross area per floor and height increase (Sec. 3-6.7.)

Principal and accessory setbacks are the same, except as otherwise noted.

#### Façade Elements:

To create a consistent interface between the pedestrian realm and the built environment, 65%-80% of the building frontage must be built to the front setback.

Canopies, awnings, arcades, porches or balconies must extend at least 50% of the length of the building frontage. These features may encroach over the entire sidewalk, minus two feet. Enclosed building space over arcades or porches is permitted. Any built space over the sidewalk will require appropriate permits.

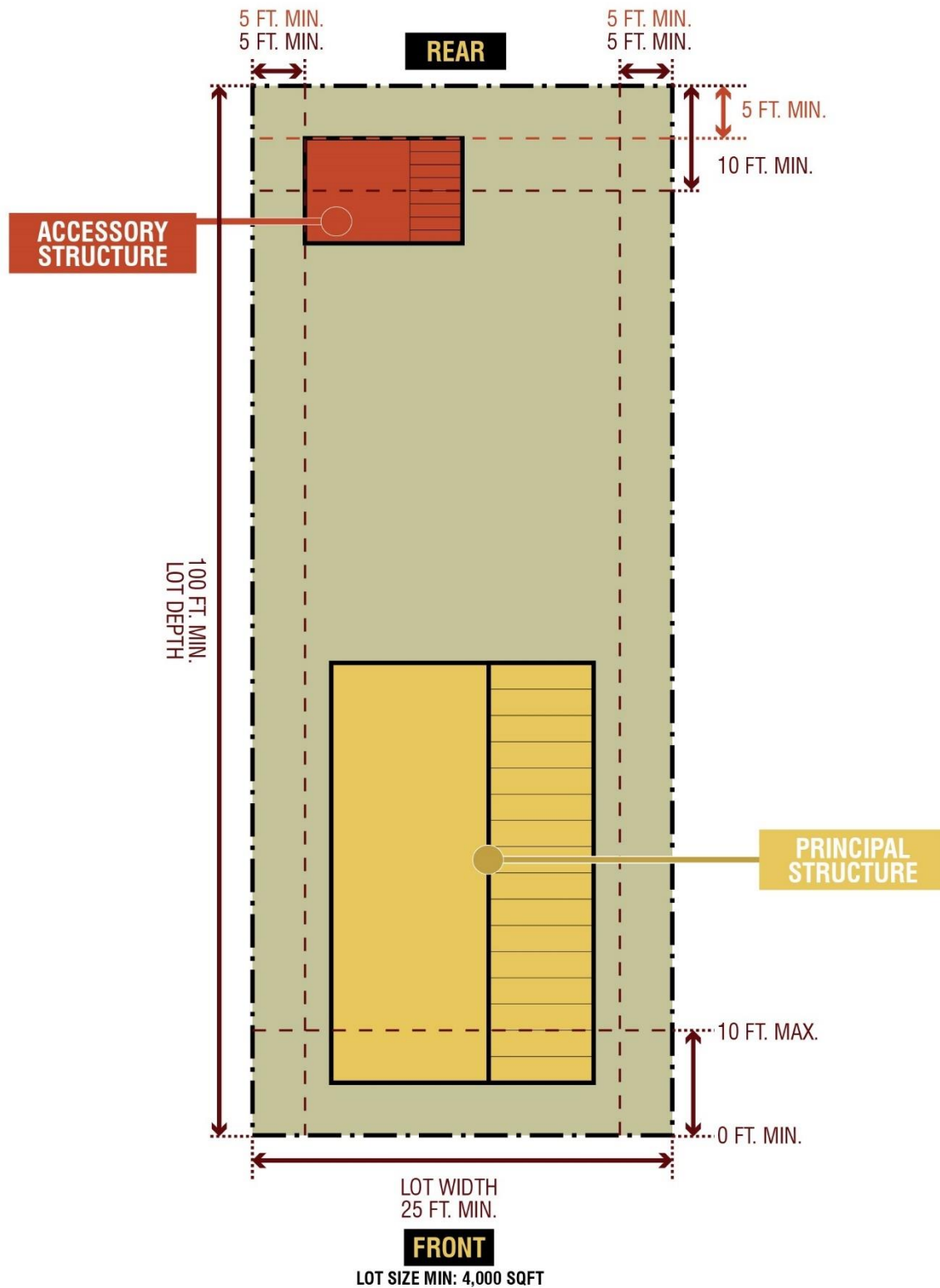
Parking areas shall be located to the rear or side of buildings and should be interconnected with other parking areas when possible.

#### Design Standards:

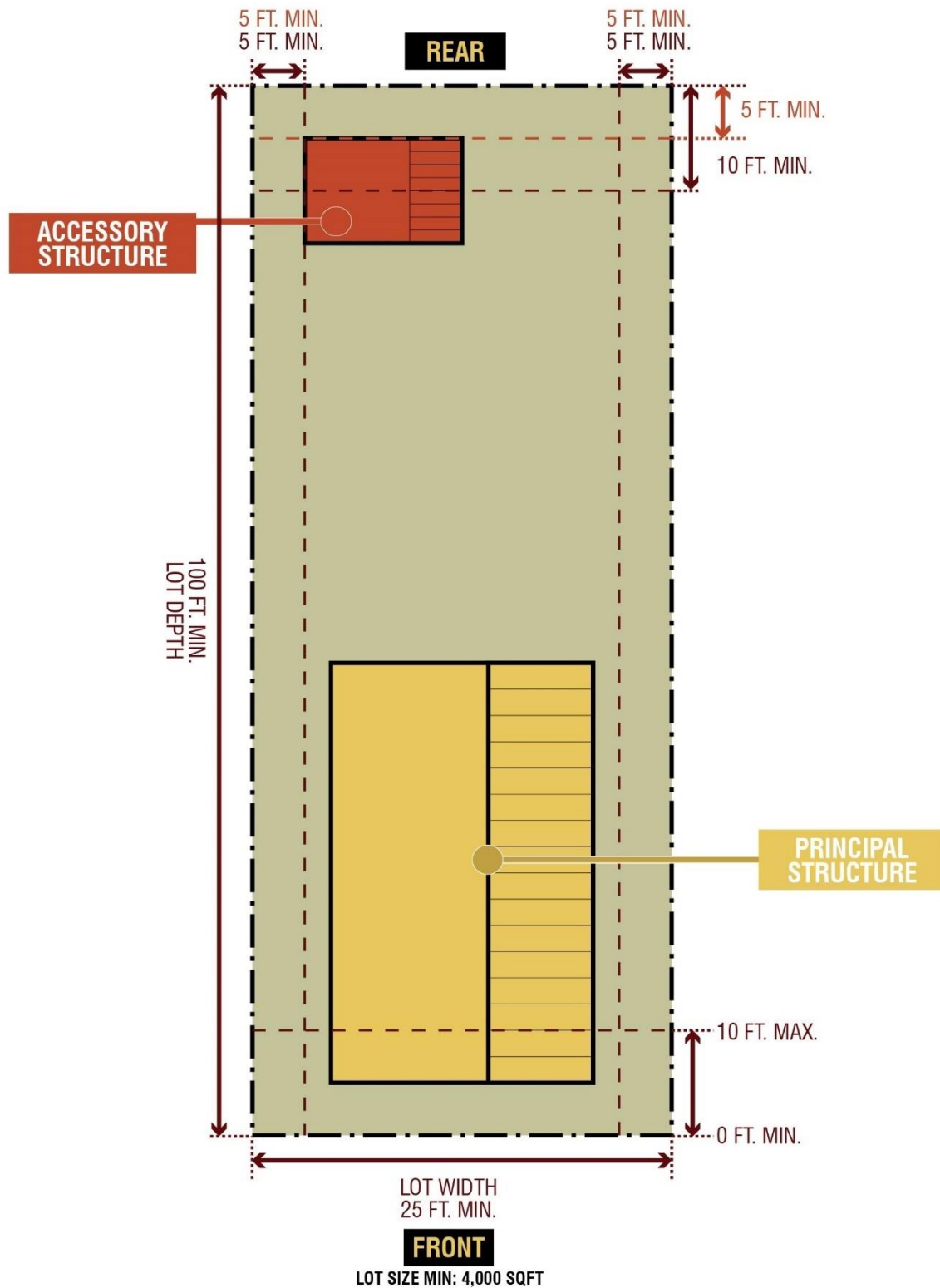
The Design Standards in Certain Zoning Districts, found in Article 3, Sec. 3-6.5, apply to development and redevelopment in the Neighborhood Mixed-Use zoning district.

#### Green & Sustainable Development Incentives:

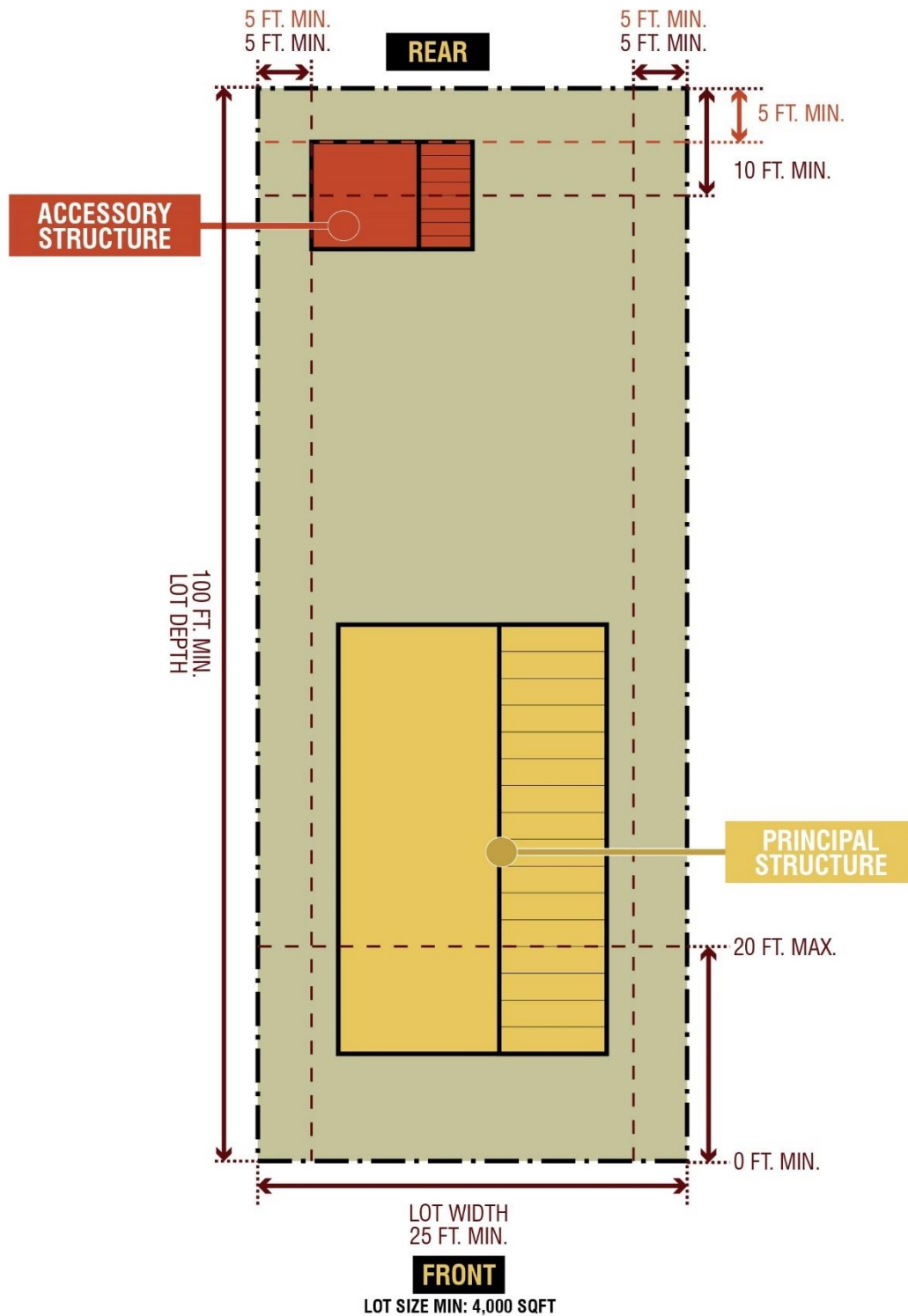
Development in the Neighborhood Mixed-Use zoning district may achieve a greater gross area per floor, height and number of stories by meeting the requirements for Green and Sustainable Development, found in Article 3, Sec. 3-6.7. Green and Sustainable Development Standards.



## NEIGHBORHOOD MIXED-USE ZONING DISTRICT | MIXED-USE

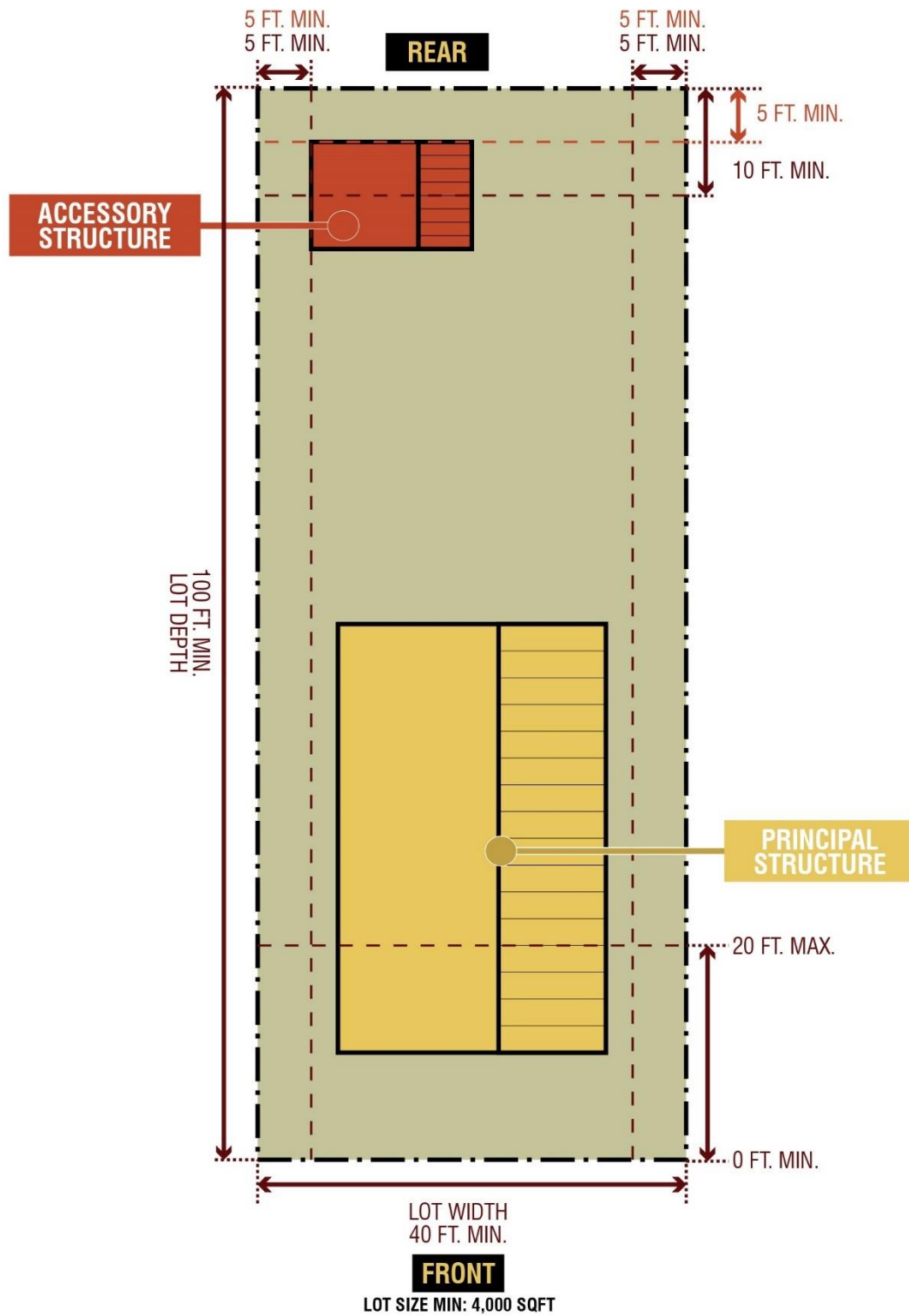


## NEIGHBORHOOD MIXED-USE ZONING DISTRICT | COMMERCIAL

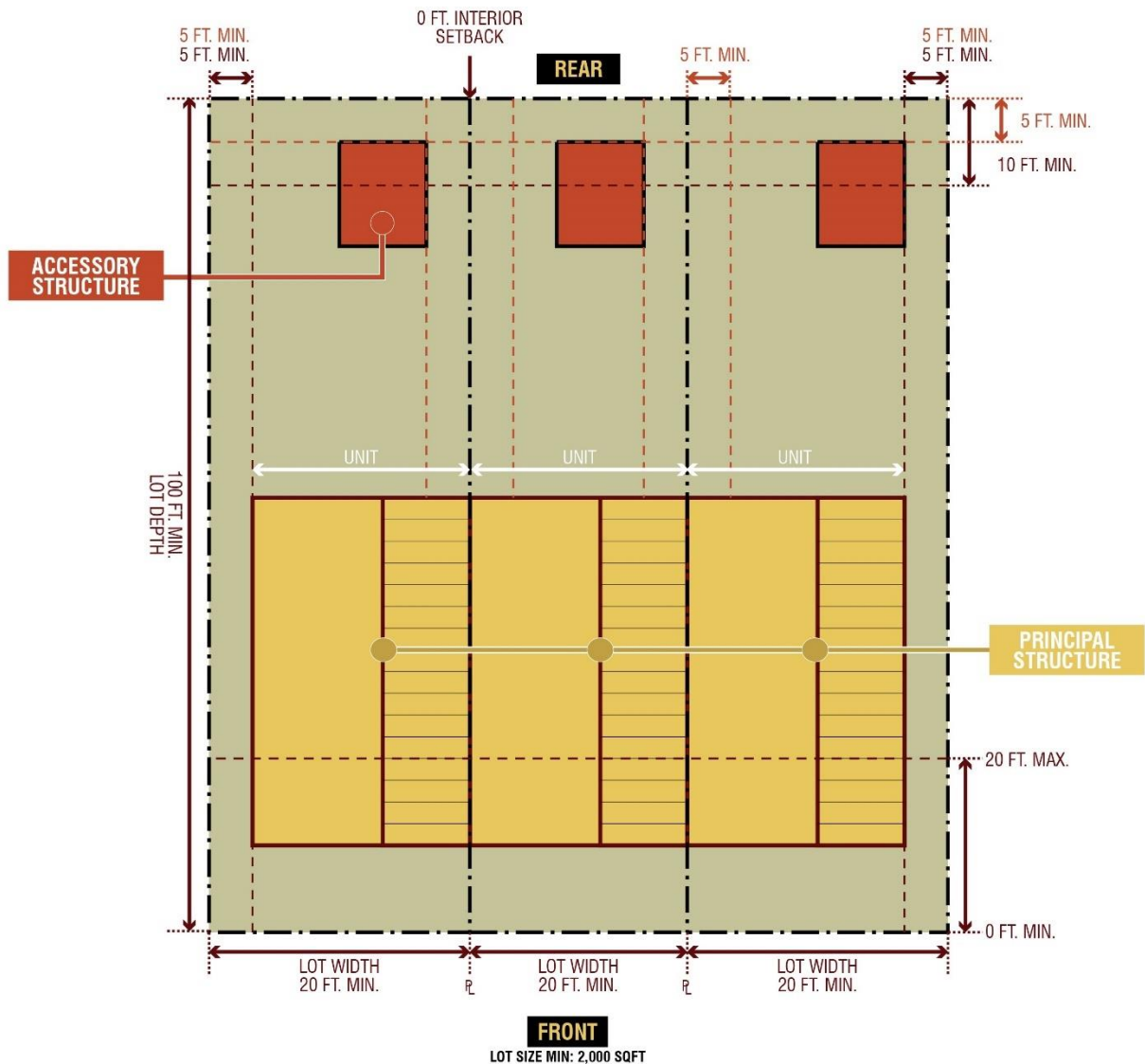


## NEIGHBORHOOD MIXED-USE ZONING DISTRICT | MULTI-FAMILY RESIDENTIAL





NEIGHBORHOOD MIXED-USE ZONING DISTRICT | **SINGLE-FAMILY DETACHED**



### NEIGHBORHOOD MIXED-USE ZONING DISTRICT | SINGLE FAMILY ATTACHED

#### Sec. 3-2.5. - Downtown Zoning District (D).

The Downtown zoning district is intended to provide for a dense, mixed-use and walkable district to serve as the business, cultural, social and geographic center of the Village. Allowable uses in this zoning district include a variety of complementary and integrated uses that are walkable, including office, retail, entertainment, dining and employment centers together with a full array of dwelling types and civic amenities (see Use Table for additional details and specific uses).

#### Density & Intensity:

Maximum density for Downtown is 20 dwelling units per acre and a floor area ratio for non-residential uses of 2.5. This zoning district enables the Village Core Mixed Use Future Land Use District.

Table 7 - D Dimensional Regulations

Development Standards	Mixed Use Development	Commercial Development	Multi-family Residential	Single-family Attached
Lot Size, Max (square feet)	85,000	85,000	85,000	5,000
Lot Width, Min per Article 2 (feet)	25	25	25	20
Gross Area per Floor, Max (square feet)*	15,000	15,000	15,000	15,000
Impervious Coverage, Max (percent)	100	95	90	95
Building Height, Max (feet)*	35	35	35	35
Building Height, Max (stories)*	3	3	3	3
Density, Max (units per acre)	20	n/a	20	20
Floor Area Ratio (FAR)	2.5	2.5	n/a	n/a
Front Setback, Min (feet)	0	0	0	0
Front Setback, Max (feet)	5	5	5	5
Side Setback, Min (feet)**	0	0	5	0
Rear Setback, Min (feet) Principal ***	5	5	10	10
Rear Setback, Min (feet) Accessory	5	5	5	5

\*Option for Green and Sustainable Development gross area per floor and height increase (Sec 3-6.7.)

\*\*Where a side setback is on a right-of-way, the Min setback is 5 feet.

\*\*\* Min rear setback adjacent to residential uses is 10 feet.

Principal and accessory setbacks are the same, except as otherwise noted.

#### Façade Elements:

To create a consistent interface between the pedestrian realm and the built environment, a minimum of 80% of the building frontage must be built to the front setback.

Canopies, awnings, arcades, porches or balconies must extend at least 50% of the length of the building frontage. These features must encroach 50% of the depth of the sidewalk to create a pedestrian friendly streetscape and must provide a minimum of 10 feet clear height and 8 feet depth. Enclosed building space over arcades, that encroach the sidewalk, is permitted with appropriate permits.

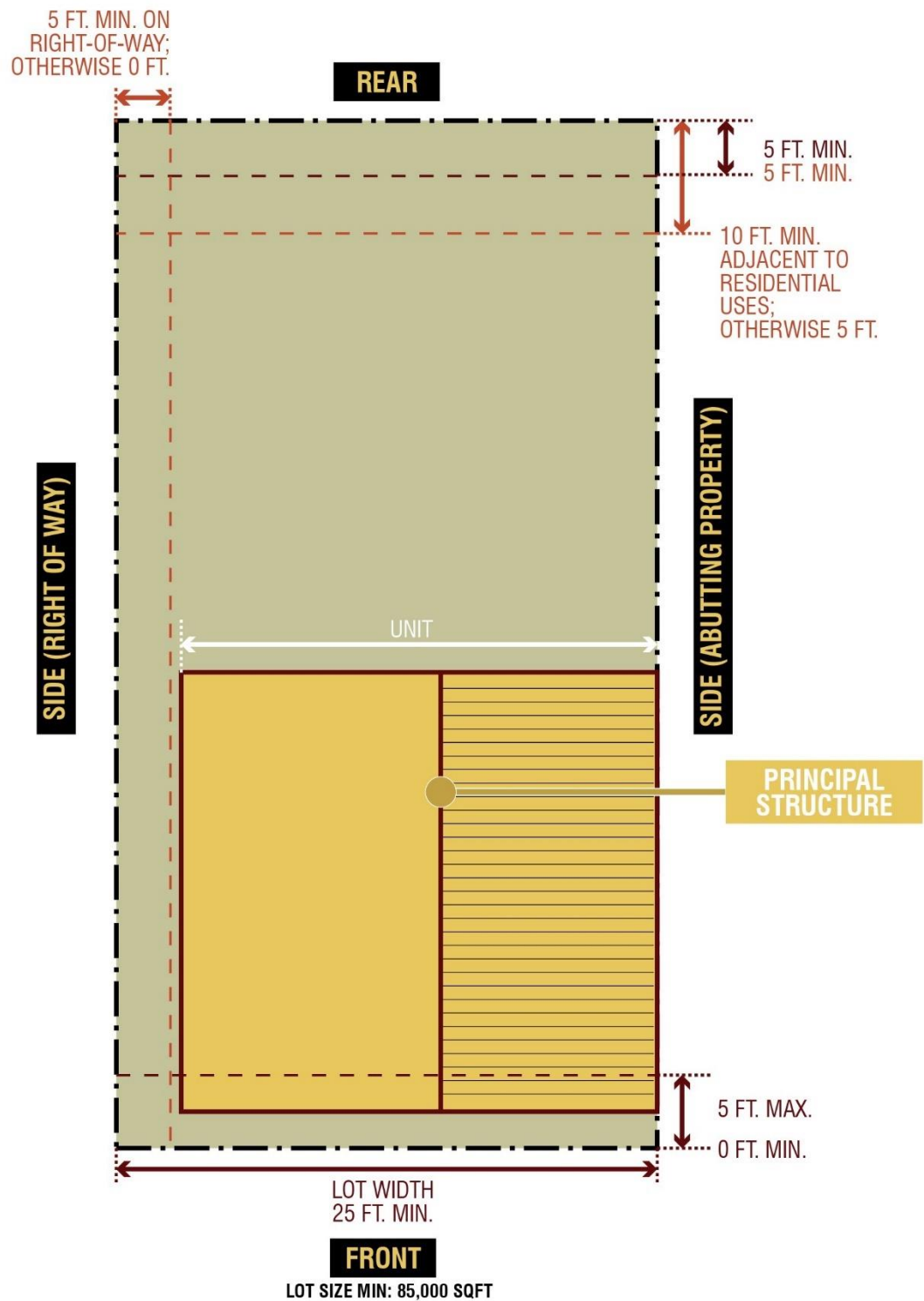
Parking areas shall be located to the rear or side of buildings and should be interconnected with other parking areas when possible.

