

# **VILLAGE OF INDIANTOWN - Land Development Regulations** [check all font sizes]

## **Chapter 1 – GENERAL PROVISIONS**

### **Sec. 1-1. - Title.**

This Chapter shall be entitled "General Provisions."

### **Sec. 1-2. - Authority**

These land development regulations are enacted pursuant to the requirements and authority of F.S. § 163.3202, Land Development Regulations and the Indiantown Village Charter.

### **Sec. 1-3. - Purpose.**

The regulations set forth herein shall apply to all land, water improvements, structures and uses located or conducted within the municipal boundaries of the Village. The purpose of these regulations is not merely to provide the minimum regulations necessary to facilitate safe and orderly growth, but to also ensure that growth forms an integral part of a community of functional neighborhoods, retail and commercial centers; increases collective security and community identity; and enhances the quality of life for the entire Village to ensure the greatest possible economic and social benefits for all residents.

### **Sec. 1-4. - Intent of Land Development Regulations.**

The provisions of these Land Development Regulations (LDRs) are intended to:

- (1) Establish comprehensive, consistent, effective, efficient and equitable standards and procedures for the review and approval of development that implement the Village's Comprehensive Plan goals, objectives and policies and other adopted plans, respect the rights of landowners and consider the interests of the Village's citizens.
- (2) Foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly and progressive development of the Village in accordance with the growth management plan.
- (3) Specify the duties and responsibilities of the Village in the administration of these LDRs.
- (4) Establish clear, consistent, and certain regulations, procedures and development standards for obtaining development order and permitting approvals for all proposed development in the Village.
- (5) Adopt a development review process that is efficient, effective and equitable.
- (6) Provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

**Sec. 1-5. - Applicability to Development.**

The provisions of these LDRs shall apply to all development in the Village. The provisions of this these LDRs are not applicable to land development projects undertaken by the Village. No development, except as specifically provided in these LDRs, shall be undertaken without prior authorization pursuant to these LDRs.

**Sec. 1-6. - Rules of Interpretation - Generally.**

- (a) All provisions shall be considered as minimum requirements; liberally construed in favor of the objectives and purposes of the Village with predictability, reliability and equity; and deemed neither to limit nor repeal any other powers granted under state statutes or Village Charter. If any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of these LDRs, the Director of the Department of Community and Economic Development, shall be responsible for interpretation and shall look to the Comprehensive Plan for guidance.
- (b) The interpretation and application of the regulations and provisions within these LDRs shall be responsibly and uniformly applied to all property within the jurisdiction of the Village.
- (c) Whenever the regulations within these LDRs vary from the regulations of any other lawfully enacted and adopted rules, regulations, ordinances or laws, the most restrictive shall apply, except if noted herein.
- (d) If, because of error or omission on the zoning map, property within the Village is not shown as being in a zoning district, the classification shall be the least intensive zoning district consistent with its underlying future land use designation until changed by rezoning.
- (e) The language used in these LDRs shall be interpreted according to the following rules.

**Boundaries.** Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:

- (1) Boundaries shown following or approximately following any street shall be construed as following the centerline of the street.
- (2) Boundaries shown following or approximately following any platted lot line or other property line shall be construed as following such line.
- (3) Boundaries shown following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- (4) Boundaries shown following or approximately following any waterways shall be construed as following the centerline of the waterway.
- (5) Boundaries shown following or approximately following any railroad lines shall be construed as following the centerline of the railroad right-of-way.

Computation of time. The time within which an act is to be done shall be computed by consecutive calendar days, unless stated otherwise.

Day means a calendar day, unless a business day is indicated.

Delegation of authority. The Village manager has the authority to delegate to professional level subordinates to perform the required acts or duties unless the terms of the provision or section specify otherwise.

Department means the Department of Community and Economic Development.

District or zoning map means the "Official Zoning District Map."

Lot includes the term "plot" or "parcel" or "tract."

May. The term "may" is permissive.

Number. Words in the singular shall include the plural and words in the plural shall include the singular.

Ordinance/code/land development code. The terms "ordinance," "code," and "land development code" are synonymous and refer to the "Village of Indiantown Land Development Regulations", unless the context clearly indicates otherwise.

Person includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

Shall. The term "shall" is mandatory.

Structure includes the term "building."

Tense. Words used in the past or present tense include the future as well as the past or present.

Transitional Land Development Regulations (LDR): The LDR in place prior to the adoption of this LDR. These were the Martin County LDR as of December 31, 2017.

Village Council means the Village Council of the Village of Indiantown, Florida.

Written, in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year means a calendar year, unless otherwise indicated.

**Sec. 1.7 - Official Zoning District Map**

(a) Establishment and Maintenance.

The Official Zoning District Map is established by these LDRs. It designates the location and boundaries of the various base zoning districts, special purpose zoning districts, overlay zoning districts and planned development districts under the LDRs.

(b) Incorporated by Reference

The Official Zoning District Map, including its entire notation, is incorporated into these LDRs by reference and is on file in the office of the Director of Community and Economic Development for public inspection during normal business hours. The Village may maintain the Official Zoning District Map as an electronic map layer in the Village's Geographic Information System (GIS) database. The official copy of the electronic version of an Official Zoning District Map shall be recorded onto permanent media to ensure all the electronic information is protected.

**Sec. 1-8. - Existing Vested Rights.**

Nothing in these LDRs is intended to repeal, supersede, annul, impair or interfere with any vested rights under applicable law prior to the adoption of these LDRs on [insert date], provided such rights are lawfully established and remain in effect.

**Sec. 1-9. - Deed restrictions.**

No public agency shall be responsible for enforcing any private deed restriction or restrictive covenants. This does not impact public deed restrictions or covenants.

**Sec. 1-10. - Form of ownership.**

These regulations shall be construed and applied with reference to the nature of the use of such property and without regard to the form of ownership.

**Sec. 1-11. - Changes, amendments, or supplements.**

All changes, amendments or supplements to these LDRs and to the official zoning district map shall be adopted in accordance with the provisions of these LDRs, the comprehensive plan and applicable state law.

**Sec. 1-12. – Nonconformities.**

It is the purpose and intent of this section to provide procedures whereby lawful nonconforming structures and uses may be maintained where such maintenance will not have a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present standards to the maximum possible extent.

If a use, structure, sign or site was nonconforming under the Transitional LDR but becomes conforming pursuant to the adoption of these LDRs, it shall no longer be subject to any nonconforming regulations.

If any use, structure, lot of record, sign or site feature was legally established on the date of its development, but does not fully comply with the standards of these LDRs, that use, structure, lot of record, site feature or sign shall be considered nonconforming and subject to the following provisions.

(1) *Abandonment/discontinuation.* For purposes of this section, a nonconforming use shall be considered abandoned or having ceased when discontinued for a period of 180 calendar days or more as indicated by any of the following:

- a. Allowing business tax receipt or certificate of use to lapse.
- b. Removing a utility meter.
- c. Not maintaining structure in a compliant condition.
- d. Not making unit available for occupation (i.e., advertising or marketing through a realtor or other agent).
- e. Failure to perform actions pursuant to the terms of an active building permit; or
- f. Failure to occupy the site.

(2) *Nonconforming use of a conforming building.* The lawful nonconforming use of a building may be continued, although such use does not conform to the regulations of an applicable zoning district within which the building is located. Any such use shall only be changed to a permitted use. A nonconforming use shall not be expanded. If the nonconforming use is abandoned any further use of said building shall conform to the regulations of the applicable zoning district.

(3) *Conforming use of a nonconforming building.* A lawful nonconforming building may be utilized for any use that conforms to the regulations of the applicable zoning district within which the building is located. Structural alterations may only be made when they do not increase the degree of nonconformity of the building but are discouraged.

(4) *Nonconforming use of a nonconforming building.* The lawful nonconforming use of a lawful nonconforming building may be continued although such use and building do not conform to the regulations of the applicable zoning district within which the building is located. However, neither the use nor the building shall be expanded. If the nonconforming use is abandoned, any further use of said building shall conform to the regulations of the applicable zoning district.

(5) *Nonconforming use of land.* The lawful nonconforming use of land may be continued, although such use does not conform to the regulations of the applicable zoning district within which the land is located. However, no such use shall be enlarged, intensified or extended to occupy a greater area of land, nor shall the use be reinstated following abandonment.

(6) *Nonconforming accessory use or accessory building.* A nonconforming accessory use or accessory building may be expanded only if the nonconforming features of that use or structure are not expanded in such a way that would increase the degree of nonconformity. No nonconforming accessory use or accessory building shall continue after the principal use or building is terminated by abandonment, damage or destruction, unless such accessory use or accessory building thereafter is made to conform to the standards for the zoning district in which it is located. No nonconforming accessory use or building shall become or replace any terminated principal nonconforming use or building.

(7) *Maintenance, repairs and renovations.* Any maintenance, repairs, alterations or improvements that do not increase the square footage of a nonconforming building shall be permitted. However, expansion of any square footage or complete demolition of a building shall comply with the provisions of the code.

(8) *Compliance with regulations.* Nothing in this section shall diminish the responsibility of an owner to maintain his use or structure in full compliance with all other Village, county, state or federal regulations or licensing procedures.

(9) *Establishment of nonconformity.* For the purpose of this section, the mere possession of a valid approval to use land or buildings or valid license to do so without actual demonstrable use of such land or structure is an insufficient basis to establish lawful nonconformity.

(10) *Special provisions for specific nonconformities.*

- a. *Nonconformity with stormwater management requirements.* An existing development that does not currently comply must be brought into full compliance with the stormwater management requirements of the Village when the use is changed, intensified or the density or intensity of the development is increased, resulting in a potential increase in stormwater runoff or potential added concentration of pollutants in the runoff.
- b. *Nonconforming Landscaping.* Landscaping which is nonconforming shall be governed under Chapter 4 of these LDRs.
- c. *Nonconformity with parking and loading requirements.* Full compliance with these LDRs shall be required where the seating capacity or other factors controlling the number of parking or loading spaces required is increased by ten percent or more.
- d. *Nonconforming signs.* Signs or sign structures made legally nonconforming under these LDRs shall be governed by Chapter 3.

**Sec. 1-13. - Substandard single-family lots.**

Any lot in a single-family residential district platted prior to the initial adoption of these LDRs on [insert date] shall not be deemed a nonconforming lot for purposes of minimum lot size. Said lot shall be permitted to be developed if all other applicable zoning district regulations in which the lot is located are met.

**Sec. 1-14. - Commercial principal use.**

Only one (1) principal use and up to one (1) accessory use shall be permitted per establishment.

**Sec. 1-15. - Violation of condition or time limitation.**

- (a) A violation of any condition or time limitation of any resolution, development permit or approval shall be considered a violation of this chapter. The violation shall be corrected prior to any public hearing or meeting on the issuance of any subsequent development permit or approval for that project unless a subsequent application seeks to amend the condition or time limitation that has been violated. Unless otherwise specified in the resolution, development permit or approval, an approved use must comply with conditions and time limitations before implementation of the approval, or before receipt of a certificate of occupancy or certificate of completion.

**Sec. 1-16. - Vested rights.**

- (a) Unless otherwise permitted pursuant to subsection (b) of this section, permitted pursuant to section 12-18 (Vested Rights Determination), or allowed to continue as a nonconforming use under section 1-12, all existing, proposed and new development or redevelopment and uses of land in the Village shall conform strictly to the provisions of these land development regulations. Except as expressly provided in these land development regulations, no development and use of land shall be undertaken without prior approval and issuance of a development order pursuant to these land development regulations.
- (b) Pursuant to Sec. 163.3167(3), Fla. Stat., each development order existing before the initial effective date of the Village of Indiantown Comprehensive Plan is hereby incorporated herein, and the density and intensity approved by each such development order existing on the initial effective date of the Village of Indiantown Comprehensive Plan is hereby vested without limitation or modification. These land development regulations shall not impair the completion of a development in accordance with each such respective existing development order.

**Sec. 1-17. - Permits and licenses.**

- (a) A building permit is authorized and may only be issued for a building or structure to be erected, constructed, altered, moved, converted, extended, enlarged or used, or any land or water to be used, in conformity with the provisions of this chapter.
- (b) A license or permit shall not be issued by any department, agency or official of the Village for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would be in violation of any of the provisions of this chapter.

**Sec. 1-18. – Enforcement.**

- (a) It shall be the duty of the village manager, or manager's designee, to enforce the provisions of these. The building official shall not approve any permit for any building or use which would violate any of the provisions of these LDRs. It shall also be the duty of all employees of the Village to report any seeming violations.
- (b) Authorized representatives of the Village shall have access to materials and work sites and shall have the power to stop work pending investigation as to materials, work, trades and use under these regulations.
- (c) When a building is erected, constructed, or reconstructed, altered, repaired, or converted, or any building or land is used in violation of these LDRs, the Village may take any appropriate action to end the violation.
- (d) When deemed necessary by an authorized representative of the Village, a recorded agreement may be required in order to enforce these LDRs.
- (e) No zoning district boundary or regulation change, modification of requirements, special exception, variance, building permit, certificates of occupancy and use, or other permit shall be granted by the village council, village departments or planning, zoning and appeals board except in compliance with the provisions of these LDRs, or an appeal or any court decision.

**Sec.1-19. - Severability.**

It is the legislative intent of the village council in adopting these LDRs that all provisions shall be construed to implement the comprehensive plan and other adopted Village plans, and guide development in accordance with the existing and future needs of the Village as established in these LDRs, and promote the public health, safety and welfare of landowners and residents of the Village. It is also the legislative intent of the village council that if any section, subsection, sentence, clause or phrase of these LDRs is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other provision of these LDRs. The village council hereby declares that it would have adopted these LDRs and any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of these LDRs is declared invalid by a court of competent jurisdiction.

**Sec. 1-20. - Effective date.**

These LDRs shall become effective on [insert date], and repeals and replaces in its entirety the Martin County Land Development Regulations as applicable within the Village of Indiantown.



## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 2 – RULES OF INTERPRETATION AND DEFINITIONS**

#### **Sec. 2-1. – Purpose and Applicability.**

The rules of interpretation and definitions are provided to ensure clarity of meaning for these Land Development Regulations (LDRs). The following rules of interpretation, terms, phrases, words, and their derivations shall have the meaning given herein and shall apply to these entire LDRs.

#### **Sec. 2-2. – Rules of Interpretation.**

In the interpretation and application of these LDRs all provisions shall be liberally construed in favor of the objectives and purposes of the Village and deemed neither to limit nor repeal any other powers granted under state statutes.

(1) Computation of Floor Area Ratio (FAR)- Floor area ratio is calculated by dividing the floor area by the lot area.

(2) Computation of Maximum Residential Density: Maximum density is calculated by dividing the gross land area of a parcel of land (in acres) by the maximum number of dwelling units permitted in the Future Land Use Designation where the parcel is located. When the result of the density calculation is a number that ends in .5 or higher, the total unit count should be rounded up.

(a) Planned Unit Developments (PUD) that cross Future Land Use Districts - To determine density for proposed PUD zoning districts, which include two or more future land use districts, the total maximum density of the applicable residential future land use designations may be distributed within the PUD boundary without regard to the precise boundary line of the underlying land use. In no case shall the blending of densities allow more residential units to be approved than the maximum gross densities allowed by the individual future land use designations.

(b) Mixed Use Developments – The acreage of a parcel to be utilized for residential uses multiplied by maximum density per acre equals the maximum total dwelling units allowed.

(c) Downtown and Village Mixed-Use zoning districts – When determining density within Downtown and Village Mixed-Use zoning districts, units of 800 or fewer square feet shall be counted as one half of a unit.

(3) Computation of Lot Coverage. The Lot Coverage shall be the total of all impervious surfaces on a parcel divided by the total parcel area.

(4) Computation of Building Coverage: The building coverage shall be the total horizontal area of all principal and accessory buildings on a site divided by the site's lot area. Horizontal area means any area under a roof. The term "horizontal area" does not include any area occupied by unroofed structures such as driveways, sidewalks, patios, outside stairways, or open swimming pools, and does not include any area whose roof is screened rather than solid such as swimming pool enclosures.

(5) Measuring Building Height:

Building height shall be measured from the lowest elevation above the existing grade which complies with finished floor elevation requirements established by flood maps or building code and the highest point of the coping of a flat or Bermuda roof, or the mean height level between eaves and ridge for gable, hip, mansard and gambrel roofs.

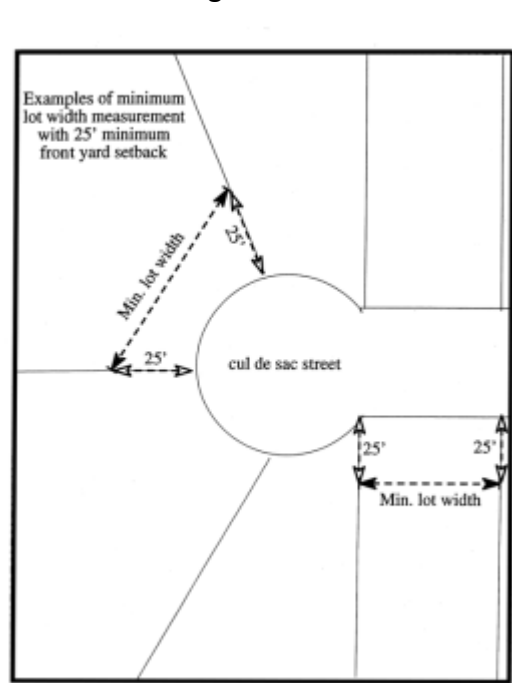
(a) For buildings constructed on a slope, the main entry level will be considered the first finished floor for height measurement purposes.

(b) Allowable structures over maximum building height:

1. Mechanical, elevator and telecommunications equipment, renewable energy system components and stairways may be up to 10 feet over the allowable building height.
2. Uninhabitable architectural features may be constructed up to 20 feet above the allowable building height.
3. Parapet walls and chimneys may be constructed up to 4 feet above the allowable building height, pursuant to the applicable building codes.
4. Wireless telecommunications towers shall not be governed by the zoning district height limits, see Sec. 3-7.18. Wireless Communications Facilities.

(6) Measuring Lot Width: Lot width shall be measured along the straight line which connects the two points located on the side lot lines at a distance equal to the minimum front setback required for the proposed use from the street. See figure 2-2.a.

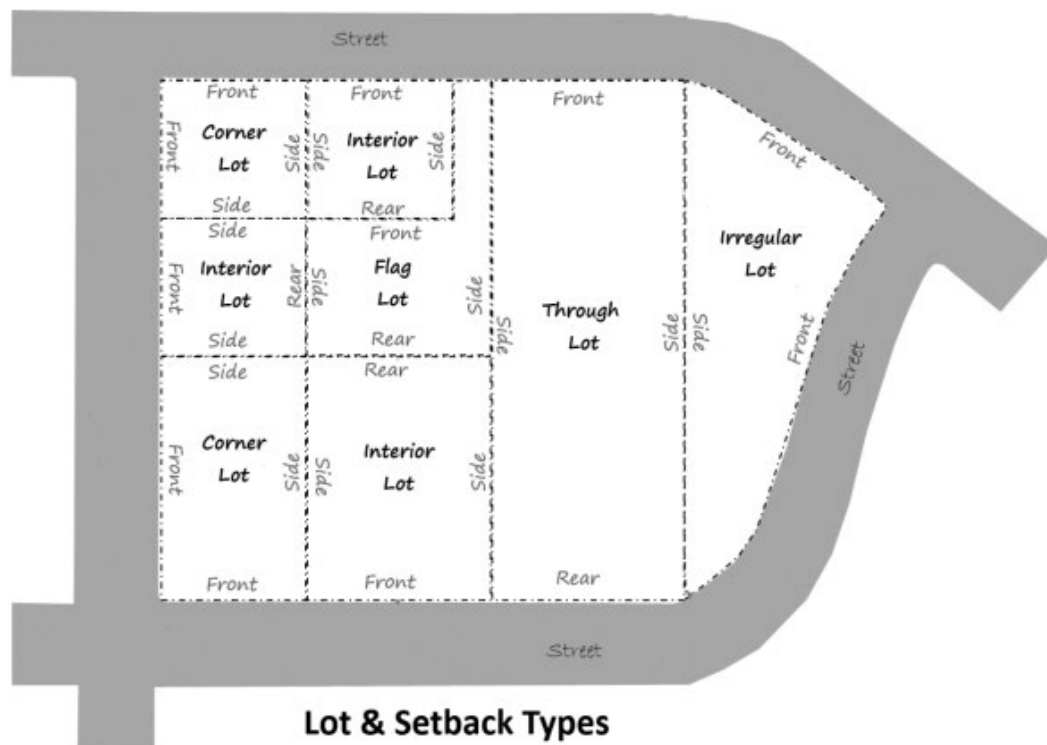
Figure 2-2.a.



(7) Measuring Setbacks: Location of all setback types found in Figure 2-2.b.

- (a) Right-of-Way or Front Setback: The setback shall be measured from the property line which abuts the right of way. In the case of irregularly shaped lots, including cul-de-sacs, the depth may be measured at right angles to a straight line joining the foremost points of the side lot lines, provided the depth of the front yard at any point is never less than 18 feet.
- (b) Where a right-of-way encroaches a property, the right-of-way setback shall be measured from the edge of pavement or sidewalk.
- (c) Rear Yard Setbacks: Where only one right-of-way setback exists, the rear setback will be the line most parallel and distant from the right-of-way frontage.
- (d) Corner Lot Setbacks: Where a property has two adjacent right-of-way frontages, the remaining property lines will be considered sides. The side setback requirement shall apply to those remaining property lines.
- (e) Through Lot Setbacks: Where a property connects two generally parallel streets and is not a corner lot, the right-of-way frontage setback shall be the predominant orientation of surrounding developed lots. Through lots shall have one right-of-way setback and one rear setback.
- (f) Flag Lots: The front setback shall be measured from the front lot line, which is the lot line nearest and approximately parallel to the street the lot accesses.

Figure 2-2.b.



**Sec. 2-3. - Definitions.**

Any words not specifically defined within these LDRs shall assume the meaning as indicated in the latest edition of Merriam-Webster's Collegiate Dictionary by Merriam-Webster, Inc. When the common definition is insufficient, an administrative zoning interpretation may be requested.

**A**

*Abut or abutting:* To share a common property line or boundary at any one point.

*Access:* The means or place of ingress and egress, by pedestrian or vehicle, to a lot or parcel.

*Accessory dwelling:* A living unit, which is subordinate and attached to a single-family residence and could be made available for rent or lease.

*Accessory, use or structure:* A use or structure located on the same lot as, and either detached or attached to, a main use or structure. Accessory uses and structures are customarily incidental, and always subordinate in size or purpose to the main use or structure.

*Adjacent:* To share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

*Adult business establishment:* Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

*Adverse Impacts:* Impacts generated by land alteration or land use, whether permanent or temporary, which, as a result of an environment or hydrological impact analyses, are likely to or have been shown to have a negative impact on any of the following: listed species and their habitat; natural reservations and other areas of protected native vegetation; wetlands; surface or groundwater; natural waterbodies; air quality, and historic or archeological resources identified by the Village of Indiantown, Martin County, regional agencies or the State of Florida.

*Agricultural activities:* Crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and aquaculture for non-invasive species subject to Florida Fish and Wildlife Conservation Commission permits.

*Airport:* Any area designed and set aside for the landing and taking off of aircraft. The term may include facilities for refueling, repair, handling, and storage of aircraft or facilities for passengers and freight.

*Airport hazard:* Any structure or tree or use of land which would exceed the federal obstruction standards as defined by Florida State Statute 333.01, and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft.

*Alley:* A public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

*Alter:* Any change to one or more external features or dimensions of a building or structure; any change to supporting members or bearing walls of a building or structure; any change to lot area or dimensions; and any moving of a building or structure. Any change to the shape, area, or dimensions of required landscaped areas, designated open spaces, parking lots and vehicle use areas, or accessory uses or structures.

*Anchor tenant:* The tenant of a multiple-occupancy commercial structure, which generally occupies a larger square footage than the majority of commercial tenants. Anchor tenants tend to be those tenants, within a multi-use structure, with whom the center may be identified, or which may generate higher volumes of traffic. A multi-occupancy structure may have 1 or more anchor tenants.

*Ancillary:* Uses or activities that provide a support function to the primary use, service or activity.

*Applicant:* The owner of record of property, or authorized agent, making an application or other submission to the Village of Indiantown for approval of development.

*Aquifer:* A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

*Arterial road or street:* A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

*Assisted living facility:* Any building(s), section of a building, section of distinct part of a building, private home, boarding home, home for the aged or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals and one or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator.

*Authorized agent:* Any person authorized in writing by the owner of record to act on the behalf of the owner of record of a particular parcel of land.

*Average daily trips:* A weighted average of the number of vehicle trips or trip ends per unit of independent variable (e.g. trip ends per occupied dwelling unit or employee) using a site's

driveway(s). The weighted average rate is calculated by summing all trips or trip ends and all independent trip variable units where paired data are available, and then dividing the sum of the trip ends by the sum of the independent variable units.

*Awning:* Canvas or other material covering extending from and attached to the facade of a building, without ground supports.

**B**

*Balcony:* A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

*Base flood elevation (BFE):* See Flood elevation, base.

*Berm:* A mound of earth to provide screening or buffering between uses.

*Best Management Practices (BMP) for land disturbing:* Schedule of activity, maintenance procedures, pre-emptive site control measures and other management techniques intended to reduce the discharge of pollutants to waters of the United States.

*Bike lane:* A portion of a roadway which has been designed, constructed and designated by signing and pavement markings in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" requirements.

*Block:* A parcel or parcels of land bounded by public streets (other than alleys), public land, a water body or physical barrier. Also, the land fronting a street between intersecting streets.

*Boatel:* A facility offering transient lodging accommodations normally on a daily rate for boat travelers. These accommodations include wet boat slips, where guests may or may not sleep on their boat.

*Boathouse:* A building or structure used for the storage of boats, watercraft or equipment that is accessory to boats or watercraft.

*Boatyard:* A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including but not limited to rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services.

*Buffer (also, landscape buffer):* Land or a combination of land and vegetation for the separation of one use from another and the alleviation of adverse effects of one use to another.

*Build-to-line:* The line to which a building facade must be built, not a minimum distance.

*Building:* Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind.

*Building coverage:* A percentage figure referring to the portion of a lot area covered by the principal and accessory buildings.

*Building Height:* The vertical measurement from the lowest elevation above existing grade which complies with the finished floor elevation requirements established by flood maps or building code to the highest point of the coping of a flat or Bermuda roof or the mean height level between eaves and ridge for gable, hip, mansard and gambrel roofs.

*Bulkhead:* A retainer wall or structure designed to prevent erosion of land by water action.

## C

*Cabana:* An accessory structure providing shelter for recreational use with or without toilet facilities, not to be used for living quarters.

*Campground:* A lot in single ownership that is developed or intended to be developed for transient occupants dwelling in tents, all types of recreational vehicles and temporary or permanent buildings.

*Church:* See Place of Worship

*Civic and institutional buildings:* Structures developed for or used by established organizations or foundations dedicated to public service or cultural activities including, but not limited to, the arts, education, government and places of worship.

*Clearing:* Any activity which removes the vegetative ground cover, including but not limited to, the removal of root mat or topsoil.

*Cluster development:* A form of development that employs a more compact arrangement of dwelling units by allowing for, or requiring, as the case may be, reductions in the standard or typical lot size and yard requirements of the applicable zoning district, in order to: increase common open space, reduce the overall development area, reduce alterations and impacts to natural resources on the site, to preserve additional native vegetation and habitat areas, and, to reduce the cost of providing services.

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

*Community Facility:* A community use including but not limited to schools, places of worship, community centers, fire stations, libraries, parks and playgrounds, cemeteries or government buildings.

*Community residential home:* A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. (F.S. Chapter 419).

*Compatibility:* A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

*Comprehensive Plan:* The adopted official statement of the Village containing the goals, objectives and policies that lay out the long-term vision for the Village's physical, social, and economic development.

*Concurrency:* A circumstance wherein adequate public facilities, services and infrastructure capacity are provided to maintain the adopted level of service standards.

*Condominium:* That form of ownership of real property which is created pursuant to the provisions of F.S. Ch. 718, as may be revised, under which units or improvements are subject to ownership by one (1) or more owners and an undivided share in common elements.

*Consistency:* Compatibility and agreement with the comprehensive plan. Florida statutes require consistency between the comprehensive plan and implementing documents such as the Land Development Regulations. Consistency exists when the standards and criteria of the comprehensive plan are met or exceeded.

*Control measure:* Any best management practice or stormwater facility or other method used to minimize the discharge of pollutants to state waters.

*Coworking:* An arrangement in which unaffiliated workers share an office space.

*Cul-de-sac:* A street terminated at the end by a vehicular turnaround.

## **D**

*Day Care, commercial:* Any child care center which provides child care for more than five children unrelated to the operator and which receives a payment for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public and nonpublic schools and their integral programs, except as provided in F.S. 402.3025;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and



(e) Operators of transient establishments, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to Florida Statute requirements.

*Day Care, family:* "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, for payment, and meets the definitions of F.S. 402.302(8), as may be amended.

*Deck:* A platform, more than 18 inches above grade, either freestanding or attached to a building, that is supported by pillars or posts.

*Density:* The permitted ratio of residential dwelling units to land area (usually calculated on an acre basis). Density can be calculated on a gross or net acre basis. See Sec. 2-2. Rules of Interpretation, for computation of density on a parcel.

*Density blending:* The distribution of the gross density allowable on a parcel or parcels being developed as a PUD, without regard to the precise boundary lines of the underlying land use. Maximum gross density on the entire property may not exceed that allowed by the combined individual land use designations.

*Developer:* Any person, or entity, including a governmental agency, undertaking any development.

*Development:* Any building activity or mining operation or making any material change in the use or appearance of any structure or land or dividing land into 3 or more parcels. The following activities or uses shall be taken for the purposes of this code to involve "development":

- (a) Construction, reconstruction, alteration of the size or material change in the external appearance of a structure on land.
- (b) The making of any material change in the redevelopment or modification of an existing use or appearance of any structure or land.
- (c) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
- (d) Alteration of a shore or bank of a river, stream, lake, pond or canal.
- (e) Commencement of drilling, except to obtain soil samples, mining or excavation on a parcel of land.
- (f) Demolition of a structure.
- (g) Clearing of land as an adjunct of construction.
- (h) Deposit of refuse, solid or liquid waste or fill on a parcel of land.

*Development agreement:* A voluntary contract between the Village of Indiantown and a person who owns or controls property within the Village, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. Although the agreements are voluntary, once made they are binding on the parties and their successors. Agreement must comply with the requirements of the Florida Local Government Development Agreement Act, §§ 163.3220—163.3243, F.S. as may be amended.

*Development order:* Any order, permit, determination or action granting, denying or granting with conditions, any development or any other official action of the Village of Indiantown having the effect of permitting development as defined in this code.

*Diameter at breast height:* The diameter of the trunk, limb or stem material measured at the point or points of the tree located four and one-half (4½) feet, along the trunk, from where the tree emerges from the ground. In the case of multi-trunked trees, the DBH is measured by the sum of diameters of each trunk at the point or points located four and one-half (4½) feet, along the trunk, from where the tree emerges from the ground.

*Dock:* Any structure built in or over a waterway which may provide a location for mooring a boat or other watercraft.

*Dock facility:* Includes walkways, piers, boathouses, pilings and any other over-water structures associated with the dock.

*Dock master:* A person in charge of a dock used for freight, logistics and repair or maintenance of ships.

*Drainage facilities (also called stormwater management facilities):* Man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures and retention structures.

*Driveway:* A vehicular access or a private road that enables vehicles to travel from a public or private road to the entrance of a public or private property.

*Dumpster:* See Solid Waste Bulk Container.

*Dwelling or residence:* Any building or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently, or temporarily. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

*Dwelling, attached:* A dwelling that is attached to another dwelling, excluding accessory dwellings.

*Dwelling, mobile home:* A structure transportable in one or more sections, which is more than 8 feet in width, is built on a permanent chassis and is designed for use as a single-family residential dwelling unit when connected to the required utilities. If fabricated after June 15,

1976, each section should bear a U.S. Department of Housing and Urban Development (HUD) label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured units meeting the criteria contained in the definition of a modular home and does not include park trailers contained in the definition of recreational vehicles.

*Dwelling, modular home:* A structure transportable in one or more sections, with or without a permanent chassis, which is designed for and used as a residential dwelling unit when connected to a foundation and the required utilities. Fabrication of such units shall comply with F.S. Ch. 553 and the Florida Building Code. A modular home does not include manufactured units meeting the criteria contained in the definition of a mobile home and does not include park trailers contained in the definition of recreational vehicles.

*Dwelling, multifamily:* Three or more dwelling units within one building located on a single lot.

*Dwelling, single-family detached:* A detached building on a single lot containing one dwelling unit.

*Dwelling, townhouse or rowhouse:* A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, located or capable of being located on a separate lot, and having a totally exposed front and rear wall to be used for access.

*Dwelling, two-family:* A structure containing two dwelling units, each of which has direct access to the outside and is located or capable of being located on a separate lot.

*Dwelling, zero lot line single-family:* A single-family dwelling unit which has one or more walls located on or close to one interior side lot line or shares a party wall with another such unit on an adjacent lot.

## ***E***

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

*Educational facilities:* Buildings and equipment, structures and areas that are built, installed or established to serve primarily the educational purposes of the community.

*Environmental quality:* The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of federal, state, and county governments.

*Environmental Impact Statement (EIS):* A document or documents that provide an objective evaluation of the impacts of a proposed development or other alteration of the existing natural conditions on the natural resources, environmental quality and listed species.

*Essential services:* Those services and facilities, including utilities, safety services and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities.

*Excavating:* Any digging, scooping or other methods of removing earth materials.

## **F**

*Facade:* The entire area of an exterior building wall from the ground to the roof or parapet which does not include any elements which extends beyond the wall.

*Farming activities:* See Agricultural activities.

*Filling:* Any depositing or stockpiling of earth materials.

*Final development order:* Any valid, unexpired permit issued by the Village.

*Flood:* A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood elevation, base (BFE):* A flood elevation having a one percent chance of being equaled or exceeded in any given year.

*Flood hazard area, special:* An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone AE.

*Flood prone area:* Any land area susceptible to being inundated by water from any source.

*Floodplain:* An area inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

*Floor area:* The sum of the gross horizontal areas of all of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet (if a flat ceiling) or five (5) feet (if a sloped ceiling), enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and crawl spaces.

*Floor area ratio (FAR):* The calculation of the floor area of all the structures on a lot divided by the lot area. Floor area ratio is expressed as a numerical value. The concept is a measure of development intensity. (See Sec. 2-2. Rules of Interpretation)

*Flowway:* A natural or manmade swath of land, varying in width and length, providing for the conveyance of water, primarily sheet flow, during seasonally wet periods, generally from north to south, and providing beneficial wildlife habitat and aquifer recharge.

*Food truck:* See Mobile Food Vendor.

*Fowl:* Any bird used as food or for egg production which includes, but shall not be limited to chicken, ducks, geese and turkey.

*Fracking:* See Hydraulic Fracturing.

*Fuel pump:* Any self-service or full-service device used for the dispensing of fuel for motor vehicles.

## **G**

*Garbage Can/Container:* See Solid Waste Standard Container.

*Grade:* The average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point six (6) ft. from the building, whichever is closer to the building.

*Grading:* Any excavating, filling, leveling or sloping of earth materials, or any combination thereof, including the land in its excavated, filled, leveled or sloped condition.

*Gross land area:* All contiguous land areas under common ownership, including land to be dedicated for public or private rights-of-way, with the following provisions and exceptions: *Waterbodies.* In cases where land abuts a lake, canal, and all tributaries, the boundary of land shall be delineated as established by state statutes. *Submerged land areas.* No submerged land areas waterward of the boundary described above shall be included in the calculation of gross site area.

*Group home (neighborhood assisted residences with six or fewer residents):* A facility which provides a living environment for a maximum of six unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult congregate living facilities comparable in size to group home are included in this definition. The term “group home” shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes or emergency shelters.

*Guest quarters/guest suites:* An attached or detached room or suite, which could be used as a temporary sleeping accommodation, which is integrated as part of the principal use of the property and does not include a kitchen.

*Guesthouse:* See Accessory dwelling.

## **H**

*Home occupation:* Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, conducted solely by residents of the dwelling and meeting other criteria as described in Chapter 3, Sec. 3-7.10.

*Hydraulic fracturing (also called Fracking):* The process of injecting liquid at high pressure into subterranean rocks, boreholes, etc. so as to force open existing fissures and extract oil or gas.

*Hospital:* A building or group of buildings having facilities for overnight care of one (1) or more human patients, providing medical, surgical and skilled nursing services to inpatients; services include primary and/or urgent care treatment; may include incidental and subordinate facilities.

*Hotel (also motel):* A building or group of buildings offering transient lodging accommodations normally on a daily rate to the general public with or without accessory uses, such as restaurants, meeting rooms or recreational facilities.

## **I**

*Impervious:* Any hard-surfaced, man-made area that does not readily absorb or retain water, including but is not limited to buildings, parking and driveway areas including graveled parking and driving areas, sidewalks, pools and paved recreation areas. The term refers to any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land.

*Impervious surface area:* A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

*Infill development:* The development of vacant or partially developed parcels which are surrounded by or near areas that are substantially or fully developed.

*Infrastructure:* Streets, sidewalks, water and sewer lines and any other utilities necessary to the functioning of a community.

*Intensity:* The level of concentration of activity occurring on a site or in an area. Intensity is usually measured through the calculation of floor area ratio (FAR) but the term is sometimes also used interchangeably with density.

*Itinerant merchant:* See Peddler

## **K**

*Kennel:* An establishment licensed to operate as a facility housing more than five (5) dogs, cats or other household pets.

*Kitchen:* A room in a principal or accessory dwelling or which is used, designed and intended for the preparation and cooking of food.

## **L**

*Land disturbance or land-disturbing activity:* A man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, filling or excavation.

*Landowner:* Any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests, including developer's holding development rights susceptible to claims of vested rights or takings.

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

*Light trespass:* The shining of light that crosses property lines and illuminates adjacent grounds or buildings in an objectionable manner.

*Livestock:* Domesticated animals commonly kept on a farm, including cattle, horses, donkeys, goats, sheep and pigs.

*Live/Work unit:* Buildings or spaces within buildings that are used jointly for permitted commercial uses and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. Additional criteria can be found in Chapter 3, Sec. 3-7.10.

*Loading space:* An area for the temporary parking of a commercial vehicle for pick-up or delivery, loading or unloading of merchandise or goods.

*Lot:* A single area or parcel of land established by plat or by metes and bounds. See Figure 2-3.a. for lot types.