#### Design Standards:

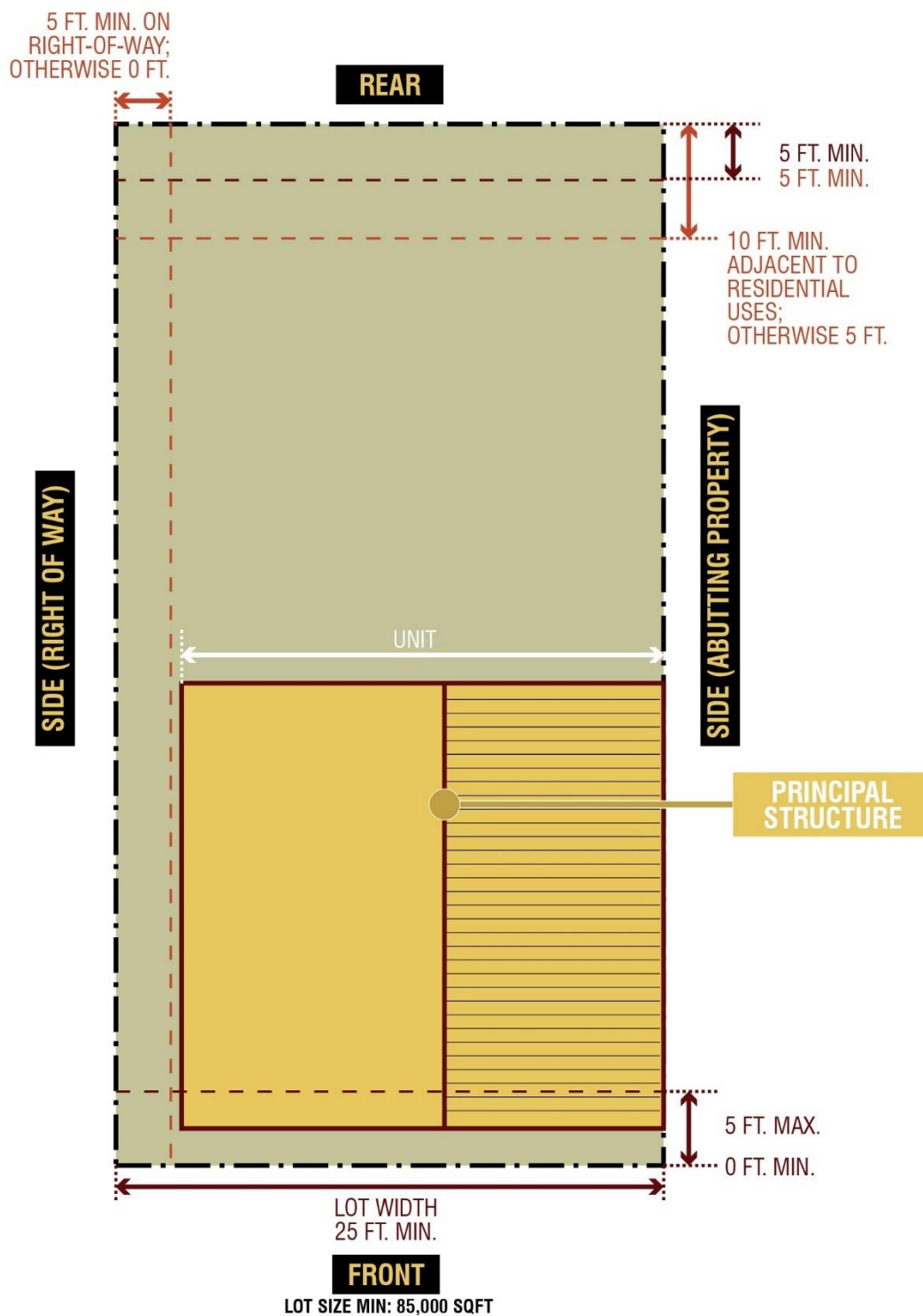
The Design Standards in Certain Zoning Districts, found in Article 3, Sec. 3-6.5, apply to development and redevelopment in the Downtown Zoning District.

Green & Sustainable Development Incentives:

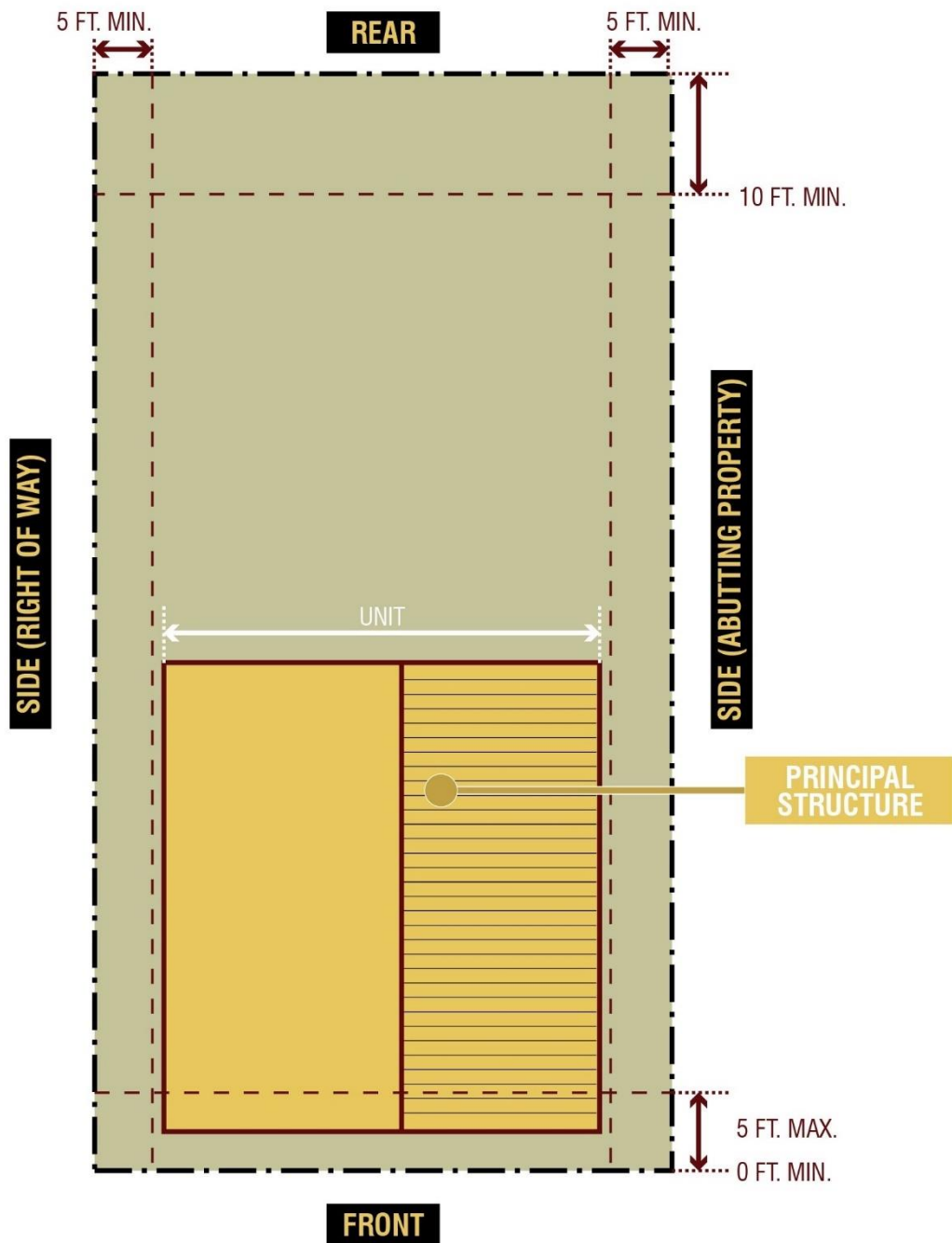
Development in the Downtown zoning district may achieve a greater gross area per floor, height and number of stories by meeting the requirements for Green and Sustainable Development, found in Article 3, Sec. 3-6.7. Green and Sustainable Development Standards.



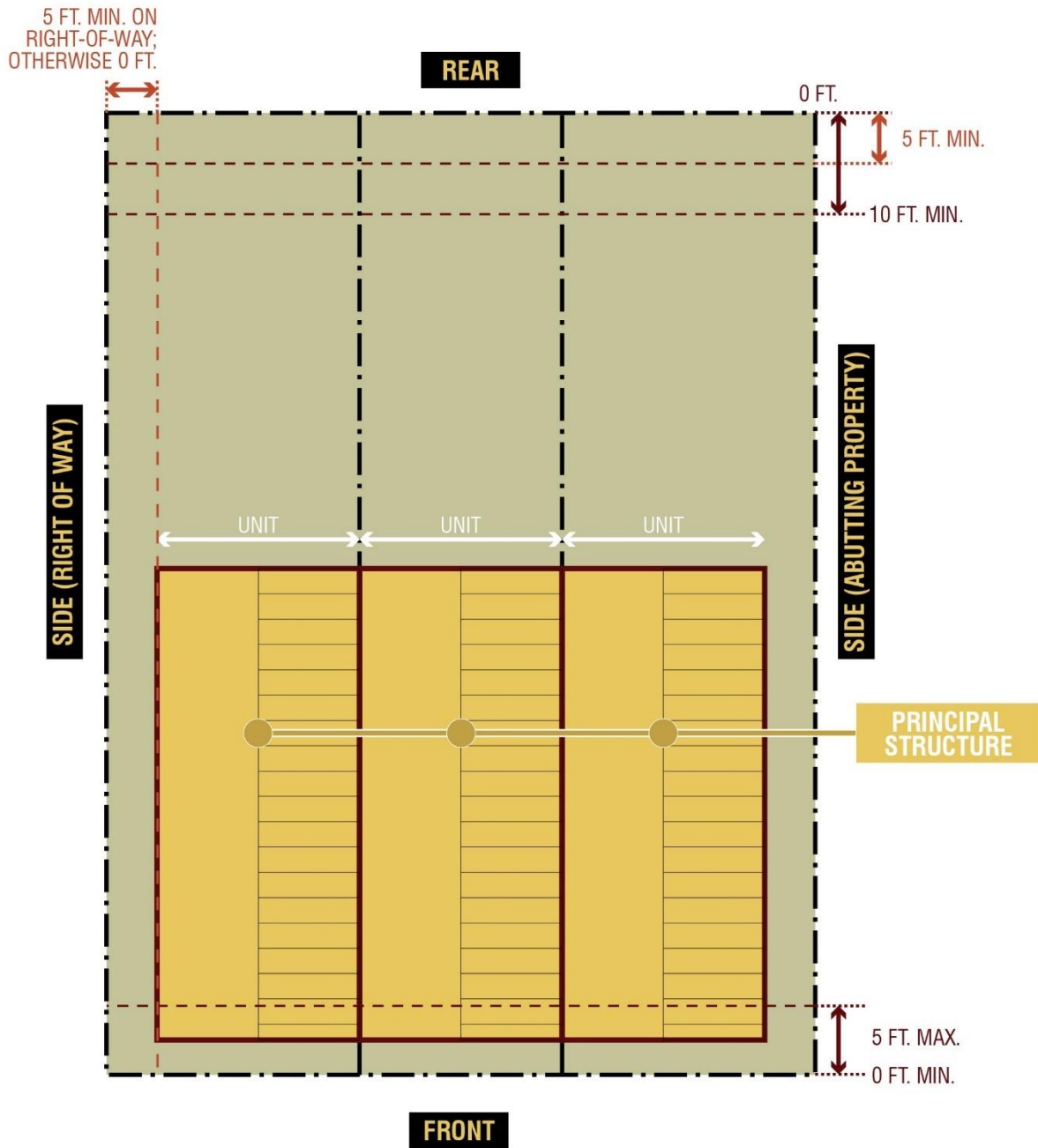
## DOWNTOWN ZONING DISTRICT (D) | MIXED USE DEVELOPMENT



## DOWNTOWN ZONING DISTRICT (D) | COMMERCIAL



## DOWNTOWN ZONING DISTRICT (D) | MULTI-RESIDENTIAL FAMILY



DOWNTOWN ZONING DISTRICT (D) | **SINGLE FAMILY ATTACHED**



### **Sec. 3-2.6. - Village Mixed-Use Zoning District (VMU).**

The Village Mixed-Use zoning district is intended to accommodate a broad range of uses in corridors and nodes but with more flexible design standards than Downtown. Allowable uses in this zoning district include a full range of single-family and multi-family residences as well as office, retail, dining and employment centers (see Use Table for additional details and specific uses).

#### Density & Intensity:

Maximum density for Village Mixed-Use is 20 dwelling units per acre and a floor area ratio for non-residential uses of 2.5. This zoning district enables the Village Core Mixed Use Future Land Use District.

Table 8 - VMU Dimensional Regulations

Development Standards	Mixed-Use Development	Commercial Development	Multi-family Residential	Single-family Attached
Lot Size, Min (square feet)	10,000	10,000	4,500	2,000
Lot Frontage, Min on ROW (feet)	25	25	25	20
Lot Depth, Min (feet)	85	85	85	85
Impervious Coverage, Max (percent)	90	80	80	80
Building Height, Max (feet)*	35	35	35	35
Building Height, Max (stories)*	3	3	3	3
Density, Max (units per acre)	20	n/a	20	20
Floor Area Ratio (FAR)	2.5	2.5	n/a	n/a
Front Setback, Min (feet)	10	10	10	10
Front Setback, Max (feet)	35	35	35	35
Side Setback, Min (feet) Principal**	0	0	5	0
Side Setback, Min (feet) Accessory	5	5	5	5
Rear Setback, Min (feet) Principal***	5	5	10	10
Rear Setback, Min (feet) Accessory	5	5	5	5

\* Option for Green and Sustainable Development height increase (Sec 3-6.7.)

\*\*Where a side setback is on a right-of-way, the minimum side setback is 5 feet.

\*\*\* Min rear setback adjacent to existing single-family detached residential is 25 feet.

Principal and accessory setbacks are the same, except as otherwise noted.

#### Façade Elements:

To create a consistent interface between the pedestrian realm and the built environment, 60%-80% of the building frontage must be built to the front setback.

Canopies, awnings, arcades, porches or balconies must extend at least 50% of the length of the building frontage. These features may encroach up to 50% of the depth of the setback (example:

10-foot building setback allows encroachment of 5 feet, or 30-foot building setback allows encroachment of 15 feet). Enclosed building space over arcades or porches is permitted.

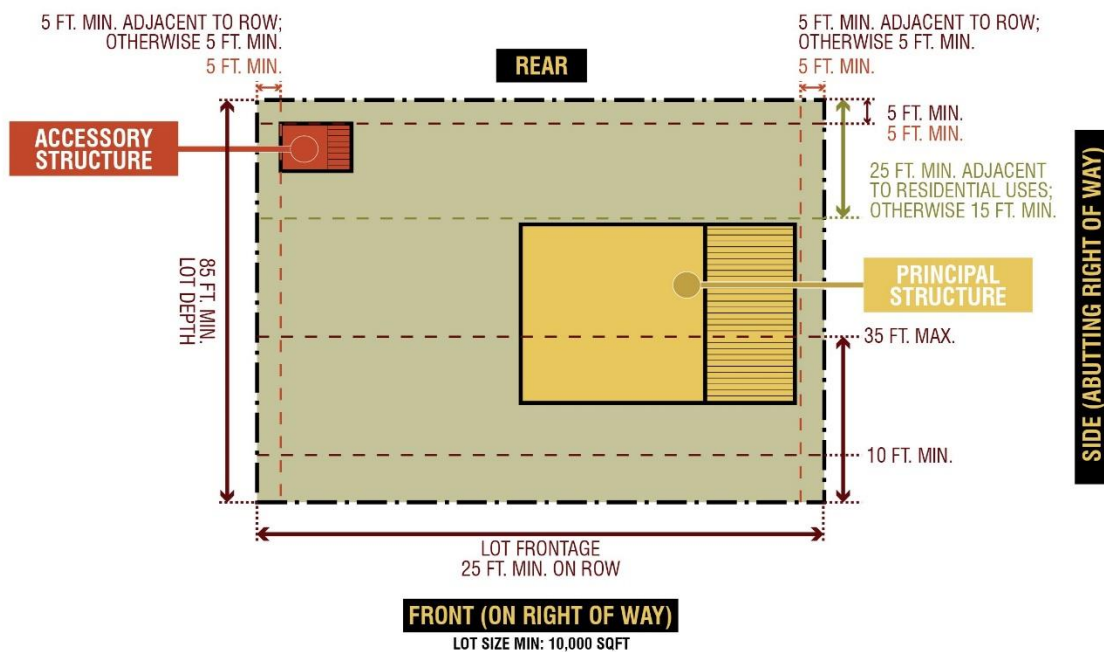
Parking areas may be located to the rear or side of buildings and should be interconnected with other parking areas when possible.

#### Design Standards:

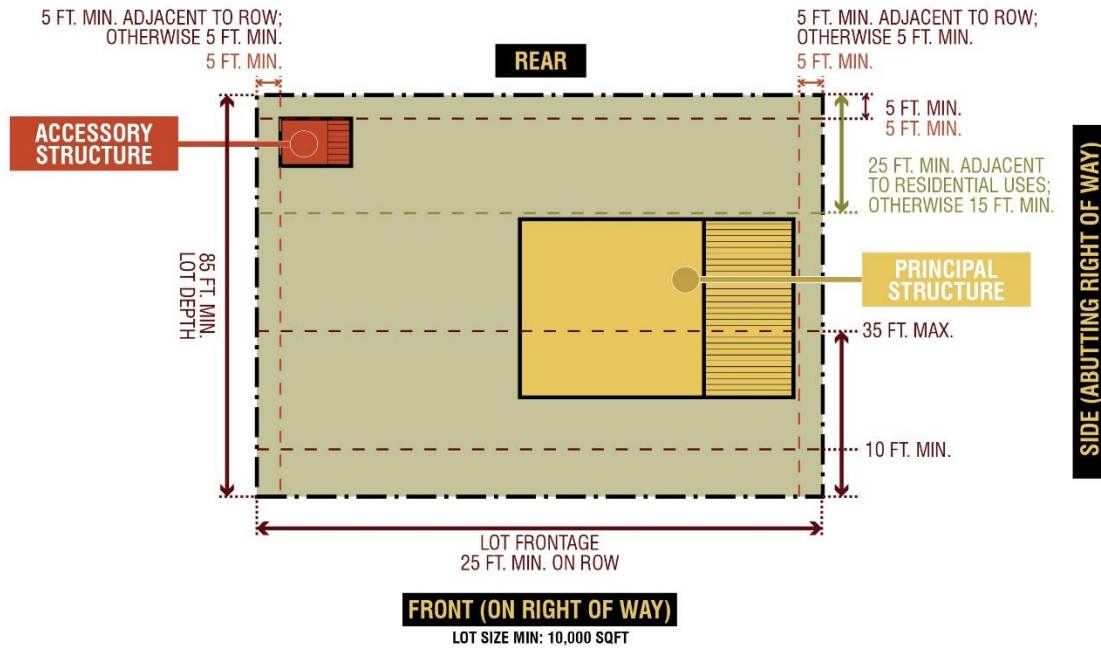
The Design Standards in Certain Zoning Districts, found in Article 3, Sec. 3-6.5, apply to development and redevelopment in the Village Mixed-Use zoning district.

#### Green & Sustainable Development Incentives:

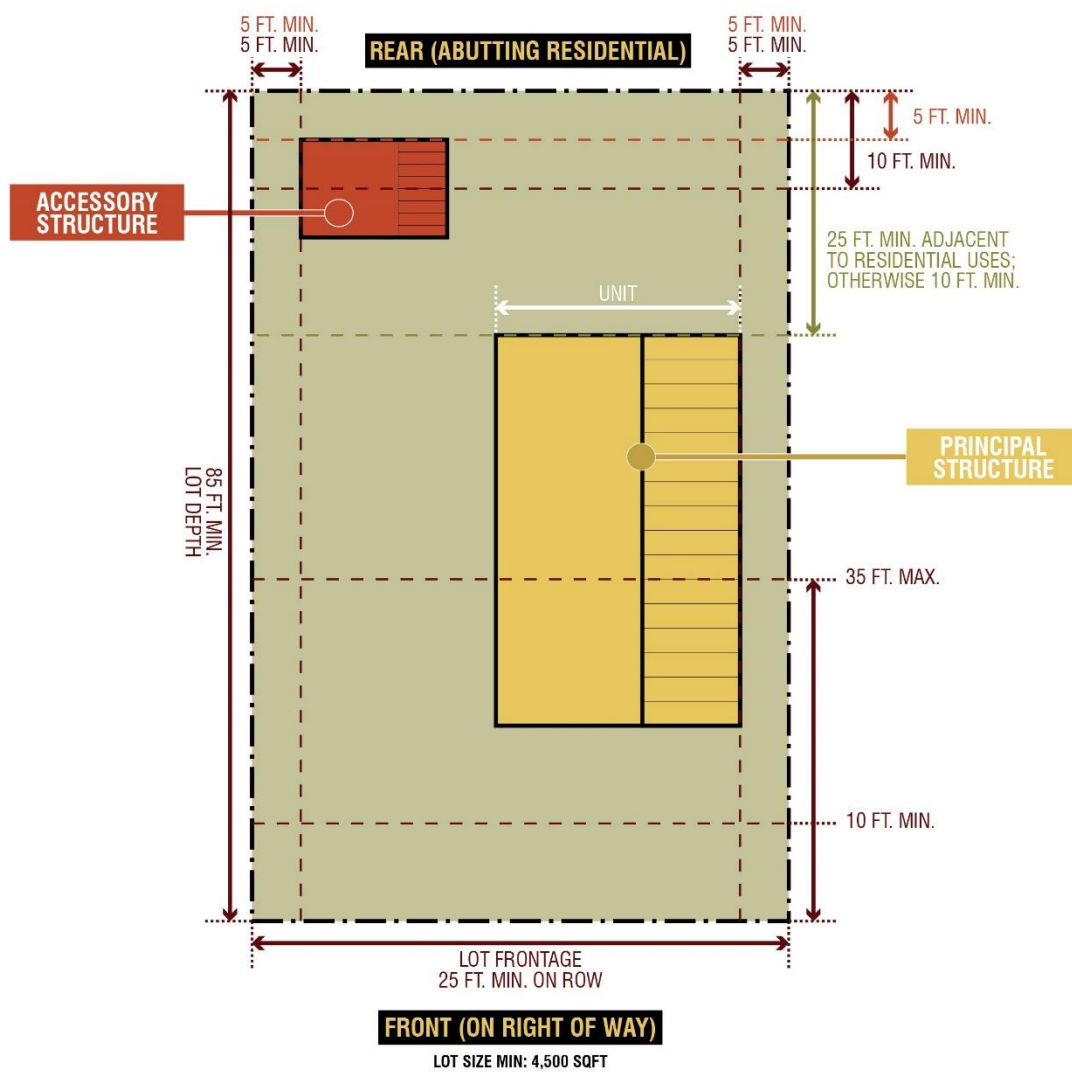
Development in the Village Mixed-Use zoning district may achieve a greater height and number of stories by meeting the requirements for Green and Sustainable Development, found in Article 3, Sec. 3-6.7. Green and Sustainable Development Standards.

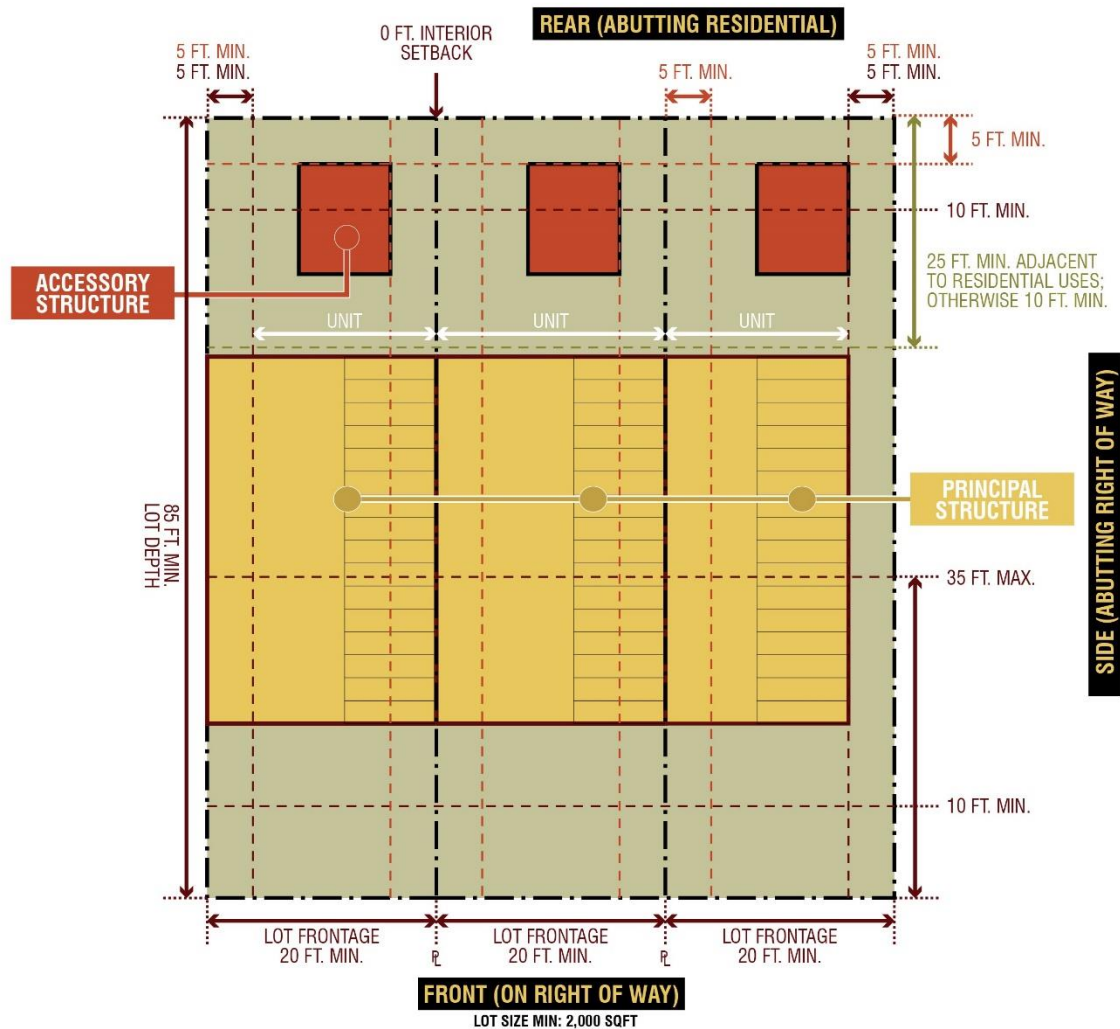


VILLAGE MIXED-USE ZONING DISTRICT | MIXED-USE



VILLAGE MIXED-USE ZONING DISTRICT | **COMMERCIAL**

VILLAGE MIXED-USE ZONING DISTRICT | **MULTI-FAMILY RESIDENTIAL**



VILLAGE MIXED-USE ZONING DISTRICT | **SINGLE FAMILY ATTACHED**

### **Sec. 3-2.7. - Canal Mixed-Use Zoning District (CMU).**

The Canal Mixed-Use zoning district is intended to support the development of maritime activities and water-related uses along waterfront-accessible sites. Allowable uses in the Canal Mixed-Use zoning district include marinas with docking facilities of all types, boating-related sales and repair, restaurants, retail and hotel and residential if associated with a mixed-use project (see Use Table for additional details and specific uses).

#### Density & Intensity:

The Canal Mixed-Use zoning district allows commercial at a floor area ratio of 3.0. Mixed-use developments are permitted a residential density of 20 units per acre. Hotel and motel rooms are permitted up to 30 rooms per acre. The Canal Mixed-Use zoning district enables the Commercial Waterfront future land use district.

Table 9 - CMU Dimensional Regulations

Development Standards	Mixed Use Development	Commercial Development
Lot Size, Min (square feet)	n/a	10,000
Lot Width, Min per Article 2 (feet)	n/a	n/a
Lot Depth, Min for lots not on water (feet)	100	100
Lot Depth, Min for lots on water (feet)	160	160
Gross Area per Floor, Max (square feet)	20,000	20,000
Impervious Coverage, Max (percent)	80	75
Building Height, Max (feet)*	40	40
Building Height, Max (stories)*	4	4
Density, Max (units per acre)	20	n/a
Floor Area Ratio (FAR)	3	3
Front Setback, Min (feet)	30	30
Canal Setback (mean high water), Min (feet)	75	75
Side Setback (if not canal), Min (feet) Principal**	10	10
Side Setback (if not canal), Min (feet) Accessory***	5	5
Rear Setback (if not canal), Min (feet) Principal**	20	20
Rear Setback (if not canal), Min (feet) Accessory***	5	5

\*Option for Green and Sustainable Development gross area per floor and height increase (Sec 3-6.7.)