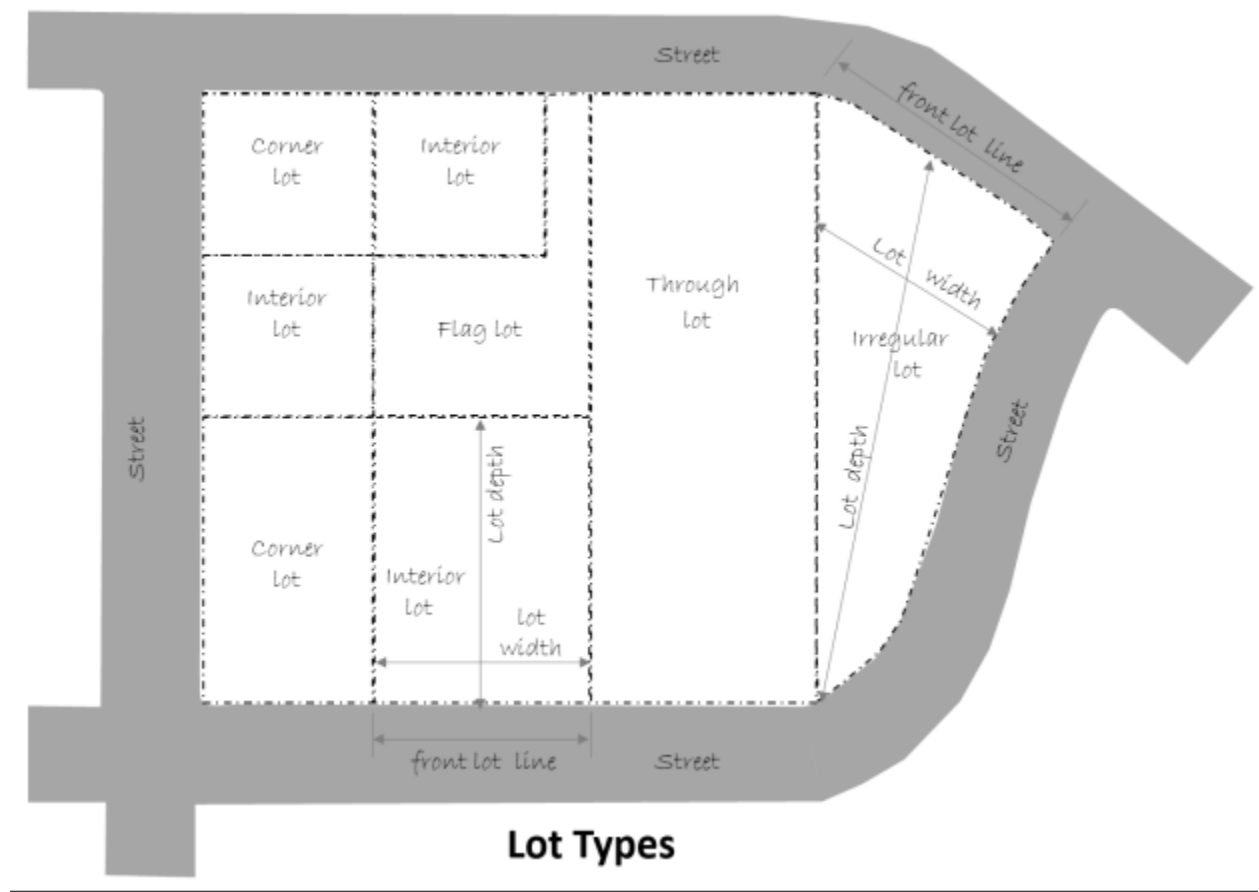
*Lot, corner:* A lot having frontage at the intersection of two streets or a curve, with an angle of less than 135 degrees. In the case of corner lots, the front yard with the shorter street frontage shall establish the required minimum lot width. Corner lots have two right-of-lines and two side lot lines.

*Lot, flag:* A lot so shaped that the main building site area is set back from the street on which it fronts and includes an access strip, less than the minimum lot width, connecting the main building site with the frontage street.

*Lot, interior:* A lot, other than a corner lot, with only one frontage on a street.

*Lot, through:* Any lot that connects two generally parallel streets and is not a corner lot. The primary frontage of a through lot should be determined based on the predominant orientation of surrounding developed lots.

Figure 2-3.a.





*Lot coverage:* The portion of a lot that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parking structures, driveways, roads, sidewalks and any area of concrete or asphalt. In the case of storage yards, areas where materials cover the ground also constitutes impervious surfaces.

*Lot frontage:* The side of a lot abutting on a street; typically, the front lot line.

*Lot line:* The boundary of a lot; the legally defined limits of a lot. Lots lines are further distinguished as follows:

- (a) *Lot line, rear:* The lot line opposite the right-of-way lot line.
- (b) *Lot line, right-of-way:* The line dividing a lot from the street.
- (c) *Lot line, side:* Any lot line which is not a right-of-way lot line or a rear lot line.

*Low impact gardening activities:* Conventional home gardening providing for the needs of individuals and families and not of a commercial nature.

## **M**

*Marina:* A boating facility, chiefly for recreational boating, located on navigable waters, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat house, boat and boat motor sales, and rentals.

*Marine manufacturing:* A facility engaged in the fabrication of watercraft, motors or components of watercraft.

*Maritime activities:* Activities required for, supportive of, or commonly associated with the construction, repair, operation, storage, loading, and unloading of boats, waterfront dock and marinas, navigation aids, boat fuel and equipment supply, ground-level parking incidental to such uses, and other activities the primary purpose of which is to facilitate maritime trade. This definition also includes marine related educational uses, including research and development.

*Mean high waterline:* means the intersection of the tidal plane of the mean high water with the shore as determined in accordance with F.S. Chapter 177, pt. II.

*Medical marijuana dispensing facility:* A facility operated by a Medical Marijuana Treatment Center (MMTC) licensed in accordance with Section 381.986, Florida Statutes by the Florida Department of Health. The services provided at the building or structure used as a dispensing facility includes the dispensing and the delivery of medical marijuana to qualified patients or caregivers.

*Medical services:* The provision of therapeutic, preventive or other corrective personal treatment services by physicians, dentists or other licensed medical practitioners, as well as the

provision of medical testing and analysis services. These services do not include overnight lodging or pain management clinics.

*Mixed-use:* A development that includes non-residential and residential uses on the same development site, building or structure, such as but not limited to residential, office, retail, public or entertainment, resulting in a compact urban form.

*Mobile Food Vendors/Food Trucks:* A vehicle mounted or vehicle towed food cooking and/or preparing establishment designed to be readily movable.

*Mobile home:* Dwelling, mobile home.

*Mobile home park:* A parcel of land under single or unified ownership, which is designed and used for long-term placement of manufactured homes for non-transient residential use; may include accessory services and facilities for the residents of the manufactured home park.

*Monopole communications tower:* A commercial vertical self-supporting tower for nonparabolic antennas with small effective radii.

*Motel:* See hotel.

## **N**

*Non-chartered financial institutions (pay-day lenders, check cashing businesses):* A financial related business which is not a chartered bank, meaning it has not received the government's permission to operate in the financial services industry and safeguard monetary deposits for individuals and organizations, as well as to lend money.

*Nonconformity:* A building/structure, property, or characteristic that lawfully existed prior to the enactment of the requirements of these LDRs but does not comply with the current requirements, such as signs, parking, loading, landscaping, performance standards, setbacks or condition of a use.

## **O**

*Office:* A room or group of rooms used for conducting the affairs of a business, profession, service industry or government.

*Office, administrative:* An establishment primarily engaged in providing internal business office services as opposed to customer service. Generally, the majority of the traffic generated from administrative offices comes from internal employees and not the general public.

*Office, medical:* A building used exclusively by physicians, dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

*Office, professional:* Office space for professionals to work and meet their clients. Businesses typically considered in this category include: accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment services; government offices including agency and administrative office facilities; management, public relations and consulting services; photography and commercial art studios; writers and artists offices outside the home. Professional offices do not typically incorporate a retail component.

*Office, temporary:* A mobile home, modular unit, or space within a permanent structure used as a temporary office facility. Purposes for temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

*Oil and gas exploration:* Activities and facilities involved in the search for and subsequent production testing and field delineation of discovered petroleum and natural gas resources as defined by or used in the context of Florida Statutes and Administrative Code, which may include geophysical exploration activities and surveys, construction of temporary access roads and pads, exploratory drilling and the in-field separation and removal of test production.

*Open space:* Areas that are not occupied by buildings, impervious parking areas, streets, driveways or loading areas and which may be equipped or developed with amenities designed to encourage the use and enjoyment of the space either privately or by the general public. Examples of open space include: areas of preserved indigenous native vegetation; areas replanted with vegetation after construction; lawns, landscaped areas and greenways; outdoor recreational facilities; recreational waterbodies; and plazas, atriums, courtyards and other similar spaces.

*Open space, common:* Those areas within or related to a development, not in individually owned lots, designed and intended to be accessible to, and for the common use or enjoyment of, the residents of the development or general public.

*Outparcel:* A site for a freestanding building or buildings, which is generally related to an original (parent) development tract and is adjacent to a roadway that interrupts the frontage of another lot and is intended or withheld by the developer for development separately from the majority of the original development.

**P**

*Parcel:* Land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

*Park, neighborhood:* Means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

*Passive recreation:* Activities characterized by a natural resource emphasis and non-motorized activities. These activities are deemed to have minimal negative impacts on natural resources; or are consistent with preservation, enhancement, restoration and maintenance goals for the purpose of habitat conservation. Examples of passive recreation include, but are not limited to, bird watching and nature study, swimming, picnicking, hiking, fishing and hunting, where appropriate.

*Pathway:* A defined corridor for the primary use of non-motorized travel.

*Patio:* An exterior, unroofed area, usually made of concrete, brick, or other masonry material, which is elevated less than 18 inches above the surface of the ground.

*Peddler:* Any person who engages in a temporary and transient business selling goods, wares, merchandise, and sells door-to-door from a vehicle or on foot or leases or uses a parking lot of a developed parcel, or space in a structure already occupied by another business for the exhibition or sale of goods, wares or merchandise. This shall not include mobile food vendors or commercial travelers/selling agents who sell their goods to merchants, dealers or traders where same is to become a part of said merchant, dealer or trader's stock in trade in his established place of business in the Village.

*Permeable:* A solid surface which allows natural drainage and migration of water into the earth by permitting water to drain through spaces between the surfaces.

*Personal services:* Enterprises or places of business primarily engaged in the provision of frequent or recurrent personal services, not limited to: barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, massage therapy services, dry cleaning establishments, animal grooming without outdoor kennels and tattoo parlors. These uses may also include accessory retail sales of products related to the services provided.

*Pervious (also pervious surface or pervious area):* Material that allows the percolation or absorption of water into the ground including, but not limited to grass, mulch and stone, not used as a driving surface. Pavers, concrete, asphalt (even those which are called pervious) and limerock are not considered pervious surfaces.

*Pharmacy:* A retail facility that primarily sells prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary, personal care products, limited food products and general merchandise. This type of store may contain drive-through windows.

*Place of worship:* A building or group of buildings and/or structures providing a place of assembly for worship, ceremonies or rituals pertaining to a particular system of beliefs.

*Planned Unit Development:* A unified development that is (1) planned, approved and controlled according to provisions of a binding written document and plans negotiated between a developer and a governmental agency as a special PUD zoning district and (2) approved at a public hearing.

*Porch:* A covered or uncovered, single-story, floor, deck or platform at an entrance to a building, the height of which is eight inches or more above the average level of the adjoining ground.

*Porous:* A surface with "holes or openings" which allows drainage directly through the opening.

*Power plant:* An electrical energy generating facility with generating capacity of more than 50 megawatts and any appurtenant facilities.

*Principal use, building or structure:* The main or primary use on a lot or parcel. Also, the building in which the main or primary use is housed or carried out.

## **R**

*Railyard:* An area of land, a portion of which is covered by a system of tracks, that provides for the necessary functions of a railroad. These uses include but are not limited to storing, weighing and distributing goods, as well as assembly and repair work as necessary.

*Recreational vehicle:* A vehicular-type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailer, truck campers, camping trailers and self-propelled motor homes.

*Redevelopment:* Any demolition and replacement or expansion, addition or major facade change to an existing building, structure or parking facility that will exceed 50 percent of the assessed value of the building or structure.

*Renovation:* Restoration, remodeling, improvement, in whole or in part, of an existing building. If the value of the renovation exceeds 50 percent of the value of the structure, it will be considered redevelopment.

*Resort:* A building or series of buildings under common ownership which provide overnight accommodations and visitor and vacation services. Typical uses include but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses.

*Restaurant:* A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

*Retail store:* Establishments selling commodities directly to the consumer.

*Retail, heavy:* A retail use that involves the sale of a single category of merchandise and is characterized by one or more of the following: 1) outdoor displays larger in area than the footprint of the principal building; 2) lease or sale of goods/equipment to businesses that are permitted in the Industrial district; or 3) sale of goods that are manufactured on-site.

Examples include: 1) Permanent retail operations that are located outside of enclosed buildings; 2) Lumber & building materials; 3) Lawn, garden & farm equipment, and related supplies; 4) Heavy truck or recreational vehicle leasing or sales; 5) Manufactured home sales; & 6) Industrial or construction equipment leasing or sales. (Not included in this definition: Warehouse clubs, superstores & home centers).

*Right-of-way (ROW):* Land in which the state, a county or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

## S

*Self-storage facility:* Buildings where customers lease secure space to store and retrieve their goods. No business shall be conducted or work performed within an individual self-storage unit.

*Setback or setback line:* A line marking the minimum distance between a right-of-way line, lot line, shoreline, bulkhead or other defined location and the beginning point of the buildable area.

*Setback, front:* See right-of-way setback.

*Setback, right-of-way:* The minimum distance from the right-of-way lot line to the nearest point of the allowable principal building measured perpendicular to the right-of-way lot line. Any lot line that abuts a right-of-way shall be considered a right-of-way lot line. When a property has two right-of-way lot lines, the remaining lot lines shall be considered sides and side setbacks shall apply.

*Setback, rear:* The minimum distance from the rear lot line to the nearest point of the allowable principal building measured perpendicular to the rear lot line.

*Setback side:* The minimum distance from the side lot line to the nearest point of the allowable building measured perpendicular to the side lot line.

*Setback, water:* The minimum distance from a property line that abuts a waterbody or waterway to the point of the allowable building line.

*Sewage system, central:* A system for the collection and disposal of wastewater from multiple residences and/or businesses, including pipes, pumps, tanks, treatment plants and other appurtenances which comprise the system.

*Sewage system, on-site:* A system designed to serve 1 dwelling unit, comprised of pipes, tanks and a subsurface absorption field, or other approved treatment device, for handling and disposing of wastewater.

*Shooting range, indoor:* The use of a structure for archery and the discharging of firearms for the purposes of target practice or occasional competitions.

*Shooting range, outdoor:* The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting or occasional competitions. Excluded from this definition are general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

*Shopping center:* A group of unified commercial establishments built on a site which is planned, developed, owned or managed as an operating unit and related in its location, size and type of shops to the trade area that the unit serves.

*Sidewalk:* That portion of a right-of-way or crosswalk, paved or otherwise surfaced, intended for pedestrian use and also bicycle use.

*Sign:* A communication device, structure or fixture, on any surface, that incorporates graphics, symbols or written copy intended to promote the sale of a product, commodity or service, or to provide direction or identification for a premises or facility.

*Sign, back-lit:* A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

*Sign, blade/bracket:* A typically small, pedestrian-oriented sign that projects perpendicular from a structure (blade sign) or is hung beneath a canopy (bracket sign).

*Sign, banner:* A sign applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing

*Sign, canopy or awning:* A sign that is mounted, painted or attached to a canopy or awning.

*Sign, changeable copy:* A sign designed to allow the changing of copy through manual, mechanical or electrical means including time and temperature.

*Sign copy:* Any combination of graphics, numerals, symbols, insignias, text or combination thereof which is primarily intended to advertise, identify or notify.

*Sign, double-face:* A sign constructed to display its message on the outer surfaces of two identical and opposite planes, at an angle of 60 degrees or less.

*Sign, directional:* A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.

*Sign, drive-thru menu board:* A permanently mounted sign displaying the bill of fare for a drive-through restaurant.

*Sign, freestanding:* A sign not attached to or painted on a building, but which is affixed to the ground.

*Sign, government:* A sign erected and maintained by or on behalf of the United States, the state, the county, the Village, or other governmental agency for the purpose of regulating traffic or for civic purposes.

*Sign, internal:* A sign that is not intended to be viewed from outside the property, and located so as not to be visible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums and similar structures of a recreational nature.

*Sign, menu:* A copy of a restaurant's menu which is displayed exterior to a restaurant allowing pedestrians to view offered fare.

*Sign, monument:* A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above adjacent grade and supported primarily by a solid structural feature other than support poles.

*Sign, multitenant:* An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

*Sign, parasitic:* A sign affixed to a sign structure which is in addition to signs specifically designed for said sign structure.

*Sign, pole:* A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

*Sign, real estate:* A sign pertaining to the sale or lease of the premises on which the sign is located.

*Sign, sandwich board:* A movable, A-frame sign not secured or attached to the ground or surface upon which it is located.

*Sign, snipe:* An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or to other objects.

*Sign, subdivision identification:* A permanent on-premises sign identifying a vehicular entrance to a subdivision, residential complex or institutional use.

*Sign, wall:* A sign mounted flat against and projecting less than 14 inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.



*Sign, window:* A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

*Signage plan:* A graphic representation showing a comprehensive detail of all signage proposed for a particular lot or development.

*Site plan:* A graphic representation along with supportive information and data depicting a development.

*Solid waste:* Garbage, refuse, yard trash, clean debris, white goods, special waste, ashes or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Solid waste bulk container:* Any watertight, portable nonabsorbent container equipped with a watertight lid or cover, which is used to store 2 or more cubic yards of solid waste emptied by mechanical means.

*Solid waste disposal facility:* A facility designed and utilized for the disposal of garbage, refuse, rubbish, sludge from wastewater treatment works, water supply treatment plants, or air pollution control facilities, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

*Solid waste standard container:* A watertight container made of nonabsorbent material provided with a closely fitting watertight cover, with handles and of 32 gallons or less gross capacity, or a sealed plastic bag of adequate strength to contain the waste materials therein.

*Solid waste transfer station:* A structure used to store or hold solid waste for transport to a processing or disposal facility. It does not include compactor units, permanent dumpsters, recycling collection stations and other containers from which such wastes are transported to a landfill or other solid waste management facility.

*Stable/equestrian facility, commercial:* A property used for commercial riding stable open to the general public. This may include boarding of livestock not involved with current breeding or training; training involving groups of five or more students; fields or arenas used for scheduled, public or club events; and guided group trail rides.

*Stormwater.* Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff and surface runoff and drainage.

*Stormwater Pollution Prevention Plan or SWPPP.* A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that reasonably may be expected to affect the quality of stormwater discharges from the construction

site. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

*Story:* That portion of a building included between a floor which is calculated as part of the building's habitable floor area and the floor or roof above it.

*Street:* A public or approved private thoroughfare, including the right-of-way, which affords the principal means of ingress/egress to abutting property. The term street includes lanes, ways, places, drives, boulevards, roads, avenues or other means of access, regardless of the descriptive term used.

*Structure:* Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including buildings, towers, smokestacks, utility poles and overhead transmission lines.

*Studio, Artist:* Workspace for one or more artists or artisans, including the accessory sale of art produced on the premises.

*Studio, Dance, Fitness or Martial Arts:* a space in which students learn or practice a form of dance or physical fitness led by instructors.

*Subdivision :* The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions and re-subdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

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

*Substantial improvement:* Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a historic structure.

## ***T***

*Tower:* A structure for the primary purpose to raise the height of an antenna.

*Townhouse, Rowhouse:* See Dwelling, townhouse or rowhouse.

## **U**

*Utilities:* All lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunications, and telephone cable, and includes facilities for the generation of electricity.

## **V**

*Vegetation, exotic:* A plant species introduced to Florida, purposefully or accidentally from a natural range outside of Florida. The terms Exotic vegetation and Nonnative vegetation are interchangeable. Exotic vegetation includes Naturalized Vegetation, and Category I and Category II Invasive Exotics listed by the Florida Exotic Pest Plant Council (FLEPPC).

*Vegetation, native:* Native vegetation means native Floridian species as determined by accepted valid scientific references such as those listed by University of Florida Institute of Food and Agricultural Sciences (IFAS).

*Vegetation, prohibited exotic:* Invasive Exotic Vegetation limited to those enumerated by The Florida Department of Agriculture and Consumer Services (FDACS).

*Vegetation, protected:* Any living, woody plant (tree, shrub or groundcover) and any dead woody plant that contains a nest of a bald eagle. Nuisance invasive vines and nuisance invasive groundcover are not protected vegetation.

*Vessel:* pursuant to F.S.Ch. 327.02(46)

## **W**

*Wastewater:* The combination of liquid and water-carried pollutants from residential and commercial buildings, industrial plants and institutions together with any groundwater, surface runoff or leachate that may be present.

*Water Facilities:* Water and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by a public utility or jurisdiction.

*Waterbody:* A lake, pond, lagoon, river, stream, creek, canal or the like, or any tidal waters of the ocean.

*Wetlands:* Areas between land and water where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes: (a) have a predominance of hydric soils; (b) are inundated

or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (c) under normal circumstances support a prevalence of such vegetation.

**Y**

*Yard:* A required open space on a lot unoccupied and unobstructed by any structure or portion of a structure from ground level upward, except as otherwise provided herein.

**Z**

*Zoning:* The process of classifying land in a community into areas and districts which are generally referred to as “zones” and the prescribing and application of regulations concerning uses, structure design and placement allowed in each zone.

## VILLAGE OF INDIANTOWN - Land Development Regulations

### Chapter 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 and the special Planned Unit Development (PUD) 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 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
Zoning District Name	Abbreviation	Future Land Use District	District Purpose/Character
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 notes, 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
<b>Zoning District Name</b>	<b>Abbreviation</b>	<b>Future Land Use District</b>	<b>District Purpose/Character</b>
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 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:**

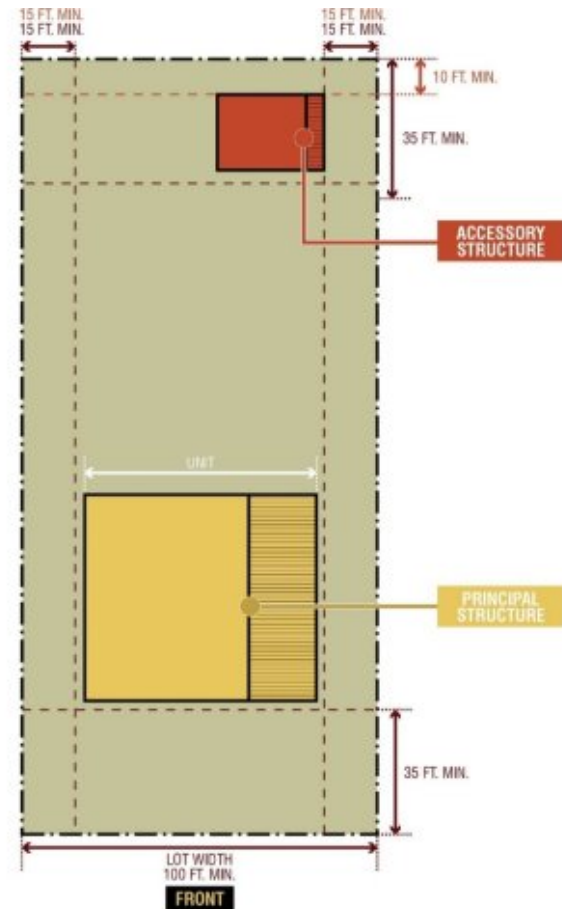
Maximum density for Rural Residential ranges from one (1) to two (2) dwelling units per acre, depending upon the underlying Future Land Use Designation. The Rural Community Future Land Use Designation allows a density of two (2) units per acre and the Small Residential Farm Future Land Use Designation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

Table 2 - RR Dimensional Regulations

Development Standards	Development
<b>LOT DIMENSIONS:</b>	
Lot Size, Minimum (acres)	1, .5*
Lot Width, per Chapter 2 (feet)	100
Lot Depth, Minimum (feet)	n/a
<b>LOT COVERAGE:</b>	
Lot Size Increment or Portion (increment in square feet)	Maximum Impervious Area (percentage of lot area)
20,000 or less	40
20,001-50,000	35
50,001-100,000	30
More than 100,000	20
<b>BUILDING HEIGHT:</b>	
Maximum (feet)	40
Maximum (stories)	3
<b>DENSITY/INTENSITY:</b>	
Density, Maximum (units per acre)	1 or 2**
Floor Area Ratio (FAR)	n/a
<b>BUILDING PLACEMENT:</b>	
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 Designation requires 1-acre parcels, Rural Community Future Land Use Designation requires .5-acre parcels. other lot sizes are permitted when approved pursuant to Sec. 3-2.1.1.

\*\*Small Rural Farm Future Land Use Designation allows 1 unit per acre, Rural Community Future Land Use Designation allows 2 units per acre.



RURAL RESIDENTIAL ZONING DISTRICT | SINGLE FAMILY DETACHED



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

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 Chapter.

**Sec. 3-2.1.1 – Cluster Development in the Rural Residential Zoning District**

The village council may approve a property for cluster development in accordance with the following regulations and procedures.

- (1) Purpose. It is the purpose and intent of this Chapter to promote more imaginative and appropriate developments in the RR, Rural Residential District by permitting the clustering of single-family dwelling units subject to review and approval of specific regulations and criteria.
- (2) Uses permitted. A cluster development may be approved after public hearing and all necessary plats and agreements or restrictions have been recorded in the public records of Martin County for the following uses:
  - a. A one-family residence, including all customary uses associated with this use.
  - b. Structures for common usage on commonly owned property, provided they are shown on the site plan approved at a public hearing.
- (3) General requirements.
  - a. *Minimum site area.* The minimum site area, including dedicated rights-of-way, areas reserved and/or dedicated for public parks and for school sites and existing and proposed canals, lakes, and lagoons, shall be ten (10) acres in the RR District.
  - b. *Density.* Density shall be based on net area. Net area shall include all portions of the site, including easements, private streets, and areas dedicated for public parks and for school sites, but excluding dedicated, zoned or proposed rights-of-way, areas proposed or reserved but not dedicated for public parks and for school sites, existing and proposed canals, lakes, lagoons and golf courses.

The maximum number of dwelling units shall not exceed (2) units per net acre.

Approval for the maximum number of units established above may be granted only for site plans which incorporate the cluster concept, are compatible with the surrounding areas, are consistent with any studies

accepted or approved by the village council, and fully satisfy the site plan criteria hereafter included.

- c. *Lot frontage.* Each cluster lot shall have a clear, direct frontage on public streets or to accessways complying with private street requirements.
- d. *Setbacks.* The following setback requirements shall be maintained:
  - 1. Single-family dwellings and structures for common usage shall be setback twenty-five (25) feet from the development perimeter property lines.
  - 2. Accessory uses in connection with single-family dwellings shall comply with the setback requirements for such structures of the RR, Rural Residential zoning district only when adjacent to the development perimeter property line.
- e. *Utilities.* Each single-family dwelling unit shall be serviced with separate utilities and other facilities and shall otherwise be independent of one (1) another.
- f. *Common open space.* Open space for the common benefit of the residents of the proposed development shall be provided in accordance with the requirements herein established. Areas to be credited toward the common open space requirements are categorized as follows:
  - 1. *Category 1:*
    - (a) Landscaped areas with grass, trees and shrubbery, and unencumbered with any structure or off-street parking, or private drives.
    - (b) All of the following uses: entrance features, sitting areas, pedestrian walks, passive recreational uses and permanent outdoor art displays.
  - 2. *Category 2:*
    - (a) Active outdoor recreational uses including sports facilities such as tennis courts, baseball fields, and other similar uses.
    - (b) Existing and proposed water bodies, including lakes, lagoons and canals.

Following are the minimum and maximum percentages for each category of common open space:

	Minimum (in percent)	Maximum (in percent)
Category 1	25	None
Category 2	None	25

Total Common open space shall be a minimum 40 percent of net area:

Landscaping and trees shall be provided in accordance with Chapter 4 of these LDRs.

- g. *Private open space.* Private open space on individual lots shall be for the benefit of the individual lot and shall be the responsibility of the individual lot owner to maintain the same. Privately owned open space shall constitute no less than twenty (20) percent of each individual lot.
- h. *Common ownership provisions.* Provisions satisfactory to the Village shall be made to assure that all common areas and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of the Village. Such may be provided by the incorporation of a membership in the homeowners' association for the purpose of holding title to such areas and facilities and levying assessments against each individual ownership for the purpose of maintaining such common areas and facilities. These areas and facilities shall include, but not be limited to, all commonly owned recreational facilities, open space, off-street parking areas, private streets, sidewalks, streetlights. Such maintenance may include the upkeep of individual privately owned lots and structures and water bodies such as lakes, lagoons, and canals. Such assessments shall be a lien superior to all other liens except tax liens and first mortgage liens.

Other methods, including special taxing districts, may be acceptable if there is no expense to the general taxpayers.

Homeowners' associations or condominium owners' associations shall not grant exclusive rights to any individual lot owner.

The instrument incorporating such provisions shall be approved by the village attorney as to form and legal sufficiency before submission to the village council. After approval such instrument shall be recorded in the public records of Martin County.

- i. *Development in stages.* Where the proposed development is in excess of the minimum site area requirements the same may be developed in stages providing that each stage meets minimum site area requirements and all other requirements of residential cluster development regulations are met for each stage.
- j. *Condominium provisions.* Anything herein to the contrary notwithstanding, ownership of a cluster development may be by way of a condominium in accordance with law in that regard made and provided.
- k. *Additions.* Additions and/or changes to single-family dwellings, to accessory uses in connection therewith and/or to the structures for common usage such as utility rooms, swimming pools, clubs, open terraces or patios roofed and/or screened but not enclosed, new facade

treatments, trellis and other similar garden amenities, and sun control devices such as awnings may be authorized provided:

1. That such proposed additions and/or changes will be compatible with the existing development in the area, in harmony with the general appearance and character of the community, in compliance with the site plan review criteria hereinafter provided and will not otherwise be detrimental to the public welfare.
2. That such proposed additions and/or changes are designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent structures while affording the applicant a reasonable use of the land.
3. That such proposed additions and/or changes and the structures adjacent thereto in individually owned lots or on commonly owned land are illustrated by means of site plans, floor plans, sections and elevations.
4. That such proposed additions and/or changes are approved in writing from an official authorized body designated by the cluster development to approve architectural changes in the cluster community and providing further that written approval of the immediate adjacent cluster unit owners is secured.

(4) Site plan review.

- a. *Procedure.* Cluster developments shall be reviewed in accordance with the Major Site Plan review process and with all applicable requirements, including the site plan review exhibits and criteria provided within.

In approving a development plan, the village council may, by special exception, vary, amend or modify the applicable RR, Rural Residential zoning district regulations and/or subdivision regulations in order to effectuate the plan, provided the elements affected by such special exceptions are specifically noted upon the site plan review exhibits and provided the same are in harmony with the general purpose and intent of these LDRs.

- b. *Criteria.* The following criteria shall be utilized in the site plan review process:
  1. *Purpose and intent.* The proposed development fulfills the purpose and intent of this Chapter.
  2. *Studies.* Design studies, planning studies and/or neighborhood area studies accepted or approved by the village council that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.

3. *Clustering.* The major site planning elements, buildings, open space, both common and private, and roads and parking shall be so arranged as to group the dwelling units into physically definable clusters.
4. *Buffers.* Architectural and landscape elements that provide a logical transition to adjoining existing or permitted uses shall be provided.
5. *Exterior spatial relationships.* The arrangement of structures and landscape shall produce spatial relationships that function with the intended use and occupancy of the project and are compatible with the development or zoning in the adjoining area. Spacing between buildings shall provide ample access for emergency equipment.
6. *Scale.* Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by using buffering elements.
7. *Circulation.* Pedestrian and auto circulation shall be separated as is practicable, and all systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.
8. *Parking areas.* Parking areas shall be so designed as to appropriately relate to the development, its environs, and adjacent properties.
9. *Storage areas.* Storage areas for boats and trailers, when provided, shall be screened and designed, as to appropriately relate to the development, its environs and adjacent properties.
10. *Trash containers.* Trash containers, when provided, shall be screened and so designed as to be conveniently accessible to their users.
11. *Landscape.* Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate to the design of the site, and visually screen noncompatible uses.
12. *Common open space.* Common open spaces shall be provided, appropriate to the needs of the development. Common open space shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities and shall be so located and developed as to be accessible by all residents of the development.
13. *Private open space.* Open space intended for the private use of each individual dwelling unit should be so located and designed as to maximize its utility to the dwelling unit it serves.
14. *Privacy.* Aural and visual privacy shall be considered in the design of the development.

**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 Limited Residential is 5 dwelling units per acre. This zoning district enables the Suburban Residential Future Land Use Designation.

Table 3 - LR Dimensional Regulations

Development Standards	Single-family Detached & Multi-family	Single-family Attached
<b>LOT DIMENSIONS:</b>		
Lot Size, Minimum (square feet)	6,000	2,500
Lot Width, per Chapter 2 (feet)	40	25
Lot Depth, Minimum (feet)	100	100
<b>LOT COVERAGE:</b>		
Impervious Coverage, Maximum (percent)	65	75
<b>BUILDING HEIGHT:</b>		
Building Height, Maximum (feet)	40	40
Building Height, Maximum (stories)	3	3
<b>DENSITY/INTENSITY:</b>		
Density, Maximum (units per acre)	5	5
Floor Area Ratio (FAR)	n/a	n/a
<b>BUILDING PLACEMENT:</b>		
Front Setback, Minimum (feet)	25	20
Side Setback, Minimum (feet) Principal	10	10

# First Reading

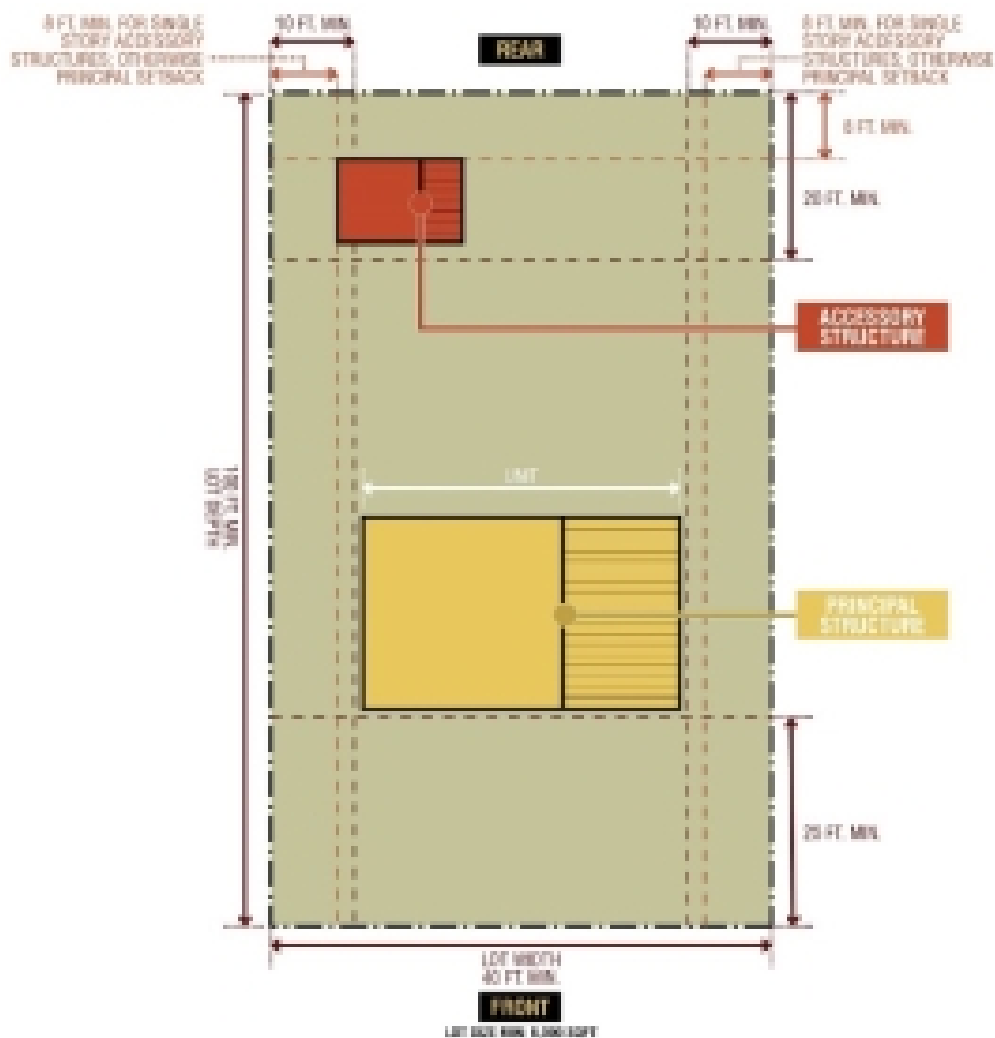
## Chapter 3

October 22, 2020

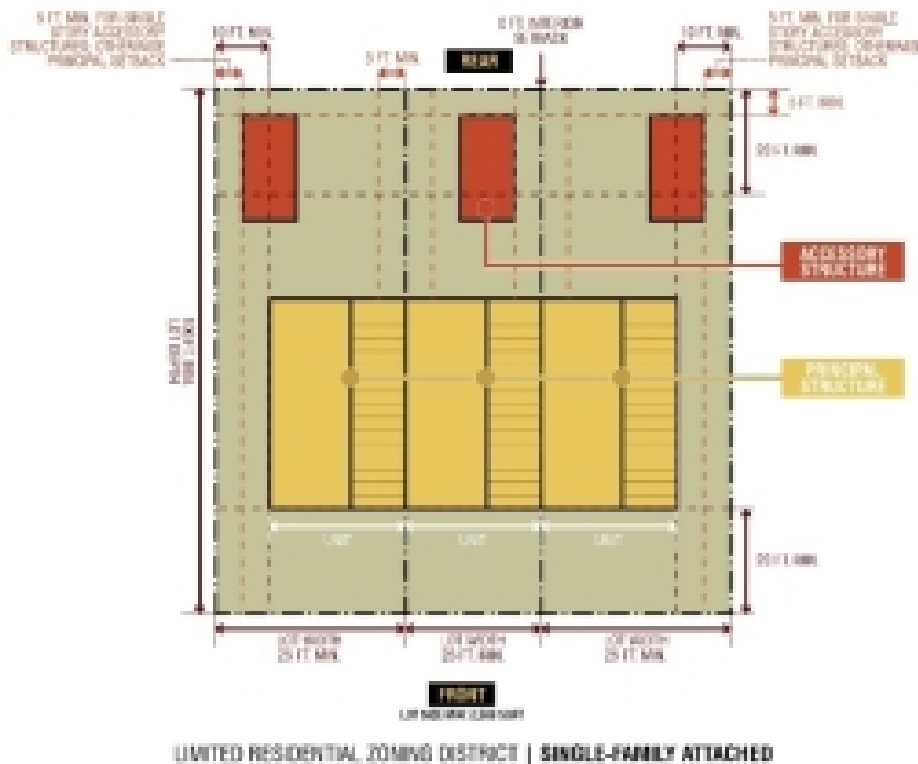
Interior Side Setback, Minimum (feet) Principal	n/a	0
Side Setback, Minimum (feet) Accessory*	8	5
Rear Setback, Minimum (feet) Principal	20	20
Rear Setback, Minimum (feet) Accessory	8	5

\*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.