\*\*Where adjacent to residential use, the minimum setback is 40 feet.

\*\*\*Where adjacent to residential use, the minimum setback is 15 feet

Principal and accessory setbacks are the same, except as otherwise noted.

Façade Elements:

In order to create a moderately consistent building line, a minimum of 50% of the building frontage must be built to the front setback (except where side setbacks exceed 50% of the lot width).

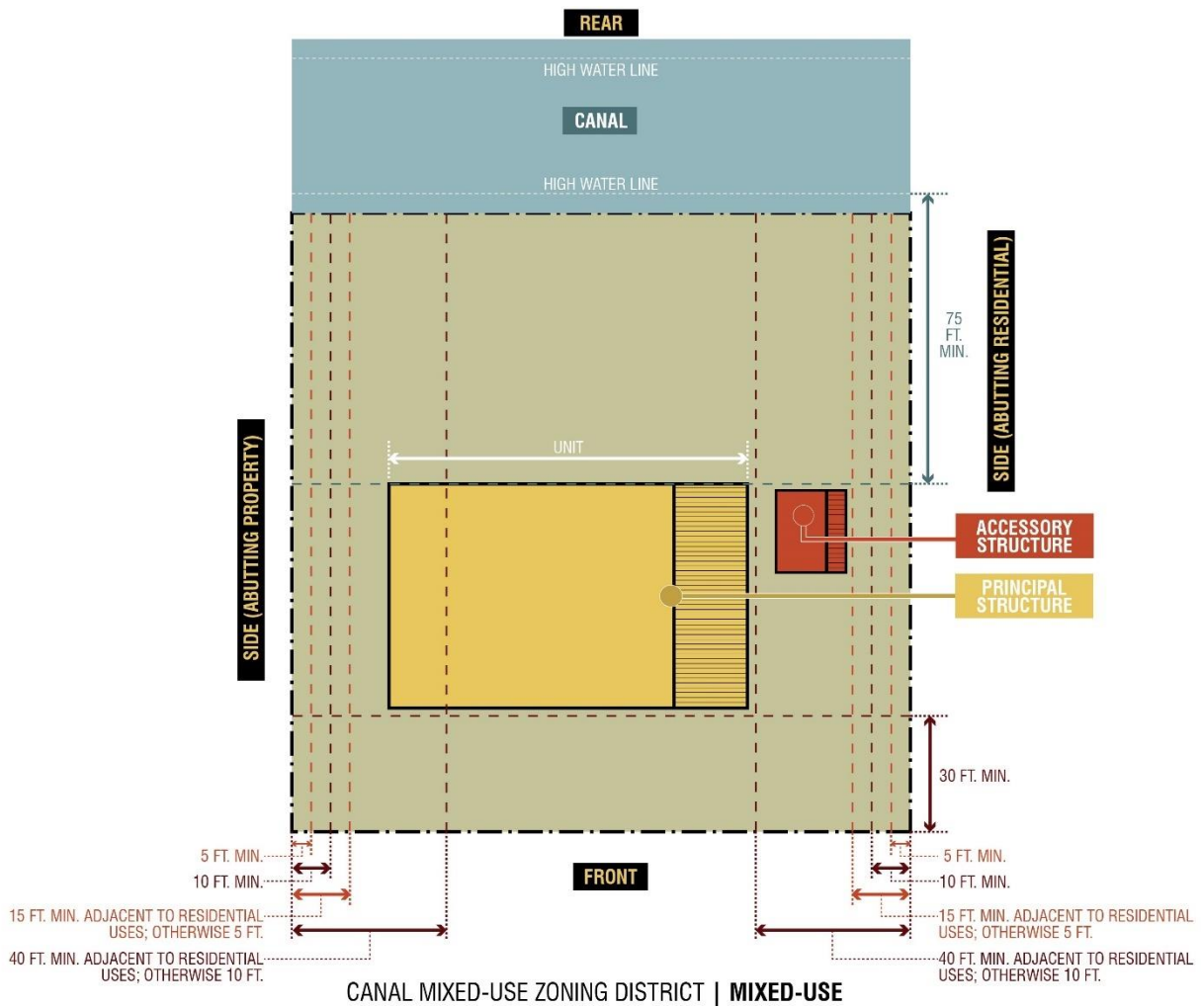
Parking areas may be located to the rear or side of buildings and should be interconnected with other parking areas when possible. Parking areas may not be located along waterfronts.

Design Standards:

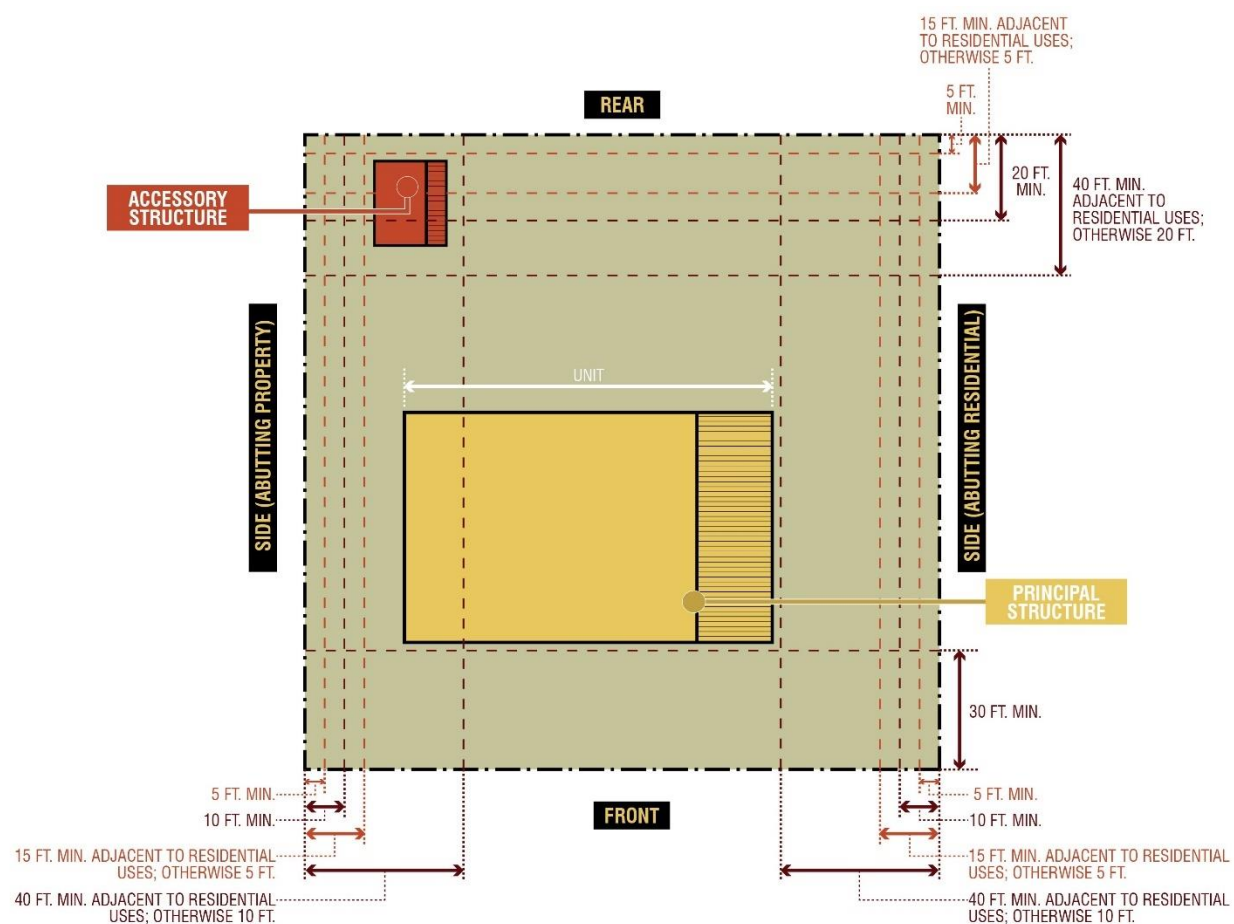
The Design Standards in Certain Zoning Districts, found in Article 3, Sec. 3-6.5, apply to development and redevelopment in the Canal Mixed-Use zoning district. Additionally, in the CMU district, parking is not permitted along the waterfront.

Green & Sustainable Development Incentives:

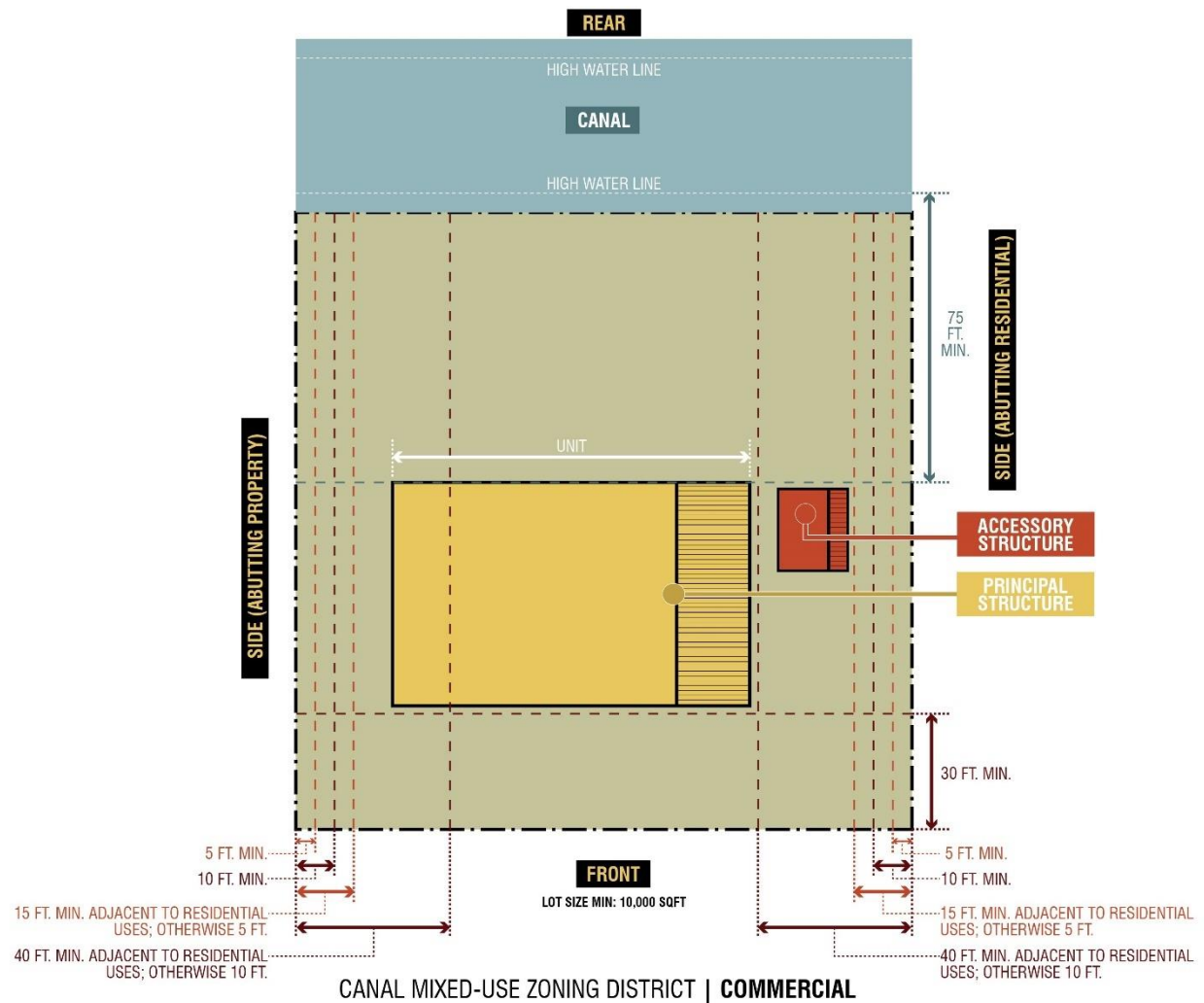
Development in the Canal Mixed-Use zoning district may achieve a greater gross area per floor, height and number of stories by meeting the requirements for Green and Sustainable Development, found in Article 3, Sec. 3-6.7. Green and Sustainable Development Standards.

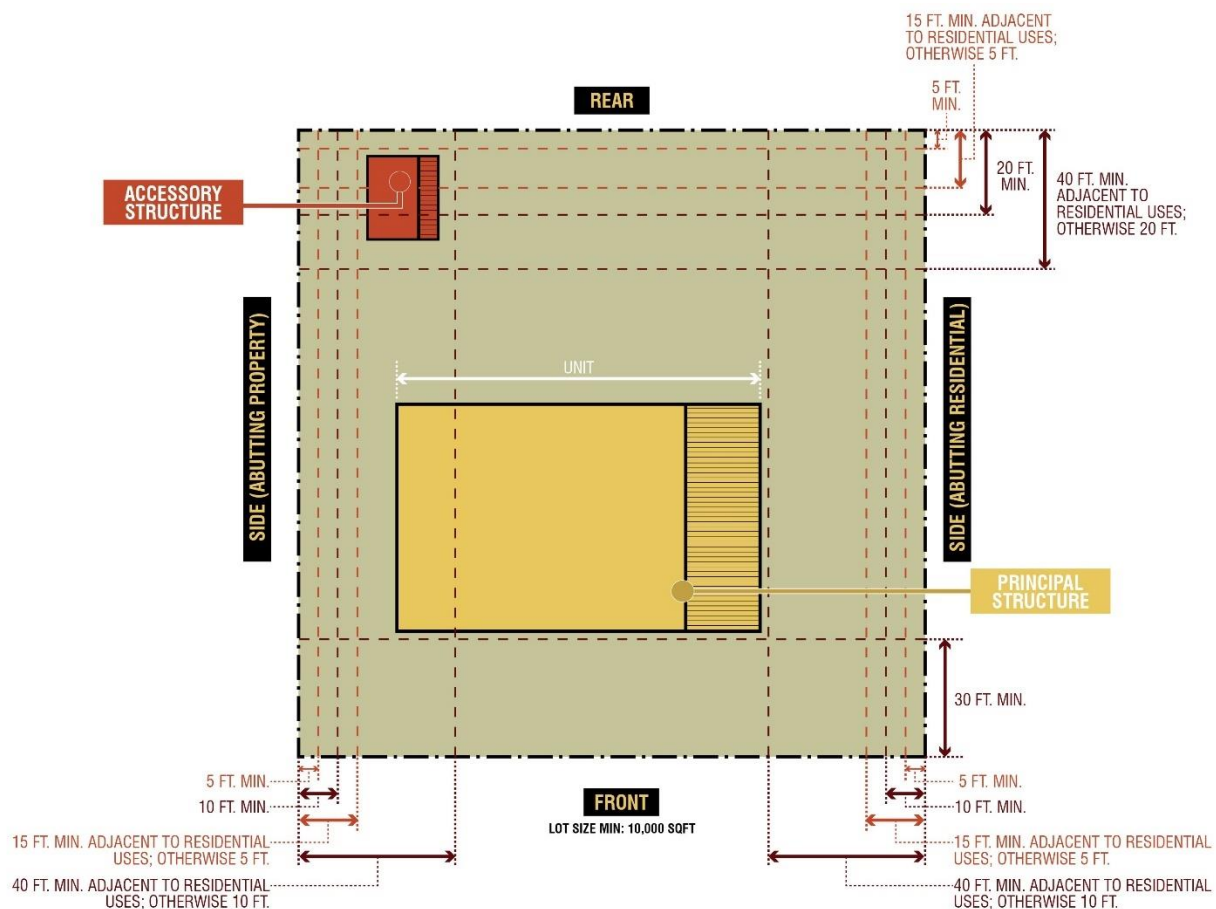






CANAL MIXED-USE ZONING DISTRICT | MIXED-USE (NO CANAL)





#### CANAL MIXED-USE ZONING DISTRICT | COMMERCIAL (NO CANAL)

#### Sec. 3-2.8. - Utility Zoning District (U).

The Utility zoning district is intended to accommodate existing (and future) utility infrastructure. This zoning district allows water, sewer, and electrical plants as well as accessory utility infrastructure (see Use Table for additional details and specific uses).

#### Intensity:

The Utility zoning district allows development up to a floor area ratio of 3.0. This zoning district enables the Utility Future Land Use District.

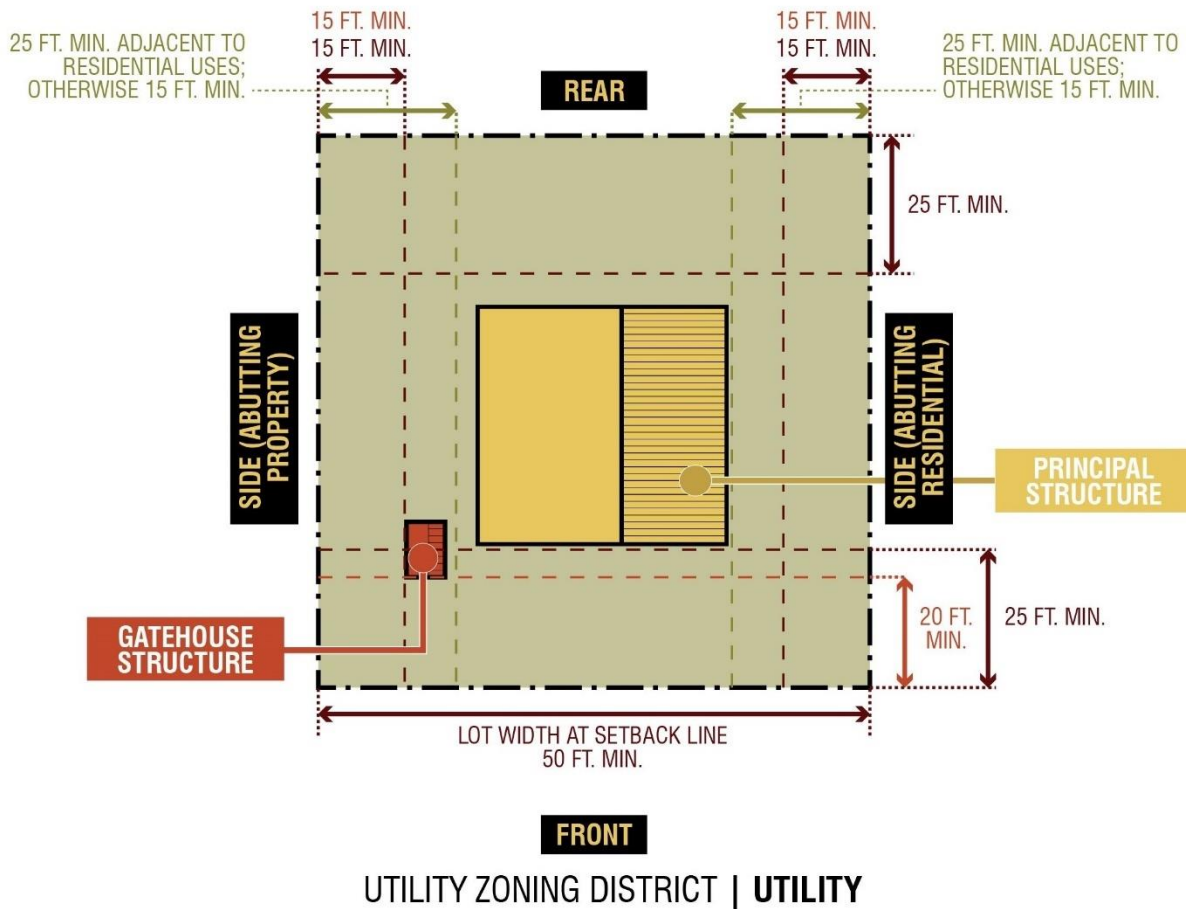
Table 10 - U Dimensional Regulations

Development Standards	Development
Lot Size, Minimum (square feet)	n/a
Lot Width, Minimum at Setback Line (feet)	50
Lot Depth, Minimum (feet)	n/a
Impervious Coverage, Maximum (percent)	n/a
Building Height, Maximum (feet)*	50
Building Height, Maximum (stories)	4
Density, Maximum (units per acre)	n/a
Floor Area Ratio (FAR)	3
Front Setback, Minimum (feet) Principal	25
Front Setback, Minimum (feet) Gatehouse	20
Side Setback, Minimum (feet)**	15
Rear Setback, Minimum (feet)	25

\*Additional height may be approved administratively

\*\*Where a side setback is adjacent to residential, the setback increases to 25.

Principal and accessory structure setbacks are the same, except as otherwise noted.



### Sec. 3-2.9. - Light Industrial Zoning District (LI).

The Light Industrial zoning district is intended to accommodate manufacturing businesses and activities which do not have a substantial impact on adjacent uses, together with complementary commercial activities. Allowable uses in this zoning district include research, development, small-scale production, assembly, warehousing and other uses which do not use hazardous materials and processes or create noise, smoke, vibration, and dust (see Use Table in Division 3 of this Article, for additional details and specific uses).

#### Density and Intensity:

Maximum floor area ratio for Light Industrial is 2.0, residential uses may be allowed as part of mixed-use developments at a density of up to 20 dwelling units per acre. This zoning district enables the Light Industrial Future Land Use District.

Table 11 - LI Dimensional Regulations

Development Standards	Industrial Development	Mixed-Use Development
Lot Size, Min (square feet)	4,000	10,000
Lot Width, per Article 2 (feet)	n/a	n/a
Lot Depth, Min (feet)	n/a	n/a
Impervious Coverage, Max (square feet)	80	80
Building Height, Max (feet)*	50	50
Building Height, Max (stories)	4	4
Density, Max (units per acre)	n/a	20
Floor Area Ratio (FAR)**	2.0	n/a
Front Setback, Min (feet) Principal	25	25
Front Setback, Min (feet) Gatehouse	20	20
Side Setback, Min (feet)	5***	10
Rear Setback, Min (feet) Principal	15***	25
Rear Setback, Min (feet) Accessory	15***	10

\*Option for Green and Sustainable Development height increase (Sec 3-6.7.)

\*\* Green and Sustainable Development may allow for a reduction in square footage counted towards FAR (Se. 3-6.7.)

\*\*\* Where a side or rear setback is adjacent to residential, the setback is increased to 25 feet.

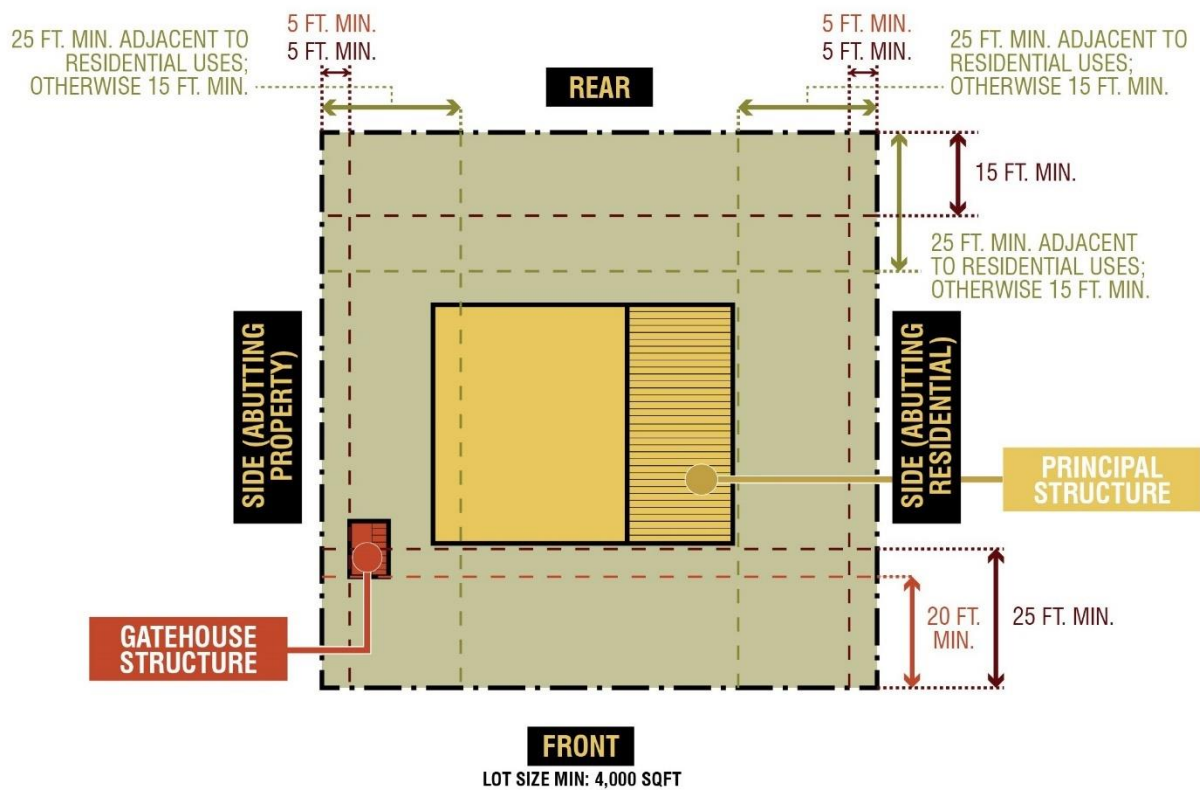
Principal and accessory setbacks are the same, except as otherwise noted.

#### Performance Standards:

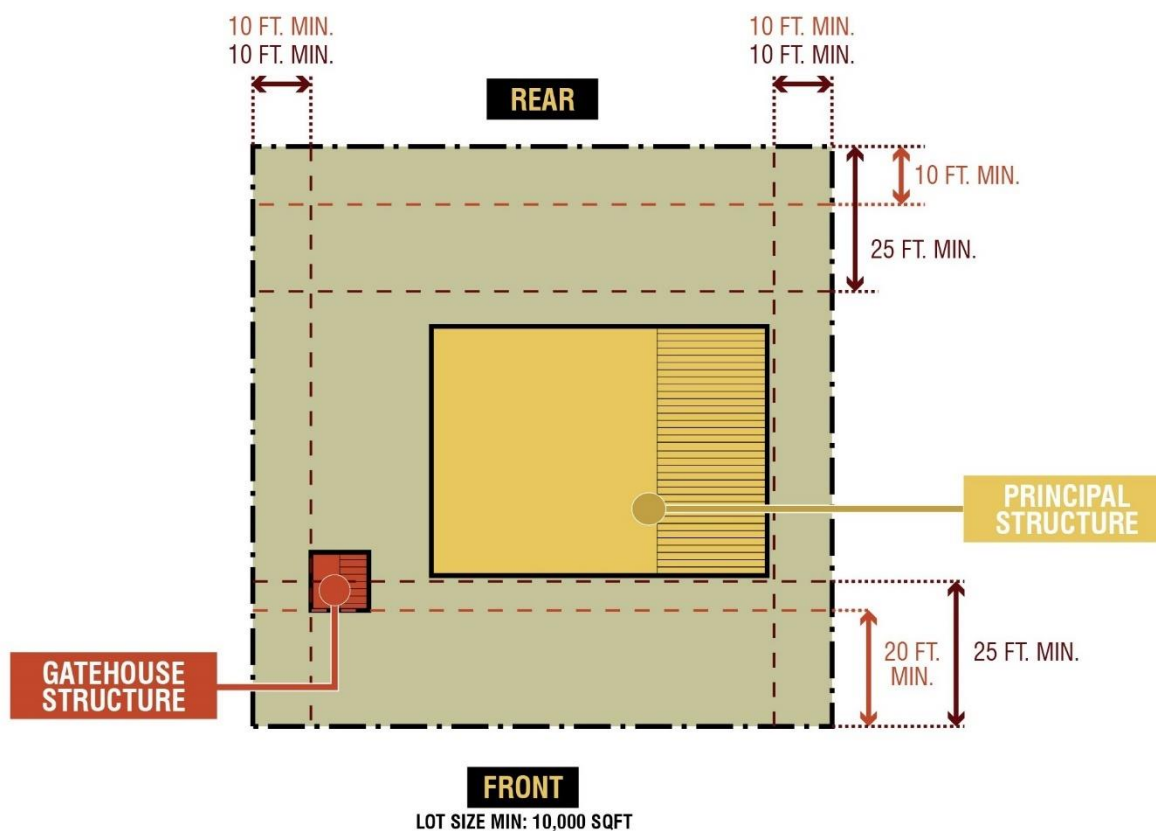
It is the intent of these regulations to prevent development that creates noxious or hazardous conditions. Any use permitted in the Light Industrial zoning district must also comply with Sec. 3-6.8. Industrial Performance Standards. The Village Manager or designee may require a signed and sealed report from an appropriately qualified certified engineer stating that all performance standards will be met.