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



### 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.

### **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 and Mobile Home Future Land Use Designations.



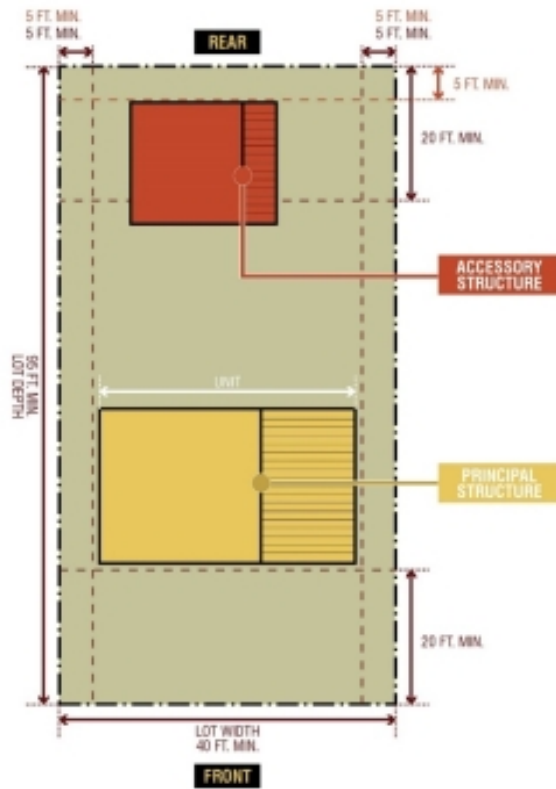
Table 4- SR Dimensional Regulations

Development Standards	Single-family Detached	Single-family Attached
<b>LOT DIMENSIONS:</b>		
Lot Size, Minimum (square feet)	4,000	2,000
Lot Width, per Chapter 2 (feet)	40	20
Lot Depth, Minimum (feet)	95	95
<b>LOT COVERAGE:</b>		
Impervious Coverage, Maximum (percent)	67	70
<b>BUILDING HEIGHT:</b>		
Building Height, Maximum (feet)	40	40
Building Height, Maximum (stories)	3	3
<b>DENSITY/INTENSITY:</b>		
Density, Maximum (units per acre)	8	8*
<b>BUILDING PLACEMENT:</b>		
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

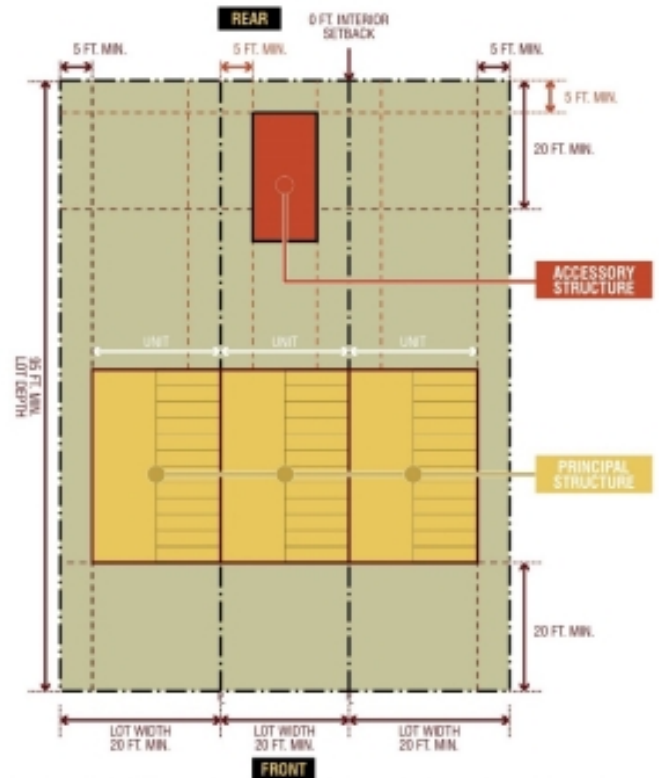
\* Additional Density:

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 Chapter 4 of these LDRs for buffer requirements.



SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT | SINGLE FAMILY DETACHED



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.

**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:

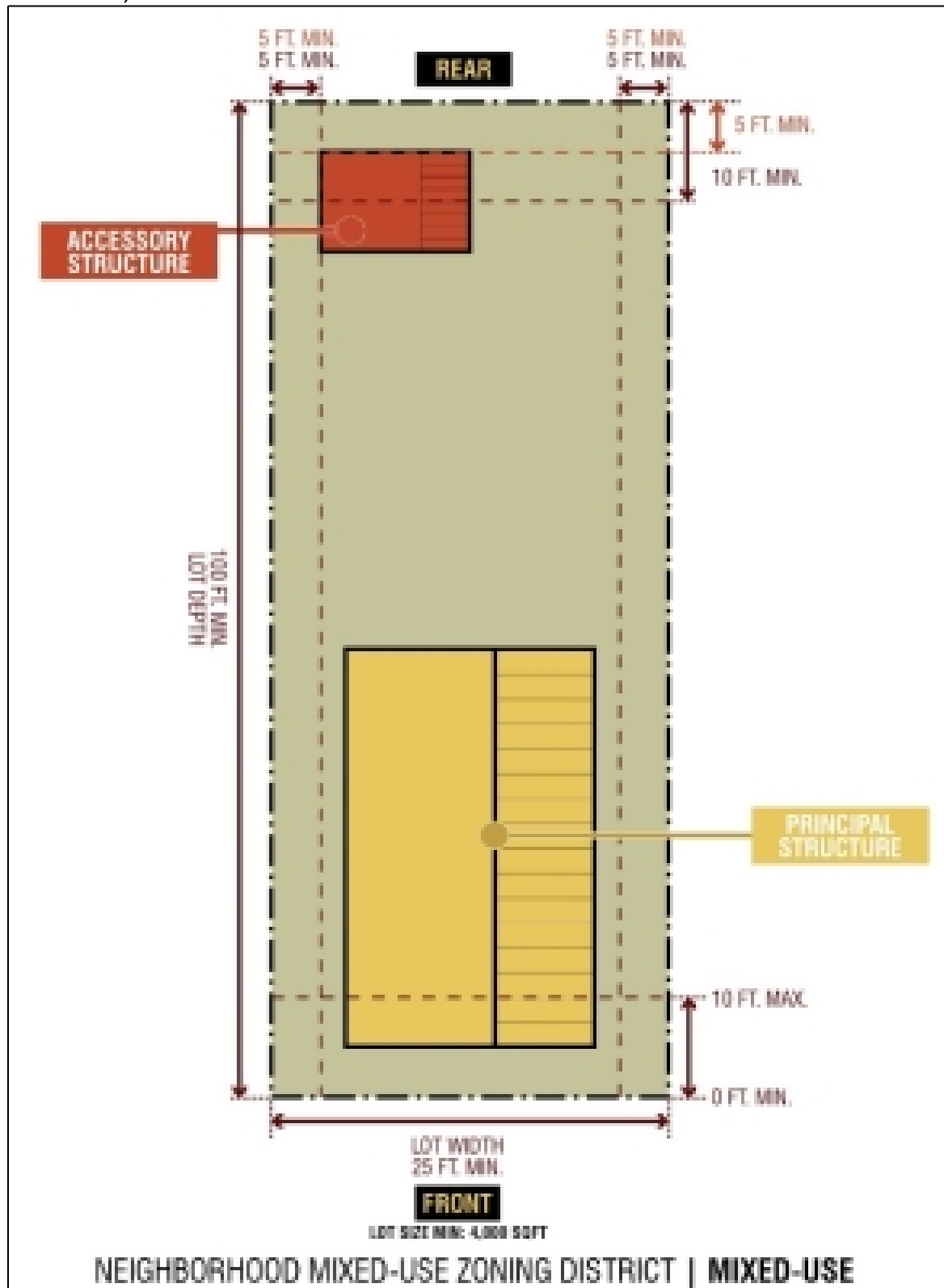
The Neighborhood Mixed-Use zoning district enables the Village Core Mixed-Use and Urban Residential Office Future Land Use Designations. The allowable density and intensity of a property is dependent upon the underlying Future Land Use Designation. For land in the Village Core Mixed-Use Future Land Use Designation the density range is 5-20 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 Designation the density range is 3-15 dwelling units per acre and maximum intensity for non-residential uses is floor area ratio of 1.5.

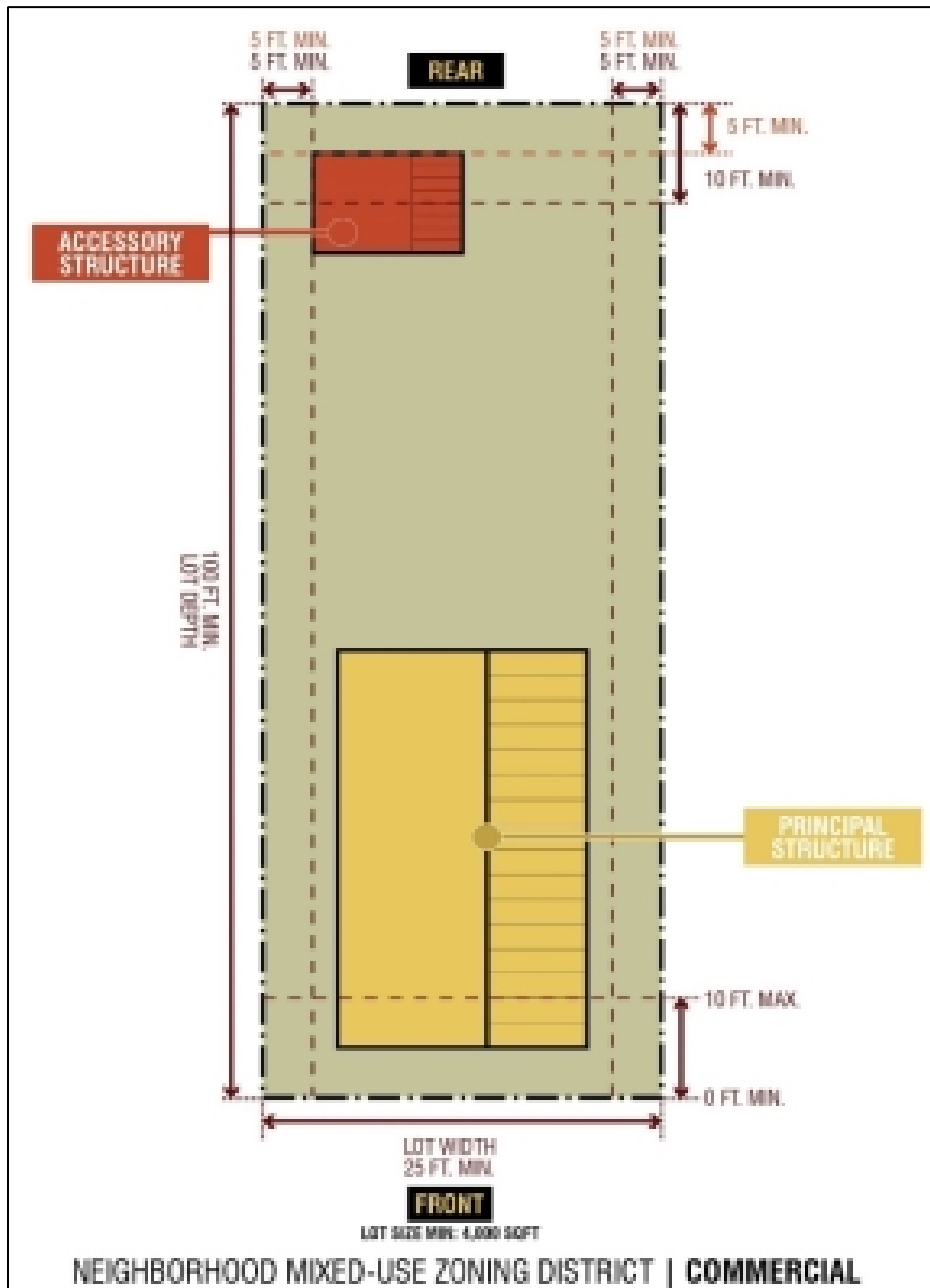
Table 5 - NMU Dimensional Regulations

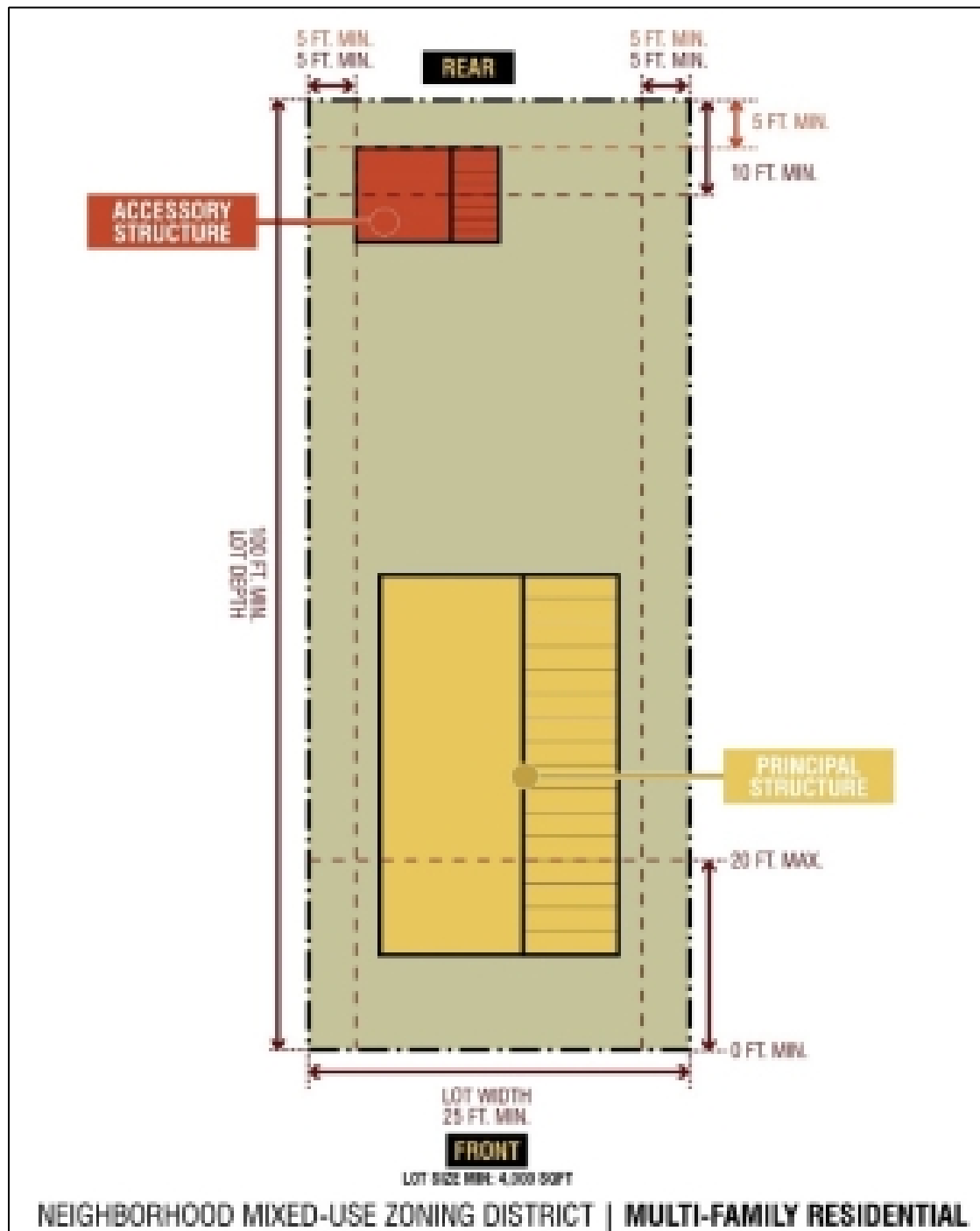
Development Standards	Mixed-Use	Commercial	Multi-family Residential	Single-family Detached	Single-family Attached
LOT DIMENSIONS:					
Lot Size, Min (square feet)	4,000	4,000	4,000	4,000	2,000
Lot Width, Min per Chapter 2 (feet)	25	25	25	40	20
Lot Depth, Min (feet)	100	100	100	100	100
Gross Area per Floor, Max (square feet)	5,000	5,000	5,000	n/a	n/a
LOT COVERAGE:					
Impervious Coverage, Max (percent)	90	85	80	67	75
BUILDING HEIGHT:					
Building Height, Max (feet)*	28	28	28	28	28
Building Height, Max (stories)*	2	2	2	2	2
DENSITY/INTENSITY:					
Density, Min-Max (units per acre)	5-20 Village Core, 3-15 Urban Residential Office				
Floor Area Ratio (FAR)	2.5 Village Core, 1.5 Urban Residential Office				
BUILDING PLACEMENT:					
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

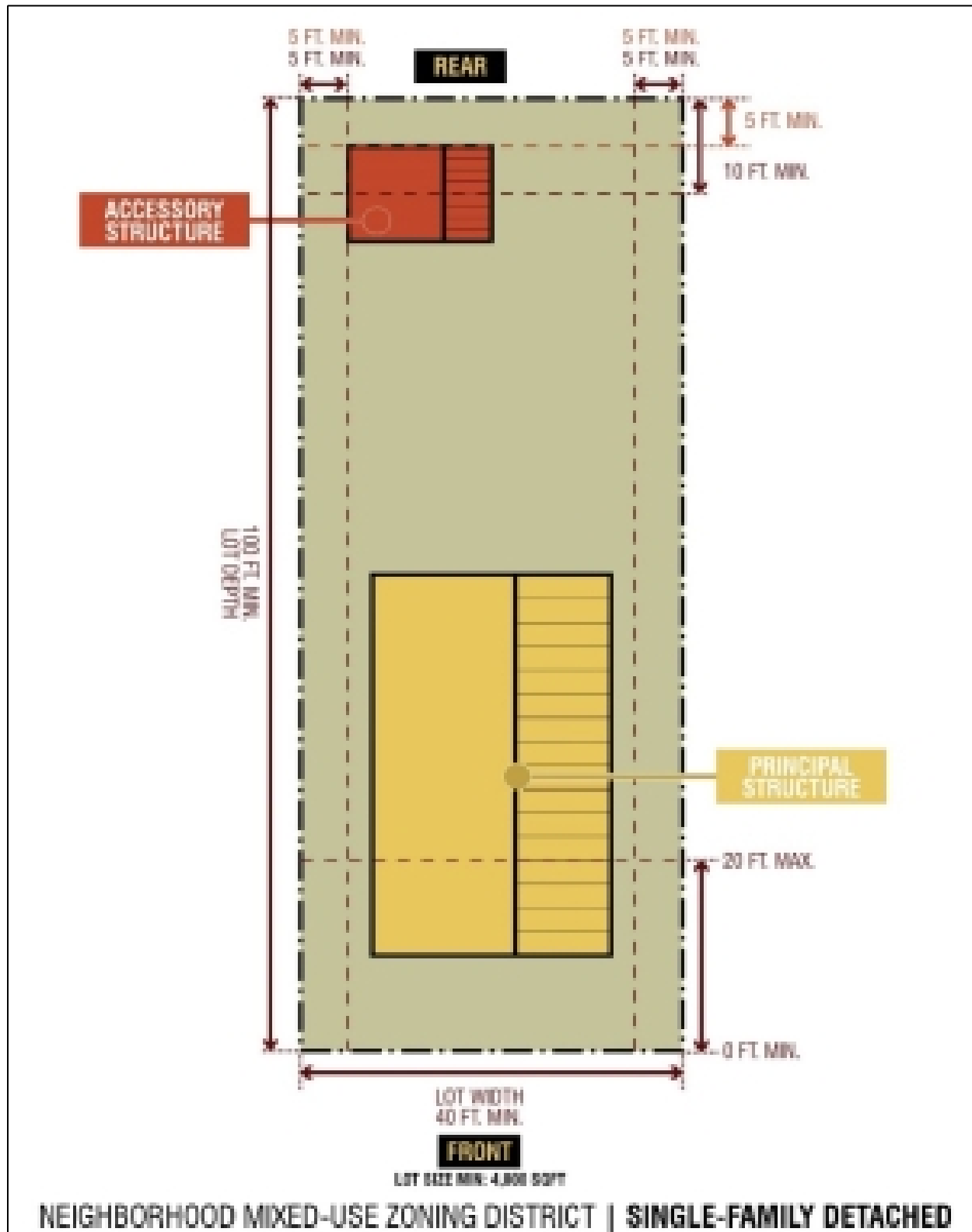
\*Option for Green and Sustainable Development gross area per floor and height increase (Sec. 3-6.8.)

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

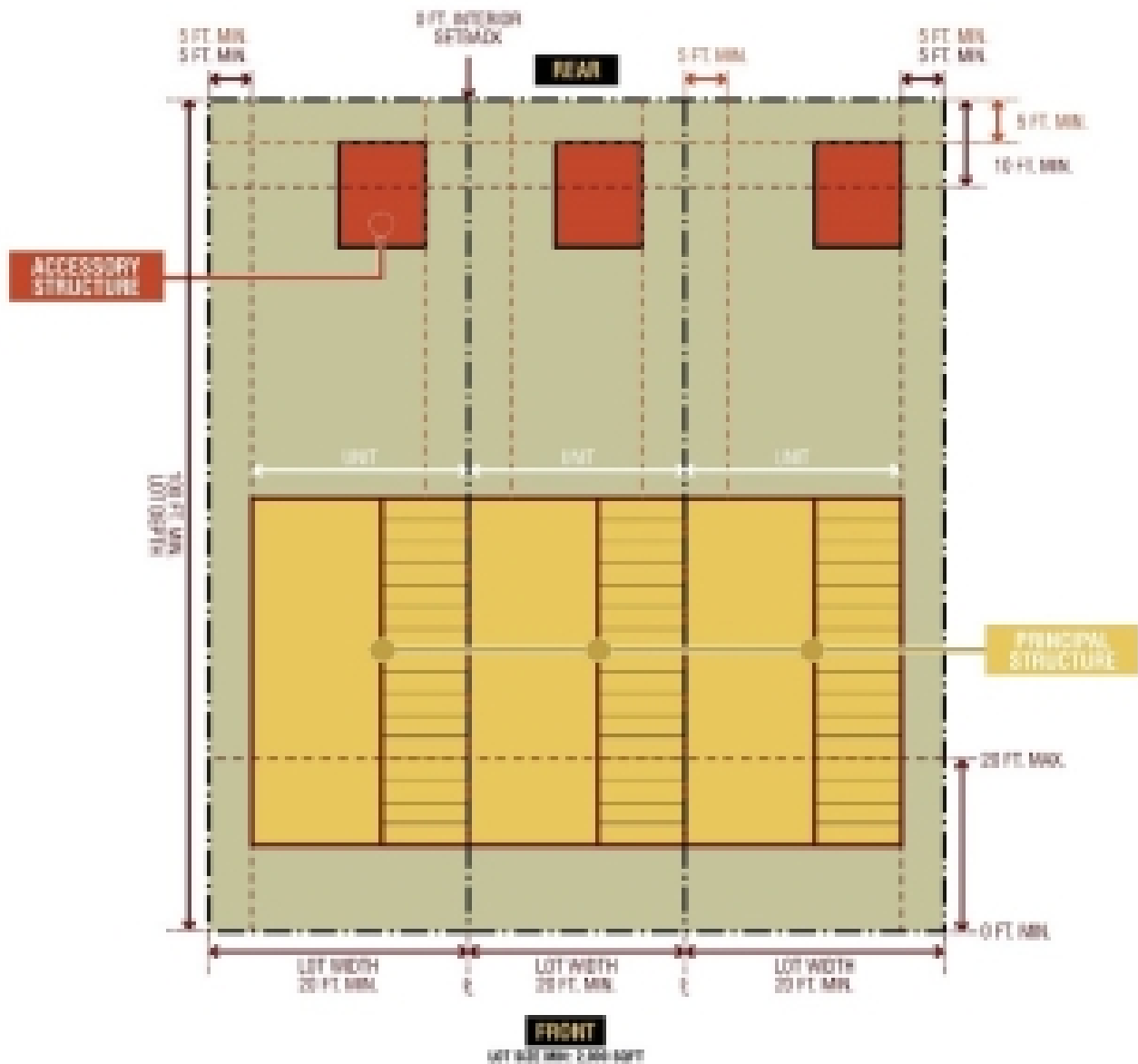












NEIGHBORHOOD MIXED-USE ZONING DISTRICT | SINGLE FAMILY ATTACHED

First Reading

Chapter 3

October 22, 2020

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 Chapter 3, Sec. 3-6.6, 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 Chapter 3, Sec. 3-6.8. Green and Sustainable Development Standards.

**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:

The density range for Downtown is 5-20 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 Designation.

Table 6 - D Dimensional Regulations

Development Standards	Mixed Use Development	Commercial Development	Multi-family Residential	Single-family Attached
<b>LOT DIMENSIONS</b>				
Lot Size, Max (square feet)	85,000	85,000	85,000	5,000
Lot Width, Min per Chapter 2 (feet)	25	25	25	20
Gross Area per Floor, Max (square feet)*	15,000	15,000	15,000	15,000
<b>LOT COVERAGE:</b>				
Lot Coverage, Max (percent)	100	95	90	95
<b>BUILDING HEIGHT:</b>				
Building Height, Max (feet)*	35	35	35	35
Building Height, Max (stories)*	3	3	3	3
<b>DENSITY/INTENSITY:</b>				
Density, Min-Max (units per acre)	5-20	n/a**	5-20	5-20
Floor Area Ratio (FAR)	2.5	2.5	n/a	n/a
<b>BUILDING PLACEMENT:</b>				
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

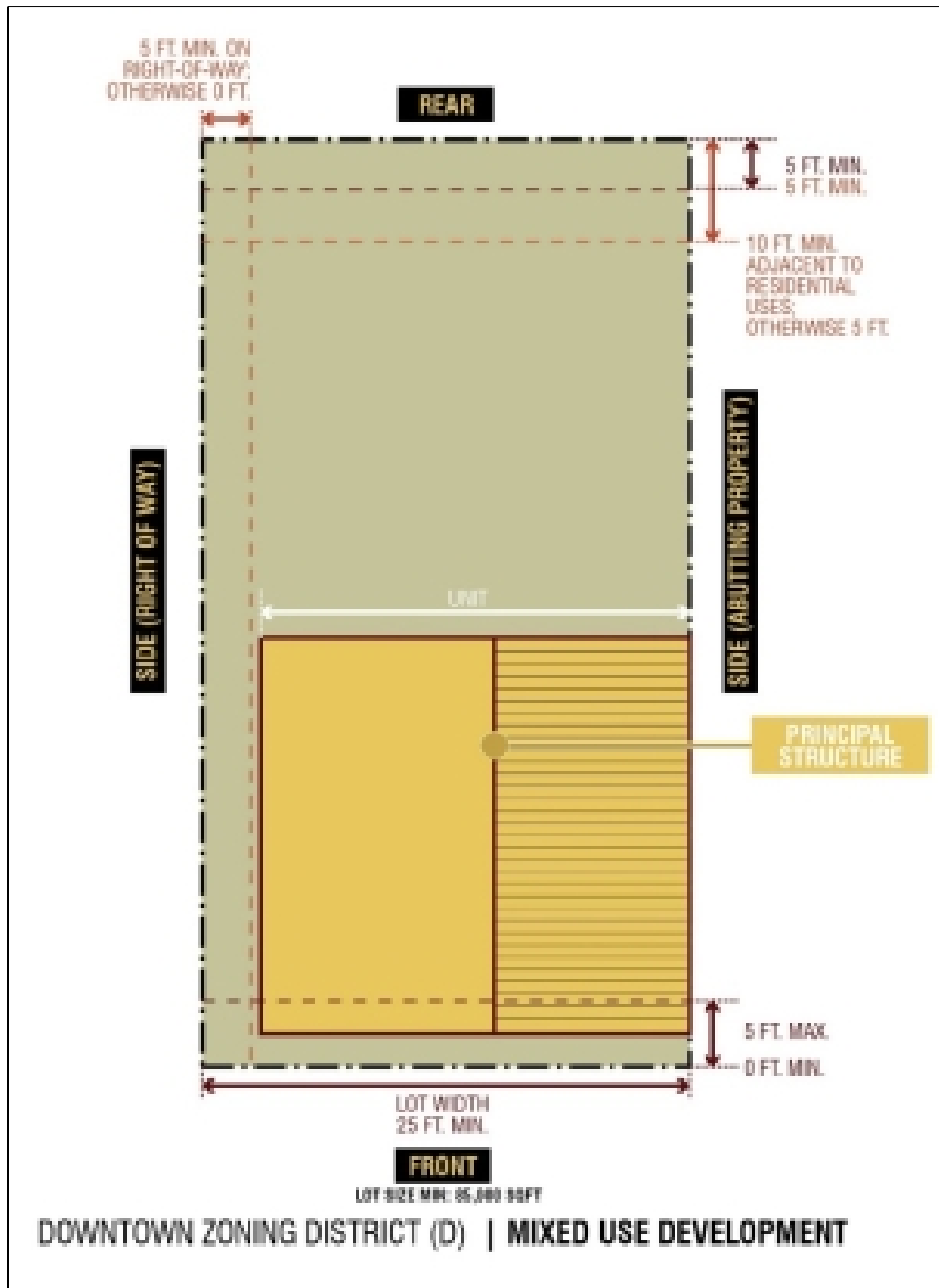
\*Option for Green and Sustainable Development gross area per floor and height increase (Sec 3-6.8.)

\*\* Except for Hotels, where density range is 5-20 units per acre.

\*\*\*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.

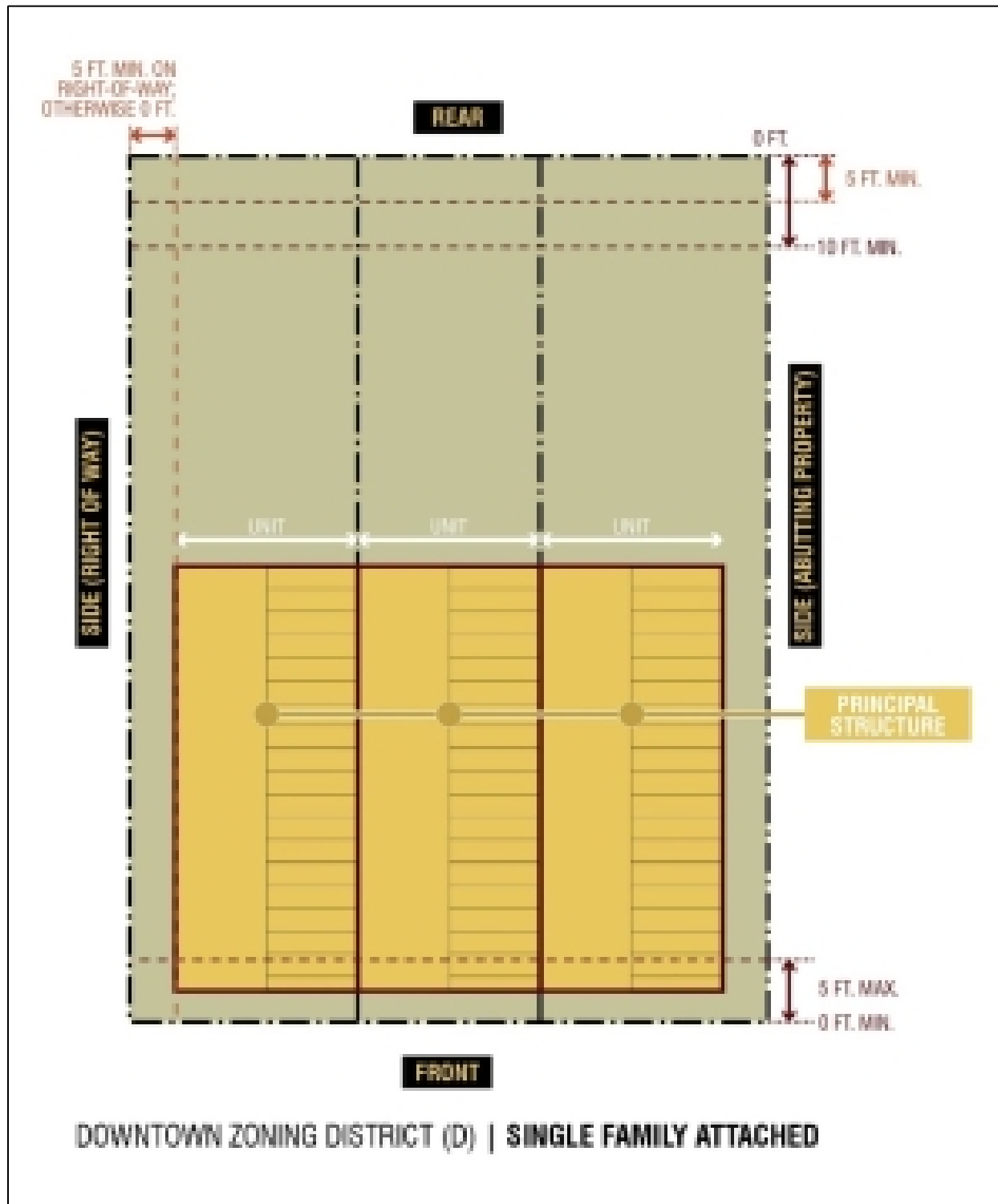
Principal and accessory setbacks are the same, except as otherwise noted.







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



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 Chapter 3, Sec. 3-6.6, 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 Chapter 3, Sec. 3-6.8. Green and Sustainable Development Standards.

**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:

The density range for Village Mixed-Use is 5-20 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 Designation.



Table 7 - VMU Dimensional Regulations

Development Standards	Mixed-Use Development	Commercial Development	Multi-family Residential	Single-family Attached
<b>LOT DIMENSIONS:</b>				
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
<b>LOT COVERAGE:</b>				
Lot Coverage, Max (percent)	90	80	80	80
<b>BUILDING HEIGHT:</b>				
Building Height, Max (feet)*	35	35	35	35
Building Height, Max (stories)*	3	3	3	3
<b>DENSITY/INTENSITY:</b>				
Density, Min-Max (units per acre)	5-20	n/a**	5-20	5-20
Floor Area Ratio (FAR)	2.5	2.5	n/a	n/a
<b>BUILDING PLACEMENT:</b>				
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

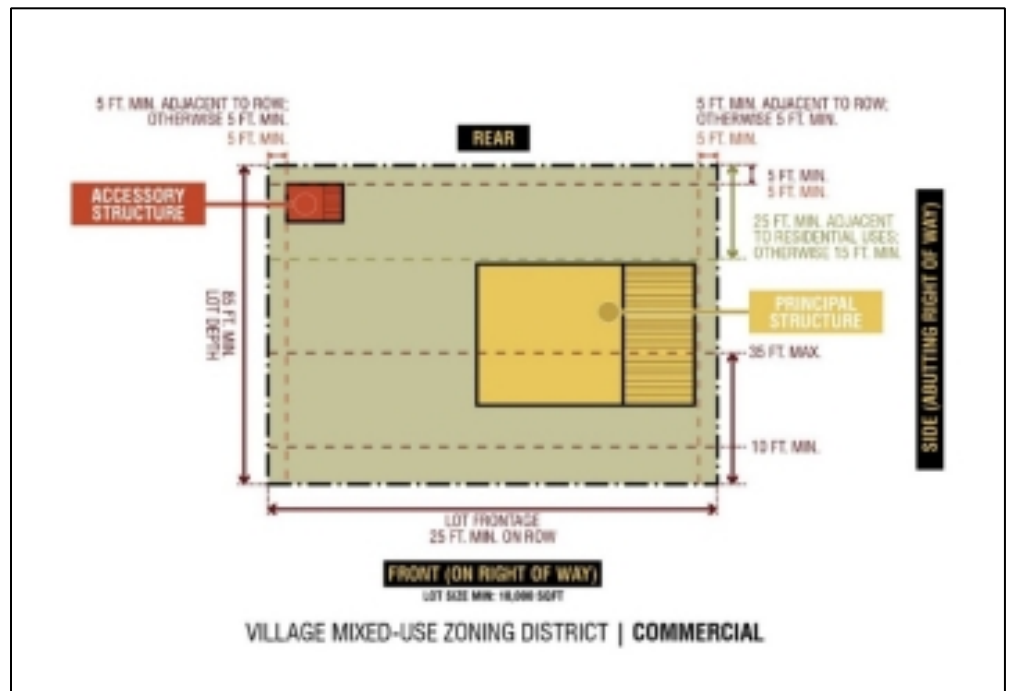
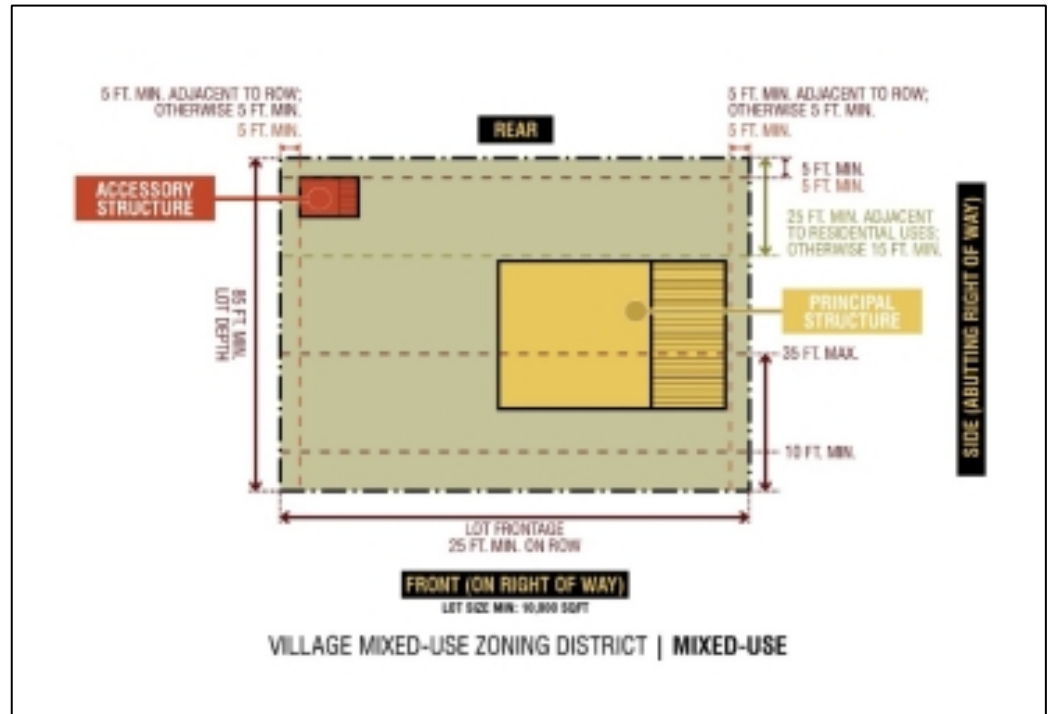
\* Option for Green and Sustainable Development height increase (Sec 3-6.8.)