#### Green & Sustainable Development Incentives:

Development in the Light Industrial zoning district may achieve a greater height and number of stories by meeting the requirements for Green and Sustainable Development, found in Article 3, Sec. 3-6.7. Green and Sustainable Development Standards.



LIGHT INDUSTRIAL ZONING DISTRICT | **INDUSTRIAL**



### LIGHT INDUSTRIAL ZONING DISTRICT | MIXED-USE

#### Sec. 3-2.10. - Heavy Industrial Zoning District (HI).

The Heavy Industrial zoning district is intended to accommodate manufacturing businesses and activities which may substantially impact adjacent uses, together with complementary commercial activities. Allowable uses in this zoning district include intensive production uses, such as extraction, batching or mixing plants, which create noise, smoke, vibration or dust; or which utilize or store hazardous materials. Accessory commercial is allowed (see Use Table in Division 3 of this Article, for additional details and specific uses).

#### Intensity:

Maximum floor area ratio for Heavy Industrial is 3.0, residential uses are not permitted in this zoning district. This zoning district enables the Heavy Industrial Future Land Use District.



Table 12 - HI Dimensional Regulations

Development Standards	Industrial Development
Lot Size, Minimum (square feet)	20,000
Lot Width, Minimum per Article 2 (feet)	100
Lot Depth, Minimum (feet)	n/a
Impervious Coverage, Maximum (percent)	n/a
Building Height, Maximum (feet)*	50
Building Height, Maximum (stories)	4
Density, Maximum (units per acre)	n/a
Floor Area Ratio (FAR)	3.0
Front Setback, Minimum (feet)	25
Front Setback, Minimum (feet) Gatehouse	20
Side Setback, Minimum (feet)**	15
Rear Setback, Minimum (feet)	25

\*Additional height may be approved administratively

\*\*Where a side setback is adjacent to residential, the setback increases to 25

Principal and accessory structure setbacks are the same, except as otherwise noted.

Height in Heavy Industrial:

Structures taller than 50 feet or over 4-stories may be permitted administratively where the applicant for the project can show the following:

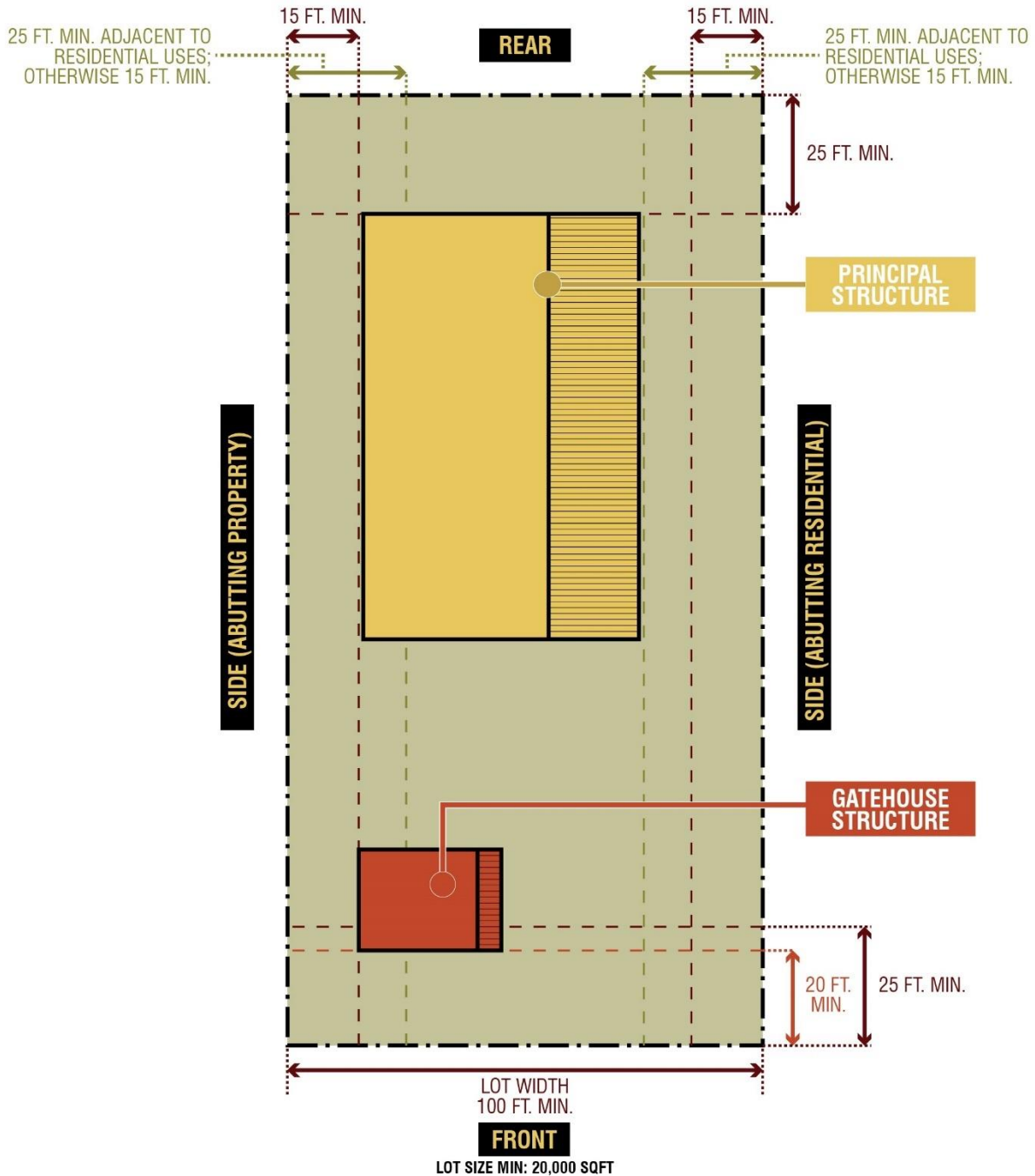
- (1) The proposed additional height of the building or structure will not increase the noise, vibration, smoke or dust generated by the use;
- (2) The building or structure will not create a danger to air traffic;
- (3) The building or structure is set back an adequate distance from any property line to ensure that collapse of the structure will not impact surrounding properties; and
- (4) The proposed building or structure meets all other code requirements.

Performance Standards:

It is the intent of these regulations to prevent development that creates noxious or hazardous conditions. Any use permitted in the Heavy Industrial zoning district must also comply with Sec. 3-6.8. Industrial Performance Standards. The Village Manager or designee may require a signed and sealed report from an appropriately qualified certified engineer stating that all performance standards will be met.

Uses Not Permitted:

Hydraulic fracturing, commonly referred to as fracking, is not a permitted use in the Heavy Industrial zoning district.



HEAVY INDUSTRIAL ZONING DISTRICT | INDUSTRIAL

**Sec. 3-2.11. - Civic Facilities Zoning District (CF).**

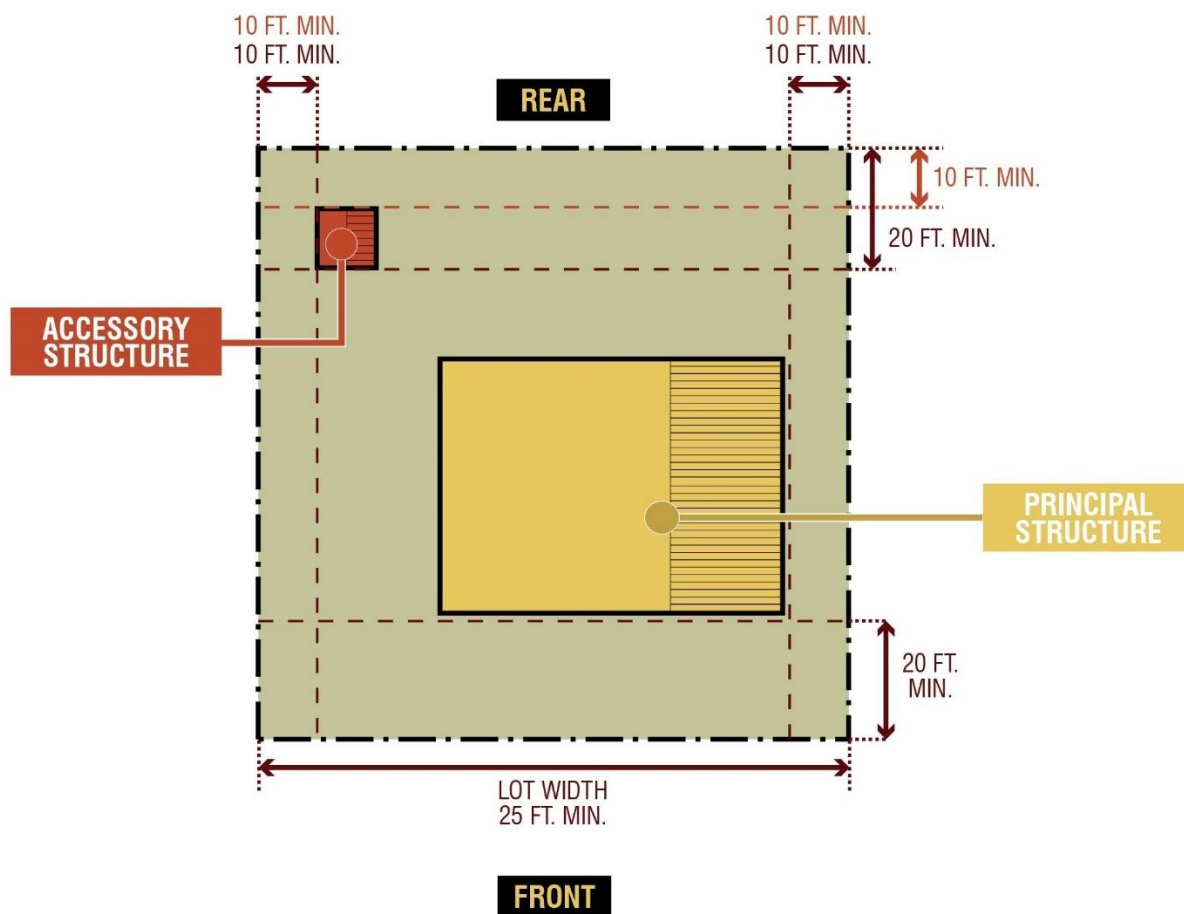
Civic Facilities zoning district is intended to accommodate public and semi-public uses, facilities and services necessary to a complete community. This zoning district allows schools, libraries, community centers, fire stations, police stations, governmental facilities, not including any facilities of the Village, religious facilities and accessory facilities associated with these uses (see Use Table in Division 3 of this Article, for additional details and specific uses).

Intensity: The Civic Facilities zoning district allows development up to a floor area ratio of 0.75, it is not intended for residential development beyond residences for caretakers or employees as necessary. This zoning district enables the Institutional and Educational Future Land Use District.

Table 13 - CF Dimensional Regulations

Development Standards	Development
Lot Size, Minimum (square feet)	n/a
Lot Width, per Article 2 (feet)	25
Lot Depth, Min (feet)	n/a
Impervious Coverage, Max (percent)	55
Building Height, Max (feet)	40
Building Height, Max (stories)	4
Density, Max (units per acre)	n/a
Floor Area Ratio (FAR)	0.75
Front Setback, Min (feet)	20
Side Setback, Min (feet)	10
Rear Setback, Min (feet) Principal	20
Rear Setback, Min (feet) Accessory	10

Principal and accessory setbacks are the same, except as otherwise noted.



## CIVIC FACILITIES ZONING DISTRICT | CIVIC FACILITIES

### Sec. 3-2.12. - Parks and Open Space Zoning District (P).

Parks and Open Space zoning district is intended to designate and preserve publicly and privately-owned recreational and open space property and facilities. This zoning district allows passive and active parks and recreational facilities, including historic sites, cemeteries and publicly-owned stormwater facilities (see Use Table, in Division 3 of this Article, for additional details and specific uses).

Intensity: The Parks and Open Space zoning district allows development up to a floor area ratio of 0.5, it is not intended for residential development beyond residences for caretakers as necessary. This zoning district enables the Institutional and Recreational Future Land Use District.

Table 14 - P Dimensional Regulations

Development Standards	Development
Lot Size, Minimum (square feet)	6,000
Lot Width, Min at Setback Line (feet)	n/a
Lot Depth, Min (feet)	n/a
Impervious Coverage, Max (percent)	20
Building Height, Max (feet)	25
Building Height, Max (stories)	2
Density, Max (units per acre)	n/a
Floor Area Ratio (FAR)	0.5
Front Setback, Min (feet)	20
Side Setback, Min (feet)	15
Rear Setback, Min (feet)	20

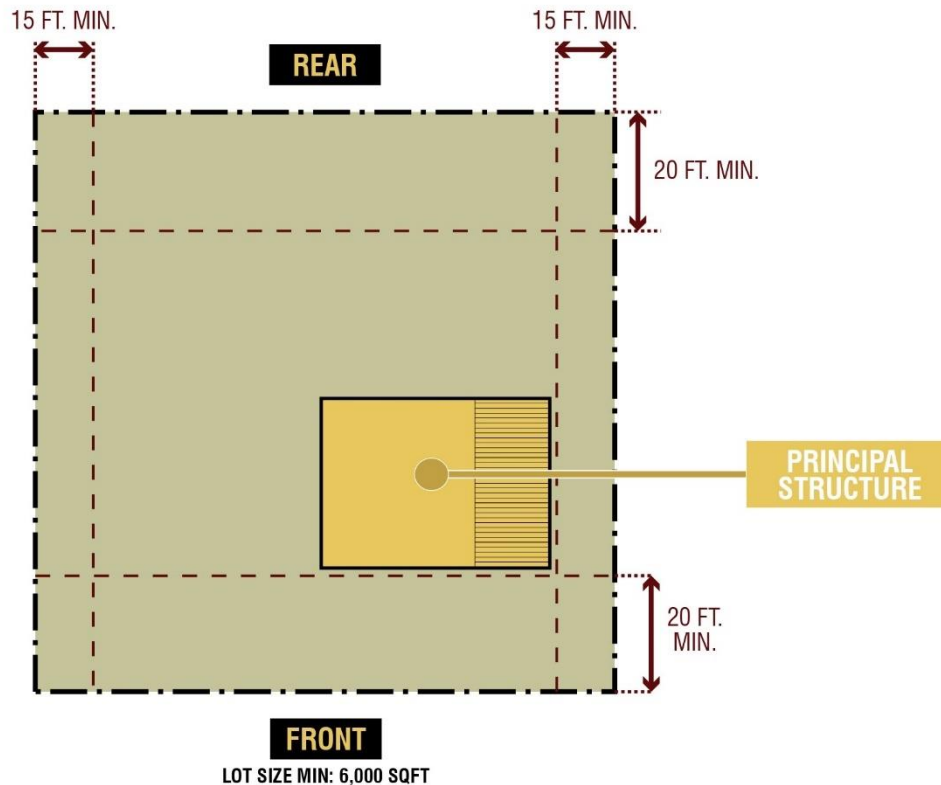
Principal and accessory setbacks are the same.

Development Standards:

Traditional neighborhood, local and regional parks shall comply with the above development standards. However, these standards shall not limit the creation of linear parks, pocket parks, tot lots, greenway trails and other nontraditional parks which create engaging outdoor space for the community.

Development within this zoning district shall minimize impervious surfaces. Unimproved, parking areas are permitted where environmental degradation will not occur.

Existing uses and structures listed on the local or national historic register shall be considered conforming.



## PARKS AND OPEN SPACE ZONING DISTRICT | PARKS AND OPEN SPACE

### Sec. 3-2.13. - Conservation Zoning District (C).

The Conservation zoning district is intended to facilitate the conservation of environmentally sensitive public and private lands. This zoning district may include wilderness and wildlife management areas, forests, wetlands and other natural resource protection areas. Lands zoned Conservation must be protected and maintained in a natural state in perpetuity.

Intensity: The Conservation zoning district allows a maximum of ten percent (10%) impervious coverage. This zoning district enables the Conservation Future Land Use District.

#### Criteria for Conservation Zoning:

No development criteria are applicable to conservation zoned property. The Conservation zoning district will apply to property encumbered by an irrevocable conservation easement. Land should be considered for conservation when the property meets one or more of the following criteria:

- (1) Contains a natural sinkhole, spring or unique geological feature;
- (2) Located within a significant strategic habitat conservation area;
- (3) Provides habitat for endangered, threatened or imperiled species;
- (4) Contributes to a significant landscape, landscape linkage or conservation corridor;

- (5) Contains an underrepresented native ecosystem;
- (6) Protects natural floodplain functions;
- (7) Protects surface waters of the state;
- (8) Protects functional wetlands;
- (9) Provides groundwater recharge critical to springs, sinks, aquifers or other natural systems;
- (10) Provides retention of natural open space within densely built-up or urban areas; or
- (11) Meets other local or state conservation criteria.

**Sec. 3-1.14. – Planned Unit Development (PUD).**

Prior to incorporation several PUD's were approved that are now wholly or partially within the municipal boundaries of the Village. All binding written documents and associated development plans shall remain valid for the length of term of the PUD and shall be considered legally nonconforming. After the expiration of the PUD terms, all new development within the PUD boundary shall conform to the Future Land Use Map, underlying Zoning and, these LDRs.

No new PUD's shall be created within the Village.

### **Division 3 – Use Table**

The purpose of this division is to establish the permitted, conditional and special exception uses in each zoning district.

#### **Sec. 3-3.1. – Permitted Uses.**

Table 15

#### **Residential and Lodging Uses**

	Rural Residential	Limited Family Residential	Neighborhood Residential	Single Family Residential	Village Mixed Use	Canal Mixed-Use	Light Industrial	Heavy Industrial	Parks and Open Space	Conservation			
Residential Uses													
Accessory Dwelling Units	P	P	-	P	P	-	-	-	-	-	-	-	-
Caretaker's Residence	-	-	-	-	-	-	P	P	P	P	P	SE	SE
Community Residential Home (7-Group Home (6 or fewer)	C	C	C	C	C	C	C	-	MU/C	-	-	-	-
Mobile Home	P	-	EO	-	-	-	-	-	-	-	-	-	-
Multi-family	-	P	-	P	P	P	MU	-	MU	-	-	-	-
Single-family Detached	P	P	P	P	-	-	-	-	-	-	-	-	-
Single-family	-	P	P	P	P	P	MU	-	MU	-	-	-	-
Two-family	P	P	P	P	P	-	-	-	MU	-	-	-	-
Zero Lot Line Single-Family	-	P	P	P	P	P	MU	-	MU	-	-	-	-
Home Occupation	P	P	P	P	-	-	-	-	-	-	-	-	-
Live/Work Unit	-	-	-	P	P	P	P	-	-	-	-	-	-
Lodging Uses													
Bed & Breakfast	SE	SE	-	P	P	-	-	-	-	-	-	-	-
Boatel	-	-	-	-	-	-	P	-	-	-	-	-	-
Hotel/Motel	-	-	-	SE	P	P	-	-	-	-	-	-	-
Resort	-	-	-	P	-	-	-	-	-	-	-	-	-

P=Permitted, C=Conditional, SE=Special Exception, EO= Existing Only, MU=In Mixed-Use Only, -=Not Allowed



**Commercial Uses**

	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Residential	Village Mixed Use	Canal Mixed-Use	Downtown	Light Industrial	Heavy Industrial	Parks and Open Space	Civic Facilities	Conservation
Commercial												
Adult Businesses	-	-	-	-	-	-	-	-	C	-	-	-
Automobile Sales (new or used)	-	-	-	SE	-	C	-	-	P	-	-	-
Automobile Service/Garage	-	-	-	SE	C	C	-	-	P	-	-	-
Bar/Nightclub	-	-	-	C	C	C	C	-	C	-	-	-
Boat Sales or Rental	-	-	-	SE	-	C	P	-	P	-	-	-
Boat Service/Repair	-	-	-	-	-	C	P	-	P	-	-	-
Car Wash	-	-	-	P	P	P	-	-	P	-	-	-
Caterer	-	-	-	P	P	P	-	-	P	-	-	-
Commercial Amusement, indoor	-	-	-	SE	P	P	P	-	P	-	-	-
Commercial Amusement, outdoor	SE	-	-	SE	-	P	P	-	P	-	-	-
Convenience Store, 4,000 sq. ft. or less	-	-	-	P	P	P	P	-	P	P	-	-
Crematorium	-	-	-	-	-	P	-	-	P	-	-	-
Day Care, Commercial	-	-	-	C	C	C	C	-	P	-	-	-
Day Care, Family	P	P	P	P	-	-	-	-	-	-	-	-
Farm Supplies & Implement Sales	SE	-	-	-	-	P	-	-	P	-	-	-
Financial Institution	-	-	-	P	P	P	P	-	-	-	-	-
Fuel Pumps	-	-	-	-	-	P	P	-	P	P	-	-
Funeral Home	-	-	-	P	P	P	-	-	-	-	-	-
Kennel/Doggy Daycare	SE	-	-	SE	SE	C	SE	-	C	-	-	-
Marina	-	-	-	-	-	-	P	-	-	-	-	-
Medical Marijuana Dispensing Facility	-	-	-	-	C	C	-	-	-	-	-	-
Medical Service/Office	-	-	-	P	-	-	-	-	P	-	-	-
Movie Theater	-	-	-	-	P	P	P	-	-	-	-	-
Non-Chartered Financial Institutions	-	-	-	-	-	C	-	-	-	-	-	-
Office, Professional	-	SE	-	P	P	P	P	P	P	-	-	-
Pawn Shop/Gold Buying Business	-	-	-	-	-	C	-	-	-	-	-	-
Personal Services	-	-	-	P	P	P	P	-	-	-	-	-
Pharmacy	-	-	-	-	P	P	-	-	-	-	-	-
Restaurant	-	-	-	P	P	P	P	-	SE	SE	-	-
Retail Small, less than 15,000 sq. ft.	-	-	-	P	P	P	-	-	P	-	-	-
Retail Large, 15,000 sq. ft. or more	-	-	-	SE	SE	P	SE	-	SE	-	-	-
Shooting Range, Indoor	SE	-	-	-	-	-	-	-	SE	C	-	-
Shooting Range, Outdoor	SE	-	-	-	-	-	-	-	SE	C	-	-
Stable, Commercial/Equestrian Facility	P	-	-	-	-	-	-	-	-	-	-	-
Studio or Center for Art, Martial Arts, Fitness & Dance	-	-	-	P	P	P	P	-	P	-	-	-
Veterinary Clinic (no outdoor kennels)	-	-	-	P	P	P	P	-	-	-	-	-

P=Permitted, C=Conditional, SE=Special Exception, EO=Existing Only, -=Not Allowed

### Community Facility Uses

	Rural Residential	Limited Residential	Neighborhood Residential	Single Family Residential	Village Mixed Use	Downtown	Canal Mixed-Use	Light Industrial	Heavy Industrial	Parks and Open Space	Conservation			
Community Facility														
Assisted Living Facility	-	SE	-	P	P	P	-	-	-	-	-	-	-	-
Cemetery/Memorial Garden	P	EO	EO	EO	-	-	-	-	-	-	P	-	-	-
Community Center	-	P	-	P	-	P	-	-	-	-	P	-	-	-
Correctional Facility	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Golf Course	SE	SE	-	-	-	-	-	-	-	-	-	P	-	-
Fire Station	SE	P	-	P	-	-	-	-	P	P	P	-	-	-
Government Services & Offices	-	SE	-	P	-	-	-	P	P	-	P	-	-	-
Gymnasium/Work out Facility	-	SE	-	P	P	P	P	-	P	-	P	-	-	-
Hospital	-	-	-	-	SE	P	SE	-	-	-	SE	-	-	-
Library	-	P	-	P	P	P	-	-	-	-	P	-	-	-
Park	P	P	SE	P	P	P	P	-	SE	-	P	P	-	-
Place of Public Assembly	SE	P	SE	P	P	P	P	-	SE	-	P	-	-	-
Place of Worship	SE	P	SE	P	P	P	P	-	SE	-	P	-	-	-
Police Station or substation	-	-	-	P	P	P	P	-	P	-	P	-	-	-
School or School Facilities (public or private K-12, vocational, community college)	-	SE	-	P	-	-	-	-	-	-	P	-	-	-
Sports Field	SE	SE	-	-	-	-	-	-	-	-	P	P	-	-

P=Permitted, C=Conditional, SE=Special Exception, EO=Existing Only, -=Not Allowed

### Utility Uses

	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Village Mixed Use	Downtown	Canal Mixed-Use	Light Industrial	Heavy Industrial	Civic Facilities	Parks and Open Space	Conservation
Utility												
Bus Station	-	-	-	-	-	P	-	-	P	-	-	-
Power Plant	-	-	-	-	-	-	-	P	P	P	-	-
Railyard	-	-	-	-	-	-	-	P	P	P	-	-
Water Facilities, Public	-	-	-	SE	-	-	-	P	-	-	-	-
Water Impoundment less than 10 acres	P	SE	-	-	-	-	-	P	P	P	-	-
Water Impoundment more than 10 acres	SE	-	-	-	-	-	-	P	P	P	-	-
Wireless Communications Tower	P	SE	-	SE	SE	P	SE	P	P	P	P	SE

P=Permitted, C=Conditional, SE=Special Exception, EO=Existing Only, -=Not Allowed

### Industrial Uses

	Rural Residential	Limited Residential	Neighborhood Residential	Single Family Residential	Village Mixed Use	Canal Mixed-Use	Light Mixed-Use	Utility	Heavy Industrial	Parks and Open Space	Civic Facilities	Conservation
Industrial												
Airport	-	-	-	-	-	-	-	-	SE	-	P	-
Blacksmith	-	-	-	-	-	-	P	-	P	P	-	-
Chemical Manufacturing/Storage	-	-	-	-	-	-	-	-	P	P	-	-
Cold Storage & Warehousing	-	-	-	-	-	-	-	-	P	P	-	-
Computer & Data Processing	-	-	-	-	P	P	-	-	P	P	-	-
Distribution Center	-	-	-	-	-	-	-	-	-	P	-	-
Heavy Retail	-	-	-	-	-	SE	SE	-	P	P	-	-
Junkyard/Scrapyard	-	-	-	-	-	-	-	-	-	P	-	-
Lumber & Wood Products	-	-	-	-	-	-	P	-	P	P	-	-
Marine Manufacturing	-	-	-	-	-	-	P	-	P	P	-	-
Metal Fabrication	-	-	-	-	-	-	P	-	P	P	-	-
Mining & Excavation	-	-	-	-	-	-	-	-	-	SE	-	-
Paper & Allied Products	-	-	-	-	-	-	-	-	-	P	-	-
Petroleum Refining	-	-	-	-	-	-	-	-	-	P	-	-
Primary Metal Industries	-	-	-	-	-	-	-	-	-	P	-	-
Research & Development Labs	-	-	-	-	-	-	-	-	P	P	-	-
Rubber & Plastic Manufacturing	-	-	-	-	-	-	-	-	-	P	-	-
Self Storage/Mini Warehouse	-	-	-	-	-	-	-	-	P	-	-	-
Solid Waste Disposal Facility or Transfer Station	-	-	-	-	-	-	-	-	-	P	-	-
Stone, Clay, Glass & Concrete Production	-	-	-	-	-	-	-	-	-	P	-	-
Storage for RVs, Boats, Automobiles & Equipment	-	-	-	-	-	-	P	-	P	P	-	-

P=Permitted, C=Conditional, SE=Special Exception, EO=Existing Only, -=Not Allowed

### Sec. 3-3.2. - Uses Not Listed.

Any proposed use not listed in this table shall be evaluated by the Village to determine compatibility and impacts. Uses may be compared to similar listed uses found in the North American Industrial Classification System (NAICS) as deemed appropriate by the Village. A determination must be made regarding whether the listed use and the proposed use impacts are not materially different than the listed use. Decision criteria shall be based on:

- (1) Parking demand and trip generation (daily and peak hour);

- (2) Impervious surface;
- (3) Noise;
- (4) Lighting;
- (5) Dust;
- (6) Odors;
- (7) Potentially hazardous conditions such as use and storage of hazardous materials;
- (8) Character of buildings and structures;
- (9) Character of operation; and
- (10) Hours of operation.

Any proposed use with no comparable listed use may require a Land Development Regulation text amendment.

#### **Division 4 - Supplemental Development & Site Standards.**

The purpose of this division is to establish supplemental standards for subordinate structures.

##### **Sec. 3-4.1. - Purpose and Applicability.**

This section of code is applicable to all physical features and structures which may be desired or necessary on a parcel. It is the purpose of this section to ensure that any adverse impacts created are minimal both aesthetically and physically to residents and surrounding properties. These standards shall not apply to land development projects undertaken by the Village.

##### **Sec. 3-4.2. Setbacks Generally.**

No principal building or structure shall be located within any required setback, recorded easement or in any required buffer or area used for screening.

- (1) Notwithstanding other provisions of this section, architectural and entrance features, such as, but not limited to, cornices, eaves, awnings, steps, gutters, porches, unroofed balconies etc., may project up to three (3) feet into an established or required yard, provided that where the yard is less than five (5) feet in width such projection shall not exceed one-half (.5) the width of the yard.
- (2) Aboveground backflow preventers are prohibited in front setbacks where underground backflow preventers or a location outside of the front setback is technically feasible. Where there is no reasonable alternative, the structure shall be covered in a non-reflective material and surrounded on all sides visible from public right-of-way and abutting properties, by an opaque landscaped screen.
- (3) Fences, walls and hedges are permitted in required yards, subject to the provisions of this article.
- (4) At-grade walkways and yard lights are permitted within the setback but no closer than two feet to a property line.
- (5) New mechanical and solar equipment must meet the required setbacks.

(6) Mechanical and solar equipment may be replaced in the same location that it already exists, encroaching up to four feet into side yard setbacks but not more than half of the setback width.

(7) Nothing in these Land Development Regulations shall prohibit the following:

(a) Rain barrels. Rain barrels shall be permitted within side and rear setbacks.

(b) Clotheslines. Clotheslines may be located within the rear yard.

(c) Permanent play equipment. Playground equipment that is anchored into the ground may be located within the rear yard.

(8) No structure shall be allowed in a recorded easement without first having obtained the approval of the easement holder.

#### **Sec. 3-4.3. Accessory Structures Generally.**

Accessory structures are permitted in every zoning district in compliance with the following requirements and restrictions:

(1) An accessory structure shall be considered incidental to the principal structure and must be in full compliance with all standards and requirements of these LDRs and all other regulations of the Village.

(2) Accessory setbacks shall be the same as the primary structure setback unless a different setback is provided within the zoning district's Dimensional Regulations Table.

(3) Accessory structure height may not exceed the height of the principal structure or the maximum building height in the zoning district, whichever is less.

(4) Accessory structures shall be included in all calculations of impervious coverage and stormwater runoff.

(5) Accessory structures shall be shown on all development plans with full supporting documentation as required by the LDRs and the Florida Building Code.

(6) All accessory structures shall obtain a building permit and/or any other permit as required.

(7) Accessory structures may not be closer to the right-of-way than the principal structure except on rear yards of through lots and when specifically allowed by this article.

(8) No accessory structure may be constructed prior to a principal building on the parcel; however, an accessory structure may be maintained on a site where the principal structure has been demolished;

(9) All accessory buildings shall comply with the following regulations:

(a) Shall be at least 10 feet from any other building;

(b) Detached garages and carports may be built closer to the right of way than the principal structure through an administrative variance when the following criteria are met:

1. When in compliance with all principal structure setbacks and all other regulations;

2. When the garage or carport will be less than 45% of the width of the principal structure; and

3. When there is no other reasonable location for the garage or carport, due to access, natural features of the land or the inability to meet setbacks in any other location on the property.

(10) Accessory structures include but are not limited to: swimming pools, spas/hot tubs, tennis courts, fences, decks, patios, sheds, greenhouses, garages, carports, tiki or chickee huts, pool cabanas, satellite dishes/antennas, boathouses, docks, photovoltaic equipment and other renewable energy systems.

(11) For the purposes of this LDR, accessory structures do not include: public utility equipment, onsite stormwater, wastewater or drinking water equipment, landscaping, parking and signage.

**Sec. 3-4.4. - Accessory Dwelling Units.**

(a) Accessory apartments may be allowed in conjunction with single-family homes provided that all of the following standards are met:

(1) No more than one accessory apartment shall be permitted per residential lot.

(2) The accessory apartment shall be designed, constructed, and located so as not to interfere with the appearance of the principal structure.

(b) Minimum useable floor area for an accessory apartment shall not be less than 400 square feet.

(c) Maximum useable floor area for an accessory apartment shall not exceed 50% of the total residence square footage except to meet the minimum useable floor area.

(d) An accessory apartment, whether attached or detached from the primary structure, must meet the primary structure setbacks.

(e) A minimum of one additional parking space must be provided for an accessory apartment.

**Sec. 3-4.5. - Decks, Patios, Balconies and Porches.**

Decks, patios and porches shall be in compliance with Sec. 3-4.3. Accessory Structures Generally and the following requirements:

(1) Decks, patios and porches, which are unroofed and have a walking surface not exceeding four (4) feet above grade, shall be considered an accessory structure.

(2) Any deck, patio or porch, which is roofed or has a walking surface exceeding four (4) feet above grade must meet principal structure setbacks.

(3) Wooden Decks, patios or porches which are constructed with gaps to allow water to infiltrate may be considered pervious if they are not constructed over concrete, asphalt or pavers.

**Sec. 3-4.6. - Docks.**

These regulations shall apply to docks located over any public waterway and shall not apply to any dock constructed completely within private property and meeting side setbacks.

- (1) On waterfront lots located on waterways which are 100 feet or greater in width the combination of a boat docking facility and moored vessel(s) shall not protrude more than 30 feet into the waterway, provided the combination of a boat docking facility and moored vessel(s) does not protrude more than 25 percent of the width of the waterway, measured from the mean high water line, in order to ensure reasonable width for navigation.
- (2) On waterfront lots located on waterways which are less than 100 feet in width the combination of a boat docking facility and moored vessel(s) shall not protrude more than 20 percent of the platted width of the waterway, the dock and moored vessel(s) shall not exceed 25 percent of the platted width of the waterway or 25 feet, whichever is more restrictive.
- (3) Side setbacks of a dock shall be the same as the principal structure side setback.

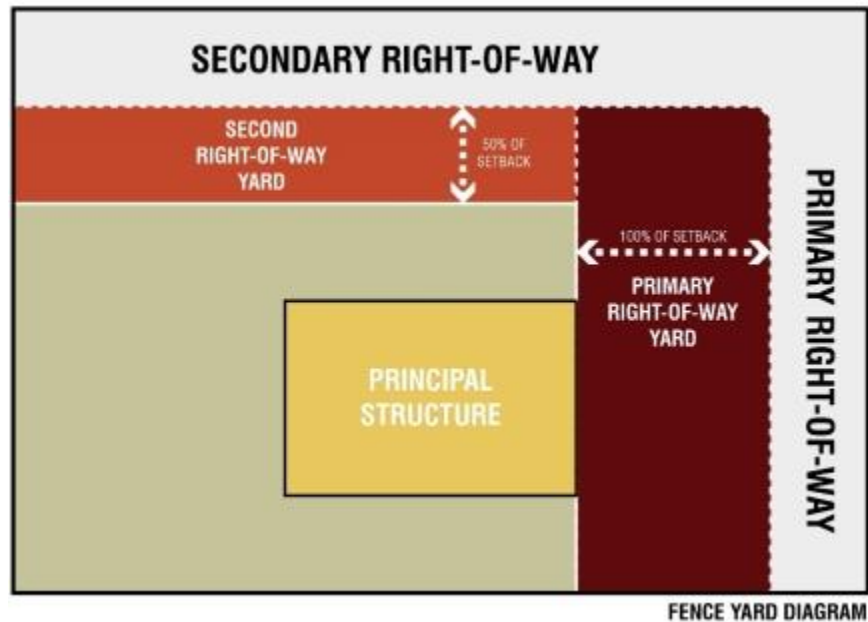
**Sec. 3-4.7. - Fences, Walls and Hedges.**

All fences and walls and any structure built in such a manner as to create a fence or wall shall comply with the following regulations:

- (1) Prior to construction of a fence or wall, a permit shall be obtained from the Village.
- (2) For the purposes of this section:
  - (a) Corner lots shall have one (1) primary right-of-way yard, which the principal structure fronts on, and one (1) secondary right-of-way yard, that runs beside the principal structure. The full right-of-way setback will apply to the primary yard and half of the right of way setback will apply to the secondary yard. See Figure 1 Corner Lot Diagram.
  - (b) Through lots shall have a one (1) primary right-of-way yard, which the principal structure fronts on, and one (1) secondary right-of-way yard, that runs behind the principal structure. The full right of way setback will apply to the primary yard and the secondary right-of-way yard shall be treated as a rear yard where a fence or wall is permitted to be six (6) feet tall.



Figure 1 - Corner Lot Fence Diagram



- (3) Height. Fence and wall heights shall be in compliance with the following:
- (a) Within primary and secondary right-of-way yard setbacks: Four (4) feet;
  - (b) Outside required primary and secondary right-of-way yard setbacks: Six (6) feet;
  - (c) In Heavy and Light Industrial zoning districts, within the area of the lot meeting all principal building setbacks: Eight (8) feet.
- (4) Materials.
- (a) All fences and walls shall be constructed of standard building materials
  - (b) Posts or any portion of each fence which contacts the ground shall be of a material or chemical treatment that is resistant to decay, corrosion and termite infestation. The posts, if wooden, must also be pressure treated for strength and endurance
  - (c) Barbed wire shall not be used except in the Rural Residential zoning district associated with conforming livestock uses.
  - (d) Chain link in front yards shall be vinyl coated.
  - (e) The finished side of the fence shall face the outside of the property.
  - (f) The fence shall be maintained in good condition.
- (5) Location.
- (a) Fences and walls may be placed on the property line but no part of the construction may extend over the property line.
  - (b) Fences and walls shall not be constructed or installed in a manner which interferes with drainage.
  - (c) Fences and walls installed in an easement, with approval of the holder of the easement, may be removed or relocated at the expense of the owner.
  - (d) Tennis court fences taller than four feet in height may be permitted within the required front yard setback pursuant to a variance.

(6) Hedges.

- (a) Hedges may not encroach into or over rights-of-way or sidewalks.
- (b) Hedges may not encroach into the sight visibility triangle (see Sec. 3-6.3.)

**Sec. 3-4.8. - Flagpoles.**

Flagpoles are permitted accessory structures in all zoning districts in compliance with the following regulations:

- (1) The maximum height of a flagpole shall be the maximum building height in the zoning district which it is located.
- (2) A vertical flagpole shall be set back 10 feet from any property boundary.

**Sec. 3-4.9. Parking, Loading and Driveways.**

All new and substantially improved development shall be required to provide adequate access to the site from the street, parking and loading spaces. Provision of these site features shall be consistent with the regulations found in this section.

(1) Driveways:

- (a) A permit is required for construction, replacement or alteration of any driveway.
- (b) Driveways may be no closer than three (3) feet from a stormwater inlet structure and five (5) feet from a side property line.
- (c) All driveways shall be paved to the edge of the road pavement.
- (d) On roads with curb and gutters, valley gutters shall be required in driveways and shall be placed in line with the gutter line.
- (e) The driveways shall be designed to accommodate and improve drainage facilities at the site in accordance with the approved site plans.
- (f) When possible, shared driveways are preferred to individual driveways.
- (g) Driveways shall not be permitted within 25 feet of the nearest corner of an intersection.
- (h) Driveway widths and design shall be in compliance with Table 16.

Table 16 - Driveway Dimensions

Driveway Type	Width (ft)	Radii of Apron (ft)
Residential	10-20	8 ft. (or 4' W x 8' L flares)
Commercial (one-way)	18-24	35
Commercial (two-way)	24-48	35
For Semi-Trailer Use	18-48	50

(2) Parking:

- (a) A permit is required for any additions, reductions, alterations and restriping of parking areas.

(b) Off-street parking and loading areas shall be designed to provide maneuvering and access aisle areas sufficient to permit a vehicle to enter and leave in a forward manner. Where off-street parking is used for access to the building, sufficient area shall be provided and designated for fire apparatus to be positioned as deemed necessary by the Village for the building's fire protection

(c) Ingress and Egress. Adequate provisions for ingress and egress shall be provided to all parking areas. Where a parking area does not abut a public right-of-way, private alley or access easement, an access drive shall be provided into the parking area which shall consist of one drive per lane of traffic and shall not be less than 24 feet in width. Where the off-street parking area is used for ingress to the building, there shall be sufficient area to allow for additional fire apparatus ingress, and a safe egress from the building without lengthy backing of the fire apparatus, as deemed necessary by the Village.

(d) Grading and Material. New off-street parking spaces and access aisles shall be graded for proper drainage and shall be surfaced with asphalt or concrete. For redevelopment sites, off-street parking spaces and access isles shall be graded for proper drainage and shall be surfaced with a durable surface such as, but not limited to, gravel, concrete, or bituminous material. Grassed overflow parking may also be permitted if designated on an approved site plan.

(e) Lighting. All parking area lighting shall be arranged so as to direct the light away from adjoining properties and rights-of-way and shall be consistent with Sec. 3-6.2. Exterior Lighting.

(f) Parking space types:

1. A typical parking stall shall be 9 feet by 19 feet.
2. Handicap stalls shall meet the applicable ADA Design Guide dimensions.
  - a. The number of handicap parking spaces shall be in compliance with Table 18. Handicap Parking Space Requirements.
3. Compact car spaces shall be 8 feet by 15 feet.
  - a. Compact car parking may account for a maximum of 10 percent of the required parking spaces.
4. Golf cart spaces shall be 8 feet by 11 feet.
  - a. Golf cart parking may account for a maximum of 10 percent of the required parking.
5. Motorcycle spaces shall be 4.5 feet by 8 feet.
  - a. Motorcycle parking may account for a maximum of 3 percent of the required parking spaces in lots with more than 30 spaces.

(g) The director may require wheel stops or curbs for demarcation and pedestrian safety. The minimum aisle width shall be in compliance with Table 17 Parking Aisle Dimensions.

Table 17 - Parking Aisle Dimensions

Parking Angle	Aisle Width One Way (ft)	Aisle Width Two Way (ft)
Parallel	12	24
30 & 45 Degrees	12	24
60 Degrees	13	24
90 Degrees	24	24

(h) Bicycle Parking. A location for bicycles to be stored and locked shall be provided in compliance with the requirements of Sec. 3-6.7. Green and Sustainable Standards. Single-family, two-family and townhomes are exempt from this requirement.

(i) Handicap parking. Parking facilities used by the public shall provide parking spaces that are accessible to persons with disabilities.

1. The number, design and location of these spaces shall be in accordance with state statutes, the ADA Design Guidelines, and as listed below, whichever is greater.

2. Parallel parking spaces for persons with disabilities shall be located either at the beginning or end of a block or adjacent to alley entrance. Each such parking space shall be conspicuously marked with blue and shall be posted with a permanent, above-grade sign bearing the symbol of "PARKING BY DISABLED PERMIT ONLY".

3. The minimum parking spaces required for persons with disabilities are provided in Table 18 Handicap Parking Space Requirements.

Table 18 - Handicap Parking Space Requirements

Total Parking Spaces	Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
For the number of required spaces for lots over 400, refer to the Americans with Disabilities Act.	

(j) Parking Calculations. The minimum number of parking spaces for land uses are included in Table 19 Minimum Parking Requirements. Developments providing off-street parking in excess of 200 percent of the requirements of this section shall request a variance in accordance with the LDR and provide substantial additional landscaping. Developers requesting fewer parking spaces or proposing a use not listed shall provide the Village with examples of similar existing developments and their parking calculations.

(k) Mixed Use Parking Reduction. Non-residential development in the mixed-use districts may decrease their parking requirements based on available on-street parking and because the mix of uses encourages visitors to park once and walk within the district.

1. Downtown and Neighborhood Mixed-Use zoning districts may provide 50% of the required parking; and
2. Village Mixed-Use and Canal Mixed-Use zoning districts may provide 65% of the required parking.

Table 19 – Minimum Parking Requirements

Use	Minimum Parking Spaces
Residential Uses	
Single-Family & Two-Family	2 per dwelling unit
Mobile Home	2 per dwelling unit
Accessory Dwelling Unit	1 per dwelling unit
Multi-family	1.5 per dwelling unit, 1 space per unit less than 800 sf, .5 space per unit less than 500 sf
Senior Housing (deed restricted)	.5 per unit
Lodging Uses	
Bed & Breakfast	1 per lodging unit plus 3 for employees/owner
Hotel/Motel/Resort	.5 per lodging unit
Commercial	
Adult Businesses	5 per 1,000 sf of floor area available to patrons
Automobile Sales (new or used)	1 per 20 cars for sale, plus 2 per service bay
Automobile Service/Garage	2 plus 3 per service bay
Bar/Nightclub	5 per 1,000 sf of floor area available to patrons
Boat Sales or Rental	1 per 3 boat slips or 2 per 1,000 sf of floor area
Boat Service/Repair/Maintenance	One per employee, plus 3 spaces
Car Wash	One per employee, plus 3 spaces
Caterer	3 per 1,000 sf of floor area plus company vehicles
Commercial Amusement (Indoor)	1 per 200 sf of floor area available to patrons

Commercial Amusement (Outdoor)	1 per 400 sf of amusement area available to patrons
Convenience Store (4,000 sq. ft. or less, no fuel pumps)	2.5 per 1,000 sf of floor area available to patrons
Day Care, Commercial	1 per employee per largest shift, plus 1 per 10 children/adults in care
Day Care, Family	2 plus 2 for household
Farm Supplies & Implement Sales	2 per 1,000 sf of floor area available to patrons
Financial Institution (chartered and unchartered)	2.5 per 1,000 sf of floor area, excluding vaults
Funeral Home	.5 space per seat, grass overflow parking is allowed
Furniture or Flooring Store	1 per 1,000 sf of floor area
Kennel/Doggy Daycare	1 per employee plus 1 per 500 sf of floor area
Marina	1 per 3 boat slips
Medical Service/Office	2.5 per 1,000 sf of floor area
Movie Theater	1 per 4 seats
Office, Professional	2 per 1,000 sf of floor area
Pawn Shop/Gold Buying Business	2 per 1,000 sf of floor area
Personal Services	2 per 1,000 sf of floor area available to patrons
Pharmacy	2.5 per 1,000 sf of floor area available to patrons
Restaurant	5 per 1,000 sf of floor area available to patrons
Retail Small or Large	2.5 per 1,000 sf of floor area available to patrons
Self Storage/Mini Warehouse	4 spaces near the office
Shooting Range, Indoor	1 per shooting position
Shooting Range, Outdoor	1 per two shooting positions
Stable Commercial/Equestrian Facility	1 space per 5 horses boarded on property
Storage for RVs, Boats, Automobiles & Equipment	4 spaces near the office
Studio for Art, Martial Arts, Fitness & Dance	4 per 1,000 sf of floor area
Veterinary Clinic	2.5 per 1,000 sf of floor area
Community Facility Uses	
Assisted Living Facility	One per employee per largest shift plus 1 per 4 beds
Cemetery/Memorial Garden	15 spaces
Community Center	2.5 per 1,000 sf of floor area
Correctional Facility	1 per employee per largest shift plus 1 per 15 inmates

Golf Course	3 per green
Fire Station	1 per employee per largest shift plus 4
Government Services & Offices	2.5 per 1,000 sf of floor area
Gymnasium/Work out Facility	2 per 1,000 sf of floor area
Hospital	1 per bed
Library	2 per 1,000 sf of floor area
Park	Determined during review process
Place of Worship or Public Assembly	1 per 3 seats in the main meeting area, grass overflow parking is allowed.
Police Station or substation	2 per 1,000 square feet of floor area
School or School Facilities (public or private K-12, vocational & community college)	Public schools per the Florida Department of Education, State Requirement for Educational Facilities. For non-public schools: Elementary and junior high—one space per classroom and one space per five seats in an auditorium; high school (grades 9—12), vocational schools, colleges—five spaces per classroom and one space per six seats in an auditorium, arena, or stadium, whichever requires the greater number of spaces.
Sports Field	25 per sports field, grass overflow parking is allowed
Utility Uses	Parking needs determined during review
Industrial Uses	Parking needs determined during review

(3) Off-street loading.

(a) Multi-family residential and mixed-use development shall provide one loading space for the first 50 dwelling units and 10,000 square feet of gross floor area of non-residential space, and one space for each additional 50 units and/or 20,000 square feet of gross floor area or fraction thereof.

(b) Schools, hospitals, nursing homes, and other similar institutional uses and mid-rise residential uses shall provide one loading space for the first 30,000 square feet of gross floor area or fraction thereof, and one space for each additional 50,000 square feet or fraction thereof.

(c) Auditoriums, gymnasiums, stadiums, theaters, convention centers, and other buildings for public assembly shall provide one space for the first 20,000 square feet of gross floor area or fraction thereof, and one space for each additional 40,000 square feet.

(d) Office and financial institutions shall provide one space for the first 75,000 square feet of gross floor area or fraction thereof and one space for each additional 25,000 square feet.

(e) Retail commercial, service, road service, and commercial entertainment uses shall provide one space for the first 10,000 square feet of gross floor area and one space for each additional 20,000 square feet.

(f) Industrial uses shall provide one space for every 10,000 square feet of gross floor area.

(g) The standard off-street loading space shall be 12 feet wide, 35 feet long with a vertical clearance of 15 feet with sufficient space for maneuvering and ingress and egress. The length of one (1) or more of the loading spaces may be increased up to 55 feet if full-length tractor-trailers must be accommodated.

#### **Sec. 3-4.10. - Renewable Energy Systems.**

Renewable energy systems for production of on-site power usage are permitted accessory structures in every zoning district. Renewable energy systems shall be in compliance with Sec. 3-4.3. Accessory Structures Generally and the following:

(1) Height of any renewable energy system component may be up to ten feet above the maximum building height.

(a) Photovoltaic arrays attached to sloped rooftops shall generally follow the angles of the roof.

(b) Arrays located on flat roofs shall be shielded by parapet walls or architectural features, when possible, to minimize visibility from adjacent rights-of-ways and properties.

(2) Noise generated by any renewable energy component shall not exceed 40 decibels at any property line.

(3) No renewable energy system may create a hazard.

(4) For the purposes of this section, renewable energy systems do not include biofuel production.

#### **Sec. 3-4.11. - Satellite Dishes and Antennas.**

These regulations apply to radio and television receiving equipment for domestic use. They do not apply to amateur radio stations operating under a license issued by the Federal Communications Commission or to commercial dishes and antennas.

(1) Any mast-type antenna less than 30 feet of extended height must receive all required administrative permits. Any antenna exceeding 30 feet of extended height shall require a special exception permit.

(2) No mast -type antennas shall be placed within any required (setback) or closer to the right-of-way than any principal structure except in the Industrial zoning districts.

(3) All dish antenna installations over two feet in diameter shall require a permit and shall meet the following criteria:

(a) All dish antennas shall conform to setbacks required in the district in which such dishes are located.



(b) Dish antennas that are roof mounted shall be mounted so that they will not be visible from the street and shall be certified by a state registered architect or engineer as to wind and roof load.

(c) Dish antennas shall be adequately screened from view by either a vegetative hedge, shrubbery or fencing to prohibit their visibility from any street or adjacent property.

(d) Advertising or identification on the dish shall be limited to the manufacturer's nameplate, not to exceed six (6) square inches in area.

(e) Size:

1. Accessory to a residential use, no dish may exceed three and one-half (3.5) feet.
2. Accessory to a commercial use, no dish may exceed 13 feet in diameter
3. Accessory to an industrial use, size is not limited.
4. Any commercial or industrial dish shall have detailed installation plans, sealed by an architect or engineer registered in the state, and only a state licensed contractor with appropriate licenses shall erect such antenna.

#### **Sec. 3-4.12. - Seawalls and Riprap.**

Seawalls or riprap may be replaced in compliance with the following:

- (1) Land or fill shall not be extended into any waterway beyond the original toe stones or existing seawall.
- (2) The existing contour of the shoreline shall not be altered by excavation or construction; however, deteriorated riprap can be restored. Any proposed placement of fill beyond the existing toe of the riprap is considered a dredge and fill activity and it requires permits from the Stormwater Management District, the State Department of Environmental Protection and the U.S. Army Corps of Engineers and approval by the Village.
- (3) On vacant or redeveloping lots the restoration shall be at a slope not to exceed one foot vertically for every two feet horizontally (1:2). On developed lots the restoration can be at the existing slope.
- (4) Riprap repair permits must be accompanied by a scaled survey showing the existing toe stones and plotted lot line, top of riprap and mean high water line. An as-built scaled survey must be submitted prior to final building inspection.
- (5) Seawall tops or top of riprap shall be a minimum of five and one-half (5.5) feet above mean low water.

#### **Sec. 3-4.13. - Signage.**

These regulations shall apply to the erection and maintenance of signs while preserving the right of free speech and expression. The regulations within this article shall apply to all construction, relocation, enlargement, alteration and modification of signs within the Village of Indiantown.

Generally, signs are approved by issuance of a sign permit. However, there are some signs that do not require a permit, these signs are listed in Sec 3-4.13.(2).

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance, and any sign permitted by this ordinance may display a noncommercial message. Noncommercial signs are subject to the same permit requirements, restrictions on size and type and other conditions and specifications as apply to the sign for which they are being substituted.