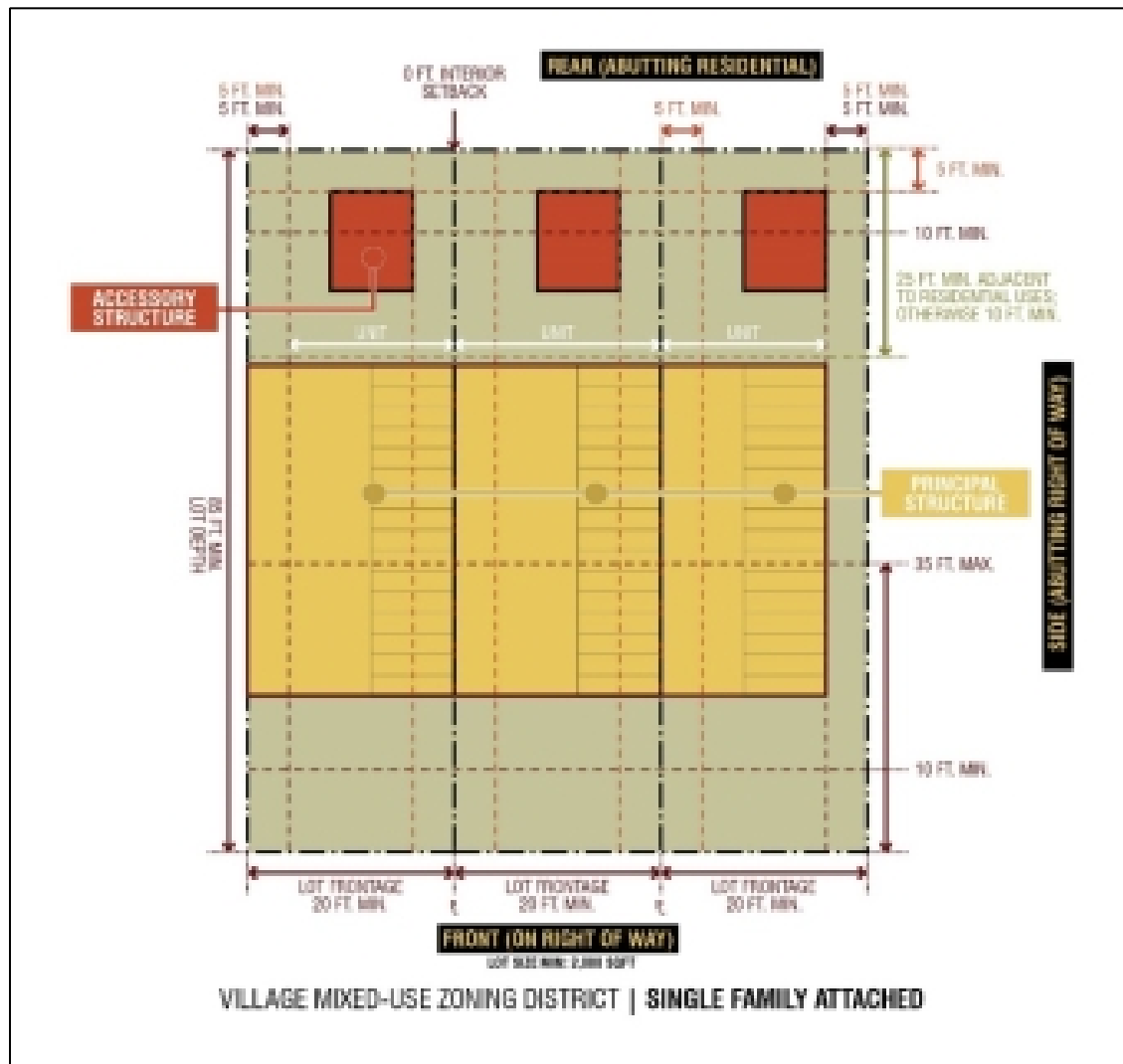
\*\* Except for Hotels, where density range is 5-20 units per acre.

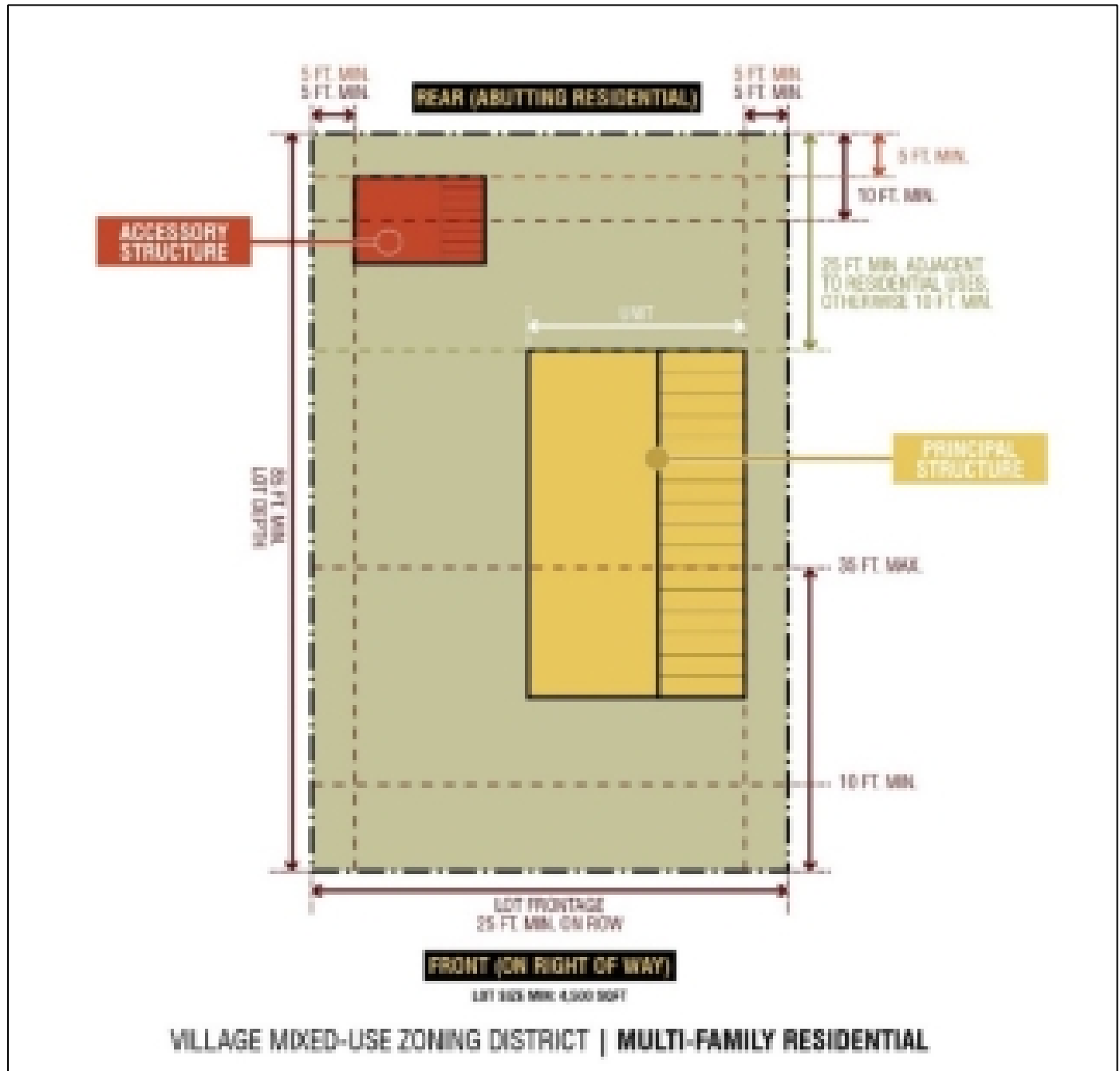
\*\*\*Where a side setback is on a right-of-way, the minimum side setback is 5 feet.

\*\*\*\* 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.

When frontage is located on Warfield Boulevard, 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 Chapter 3, Sec. 3-6.6, 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 Chapter 3, Sec. 3-6.8. Green and Sustainable Development Standards.

**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, boatyards, boating-related sales and repair, restaurants, and retail. Hotels and residential uses are also permitted 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 Designation.

Table 8 - CMU Dimensional Regulations

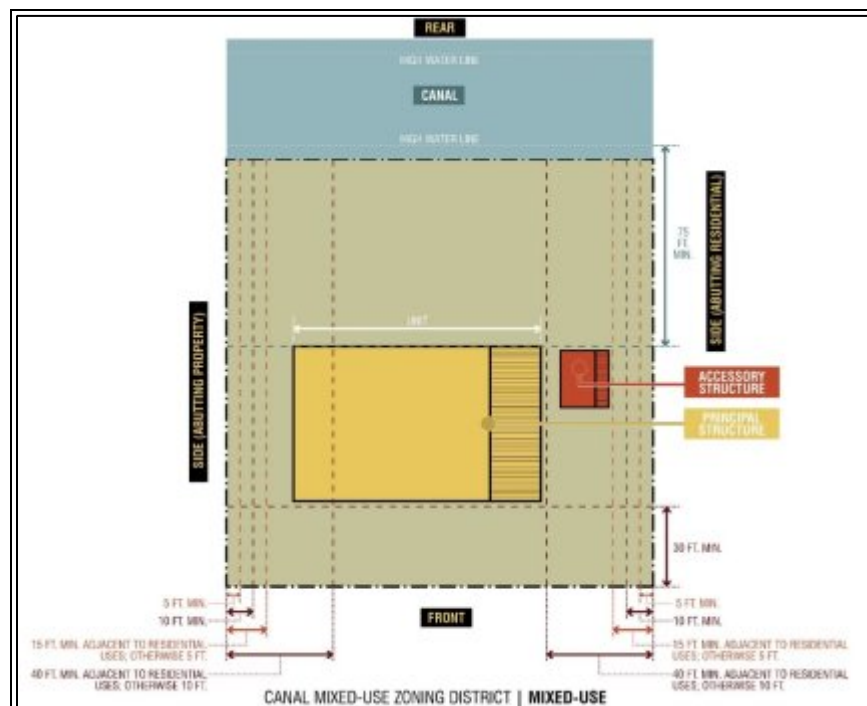
Development Standards	Mixed Use Development	Commercial Development
<b>LOT DIMENSIONS:</b>		
Lot Size, Min (square feet)	n/a	10,000
Lot Width, Min per Chapter 2 (feet)	n/a	n/a
Lot Depth, Min for lots not on water (feet)	100	100
Lot Depth, Min for lots on water (feet)	160	160

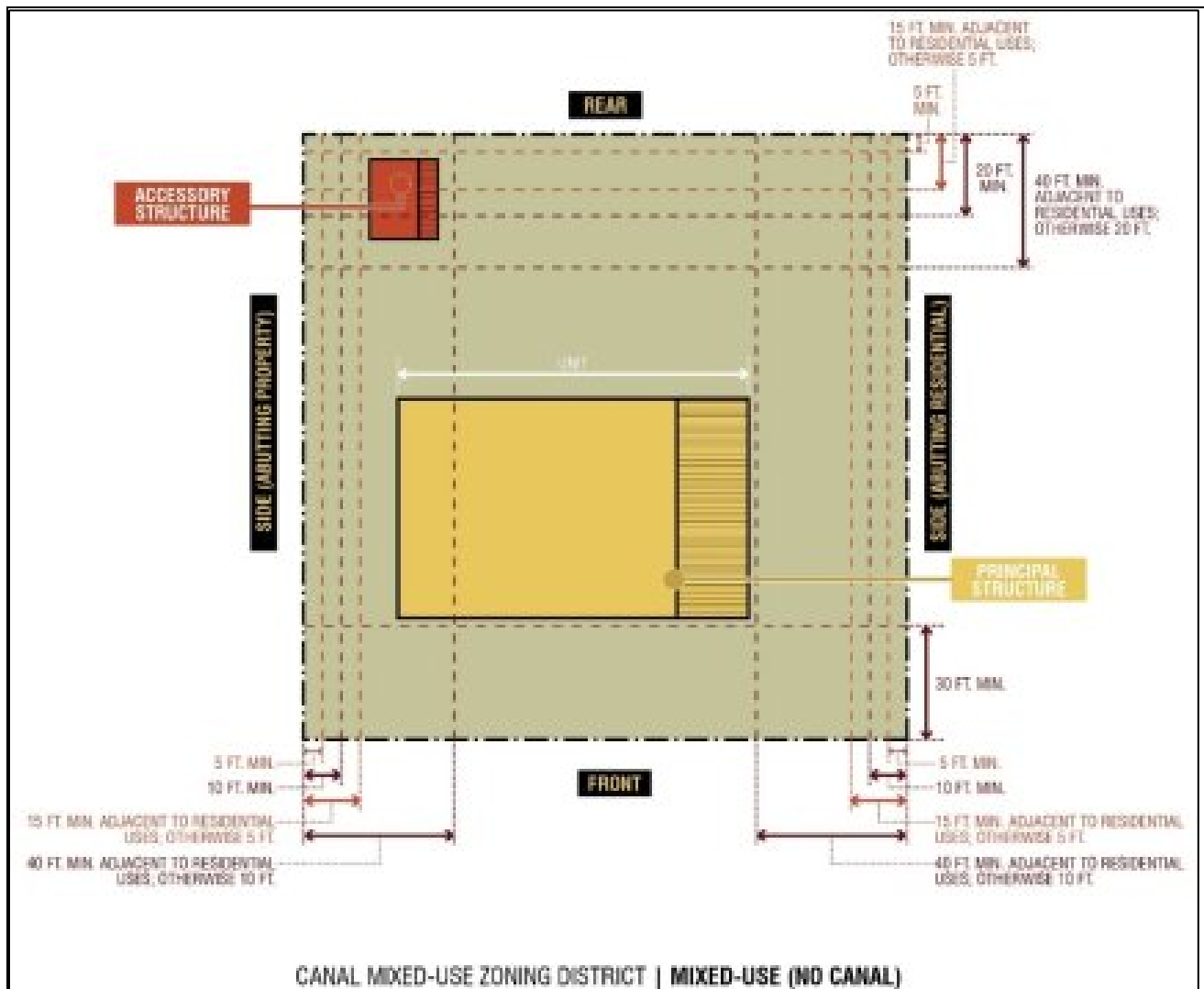
LOT COVERAGE:		
Lot Coverage, Max (percent)	80	75
BUILDING HEIGHT:		
Building Height, Max (feet)*	50	50
Building Height, Max (stories)*	4	4
DENSITY/INTENSITY:		
Density, Hotel/Motel (units per acre)	20	n/a
Density, Max (units per acre)	20	n/a
Floor Area Ratio (FAR)	3	3
BUILDING PLACEMENT:		
Front Setback, Min (feet)	25	25
Canal Setback (mean high water), Min (feet)	25	25
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

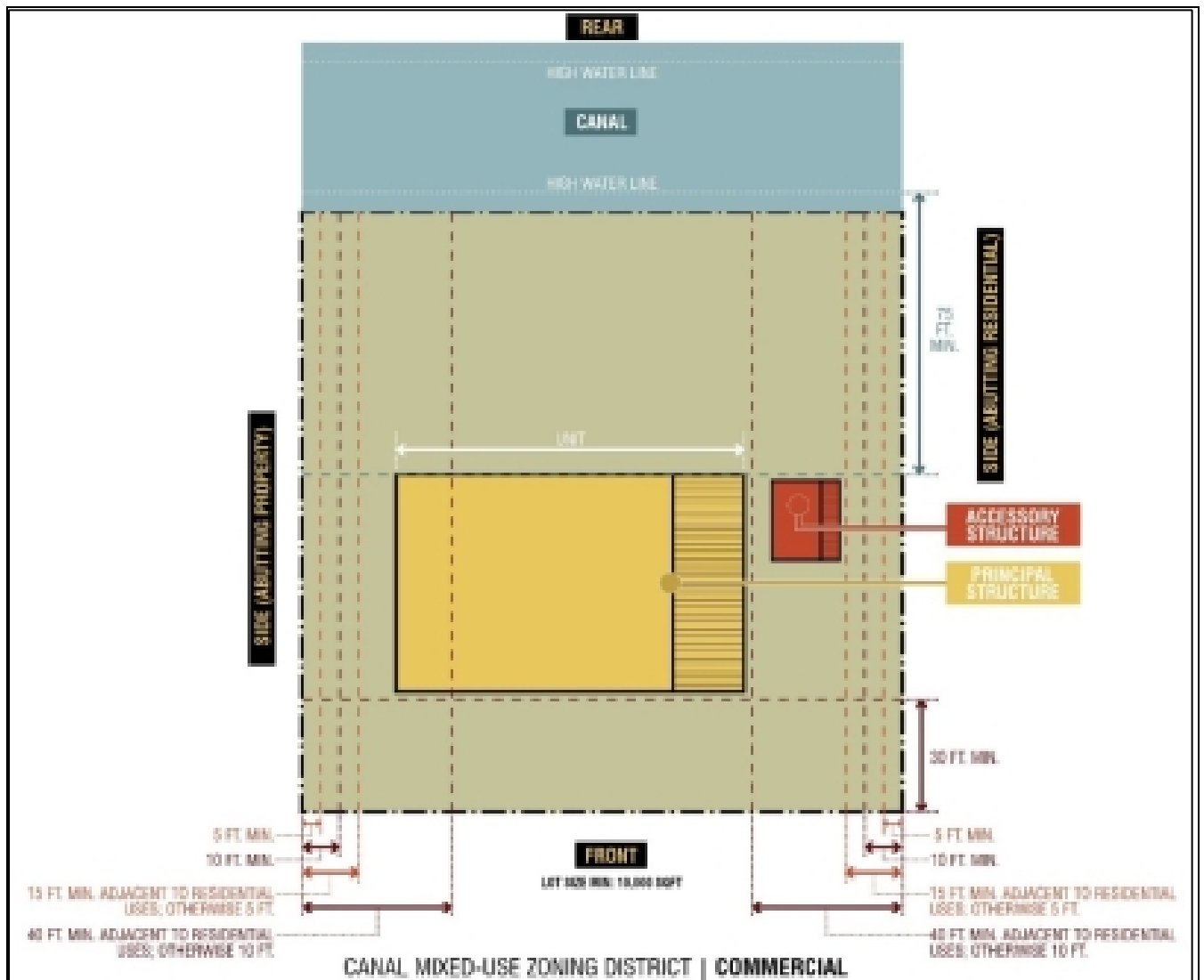
\*Option for Green and Sustainable Development height increase (Sec 3-6.8.)

\*\*Where adjacent to residential use, the minimum setback is 30 feet.

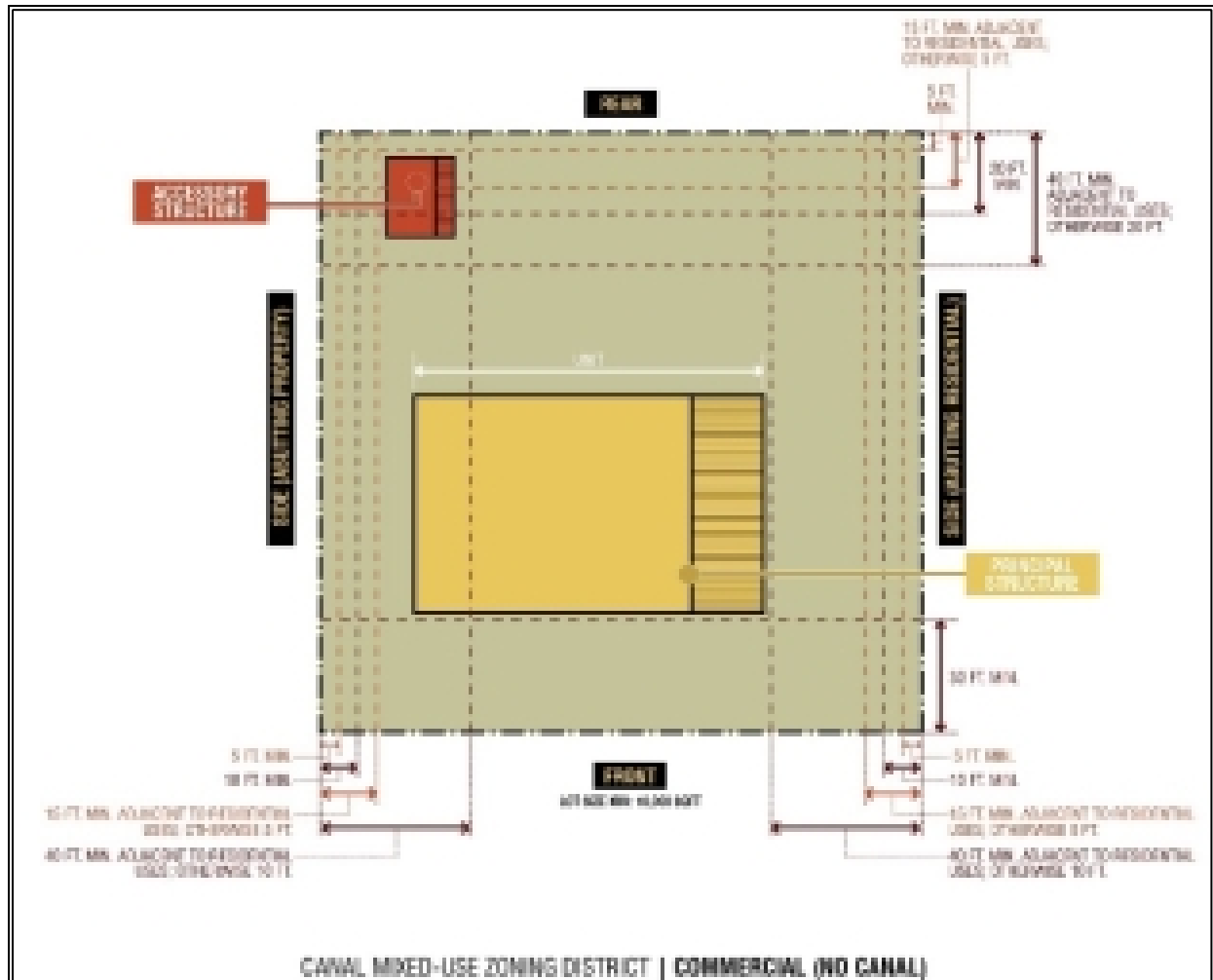
\*\*\*Where adjacent to residential use, the minimum setback is 15 feet  
Principal and accessory setbacks are the same, except as otherwise noted.