Nothing contained in this section shall be construed to permit the display of signs when otherwise prohibited or restricted by private restrictions or covenants not enforced by the Village.

(1) The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this chapter:

(a) Required application and inspection of signs. No sign, other than Signs not Requiring a Permit, found in Sec. 3-4.13.(2), shall be erected, constructed, structurally altered or relocated until a permit has been issued by the Village.

(b) Electrical permit. All signs which require electricity or are electrically illuminated shall require a separate electrical permit and an inspection.

(c) Construction standards. In addition to complying with the requirements of this article, all signs must meet the structural and other standards regarding sign construction, erection, electrical wiring, etc., set forth in the Florida Building Code. Plans for any or monument sign exceeding 32 square feet in area or eight (8) feet in height shall be accompanied by foundation drawings signed and sealed by a licensed engineer.

(2) Signs Not Requiring a Permit. The following signs do not require a sign permit but may require a building permit or electrical permit (if subject to building or electrical codes). Signs listed in this section do not require permits but shall still comply with the standards found in Sec. 3-4.13.(7) General Design and Maintenance Standards. All signs not requiring a permit shall comply with the associated size, timing and location standards listed or shall require a permit.

(a) Addresses, shall be located at all primary building entrances and on the mailbox. Numbers and letters shall be of a size visible from the street, between four (4) and 14 inches in height.

(b) Decorative Signs, signs commonly associated with a holiday, provided that such signs shall be displayed for a period of not more than 60 consecutive days or more than 60 total days in any one year.

- (c) Directional signs or symbols with no advertising, such as entrance, exit, caution, slow, etc. located on and pertaining to a parcel or development and not to exceed four (4) square feet in area.
- (d) Flags, that are not larger than 30 square feet in area and are affixed to a permanent flagpole or building mounted flagpole. Flagpoles may require building permits.
- (e) Interior Signs, signs that are not visible from abutting property or public rights of way.
- (f) Menu Boards, display of a restaurant's fare not to exceed three (3) square feet and containing only a menu of a font size that is legible to a pedestrian.
- (g) Official and Legal Notice signs, that are issued by any court, public body, person or officer in performance of a public duty, or in giving any legal notice, including signs that are required to be posted to give notice of a pending action pursuant to this LDR.
- (h) Parking Signs, including those in compliance with the Americans with Disabilities Act and other parking signs including but not limited to: reserved parking, compact car spaces, expectant mother parking and parking for pickup orders. Not to exceed two and a half (2.5) square feet per parking space.
- (g) Sandwich boards, located within the mixed-use zoning districts only. One sandwich board sign, not exceeding 36 inches in height and 24 inches in width, may be located in front of each non-residential property or tenant space. Any sandwich board signs on a public sidewalk may not be closer than one foot to the curb and a minimum of 36 inches of clear sidewalk must be maintained for pedestrian traffic.
- (h) Signs of Minimal Area.
  - 1. Signs, on a building or structure, which do not exceed one square foot in area. Only one per side of building facing a right of way or adjacent property.
  - 2. Signs on machines, equipment, fences, gates, walls, gasoline pumps, public telephones or utility cabinets which do not exceed a total of .75 square feet in area.
- (i) Single-family residential signs. Single-family residential properties are allowed one non-illuminated ground or wall sign, not to exceed six (6) square feet in area or four (4) feet in height.
- (j) Temporary real estate signs. Where real property is being offered for sale, lease or an open house, one temporary, on-premises nonilluminated sign for

each street frontage is permitted. Signs may not exceed six (6) square feet in area or more than five (5) feet in height.

(k) Temporary construction signs. Where a valid building permit has been issued for a structure, one nonilluminated project information sign, not more than ten square feet in area, one such sign for each parcel.

(l) Traffic Signs and Street Signs.

(m) Warning or Prohibitory Signs (e.g., no parking, no trespassing, no dumping, caution or danger), on a building, fence, equipment, or ground mounted may not exceed 3 square feet in size and no more than six feet in height unless mounted to a building. One (1) of each type of sign is permitted for 250 feet of frontage or portion thereof on a public right-of-way.

(n) Window signs, on commercial properties, when they do not exceed 25% of the area of a window.

(o) Wireless Communication Facilities (WCF) Signs on the main access gate to a tower site, not exceeding six (6) square feet. The sign must include the owner or operator of the facility and an emergency phone number.

Any signs which appear to be out of compliance with these above regulations may be required to submit an application for the sign in question. If the sign is in compliance with the above regulations for signs not requiring a permit, Sec. 3-4.13.(2), the sign will be allowed to remain and no permit fee charged. If the sign is found to be out of compliance with Sec. 3-4.13.(2), it will be reviewed per the appropriate regulations.

(3) Prohibited Signs. The following types of signs are not allowed within the Village of Indiantown:

(a) Signs that extend above the roof of the building.

(b) Signs that may be confused with or hide a public safety, directional or traffic control signs.

(c) Animated Signs, this does not include signs with electronic displays which change intermittently, not more often than every 10 seconds.

(d) Signs that emit sound, odor, visible smoke or vapor.

(e) Snipe signs.

(f) Parasitic signs.

(g) Signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress that would cause a violation of the state building code.

(h) Pole signs.

(4) Measuring Sign Area. Sign area shall be calculated in the following way:

(a) Sign within a framework or background shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure that includes all letters, figures, graphics or other elements of the sign, together with the framework or background of the sign. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in a sign area.

(b) For wall signs, canopy signs or any other type of sign without a frame, the sign area shall be the area within a regular geometric shape that includes all letters, figures, graphics or other elements of the sign.

(c) For double-face or sandwich board signs, the area of the sign shall be calculated based on one sign face.

(5) Permitted Signs in Commercial Districts. For the purposes of this section, commercial districts shall mean a property in Downtown, Village Mixed-Use, Neighborhood Mixed-Use, Canal Mixed-Use, Light Industrial and Heavy Industrial zoning districts.

(a) Freestanding signs. Each business, or group of businesses on a single parcel, fronting on a right of way is allowed a freestanding sign per right of way frontage. A corner lot may have two freestanding signs.

1. Square footage. The sign area shall be based on the width of the right of way frontage where the sign is located:

- a. A maximum sign square footage of 32 square feet is permitted for parcels with less than 125 linear feet of frontage
- b. A maximum sign square footage of 50 square feet is permitted for parcels with between 125 and 250 linear feet of frontage.
- c. A maximum single sign square footage of 80 square feet is permitted for lots with greater than 250 feet of frontage. Where two signs are permitted, the maximum combined sign area shall not exceed 120 square feet in area.

2. Location.

- a. The sign must be located on the same parcel as the business it identifies and be visible from the right of way.
- b. The sign may be within any right of way, with appropriate right of way authorization, and shall be outside of the visibility triangle.
- c. The sign may be no closer than eight (8) feet to any side property line.

3. Height. The total height of a freestanding sign may not exceed eight (8) feet above finished grade, not including berms or raised landscaping beds.

(b) Wall signs, blade/bracket signs, canopy signs and any other signs attached to the building.

1. Square footage. Each business is allowed any combination of signs, attached to the building, that do not exceed a total of one (1) square foot per linear foot of the building's facade width.

i. For a building located 150 feet or less from the right of way, the size may not exceed 60 square feet.

ii. For a building located more than 150 feet from the right of way the square footage maximum shall increase to 100 square feet.

iii. Additional signs for buildings in excess of 40,000 square feet. If the footprint of an individual store exceeds 40,000 square feet in size and contains a store within a store (e.g., bakery, restaurant, pharmacy, etc.), up to four building face signs, in addition to the main sign, may be permitted. The size of these individual sign(s) shall not exceed one square foot of sign area for each linear foot of the retail department's interior façade or 75 percent of the size of the main building face sign, whichever is smaller.

2. Location. Signs shall be visible from the right of way on which the building fronts. When a building fronts on more than one right of way or parking lot on the rear or side of the building, an additional wall sign may be placed at the public entrance on that side. The square footage of additional signs shall not exceed one square foot of sign area for each linear foot of the building's side upon which the sign is placed or 60 square feet, whichever is smaller.

(c) Multiple Tenant Developments. Where more than one (1) business is located on a parcel.

1. Each tenant is allowed any combination of wall, blade/bracket or canopy signs not to exceed one (1) square foot of sign area for each linear foot of the unit's front façade or 60 square feet, whichever is smaller. The front façade of the building shall be considered the side that has the main public entrance.

2. No individual wall sign shall exceed 80 percent of the width of the space occupied by a business, with a minimum of 10 percent clear area on each outer edge of the tenant space.

3. Signs proposed for a multiple tenant development shall be consistent in color, scale, materials and design.

(d) Drive-thru Menu Boards. Where a drive-thru lane is permitted, a menu sign will also be permitted in compliance with the following:

1. The menu board may not exceed 24 square feet and eight feet in height;
2. One electronic sign, with changing text or symbols, may not exceed three (3) square feet.

(e) Temporary Banners. A banner, not exceeding 20 square feet, may be permitted on any property with an approved special or temporary event.

(6) Permitted Signs in Non-Commercial Districts. For the purposes of this section, non-commercial districts shall mean a property in Limited Residential, Single-Family Residential, Rural Residential, Civic Facilities, Utilities, Parks and Open Space and Conservation zoning districts. No sign intended to be read from any public right of way adjoining the district shall be permitted except:

(a) Identification Entrance Sign. One (1) or two (2) monument-style identification signs for each principal entrance to a development, civic facility, park or utility shall be permitted, in compliance with the following:

1. Each sign shall not exceed 32 square feet in area.
2. Freestanding signs shall not exceed a height of:
  - i. Six (6) feet above finished grade, not including berms or raised landscaping beds, if two (2) signs are proposed;
  - ii. Eight (8) feet above finished grade, not including berms or raised landscaping beds, if one (1) sign is proposed;
3. If illuminated, ground-mounted lights shall be concealed by landscaping;
4. Signs may be placed no closer than 10 feet to the right of way property line.

(b) Civic facility and Utility buildings are permitted wall signs in compliance with the following:

1. Total signage square footage shall not exceed 35 square feet;
2. Illuminated signs shall not cause light trespass onto residential properties.

(c) Amenities interior to a residential community intended primarily to serve a residential community are allowed to have amenity signs. In compliance with the following:

1. Signs shall be located interior to the development and shall not be visible from external roadways. In the event of a conflict between this provision and a planned development ordinance, the planned development language shall control. The following amenity signs are allowed:

- a. No more than one (1) ground sign with a height of six (6) feet and a sign area of no more than 12 square feet.
- b. Signs shall be located at the main entrance to the facility and set 10 feet from the property line or right-of-way.
- c. No more than one (1) wall sign with a maximum square footage of 20 feet.;
- d. Illuminated signs shall not cause light trespass onto adjacent properties.

(d) Signs for commercial uses within residential zoning districts

1. Such signs shall follow the requirements for signs within commercial districts, except as follows:

- a. Illuminated signs shall not cause light trespass onto residential properties;
- b. When a commercial development is approved through the special exception process, conditions of the approval should include appropriate sign requirements for the location.

(e) Temporary Banners. A banner, not exceeding 20 square feet, may be permitted on any property for a period not exceeding 30 days in a single year.

(7) General Design and Maintenance Standards.

(a) Blade/bracket signs are permitted in mixed-use districts. Blade signs shall be in compliance with the following:

1. There shall be no more than one sign per public entrance to any given building;
2. The sign(s) shall be positioned at the public entrance(s) of the building;
3. An individual blade/bracket sign shall be no more than 12 square feet in area;
4. The sign shall be mounted so the bottom edge of the sign is not less than eight (8) feet from the finished grade directly underneath it;
5. Blade/bracket signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity and require liability insurance, see Sec 3-4.13.(8) Liability Insurance Required.

(b) Canopy signs.



1. The bottom of the sign or canopy shall not be less than eight (8) feet from the finished grade directly underneath it;
2. Canopy signs that extend over a public right-of-way are subject to the prior approval of the controlling public entity and require liability insurance, see Sec. 3-4.13.(8) Liability Insurance Required.

(c) Lighting. Signs may be illuminated in compliance with the following:

1. Internally illuminated or backlit signs may only allow light to be visible through the letters and symbols which make up the sign. The background of the sign may not transmit light.
2. Externally illuminated signs may not cause glare to passing motorists, pedestrians or adjacent properties. Bulbs, lenses, or globes shall not be visible from outside of the property where the sign is located or from any right-of-way.
3. Sign lighting shall be in compliance with the lighting regulations found in Sec. 3-6.2.

(d) Maintenance. All visible portions of a sign and its supporting structure shall be maintained in a safe condition and neat appearance. If the sign is a lighted sign, all lights shall be maintained in working order and functioning in a safe manner. If the sign is a painted sign, the paint shall be kept in good condition. All signs will be kept in such manner as to constitute a complete sign at all times. The area immediately surrounding ground signs shall be kept clear of all unsightly vegetation or debris.

(8) Liability Insurance Required. No permitted sign located on or projecting over a Village right-of-way shall be erected unless an insurance policy shall have been filed for public liability with a limit determined by the Village.

Such policy shall be issued by an insurance company authorized to do business in the State of Florida and acceptable to the Village Manager. The policy shall name the Village as a co-insured and shall require 30 days' written notice to the Village before modification or cancellation. Such policy shall protect and hold the Village harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, property owner or occupants or their respective agents; or by reason of defects in the construction, or damages resulting from the collapse, failure or combustion of the sign or parts thereof. The policy shall be maintained so long as the sign in question remains erected.

**Sec. 3-4.14. - Solid Waste & Dumpsters.**

Every property within the Village shall maintain trash and garbage within a solid waste container or trash room.

- (1) Each residential property shall have a solid waste standard container;
- (2) Each commercial, multifamily or industrial property shall have a solid waste bulk container of adequate size to accommodate all solid waste produced on site.
- (3) Containers may not be stored closer to the right-of-way than the principal structure and must meet principal structure side and rear setbacks.
- (4) Solid waste bulk containers shall be screened from the right-of-way and adjacent properties by an enclosure with gates which are to be kept closed.
- (5) Solid waste containers and solid waste container storage areas shall be maintained neat, clean and free of refuse at all times.

**Sec. 3-4.15. - Swimming Pools, Swimming Pool Decks and Spas.**

Swimming pools, swimming pool decks, spas and all related equipment shall be permitted in compliance with Sec. 3-4.3. Accessory Structures Generally and the following:

- (1) Swimming Pools, Swimming Pool Decks and Spas, which are not covered by a solid roof and have a walking surface not exceeding four (4) feet above grade, shall be considered an accessory structure.
- (2) Above ground swimming pools without deck surrounds shall be considered accessory structures.
- (3) Swimming Pools, Swimming Pool Decks and Spas, which is roofed or has a walking surface exceeding four (4) feet above grade must meet principal structure setbacks.
- (4) Swimming pools shall be required to have a safety barrier meeting the Florida Building Code requirements. No swimming pool permit shall be issued unless a permit for the safety barrier is also issued. If the area is already enclosed, a permit for the safety barrier will not be required if an inspection of the premises proves the existing barrier to be satisfactory. The safety barrier shall be constructed prior to final inspection and approval by the Village.
- (5) A temporary fence, not less than four feet in height, shall completely enclose a pool under construction. The swimming pool need not be completely enclosed when an adult person is present on the site and actual construction is in process.
- (6) The pool, pool deck, spa and any related equipment must comply with all setback requirements and the impervious coverage of the site.

## **Division 5 – Standards for General and Temporary Uses**

The purpose of this division is to establish standards for uses of property including temporary or subordinate uses.

### **Sec. 3-5.1. - Purpose and Applicability.**

The purpose of this code section is to provide criteria through which certain uses shall be evaluated for permit approval and operated to reduce impacts on adjacent properties and the public. The criteria shall apply to the specific uses contained within this section.

### **Sec. 3-5.2. – Animals & Livestock.**

(a) It is in the best interest of the Village and its citizens to restrict the number, type and location of animals harbored on a residential parcel. Numbers of animals in excess of those provided in this section shall not be deemed to be a reasonable, customary, incidental or accessory use to any residence on a residential parcel regardless of zoning classification.

(1) Dogs and cats. The keeping of dogs and cats is permitted on any residential parcel. Specific regulations can be found in Table 20.

(2) Livestock. The keeping of livestock is only permitted in the Rural Residential zoning district. Specific regulations can be found in Table 20.

(3) Fowl. The keeping of fowl is only permitted in the Rural Residential zoning district. Specific regulations can be found in Table 20.

(4) Reptiles, birds, fish and other animals. The number and types of reptiles, birds and other animals not specifically listed in this section are not regulated by this section provided they are harbored within the residence, properly caged or confined so as not to cause either a nuisance or endanger the health and safety of the public or minors residing within the residence and are not being harbored or raised for commercial purposes. The harboring of reptiles, birds and other animals not specifically listed in this section, outside of the residence on a residential parcel is prohibited. Fish are not regulated by this section provided they are not being harbored or raised for commercial purposes. Commercial purposes shall be deemed to include "for profit" and "not for profit" activities.

(5) Agricultural operations. Nothing contained in this section shall be deemed to permit commercial agricultural operations within a residential parcel, including the raising of animals for sale or slaughter.

(6) Wildlife. Any captive wildlife under the exclusive jurisdiction of the Florida Fish and Wildlife Conservation Commission (FWC) which are harbored within a residential parcel, shall reduce on a one-to-one basis the otherwise allowable number of other animals permitted by this section; provided that this subsection shall not result in less than two, dogs and cats, in combination, from being harbored on the property.

Table 20 - Animal and Livestock

Type of animal	Zoning	Size of Parcel	Number of Animals
Dogs & Cats	Any zoning district with a residential use on the property	less than one half acre, (less than 21,780 sq. ft.)	No more than 5 adult dogs and cats total*
	Rural Residential	One half acre or more (more than 21,779 sq. ft.)	No more than 6 adult dogs and cats total*
Fowl	Rural Residential	less than one-half acre, (less than 21,780 sq. ft.)	Existing Only
	Rural Residential	One-half acre up to one acre (21,780 sq. ft. to 43,560 sq. ft.)	No more than 5 adult fowl*
	Rural Residential	More than one acre (more than 43,560 sq. ft.)	Up to 10 adult fowl* per acre, no more than 20 total
Cattle & Horses	Rural Residential	less than one-and one-half acre (less than 65,340 sq. ft.)	Existing Only
	Rural Residential	One-and one-half acre to two acres (65,340 sq. ft. up 87,120 sq. ft.)	One (1) adult animal **
	Rural Residential	Two or more acres	Up to 2 adult animals** per acre for each acre after the first acre
Goats, Sheep, Llamas & Potbelly Pigs	Rural Residential	less than one acre, (less than 43,560 sq. ft.)	Existing Only
	Rural Residential	One acre up to two acres (43,560 sq. ft. to 87,120 sq. ft.)	2 animals
	Rural Residential	More than one acre (more than 43,560 sq. ft.)	3 animals per acre, for each acre after the first acre, not to exceed 10

Hogs	Rural Residential	2 acres or more	Total of 1 hog per acre, Maximum of 5 adult hogs***
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\* Adult dog, cat, or fowl means an animal over the age of 6 months

\*\*Adult horse or cow means an animal over a year old

\*\*\*Adult hog means an animal over the age of 4 months

Existing Only- means properties where the keeping of animals has historically occurred on this property. The number of animals may not increase above the number that is being kept on property at the time of the adoption of this LDC.

(b) Standards. All animals kept on property within the Village shall conform to the following regulations:

(1) Fencing. Fences shall be erected and maintained to contain livestock kept on premises. Failure to erect and maintain the fence in reasonably good condition shall be deemed a violation of this article. The owner of the property shall, within twenty-four (24) hours of initial contact from the Village, repair or erect a fence or make arrangements for the placement of livestock so as to have the livestock confined. If the fence is not repaired or erected, or arrangements have not been made for the placement of livestock within the twenty-four-hour period, the owner may receive a citation or notice of violation.

(2) Covered enclosures for any animals in the Rural Residential zoning district must meet the dimensional standards of permitted structures, and shall not be placed within 15 feet to any property line of an adjacent property or within 30 feet of any residential structure on adjacent property;

(3) Odors from animals, animal manure or other animal related substances shall not be detectable at the property boundaries. Enclosures shall be adequately ventilated, kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly, and shall not be allowed to accumulate and cause a hazard or nuisance to the health, welfare or safety of humans or animals;

(c) Exemptions from this section may be granted by the Village in compliance with the following:

(1) Any person keeping animals on their property, as of the date of the adoption of this code (insert date), may request an exemption.

(2) The owner of the animals shall notify the Village, on or before (insert date), of the number of animals kept on the property and the size of the property.

(3) This right to continue to possess animals within the Village is a personal right granted in recognition of the bond that develops between humans and animals and is not transferable to any future owner of the property.

(d) Any student with a 4-H or FFA project may request an exemption.

- (1) The request must be accompanied by a letter from the appropriate school official or the 4-H Program Leader.
- (2) A plan for the keeping of the animal shall be submitted. The plan will include
  - a. The location of all structures used for 4-H or FFA project.
  - b. The location, height and material of proposed fencing.
  - c. All accessory structures must be in compliance with these LDRs.

#### **Sec. 3-5.3. - Outdoor Dining.**

A permitted restaurant may provide outdoor dining for customers, in compliance with the following criteria:

- (1) Permitted hours of operation for outdoor dining are from 6:00 a.m. to 12:00 a.m.
- (2) Outdoor dining facilities shall maintain at least a four-foot clear and unobstructed pathway between the seating area and any obstructions on the sidewalk, including, but not limited to, street trees, bike racks, lampposts, sign posts, and other existing fixtures. When located at a street corner, the site visibility triangle (see Sec. 3-6.3.) shall be maintained.
- (3) No portion of an umbrella shall be less than seven feet above the sidewalk or extend into or over the 4-foot pedestrian passageway.
- (4) Individual tables and chairs shall be utilized to allow for removal in the case of the right-of-way being used for public events, construction activity, repair or any other purpose.
- (5) An outdoor dining area shall not extend into the area in front of an adjoining structure without the written consent of the adjoining property owner.
- (6) The outdoor dining area shall be completely surrounded by an architecturally compatible enclosure at least three feet in height which may include plants. No enclosures shall be required if the applicant proposes to limit the seating area to one row of tables and chairs abutting the wall of the establishment.
- (7) The operator shall provide proof of liability insurance coverage in the amount of at least \$1,000,000.00 with the Village named as an additional insured, if located within the public right-of-way.
- (8) Existing restaurants requesting new outdoor seating which is less than 15 percent of the existing interior seating shall be exempt from providing additional parking for the new outdoor seating.

#### **Sec. 3-5.4. - Outdoor Display of Merchandise.**

Outdoor display of merchandise refers to the items which are exhibited outside for sale or rent at a location which is permitted to sell or rent those goods, not to the storage of equipment or materials. (See Sec. 3-5.5. Outdoor Storage).

- (1) Outdoor display areas that are attached to a principal building are allowed when in compliance with the following criteria:
  - (a) Adjacent to a wall of a principal structure, and configured as a walled or decoratively fenced area;
  - (b) Within the area of the lot meeting all principal building setbacks;

- (c) Not located in areas that are required or used for parking or vehicular circulation; and
- (d) Not larger than the area set out in Table 21 Outdoor Display Area.

Table 21 - Outdoor Display Area

<b>Zoning District</b>	<b>Maximum Outdoor Display Area</b>
Downtown	15% of floor area of principal building
Canal Mixed-Use	30% of floor area of principal building
Village Mixed-Use	20% of lot area

- (2) Sidewalk displays, that abut the principal building, are allowed when in compliance with the following criteria:
  - (a) Merchandise is displayed to a height of eight feet or less;
  - (b) There is at least five feet of clear width on the sidewalk for use by pedestrian traffic; and
  - (c) All sidewalk merchandise displays are within 40 feet of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area.
- (3) Display of vehicles sales and rental is a permitted conditional use. See Sec. 3-7.5. – Automotive/boat/truck sales, rental, service and repair for conditions.
- (4) Nurseries, and greenhouses, may display merchandise outside on any part of the lot that meets the principal structure setbacks. Display areas shall be indicated on the site plan and shall not interfere with parking and vehicular circulation areas.

#### **Sec. 3-5.5. - Outdoor Storage.**

Outdoor storage refers to the outside storage of materials or equipment used in production or other course of business, and does not refer to the outdoor display of merchandise (See Sec. 3-5.4. - Outdoor Display of Merchandise). Outdoor storage is permitted as an accessory use to buildings in the Rural Residential (only for lots over two (2) acres), Village Mixed-Use, Canal Mixed Use and Industrial zoning districts, only in compliance with the following criteria or as a primary use:

- (1) Outdoor storage areas shall not be used to dispose of inoperable machines or wastes, store or dispose of hazardous materials, or store or dispose of materials that will create windblown dust or debris or storm water contaminants.
- (2) Rural Residential District, lots over two (2) acres. Outdoor storage areas for agricultural equipment or materials shall be set back 100 feet from public rights-of-way or behind the principal structure and shielded by vegetation or a solid fence from adjacent properties.
- (3) Village Commercial and Canal Mixed Use Districts. Outdoor storage areas are permitted when the outdoor storage area:
  - (a) Is not larger than 10 percent of the floor area of the principal building; and
  - (b) Is screened in one of the following ways:

1. Enclosed by a wall that is designed as part of the principal building's façade and composed of the same materials as the principal building; or
2. Located behind the principal building in relation to the closest public right-of-way and enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view.
  - a. The exterior of the wall or fence shall be landscaped with a continuous hedge around the periphery, except at points of access. The hedges are not required to be the height of the fence but must be a minimum of four (4) in height.
  - b. The location of outdoor storage areas may be limited by the application of the fence height and setback standards found in Sec 3-4.7. Fences, Walls and Hedges, if the fence heights that are allowed in yard areas are not sufficient to completely screen the stored materials from view.

(4) Industrial Districts. Outdoor storage areas are permitted if it is demonstrated that the outdoor storage areas are:

- (a) Located in the buildable area, rear yard, and / or side yard; and
- (b) Screened in one of the following ways:
  1. Views from public rights-of-way are blocked by the principal building; or
  2. The area is enclosed by a wall or opaque fence of sufficient height to screen the stored materials from public view.

**Sec. 3-5.6. - Sales within Public Right-of-Way.**

The sale and marketing of merchandise or goods within the right-of-way is prohibited except for fruits and/or plants grown on the owner's private residential property when the right-of-way is contiguous with the owner's property and traffic is not impeded.

**Sec. 3-5.7. – Temporary Uses and Special Events.**

Except for construction-related uses permitted under the temporary use permit section, no temporary building or structure shall be permitted in the Village unless specifically approved by the Village Council.

(1) Temporary uses:

- (a) A temporary use permit must be obtained for the following uses in compliance with these requirements:
  1. Christmas tree sales lots for up to 45 days prior to the holiday;
  2. All other holiday and seasonal related goods sale lots up to 30 days prior to the holiday or for 30 days during a season;
  3. Temporary promotional activities involving the sale and promotion of goods and services available at a business on the premises, subject to the following:



- a. Activities that obstruct private parking or are held on the adjacent public sidewalk may be held for up to three consecutive days up to three times per calendar year.
- b. Activities that do not obstruct parking and are held on private property may be held for up to ten consecutive days up to three times per calendar year.
- c. Outdoor display of merchandise, not associated with a temporary promotional activity shall be in compliance with Sec. 3-5.4. Outdoor Display of Merchandise.
- d. Live animal sales are prohibited.

4. Garage sales or yard sales, with a maximum of two permits per parcel per year for a maximum of three (3) consecutive days each. Garage sale permits will be free of charge.

5. Other similar uses of a temporary nature.

6. Construction projects which require storage, parking areas, construction trailers, site screening and/or any other temporary activities during construction of the project and which terminate upon completion of the project.

(b) Application for a temporary use permit shall include:

1. A completed application on a form provided by the Village;
2. The required fee;
3. A plan indicating the area and the proposed temporary uses;
4. A complete description of the activities which will occur and the time for which the permit is requested; and
5. A sign permit application and fee, if a banner is proposed.

(c) The director or designee may grant a temporary use permit upon finding that the applicant has complied with the following:

1. Any nuisance or hazardous feature is suitably separated from adjacent uses;
2. Excessive vehicle traffic will not be generated; and
3. A parking problem will not be created.

(d) Each temporary use permit shall be granted for a specific period of time, at the end of which, if the use permitted as a temporary use has not been discontinued, it shall be deemed a violation of the zoning ordinance. A temporary use permit may be cancelled by the Village at any time if the terms of the permit are violated.

(2) Special events:

(a) A special event permit must be obtained for the following uses in compliance with these requirements:

1. Air shows;
2. Art shows;
3. Parades;
4. Carnivals;
5. Concerts;

6. Festivals;
7. Fireworks;
8. Musical presentations
9. Running, walking or bicycling events;
10. Triathlons;
11. Other similar event requiring off-site parking, street closures, sound amplification or use of Village personnel or public property or extended events and sales beyond the time limits provided under a temporary use permit.

(b) Application for a special event permit must be submitted to the Village 60 days prior to the proposed event. This may be waived upon a showing of good cause.

The application shall include:

1. A completed application on a form provided by the Village;
2. The required fee;
3. A plan showing the proposed layout of the site including tents, sanitation, parking and any other important features of the event and any proposed off-site facilities;
4. An estimate of the number of attendees;
5. The location of any amplified music and proposed sound levels;
6. The timeline for the event;
7. Any roadways or sidewalks that will need to be closed; and
8. A sign permit application and fee, if a banner is proposed.

(c) Each application will be reviewed and approved or denied by the director based on the following criteria:

1. The applicant has complied with all required criteria outlined on the permit application form.
2. Sufficient Village support personnel are available to assist in the conduct of the event.
3. Adequate support facilities are available for the event with the support facilities including, but not being limited to, parking, refuse collection, sanitation, lighting and security.
4. No conflict exists with the requested event and other approved and previously scheduled events.
5. The event will not result in the over-utilization of Village facilities.
6. No outstanding balances are due the Village for assistance from previous activities from the applicant.
7. Proposed music or sound is at an acceptable level as specified in the Code of Ordinances.
8. Crowd size has been determined to be a manageable size for the proposed event and site.
9. The event is generally compatible with the character of the Village.
10. The applicant complied with terms and conditions of any previously granted permits.

(d) Village Council approval at a public hearing is required for any event which necessitates street closings, off-site parking, amplified entertainment, Village co-sponsorship, crowd attendance in excess of 1,500 or fireworks display.

(e) Signage associated with a special event shall be included for review and approval with the special event application and may be installed one day prior to the event and shall be removed at the conclusion of the event. Signage is limited to the site of the event. Directional signs may be permitted in the right-of-way adjacent to event site or associated parking area(s) on the day(s) of the event subject to approval.

(f) Where an event restricts access to public parking or generates the need for additional parking, Village Council may allow the owners of properties, within .5 miles of the event, to charge for parking on their private property subject to the following limitations:

1. Signage shall be limited to one sign, not exceeding six (6) square feet, at the entrance to the parking lot for the duration of the event.
2. The property owner cannot charge for or block parking in the right-of-way.
3. The property owner assumes all liability for parking on their private property.
4. Parking must be available, at no charge during the event, for employees or patrons of the businesses or establishments that are on the property or have a legal right to use the private parking on the property.
5. A permit shall be obtained from the Village for each property that chooses to charge for parking. The permit shall authorize the property owner to charge for parking during approved events when the subject property is within .5 miles of the limits of the event site. The permit shall be made available for review in a conspicuous place on-site during the event for inspection by enforcement officials.
6. The approval to charge for parking during events is limited as above and shall not be considered a vested right. The Village reserves the right to discontinue this allowance at any time and to enforce against property owners that do not comply with the LDRs.

(g) Each special event permit shall be valid for a specific period of time and for a specific purpose as indicated on each permit application form. If the applicant fails to fulfill the requirements as set forth in the permit, or if at any time the event does not comply with the specific terms and conditions of the permit and specifications approved by the Village Manager, including but not limited to time and activities, the permit may be cancelled by the Village Manager, or designee, and the activity shall cease immediately.

**Sec. 3-5.8. – Storage of Recreational Vehicles (RVs) and Boats.**

RV and boat storage is allowed as a permitted primary use in Light and Heavy Industrial zoning districts. Storage of one (1) RV and one (1) boat on a property with a single-family or two-family residence is permitted in compliance with the following regulations:

- (1) An RV or boat may be parked in a driveway for up to two (2) weeks in a year, for maintenance, cleaning or preparation for a trip.
- (2) An RV or boat shall be stored to the rear of the front building line from any right-of-way. The RV or boat shall be visually buffered by a privacy fence, masonry wall, trees or shrubs maintained to a height of six (6) feet.
- (3) No more than one (1) RV and one (1) boat shall be parked on any given site.
- (4) Only RVs or boats owned or leased by the occupant or owner of the parcel, or owned or leased by a house guest of the occupant or owner of the parcel may be parked on the site.
- (5) Vehicles and the parking area shall be maintained in a clean, neat and presentable manner and the equipment shall be in a usable condition at all times.
- (6) Such equipment shall, at all times, have attached a current vehicle registration license plate.
- (7) No major repairs or overhaul work on such equipment shall be made or performed on the site (or any other work performed thereon which would constitute a nuisance).
- (8) When parked on the site, such equipment shall not be used for living or sleeping quarters, or for housekeeping or storage purposes and shall not have any service connections lines attached, except as may be required to maintain the equipment and appliances.
- (9) Such equipment shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the state; provided, however, the maximum length shall not exceed 30 feet.
- (10) Such equipment shall be secured so that it will not be a hazard during high winds or hurricane.

**Sec. 3-5.9. - Vehicles for Sale, Noncommercial.**

- (a) Vehicles (including automobiles, motorcycles, recreational vehicles, boats, jet skis, utility or transporter trailers) shall not be displayed for sale in a zoning district that does not allow sale or rental of vehicles as a use, except in compliance with the following:
  - (1) The vehicle displays a valid proof of registration or state license plate easily readable by law enforcement and code enforcement officials.
  - (2) No more than one (1) vehicle may be displayed for sale at any time on any premises and no more than two (2) vehicles may be displayed for sale at any premises for any calendar year, and
  - (3) Vehicles may only be displayed for sale at the current address of the registered owner of the vehicle offered for sale.

(b) Any vehicle in violation of this section shall be towed if not removed immediately by the owner. Vehicle owners will be responsible for all fines, towing fees, storage fees, and any administrative and enforcement fees that result from the enforcement of this section.

### **Division 6 - Design and Performance Standards**

The purpose of this division is to establish supplemental standards for specific uses or for development generally.

#### **Sec. 3-6.1. - Purpose and Applicability.**

The purpose of this division is to provide additional criteria for development within the Village. Some standards are general in nature and applicable to all development within the Village, other standards are intended for specific types of development. All of the criteria is designed to reduce any negative impacts that development may have on neighboring properties and the Village.

#### **Sec. 3-6.2. – Crime Prevention Through Environmental Design (CPTED).**

All new development shall be designed to be consistent with the principles of Crime Prevention Through Environmental Design (CPTED).

#### **Sec. 3-6.3. - Exterior Lighting Standards.**

Exterior lighting intensities shall be controlled to ensure that light spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within property boundaries.

- (1) Exterior lighting shall be controlled to not adversely affect adjacent properties, neighboring areas and motorists.
- (2) Fixtures. Exterior lighting shall be architecturally integrated with the character of the building. Full cut-off type lighting fixtures shall be used to illuminate all site areas, including pedestrian, parking, and circulation.
- (3) Type and shielding standards. Exterior lighting shall be fully-shielded to prevent glare. Any bright light shining onto adjacent property or streets which results in nuisance glare or disabling glare shall not be permitted. The shield or hood must mask the direct horizontal surface of the light source. The light must be aimed to ensure the illumination is only pointing downward onto the ground surface, without any upward light permitted that contributes to sky glow.
- (4) Height. Exterior lighting not attached to structures shall be designed, located and mounted at heights no greater than 25 feet above grade.
- (5) Illumination levels:
  - (a) Nonresidential. Maximum illumination at the property line shall not exceed 0.3 footcandles and 0.01 footcandles, 10 feet beyond the property line. The intensity of illumination for exterior lighting across the site shall not exceed an average of six (6) footcandles measured at grade.

(b) Fixtures shall be placed to provide uniform distribution of light and to avoid excessive glare. Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.

(6) Multi-family residential.

(a) Open parking lots and access thereto shall be provided with a maintained minimum of 1.0 footcandle on the parking surface from dusk until dawn. The uniformity ratio shall not exceed a 12:1 ratio maximum to minimum footcandles.

(b) Alleys shall be provided with a maintained minimum of 0.3 footcandle on the alley surface from dusk to dawn.

(7) Parking and unenclosed areas under or within buildings shall be provided with a maintained minimum of 1.0 footcandle of light on the walking and parking surfaces from dusk until dawn, and the ratio of maximum to minimum illumination in footcandles shall not exceed 12:1.

(8) Flood or spot lamps. Flood or spot lamps shall be aimed no higher than 45 degrees from the point directly below it, when the source is visible from any off-site residential property or public roadway. Depending upon the fixture selected, these flood or spot lamps shall be required to include a glare shield to prevent glare. Any lamp installed on a residential property must be fully shielded such that the lamp itself is not directly visible from any other residential property.

(9) Security lighting. Exterior lighting for nonresidential areas shall be a maximum of 1.0 footcandle from dusk until dawn. This level may be reduced to 0.5 footcandle on non-business days.

(10) Landscape and accent lighting. Uplighting may be utilized for landscape lighting so long as direct light emissions shall not be visible above the roofline or beyond the building edge. Accent lighting shall be directed downward onto the building or object and not toward the sky or onto adjacent properties.

(11) Prohibitions. The use of laser source light or any similar high intensity light for point of sale or entertainment and the operation of searchlights for advertising purposes are prohibited.

(12) Exemptions. Outdoor lighting fixtures on, in or in connection with the following facilities and land use types are exempt from the standards of this section, but voluntary compliance with the intent and provisions is encouraged:

(a) Land owned or operated by the government of the United States of America, the state, the county or the Village.

(b) Lights used by police, firefighting, or medical personnel.

(c) Residential and commercial seasonal decorations using typical unshielded low-wattage incandescent lamps shall be allowed.

(d) Flag poles.

(e) Lighting of radio, communication and navigation towers, provided that the owner or occupant demonstrates that the Federal Aviation Administration (FAA)

regulations can only be met through the use of lighting that does not comply with this section.

(f) Publicly owned sports field lighting.

**Sec. 3-6.4. - Sight View Triangle.**

The sight view triangle is the area adjacent to the intersection of two rights-of-way or the intersection of a driveway and a right-of-way that must be visually clear between two and one-half (2.5) feet and eight (8) feet above the right-of-way grade (see figure 2).

- (1) Right-of-way intersection triangles shall be measured 35 feet from the nearest corner of the intersection (see figure 3).
- (2) Intersection of a driveway and right-of-way site triangles shall be measured 13 feet from each corner of the point of intersection (see figure 3).

Figure 2 - Sight View Triangle, Clear Height

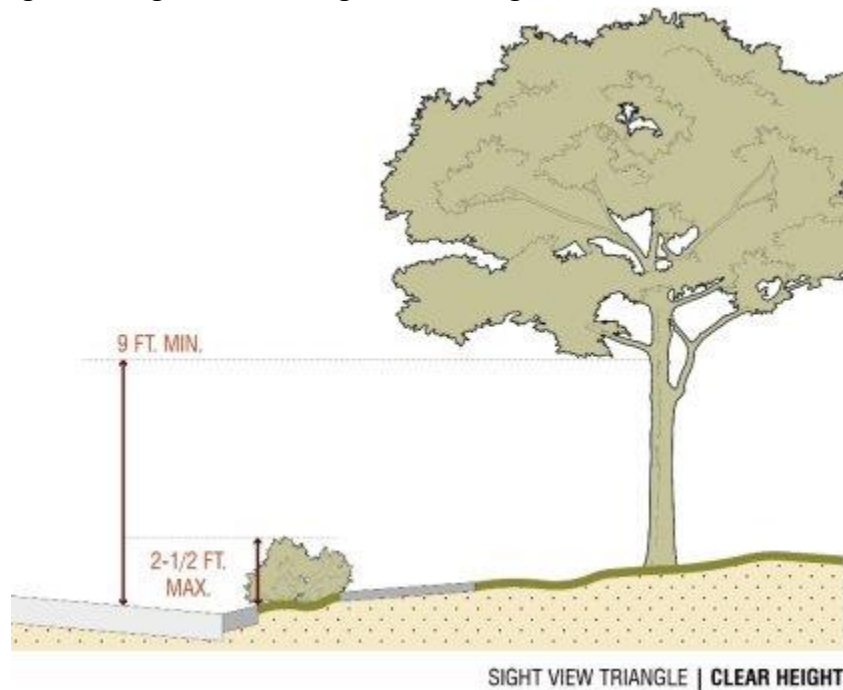
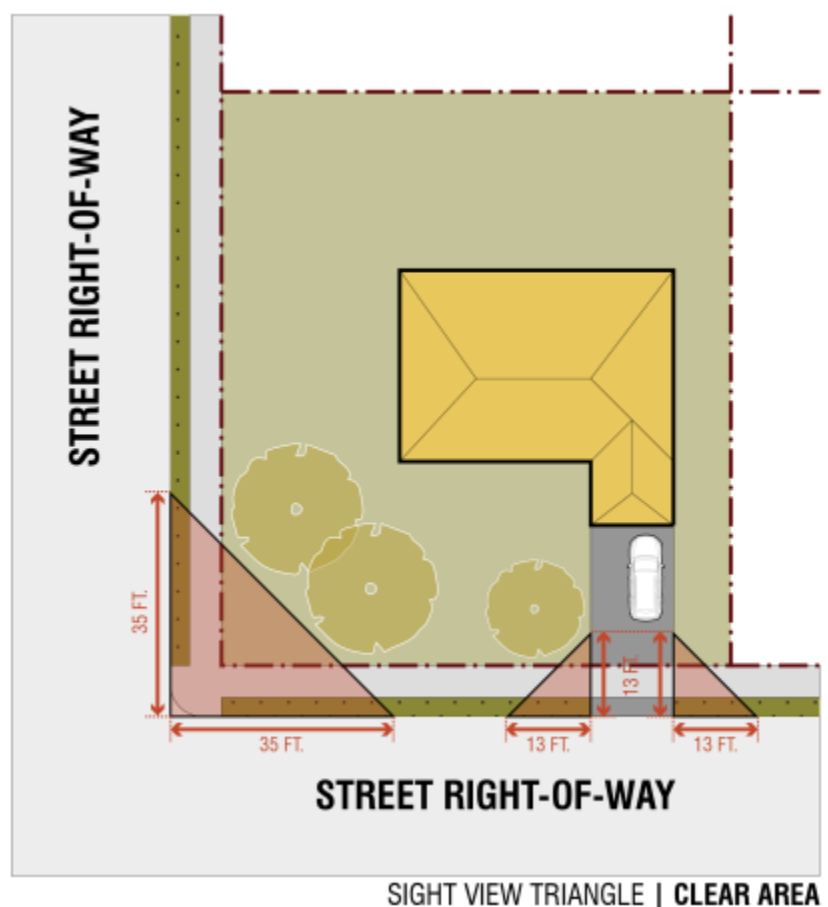


Figure 3 - Sight View Triangle, Clear Area



**Sec. 3-6.5. - Buffers and Landscaping.**

Buffer and landscaping requirements can be found in Article 4 of this LDR.

**Sec. 3-6.6. - Design Standards in Certain Zoning Districts.**

Proposed development or substantial redevelopment shall comply with the Design Standards found in this section when the development or redevelopment is in the following zoning districts: Downtown, Neighborhood Mixed-Use, Village Mixed-Use and Canal Mixed-Use. Development in those zoning districts is intended to encourage walkability and street level activity, and a cohesive visual character.

(1) The following design standards shall apply to development of mixed-use, commercial, or multi-family properties in the above listed zoning districts (for additional specifications and illustrations regarding these design standards, refer to the complete Indiantown Design Regulations):

- (a) Architectural Styles: Permitted architectural styles include Florida Vernacular or Mediterranean Revival (permitted variations of Mediterranean Revival include Mission, Santa Fe or Pueblo).
- (b) Entrances: The main entrance and any minor entrances must be clearly identifiable and have distinct, architectural enhancement.



(c) Façade: A minimum of 50% of a building frontage must consist of an arcade, porch, canopies or second story balconies. Mixed use and non-residential development shall encroach over the sidewalk a minimum of 50% of the length of the building to provide a covered walkway for pedestrians a minimum height of 10 feet and minimum depth of eight (8) feet.

(d) Roofs: multi-pitched roofs are preferred with a maximum of 20% of the roof allowed to be a visible flat roof. A parapet or cornice is required on flat or shed roofs that face a street. Permitted materials include standing seem, barrel tiles and concrete tiles.

(e) Materials: A predominant building material is required. Stuccoed masonry is preferred for Mediterranean Revival architecture and lap siding is preferred for the Florida vernacular. The two materials can be used together. Trim accents are permitted.

(f) Color: Buildings are to have one predominant color which should be light. Pastels are acceptable, dark or bold colors are prohibited. Colors shall be limited to no more than three colors and shall coordinate with neighboring properties.

(g) Site Elements: Site features such as signs, lighting, benches, trash receptacles, bicycle racks and other furnishings must be similar in design and cohesive with the building style. All site elements must be located so as to allow passage of pedestrians.

(h) Vehicle Areas: Parking lots, loading spaces and garage doors must be located to the side or rear of buildings and is not permitted on the waterfront side of a lot in the CMU district.

(i) 360° Design: Where an exterior wall is not directly abutting another exterior wall, architectural features and design components shall be required on all sides.

(j) Civic Open Space: New development within the urban core shall provide and maintain publicly accessible civic open space and associated features to enrich the urban environment.

(2) The following design standards shall apply to development of single-family detached and single-family attached (townhouse, duplex and zero lot line houses) residences in the Downtown, Neighborhood Mixed Use, Village Commercial and Canal Mixed Use zoning districts (for additional specifications and illustrations regarding these design standards, refer to the complete Indiantown Design Regulations):

(a) Architectural Styles: Permitted architectural styles include Florida Vernacular, Florida Bungalow, Caribbean, and Mediterranean Revival (permitted variations of Mediterranean Revival include Mission, Santa Fe or Pueblo).

(b) A front or side porch, a minimum of six (6) feet deep and 10 feet wide, is required.

(c) Garages must be at least five (5) feet behind the front of the house, not including the porch.

- (d) Balconies and porches must have railings and balustrades to match the architectural style.

**Sec. 3-6.7. – Mixed-Use Development Standards.**

Mixed Use development is permitted in Downtown, Village Mixed-Use, Canal Mixed-Use, Neighborhood Mixed-Use and Light Industrial zoning districts. The following are requirements for mixed use projects:

- (1) Mixed use projects shall be comprised of a minimum of 20 percent and a maximum of 75 percent residential.
- (2) Density and intensity of mixed-use developments within these zoning districts shall not exceed, in total, the maximum number of permitted residential units per acre for the zoning district, plus the maximum FAR for the zoning district.

**Sec. 3-6.8. - Green and Sustainable Development Standards.**

These standards are intended to minimize the negative environmental impacts of development and create a more sustainable living environment in the Village.

- (1) All new construction must comply with the following green building requirements:

- (a) Bicycle parking/storage.

- 1. Nonresidential development shall provide a minimum of five (5) secure bicycle parking/storage spaces for each 10,000 square feet of floor area or part thereof. Plus, one (1) per every 5,000 square feet after.
- 2. Multifamily development shall provide secure bicycle parking/storage spaces at a ratio of one parking space for each four (4) residential units, rounded up. The spaces shall be indicated on the site plan and located near the main entrance of each building or the development.

- (b) Exchange of off-street parking for bicycle parking.

- 1. Nonresidential and multifamily development may reduce the amount of required parking in exchange for additional bicycle parking/storage on a one (1) parking space to six (6) bicycle parking/storage space ratio.
- 2. No more than five (5) percent of required parking shall be eligible for exchange.
- 3. The bicycle parking/storage shall be in addition to required bicycle parking/storage space.

- (c) Hybrid electric vehicles and inherently low emission vehicle parking.

- 1. Nonresidential and multifamily development requiring 20 or more parking spaces shall provide an area for parking hybrid electric vehicles (HEV), inherently low emission vehicles (ILEV), and golf carts equal to five percent of the off-street parking required for the site.
- 2. HEV, ILEV and golf cart spaces shall be clearly marked and reserved for such vehicles and shall be located close to the handicapped parking spaces.
- 3. Vehicles parking in these spaces must display a current state division of motor vehicles issued decal.

- (d) Low emitting materials.

1. Nonresidential and/or multifamily development shall incorporate low emitting building or construction materials and substances containing minimal or no levels of volatile organic compounds (low-VOC or no-VOC) for paints, coatings, adhesives, sealants, composite wood and agrifiber products.
2. Alternate products and technologies may be permitted upon written approval by the director.

(e) Water conservation.

1. New residential and nonresidential developments, as well as substantial improvements, must meet the requirements of the South Florida Water Management District, Florida Water Star Program, as may be amended from time to time. Details of the Florida Water Star water conservation program can be obtained through the South Florida Water Management District.

(f) Paving materials.

1. Nonresidential, multifamily and mixed-use development shall use paving materials for sidewalks, courtyards and non-covered parking lots with a minimum solar reflective index (SRI) of 29.
2. As an alternate solution, open grid paver blocks may be used if the open cells are at least 50% of the block area and are vegetated.

(g) Roof finishes.

1. Roof finishes for residential and nonresidential developments shall have a minimum solar reflective index (SRI) of 65 for slopes up to a 2:12 and 25 for slopes greater than 2:12.
2. The minimum SRI shall apply to 75 percent of the roof surface.

(h) Storage and collection of recyclables.

1. Every building shall dedicate an accessible area, serving the entire building, for the collection and storage of non-hazardous recycling materials. Space shall be made available for all materials which are accepted by recyclers, which may include paper, corrugated cardboard, glass, plastic and metals.
2. Such areas shall be a sufficient size to be able to store recyclables for at least one (1) week.
3. Such areas shall be excluded from floor area ratio calculation.

(i) Shower facilities.

1. Nonresidential development may provide one (1) accessible and private indoor shower facility for each building, greater than 10,000 square feet in area, to accommodate employees traveling on bicycles.
2. Such areas shall be excluded from floor area ratio calculation.

(2) Green and sustainable development incentives are available to new development and redevelopment proposed in Downtown, Village Mixed-Use, Canal Mixed-Use and Neighborhood Mixed-Use zoning districts that obtain third party green building certification in compliance with the procedures described in 3-6.7(2)(j). No incentives

provided under this section may exceed the development density or intensity limitations of the applicable future land use designation in the comprehensive plan for a parcel.

(a) Increased gross area per floor. Projects achieving a minimum LEED Silver or other equivalent third party certification, up to 10 percent increase in gross area per floor; projects achieving a minimum LEED Gold or other equivalent third party certification, up to 15 percent increase in gross area per floor; projects achieving a minimum LEED Platinum or other equivalent third party certification, up to 20 percent increase in gross area per floor. The bonus floor area shall not exceed the maximum floor area ratio permitted by the underlying comprehensive plan designation.

(b) Increased height and number of stories. Additional building height up to 12 additional feet and one (1) additional story may be permitted within the Neighborhood Mixed-Use, Canal Mixed-Use, Village Mixed-Use or Downtown zoning district.

(c) Reduction in parking. The applicant may receive a reduction in overall required parking of up to 10 percent. In no instance shall a combination of reductions in parking obtained either via a shared parking agreement or via other applicable sections of the land development regulations allow reductions in parking exceed 20 percent of the required parking for each individual use on the site.

(d) Expedited site and building plan review. The director shall implement a program to expedite the review and approval of site plan and building permit applications for green buildings.

(e) Expedited building inspections. Building inspections for projects participating in the green building incentive program shall be given priority over non-program participants.

(f) Reduced site plan review fee. The applicable site plan review fee shall be equal to 80 percent of the fee required for a non-program participant.

(g) Eligibility for green building award granted by the Village. For the purpose of publicly recognizing outstanding commitment to "green building," the Village shall provide for an award called the "Village of Indiantown Green Building Award" to be awarded annually to a development(s) that participated within the program.

(h) Prior to award. The applicant shall be required to attend a pre-application meeting with the director for the purpose of a review of the proposed certification checklist and detail of proposed credits for certification. The checklist and certification details shall be confirmed through a development agreement or other agreement between the applicant and the Village that the minimum required by the program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. The applicant will provide a performance bond in conformance with the requirements set forth herein.

(i) Reduction in parking for shower facilities. Nonresidential development providing one accessible and private indoor shower facility in each building may receive an overall reduction in the parking requirement of up to 10 percent or a maximum of one (1) parking space or whichever is greater.

(j) Green and Sustainable Development Process. The green and sustainable development incentives, listed in 3-6.7(2), are available to new development and redevelopment proposed in Downtown, Village Mixed-Use, Canal Mixed-Use and Neighborhood Mixed-Use zoning districts. To receive these incentives, applicants shall comply with the following procedures:

1. During the site plan approval process the applicant shall do the following in order to be considered for the green and sustainable development incentives:

a. The applicant must successfully register the project with the Green Building Certification Institute or the state green building coalition, or other third-party certifying agency as approved by the village manager, and provide evidence of the registration.

b. The applicant shall have a minimum of one (1) LEED accredited professional, or other similarly accredited professional, on the design team. The applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team.

c. The applicant must provide a copy of the pertinent credit checklist indicating which credits the project will achieve along with a description, detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED rating system or FGBC designation for the specific building type.

d. Prior to the issuance of the first principal building permit the applicant shall post a performance bond, provide an irrevocable letter of credit from a financial institution authorized to do business in the state or provide evidence of cash deposited in an escrow account in a financial institution in the state in the name of the applicant and the village in an amount equal to five (5) percent of the total cost of the construction in order to secure performance and fulfillment of the applicant's obligation to obtain the applicable level of certification. If the project fails to meet the criteria required for certification by the Green Building Certification Institute or other nationally recognized certifying agency within one (1) year after receiving the Village's certificate of occupancy, the applicant shall either request an extension or forfeit 100 percent of the bond. The applicant, for good cause shown, may request an extension of time of up to one additional year to achieve certification. Such extension may be granted at the sole discretion of the Village Council after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the Village's certificate of occupancy, the applicant shall forfeit 100

percent of the bond. Funds that become available to the Village from the forfeiture of the performance bonds shall be deposited in a green building fund established by the Village.

(3) Green building fund. Funds that become available to the Village from the forfeiture of green performance bond shall be deposited in a green building fund established by the Village. The Village shall use the funds for any of the following: education and training of Village staff; education and outreach for the public; energy efficient improvements to municipally owned properties, including weatherization, lighting upgrades, heating, ventilation and air conditioning upgrades; open space/green space improvements such as rights-of-way tree plantings; traffic calming, pollution mitigation, low impact drainage and sanitary sewer improvements; and any other additional improvements consistent with green building initiatives as deemed appropriate by the Village Council.

**Sec. 3-6.9. - Industrial Performance Standards.**

(a) Any permitted use may be undertaken and maintained if it conforms to all district regulations including these performance standards. No site plan for an industrial use in the Industrial zoning districts shall be approved without a signed and sealed report from an appropriately qualified certified engineer stating that all performance standards will be met. All uses shall operate in conformance with the limitations as set forth in below:

(1) Vibration. No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at any point beyond the lot line. No vibration shall exceed 0.0028g peak measured at or beyond the lot line using seismic or electronic vibration measuring equipment.

(2) Noise. Sound level measurements shall be taken at the boundary line of the zoning district using a sound level meter and an octave band analyzer to measure the intensity and frequency of the sound or noise levels encountered. The sound pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values listed in Table 22, below. The values in the second column shall apply where the boundary line is adjacent to any nonindustrial zoning district, the values in the third column shall apply where the district boundary line adjoins or lies within 25 feet of the boundary of a residential district.

Table 22 - Sound Pressure Decibels

Frequency Band Cycle per Second	Sound Pressure Level Decibels re .0002 dyne/cm <sup>2</sup>	Sound Pressure Level Decibels re .0002 dyne/cm <sup>2</sup> (within 25 ft of residential district)
20-75	69	65
Over 75-150	60	50
Over 150-300	56	43
Over 300-600	51	38
Over 600-1,200	42	30
Over 1,200-2,400	40	30
Over 4,800-10,000	35	26

a. If the noise is not smooth and continuous and is not produced between the hours of 9:00 p.m. and 7:00 a.m., one or more of the corrections in Table 23, below, shall be added to or subtracted from each of the decibel levels given above in Table 22.

Table 23 - Decibel Correction

Type of Operation and Character of Noise	Correction in Decibel
Daytime operation only	plus 5
Noise source operates less than 20 percent of any one-hour period	plus 5*
Noise source operates less than 5 percent of any one-hour period	plus 10*
Noise source operates less than 1 percent of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

\* Apply only one of these corrections.

(3) Air pollution. No air pollution, from any source, shall exceed the limitations of federal and/or state emissions standards or regulations.

(4) Water pollution. All wastewater and runoff from an industrial site shall meet all state and federal standards for effluent and discharge. Stormwater runoff from an industrial site may not be directed to wetlands or waterways.

(5) Odors. Any condition of operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be stopped or modified to remove the odor.

(6) Electromagnetic radiation. It shall be unlawful to operate any intentional source of electromagnetic radiation which does not comply with the regulations of the Federal Communications Commission except that for those generated by governmental agencies and government owned plants. Operation in compliance with the Federal Communications Commission regulations shall be unlawful if radiation causes electromagnetic interference or an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design. The determination of "abnormal degradation in 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 Electronic Industries Association.

(7) Fire and explosion. All activities and storage of flammable and explosive materials shall be provided with adequate safety and firefighting devices in accordance with the Fire Prevention Code and other technical codes adopted by the Martin County Fire and Rescue Department, State of Florida and other appropriate governmental agencies.

(8) Radioactive materials. The handling, discharge into air or water and the disposal of radioactive wastes, shall be in conformance with the regulations of the United States Nuclear Regulatory Commission as set forth in the title 10 Code of Federal Regulations, part 20, Standards for Protection Against Radiation, as amended, from time to time, and all applicable regulations of the State of Florida, and other appropriate governmental agencies.

(9) Glare and heat. No direct or sky-reflected glare, whether from lights or processes, shall be visible at the lot line. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line and shall not exceed applicable governmental agency standards.

### **Division 7 – Conditional Use Regulations**

The purpose of this division is to establish the conditions of approval for all conditional uses.

#### **Sec. 3-7.1. - Purpose.**

There are certain uses which may be constructed, continued or expanded, provided they meet certain mitigating conditions specific to their design and operation. The purpose of these conditions is to ensure the common impacts of certain uses are ameliorated. The use standards are intended to apply to by-right development. Each conditional use shall be permitted in compliance with the conditions listed in this article. If the applicant is unable or unwilling to meet all of the criteria of a conditional use, the use may be approved through the special exception process.



**Sec. 3-7.2. - Evaluation Criteria.**

In evaluating a request for a conditional use, the following evaluation criteria are to apply. It is the applicant's responsibility to justify that each one of the criteria is met. For the purposes of this division, all measurements of distances shall be measured from the nearest point of the proposed conditional use to the nearest point of the existing use or zoning district that the conditional use must be separated from unless specified otherwise within the conditions.

**Sec. 3-7.3. - Adult Business Establishments.**

(a) No adult business shall be permitted except in the Light Industrial zoning district with a conditional use permit.

(b) Exemptions. This section shall not apply to accredited universities, colleges or other educational institutions, art galleries, museums, art exhibits and galleries open to the public; arts and cultural performance theaters and playhouses; or commercial professional photography and portrait studios which may use nude subjects for their photographs or portraits. Such uses shall not be considered adult businesses.

(c) Location. Adult businesses shall be permitted only within the Light Industrial zoning district.

(1) No person shall cause or permit the operation of any proposed adult business use within the following minimum distances from any existing uses specified below:

- a. Places of worship, 500 feet;
- b. School, 500 feet (For purposes of this section the term "school" shall be defined as any premises or site upon which there is a day care center, nursery school, pre-kindergarten, elementary school, middle school, high school or library);
- c. RR, LR, SR, P, CF, D, VMU or MNU zoning districts, 500 feet;
- d. Another adult use, 500 feet.

(2) No more than one adult business establishment use may be located on any one parcel.

(3) Variances to the location standards of this section shall not be allowed.

(4) Certified survey. For purposes of establishing the distance between the adult use and incompatible uses, as set forth above, the applicant requesting the regulated use shall furnish a certified survey from a registered surveyor indicating the distance from the adult use and any incompatible use as set forth above. In case of any dispute, a measurement scaled by the director shall govern.

**Sec. 3-7.4. - Alcoholic Beverage Sales.**

(a) Alcoholic beverage sales for consumption on-site or off-site shall not be permitted upon premises closer than 300 feet from any place of worship or school without approval by the Village Council, with the following exceptions:

(1) When served in the dining room of a restaurant serving cooked full-course meals;

(2) When served in a cocktail bar or lounge as an accessory use in a restaurant serving cooked full-course meals. The bar shall not have a separate entrance than the restaurant and shall be no larger than 25 percent of the gross square footage of the restaurant;

(3) When beer and wine is sold from a grocery store, for consumption off the premises.

(b) Construction or establishment of a place of worship or school within 300 feet of an existing business which sells alcohol shall not cause the business to become nonconforming.

**Sec. 3-7.5. - Automotive/Boat/Truck Sales, Rental, Service and Repair.**

(a) Large surface parking/display lots shall be visually and functionally segmented into several smaller lots. The size of any single lot shall be limited to one and one-half (1.5) acres, unless divided by a street, principal building, or 15-foot landscape buffer area. All areas shall be connected internally with sidewalks and landscaping following the requirements of this code.

(b) No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

(c) Service and repair activities shall operate during regular business hours, no earlier than 7:00 a.m. and no later than 8:00 p.m.

(d) Service and repair activities are not permitted outdoors within 200 feet of a RR, SR or LR zoned property.

(e) Parking, display and storage of vehicles is limited to paved areas.

**Sec. 3-7.6. - Community Residential Home (with 7-14 residents).**

(a) When a community residential home location has been selected by a sponsoring agency in an area zoned to allow multifamily uses, the agency shall notify the Village Manager, in writing, and include in such notice:

(1) The specific address of the site;

(2) The residential licensing category;

(3) The number of residents;

(4) The community support requirements of the program; and

(5) A statement from the district administrator of the license issuing state department indicating:

a. The need for and the licensing status of the proposed community residential home

b. How the home meets applicable licensing criteria for the safe care and supervision of the clients in the home; and

c. The most recently published data compiled that identifies all community residential homes in the district in which the proposed site is to be located.

(b) Review of the use shall be limited to:

(1) The proposed location must be in a zoning district that allows multifamily residential uses;

- (2) The home shall be licensed by the Department of Children and Family Services;
- (3) The home may not be located within a radius of 1,200 feet of an existing community residential home, 1,000 feet of a home with six (6) or fewer residents which otherwise meets the definition of a community residential home or within 500 feet of a single-family zoning district.

**Sec. 3-7.7. - Day Care, Commercial.**

- (a) Child or adult-care centers shall be required to provide a designated drop-off and pickup area, which is not part of the permanent parking for the site. Pickup and drop-off stacking areas may not impact the right-of-way. Paved areas shall not be considered as play areas.
- (b) Child day-care centers shall provide a minimum of 20 square feet of usable floor space per child. Usable floor space refers to that space available for indoor play, classroom, work area or nap space.
- (c) Child-care centers shall provide securely fenced outdoor play area consisting of at least 400 square feet or 45 square feet per child in any group using the play area at one time, whichever is greater. A minimum play area shall be provided for one-half the permitted capacity, but in no case less than 400 square feet. No outdoor play area shall be located in any required front yard. All required play areas should be grassed or mulched. Where the edge of any such outdoor play area is closer than 30 feet to any side or rear lot line, an intervening masonry wall not less than five feet in height shall be maintained along such edge.
- (d) Child-care centers established as accessory uses to another permitted commercial establishments for short-term care of children need not provide outdoor play area.

**Sec. 3-7.8. - Drive-thru Lane.**

- (a) Vehicle stacking area for drive-thru windows shall be located outside of and physically separated from right-of-way of any street. The area shall not interfere with efficient internal circulation of traffic on the site, adjacent property or adjacent street right-of-way.
- (b) Drive-thru window facilities shall be screened from any residential property by a landscape buffer with a minimum width of ten 10 feet, extending along the entire length of the drive-thru queuing or stacking area. A permanent porte-cochere may be constructed over the drive-thru at the service window area. It shall be a minimum of ten feet in width, extend the width of the drive, be integrated structurally into the building, and match the architecture of the building. The porte-cochere may not encroach into the side setback.
- (c) The volume of the customer service speaker, in the drive-thru line, may not exceed 55 decibels at any property line.
- (d) The drive-thru window may not be located on the primary frontage of the building.

**Sec. 3-7.9. - Group Home/Neighborhood Assisted Residences with Six (6) or Fewer Residents.**

Group homes/neighborhood assisted residences are limited to six (6) resident clients on the premises. These shall be allowed in all zoning districts which allow single-family or multifamily residences

- (a) The Village must be notified of the issuance of a state license to operate pursuant to F.S. § 419.001(2).
- (b) The structure used for the group home shall not be located within 1,000 feet of another existing, legally established group home with six (6) or fewer residents or within 1,200 feet of another community residential home with seven (7) to 14 residents. To make this determination, the sponsoring agency shall provide the Village with the most recently published data compiled from the licensing entities that identifies all community residential or group homes within the Village.
- (c) Care services, such as, but not limited to, meals, nursing, or counseling services, shall be provided only to persons living in the home.

**Sec. 3-7.10. - Home Occupation or Live/Work Unit.**

The business conducted as a home occupation or live/work unit must be clearly incidental and secondary to the use of the premises for dwelling purposes and the expectation of quiet enjoyment of residential neighbors takes precedence over the work needs of the business.

- (1) Any home occupation or live/work unit shall comply with the following:
  - (a) The occupation or activity must be conducted entirely within the unit or a customary residential accessory building; and
  - (b) Other than one signs, which meets the sign code found in sec. 3-4.13, no exterior evidence of the business activity shall be visible from the street or surrounding residential areas.
  - (c) No commodities, stores, display of products or equipment used for the business activity shall be permitted outside of an enclosed structure.
  - (d) No equipment or processes shall be used which creates noise, vibration, glare, fumes or odors outside the dwelling unit that are objectionable to the normal senses.
- (2) Home Occupations shall be in compliance with the following:
  - (a) All work is conducted solely by residents of the dwelling; and
  - (b) Not more than 25 percent of the structure is used for such occupation or activity; and
  - (c) Traffic is not generated in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met on site.
- (3) Live/Work units shall be in compliance with the following:
  - (a) The minimum size for each live/work unit is 800 square feet; and
  - (b) Up to two employees or contractors other than members of the immediate family residing in the dwelling may work in a live/work unit; and

- (c) Required parking spaces shall be in accordance with general residential parking standards, plus one (1) space per employee; and
- (d) Commercial uses in live/work units are limited to office, small retail, personal services and studio for art. However, due to the residential nature of live/work units, visits from customers, clients, and suppliers shall average no more than a total of 30 visits per week.

**Sec. 3-7.11. - Kennel/Doggy Daycare.**

Kennels and doggy daycares may be permitted as a conditional use in the Light Industrial and Village Mixed-Use districts subject to the following conditions:

- (1) For kennels where all facilities are 300 feet or more from property that is zoned or used for residential purposes:
  - (a) There are no outdoor dog runs on parcels that are less than one acre in area.
  - (b) Dog runs will be used only during daylight hours.
  - (c) Fences that enclose dog runs are not less than six feet in height.
- (2) For kennels where the facilities are within 300 feet of property that is zoned or used for residential purposes:
  - (a) There are no outdoor dog runs; and
  - (b) The building is soundproofed such that noise generated by the use is not perceptible from the property line.
- (3) Kennel facilities include any structure where animals are kept and any fenced areas where animals are off leash. Measurement shall be from any facility to a property line for a property zoned RR, SR, LR or NMU.

**Sec. 3-7.12. - Medical Marijuana Dispensing Facility.**

Medical marijuana dispensing facilities shall be allowed in any zoning district that permits pharmacies and is in compliance with the following condition:

- (1) The facility shall be located no closer than 500 feet from any public or private school. The distance between school property and licensed premises shall be measured by a straight line connecting the nearest point of the school property to the nearest point of the building of the licensed premises, as documented by a survey prepared by a licensed surveyor and mapper.

**Sec. 3-7.13. - Mobile Food Vendors/Food Trucks.**

- (a) Mobile food vendors (MFV) may be allowed as part of a permitted special event or in compliance with the following regulations.
  - (1) MFV shall be a permissible use within any zoning district which allows a restaurant.
  - (2) MFV shall not operate within two blocks of a school on weekdays from 7:30 a.m. to 5:00 p.m.
  - (3) MFV shall not be operated later than 10:00 p.m. on weekdays and 11:00 p.m. on weekends. Shorter hours may be approved based on location.
  - (4) MFV shall not be permitted to sell alcoholic beverages.

- (5) MFV may operate in the same location for no more than eight (8) hours unless it is part of a special event.
- (6) A certificate of use shall be obtained for each MFV on an annual basis. A certificate of use package for the MFV shall be submitted to the Village's Department of Community and Economic Development. The complete package shall include all of the following information:
  - a. The name and contact information of the person responsible for the maintenance, placement and operation of the MFV;
  - b. A notarized letter, from property owner of record, authorizing the use of the property by the MFV described in the application package;
  - c. Notification and sign-off from the Village CPTED (Crime Prevention through Environmental Design) reviewer;
  - d. A traffic and pedestrian safety plan;
  - e. Hours of operations.
  - f. Copies of state licenses for the MFV.
  - g. Site plan or survey indicating the following:
    - 1. General placement of the MFV.
    - 2. Location of refuse facilities, if not hauled away by the individual MFV.
    - 3. Location of on-site and off-site parking areas.
    - 4. Lighting fixtures, if applicable.
    - 5. Circulation, ingress and egress.
- (7) If it is found that the MFV is operating in a manner inconsistent with the representations made in the application package provided to the department, the director shall have the authority to revoke the certificate of use immediately.
- (8) A certificate of use for a MFV is nontransferable and nonrefundable. The certificate of use shall apply for the designated approved location and for the permit holder for which it was granted.
- (9) A MFV may apply to locate in more than one (1) location
- (b) Operational requirements. The following requirements shall apply during the operation of a MFV in the Village:
  - (1) Vehicles shall comply with all applicable health and sanitary laws of the Village, county and state.
  - (2) The MFV certificate of use holder shall be responsible for keeping the operational area clean. The refuse receptacle shall be adjacent to, but not an integral part of, the mobile food service vehicle.
  - (3) License posting. Every license shall be posted in a conspicuous place in a part of the vehicle to which the public has access by sight.
- (c) No application will be considered for a property or applicant that is the subject of a pending code enforcement action or lien.
- (d) Violation of this section shall result in a daily fine, per violation.

**Sec. 3-7.14. - Non-Chartered Financial Institutions (pay-day lenders, check cashing businesses).**

Any business which has a primary function of cashing checks and providing loans or cash advances, this does not include banks whose primary functions include accepting and safeguarding monetary deposits, will be subject to the following:

- (1) May not be closer than 1,000 feet from any similar business.
- (2) May not have bars on the exterior of windows.

**Sec. 3-7.15. - Pawn Shops & Gold Buying Business.**

Any business that operates exclusively to buy goods and gold from the public, and is not a retail jewelry store, will be subject to the following:

- (1) Must be a minimum of 500 feet from SR, LR and RR Zoning Districts.
- (2) May not be closer than 1,000 feet from any similar business.

**Sec. 3-7.16. - Peddlers and Itinerant Merchants.**

Any business location for an itinerant merchant or peddler shall meet the following criteria:

- (1) The property is zoned NMU, D, VMU, LI.
- (2) The owner of the property has provided written permission for the applicant to use the location.
- (3) The site shall have at least one (1) parking space for the merchant and two (2) parking spaces for customers that are not required for another use on the property.
- (4) Peddlers or itinerant merchants shall not be located on publicly-owned land or on public right-of-way unless authorized by the Village Manager.
- (5) Peddlers and itinerant merchants shall be prohibited from offering for sale, for trade, for free or otherwise offering for exchange any animal(s).
- (6) A restroom facility must be available for use by the merchant and customers.
- (7) The peddler or itinerant merchant must submit a use permit application and a site plan showing the proposed location where goods will be displayed, parking and the restroom. Proposed locations may not be within required setbacks.

**Sec. 3-7.17. - Shooting Ranges.**

The purpose of this section is to specify standards for shooting ranges for indoor and outdoor facilities. Such uses shall be permitted only if they comply with the following:

(1) General Standards

- (a) Noise shall not exceed sixty-five (65) decibels at the property line. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels along a common wall unless specific authorization is provided from the owner of the building waiving the requirement.
- (b) The facility shall be designed to meet and comply with applicable federal and state laws, county, and local ordinances and guidelines, such as but not limited to, the Environmental Protection Agency (EPA), Occupational Safety & Health Administration (OSHA), and National Rifle Association (NRA) Range Source Book

(current edition), the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF) registration requirements, local health department and building code requirements.

(c) The range facility shall not be within 1,000 feet of a school, church, residential home or childcare facility. For the purposes of this subsection, all measurements of distances shall be from the property line of the proposed use to the nearest point on the property line of the existing school, church, home or childcare facility.

(d) The range owner/operator shall submit to the Village prior to operation, and maintain as a condition for operation, a Range Safety Plan that addresses the following items at a minimum and all rules and regulations must be complied with:

1. Firearm Handling Rules:

- i. How firearms will be handled on site in a safe manner.
- ii. Guns shall be stored where they are not accessible to unauthorized persons.

2. General Range Rules:

- i. Range commands.
- ii. Designated range officer.
- iii. Downrange safety measures.

(e) No sport shooting range shall create a nuisance that interferes with others' rights to safety and enjoyment of their own property.

(f) The Martin County Sheriff's Office shall be entitled to perform an inspection of the facility a minimum of two (2) times a year.

(2) Indoor Sport Shooting Ranges when conducted within a permanent, fully enclosed building:

(a) Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets cannot harm range users. Lead exposure shall follow EPA and OSHA guidelines to make sure that the facility is properly ventilated.

(b) Walls and partitions shall be designed to stop all projectiles fired on the range by containing or redirecting bullets to the backstop.

(c) Floors, walls, backstops and ceilings must be able to contain the sound in addition to the bullet fired and be made of an acceptable engineering standard compliant with all standards of this section.

(d) Fully automatic firearms are prohibited. Firearm use shall be limited to .45 caliber or less, provided that the facility is designed to meet all standards listed in this section.

(3) Outdoor Sport Shooting Ranges are permitted in compliance with the following conditions:



- (a) Activities are limited to archery use only.
- (b) The facility may only be open for archery practice during daylight hours.
- (c) A minimum of forty-eight (48) square feet shall be provided for each shooting station with a dimension of eight feet wide by six (8x6) feet deep.
- (d) Target areas and shooting line areas shall be identified on a site plan for target archery.
- (e) Spectator areas shall be separated from the range to prevent anyone from entering the down range area and shall be placed behind the shooting line.
- (f) Backstops shall be placed immediately behind targets and shall consist of materials to keep arrows on-site.
- (g) Restrooms shall be provided within enclosed buildings.
- (h) Berms shall be placed downrange from the target area along with dense vegetation near the property line.
- (i) Target areas shall be setback at least 300 feet from the property line and must be at least 1,500 feet from dwellings downrange. Indoor archery may be permitted as an ancillary use to the outdoor facilities.
- (j) Fencing and gates shall be provided around the shooting range facility to maintain a level of security at the range with a minimum height of 6 eight feet to prevent unauthorized access. Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weather proof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print: DANGER SHOOTING RANGE
- (k) Specific land area requirements:
  - 1. For target archery ranges, a site shall be at a minimum of ten (10) acres in size.
  - 2. For field archery ranges, a site shall be at a minimum thirty (30) acres in size. One acre shall be provided per target.

**Sec. 3-7.18. - Wireless Communication (WC) Facilities and Towers.**

- (a) WC facilities and towers are permitted in compliance with the following requirements:
  - (1) Adequate documentation that co-location on an existing approved tower or on an existing building or structure, has been attempted and is not feasible. Such documentation shall include:
    - a. The results of a designed service study demonstrating to the satisfaction of the Village that the equipment planned for a proposed communication tower cannot be accommodated on an existing or approved and un-built structure.

b. The designed service study analysis shall be based upon a search area radius of three-quarters of a mile minimum distance from the location of the intended WC facilities or tower, including areas outside the Village. At the discretion of the Village, based on the Village's knowledge of existing co-location opportunities, the applicant may provide an affidavit from a professional radio frequency engineer which establishes the search area diameter for the proposed WC facilities or tower location and identifies all other alternatives in the area. Further information may be required by the Village on the ability of the WC facility or tower to be accommodated on specific sites within three-quarters of a mile of the proposed WC facility or tower.

(2) Any determination that co-location is infeasible shall be based upon the results of a designed service study and other evidence from an appropriate licensed professional, provided by the applicant and, with one (1) or more of the following reasons:

- a. Structural limitation. The proposed equipment would exceed the structural capacity of the existing or approved structure and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
- b. Interference. The proposed equipment would cause interference or obstruction materially impacting the usability of other existing or planned equipment at the tower or building and the interference or obstruction cannot be prevented at a reasonable cost.
- c. Insufficient height. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.
- d. Lack of space. Existing towers or other structures within the search radius do not have adequate space to accommodate the proposed facility.
- e. Other factors. Other reasons that make it unfeasible to locate the planned equipment upon an existing or approved tower or building.

(3) Technical consultants. The Village shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for wireless telecommunications facilities or towers and to charge the applicant reasonable fees as necessary to offset the cost of such evaluations.

(4) WC Tower Design Standards. In addition to any other applicable requirements provided elsewhere in these LDRs, an application for a communication tower shall include the following:

- a. Fall zone. In the event of a catastrophic failure or collapse, towers shall be designed to collapse within an engineered fall zone lying wholly within the lot lines of the parent parcel containing the tower. Such fall zone shall be certified by a professional engineer, licensed in the State of Florida.

- b. Setback. A tower may be no closer than 25 feet to any adjacent commercial or industrial zoned parcel and no closer than 50 feet to any adjacent residential zoned parcel.
  - c. Tower design for co-location. A proposed tower shall be designed to allow for future arrangement of antennas, to provide space for antennas to be mounted at varying elevations, and to accommodate co-location.
  - d. Monopoles or stealth. All towers shall be monopoles or stealth design.
  - e. Illumination. A tower shall not be artificially lighted except as may be required by federal or state regulations.
  - f. Surface or finish color. All towers shall be painted or have a non-contrasting finish that minimizes the visibility of the facility from public view, except where contrasting color is required by federal or state regulation.
  - g. Sign. The main access gate in the tower shall have affixed to it a sign not to exceed two feet by three feet in size which displays the owner's or permittee's name and an emergency telephone number.
  - h. Maximum height. The maximum height of towers shall be 100 feet if the tower is designed for one (1) service provider, 120 feet if the tower is designed to accommodate two (2) service providers, or 140 feet if the tower is designed to accommodate three (3) or more service providers.
  - i. Landscape screening. The accessory components to the tower shall be screened from view by shrubs maintained at a height of six (6) feet, immediately adjacent to the fence surrounding the facility and minimum of eight (8) trees planted outside of the shrub buffer.
  - j. Obsolete, unused or abandoned towers and associated facilities shall be removed within 12 months of obsolescence, cessation of use or abandonment. A bond may be required to cover removal of the structure.
- (b) Small wireless facilities (SWF) may be installed on or attached to existing structures, such as wireless or water towers, buildings, light or power poles or other freestanding structures in all zoning districts (inclusive of rights-of-way) except; Single Family Residential (SR), Limited Residential (LR) and Conservation (C). No wireless facilities will be permitted in the SR, LR or C zoning districts unless such placement is compelled by the requirements of the Advanced Wireless Infrastructure Deployment Act or other state regulation.
- (1) SWF may be installed on or attached to Village property if the provider or facility owner obtains a lease or license agreement with the Village.
  - (2) Small wireless facilities (SWF) may be installed on or attached to existing structures in the rights-of-way, with a right-of-way permit, if the provider or facility owner complies with all provisions of this section.
    - a. Equipment cabinets to service SWF in a right-of-way shall be located underground. The placement of equipment cabinets shall not conflict with other public and private utilities in the right-of-way. The location of any

above-ground access to such equipment shall not conflict with pedestrian and handicapped accessibility of sidewalks and shall not be located within the visibility triangle.

b. SWF shall require no personnel on the premises except as necessary for maintenance and repair.

c. A SWF proposed to be located on a historic landmark or in a designated historic district may be denied if the small wireless facility creates a detrimental impact on the historic character of the historic landmark or the applicable district.

d. A SWF may not be placed on the following structures: street signs, street lights and lamps, sign poles, pedestrian crossings, traffic signals, traffic signal poles, traffic signal arms, or on any pole or structure that is less than 15 feet in height.

e. A SWF antenna shall not extend more than 10 feet above the utility pole or structure upon which the antenna is mounted.

f. New poles in rights-of-way must meet the following locational criteria:

1. Shall meet distance requirements as specified by the Public Works Director, the Building Official, the Director of Community and Economic Development or the Fire and Rescue Department for intersections, drives, sidewalks (existing and future), handicapped access in accordance with the Americans with Disabilities Act, protected trees, traffic light poles, energized electric lines, hydrants, and other structures or features that have the potential to affect life and safety with new poles.

2. In RR, SR and LR districts, location is restricted to where the shared property line between two residential parcels intersects the right-of-way, or otherwise in a manner that demonstrates the least impact to access to private property. Where the residential use occupies only one side of the street, the poles shall be placed on the opposite side of the street.

3. In districts other than RR, SR and LR, location is restricted to the area between tenant spaces or adjoining properties where the shared property lines intersect the right-of-way, or otherwise in a manner that demonstrates the least impact to access to private property.