First Reading

Chapter 3

October 22, 2020

Façade Elements:

To create a consistent design aesthetic, please refer to Sec. 3-6.6.

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 Chapter 3, Sec. 3-6.6, apply to development and redevelopment in the Canal Mixed-Use zoning district.

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 Chapter 3, Sec. 3-6.8. Green and Sustainable Development Standards.

**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:

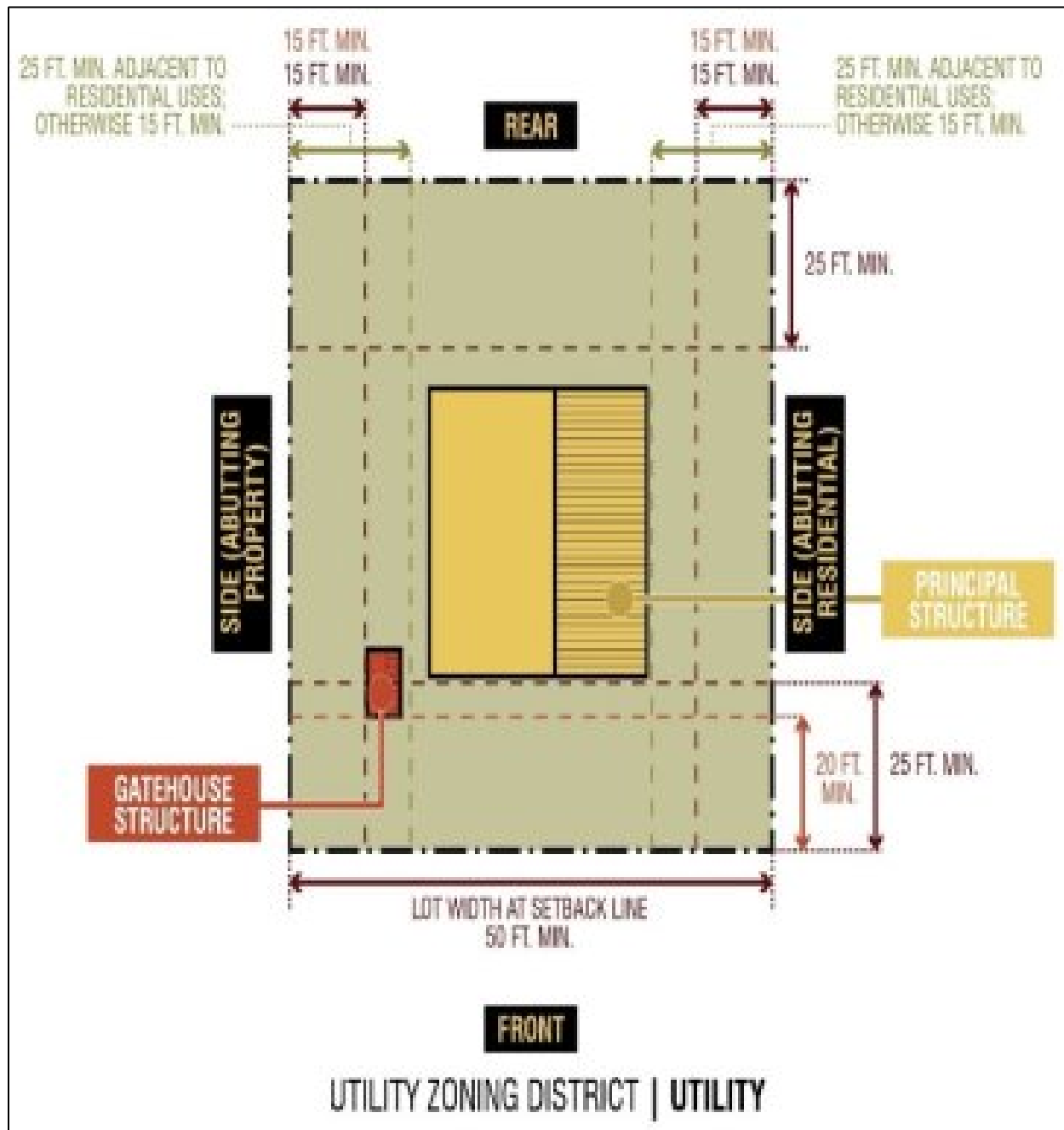
The Utility zoning district allows development up to a floor area ratio of 3.0. This zoning district enables the Utility Future Land Use Designation.

Table 9 - U Dimensional Regulations

Development Standards	Development
<b>LOT DIMENSIONS:</b>	
Lot Size, Minimum (square feet)	n/a
Lot Width, Minimum at Setback Line (feet)	50
Lot Depth, Minimum (feet)	n/a
<b>LOT COVERAGE:</b>	
Lot Coverage, Maximum (percent)	n/a
<b>BUILDING HEIGHT:</b>	
Building Height, Maximum (feet)*	50
Building Height, Maximum (stories)	4
<b>INTENSITY:</b>	
Floor Area Ratio (FAR)	3
<b>BUILDING PLACEMENT:</b>	
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 and 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 Chapter for additional details and specific uses).

**Intensity:**

Maximum floor area ratio for Light Industrial is 2.0. This zoning district enables the Light Industrial Future Land Use Designation.

Table 10 - LI Dimensional Regulations

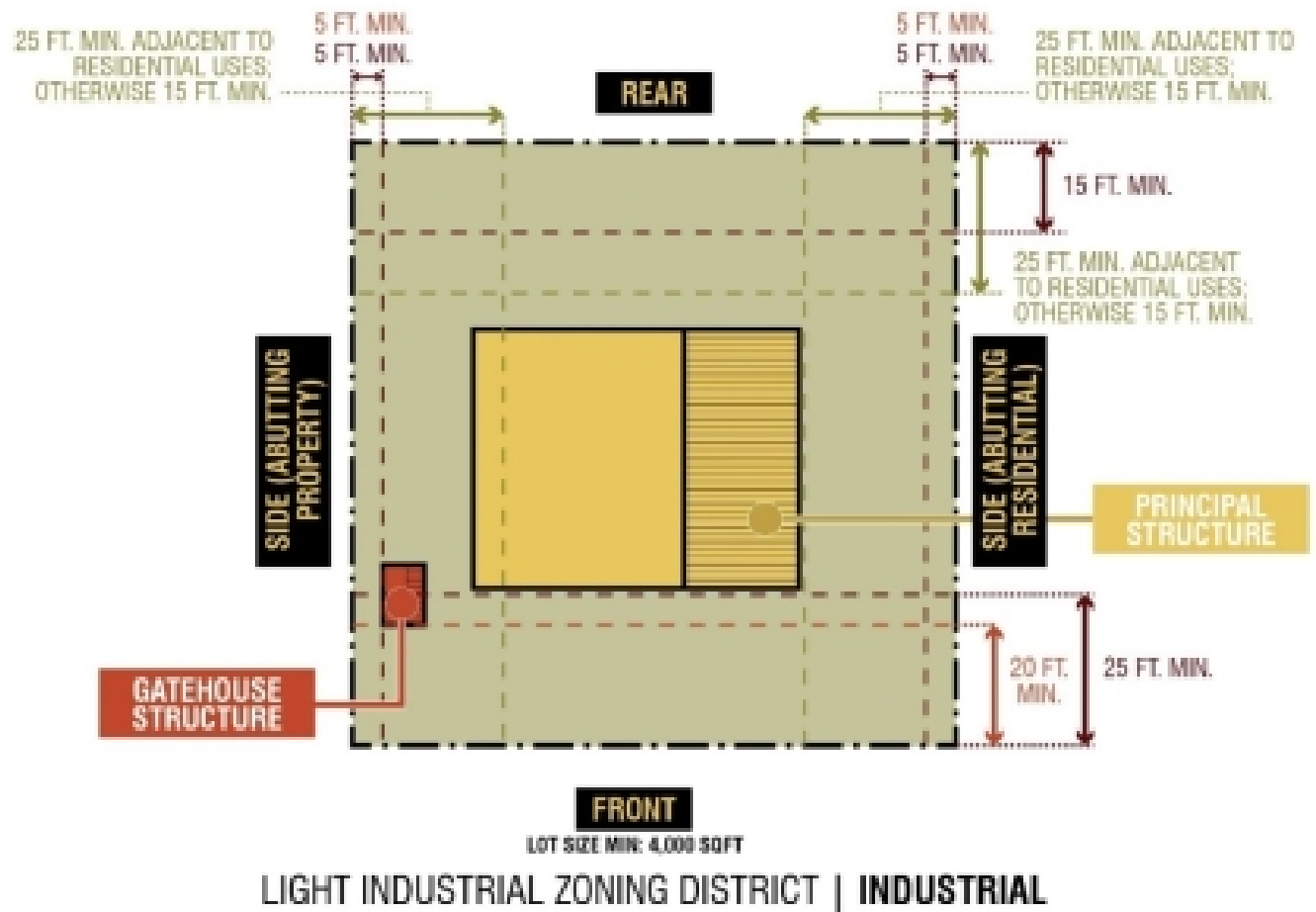
Development Standards	Industrial Development	Mixed-Use Development
<b>LOT DIMENSIONS:</b>		
Lot Size, Min (square feet)	4,000	10,000
Lot Width, per Chapter 2 (feet)	n/a	n/a
Lot Depth, Min (feet)	n/a	n/a
<b>LOT COVERAGE:</b>		
Lot Coverage, Max (square feet)	80	80
<b>BUILDING HEIGHT:</b>		
Building Height, Max (feet)*	50	50
Building Height, Max (stories)	4	4
<b>INTENSITY:</b>		
Floor Area Ratio (FAR)**	2.0	n/a
<b>BUILDING PLACEMENT:</b>		
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

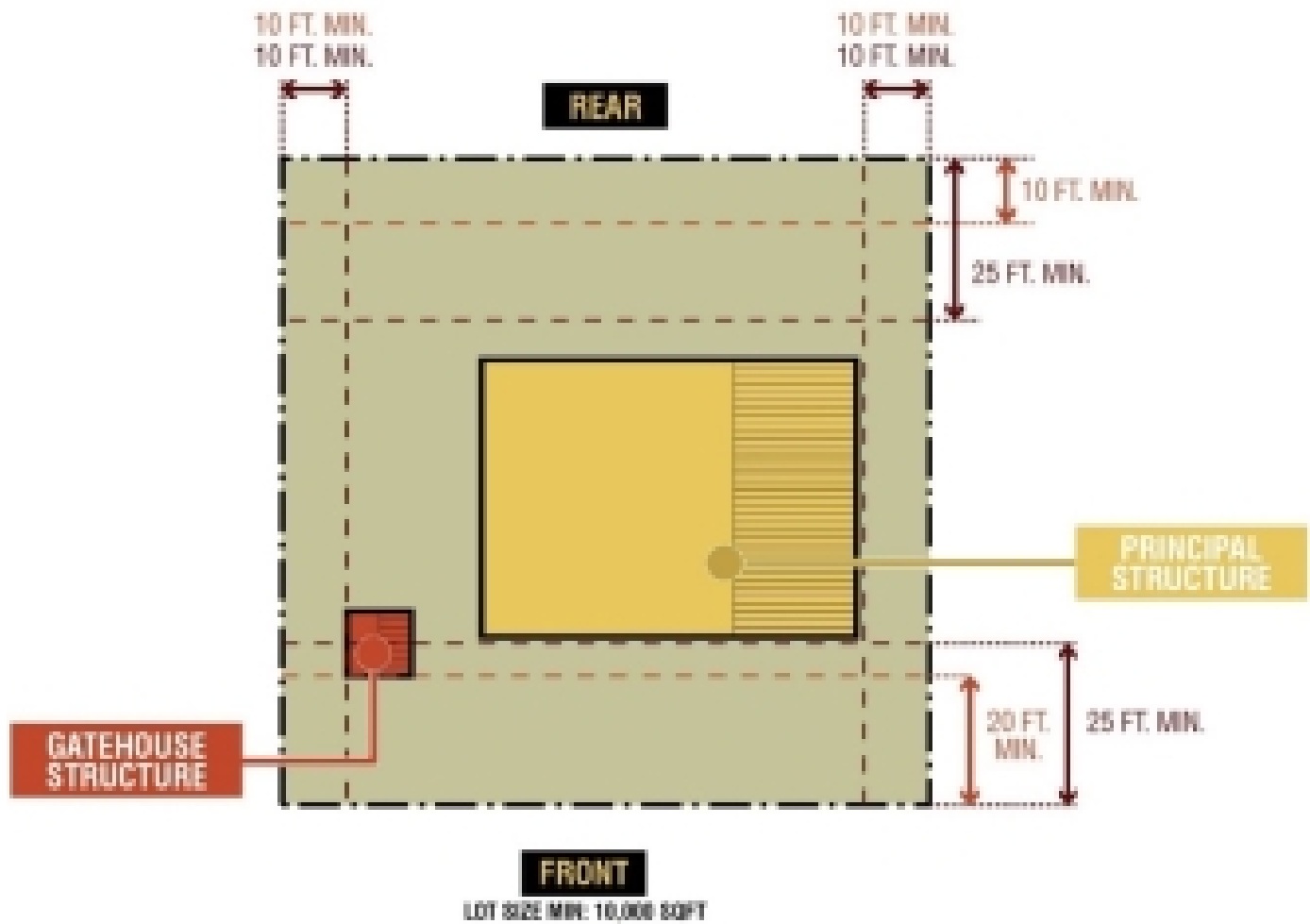
\*Option for Green and Sustainable Development height increase (Sec 3-6.8.)

\*\* Green and Sustainable Development may allow for a reduction in square footage counted towards FAR (Sec 3-6.8.)

\*\*\* 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.





## LIGHT INDUSTRIAL ZONING DISTRICT | MIXED-USE

First Reading

Chapter 3

October 22, 2020

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. 3-6.9. 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 Chapter 3, Sec. 3-6.8. Green and Sustainable Development Standards.

**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 Chapter 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 Designation.



Table 11- HI Dimensional Regulations

Development Standards	Industrial Development
<b>LOT DIMENSIONS:</b>	
Lot Size, Minimum (square feet)	20,000
Lot Width, Minimum per Chapter 2 (feet)	100
Lot Depth, Minimum (feet)	n/a
<b>LOT COVERAGE:</b>	
Lot Coverage, Maximum (percent)	n/a
<b>BUILDING HEIGHT:</b>	
Building Height, Maximum (feet)*	50
Building Height, Maximum (stories)	4
<b>INTENSITY:</b>	
Floor Area Ratio (FAR)	3.0
<b>BUILDING PLACEMENT:</b>	
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

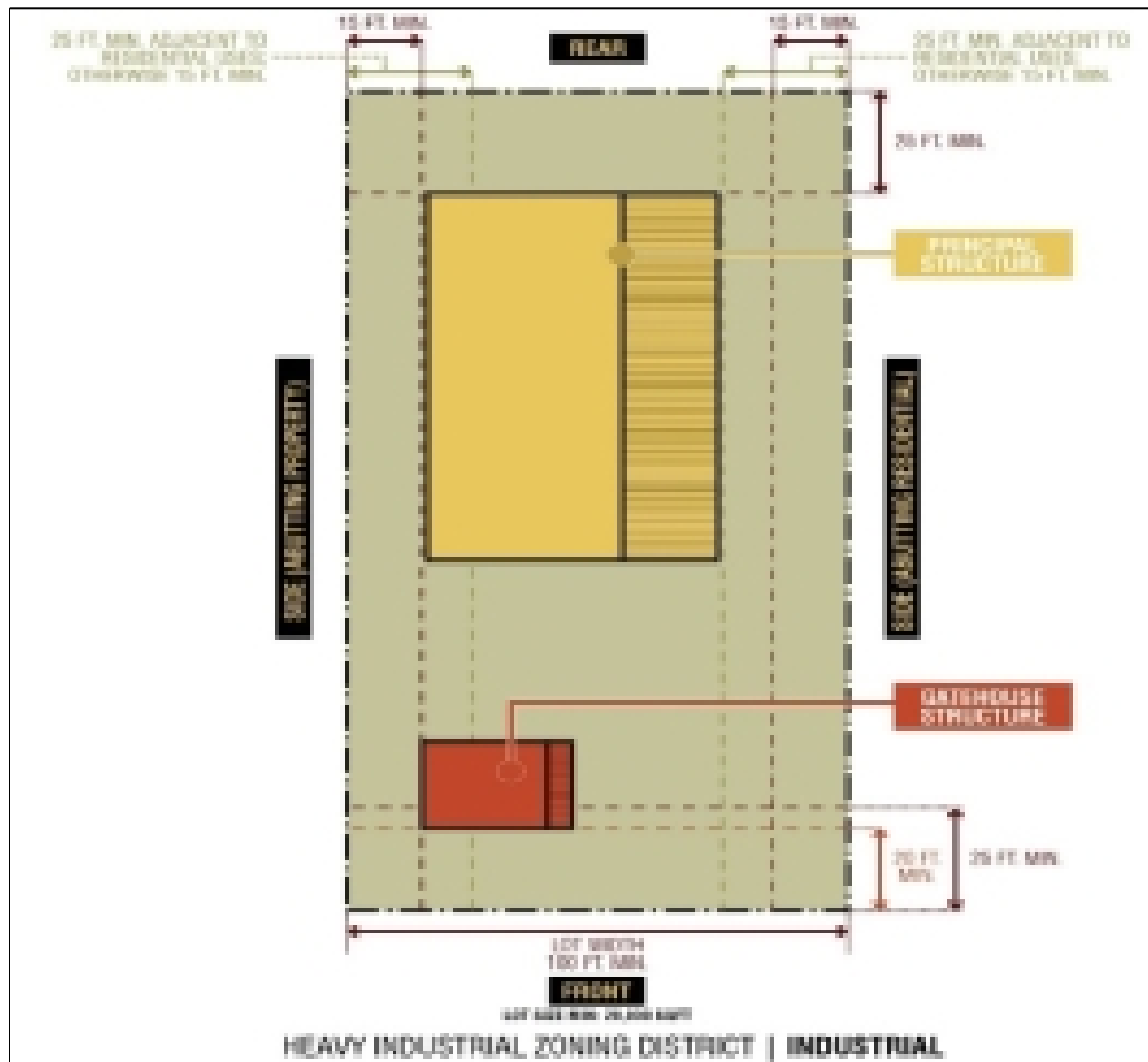
\*\*Where a side setback is adjacent to residential, the setback increases to 25 feet

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.



First Reading

Chapter 3

October 22, 2020

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. 3-6.9. 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.

**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 Chapter, 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 Designation.

Table 12 - CF Dimensional Regulations\*

Development Standards	Development
<b>LOT DIMENSIONS:</b>	
Lot Size, Minimum (square feet)	n/a
Lot Width, per Chapter 2 (feet)	25
Lot Depth, Min (feet)	n/a
<b>LOT COVERAGE:</b>	
Lot Coverage, Max (percent)	55
<b>BUILDING HEIGHT:</b>	
Building Height, Max (feet)	40
Building Height, Max (stories)	4
<b>DENSITY/INTENSITY:</b>	
Density, Max (units per acre)	n/a
Floor Area Ratio (FAR)	0.75
<b>BUILDING PLACEMENT:</b>	
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.

\* See Sec 1-5.

### **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 Chapter 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 Designation.

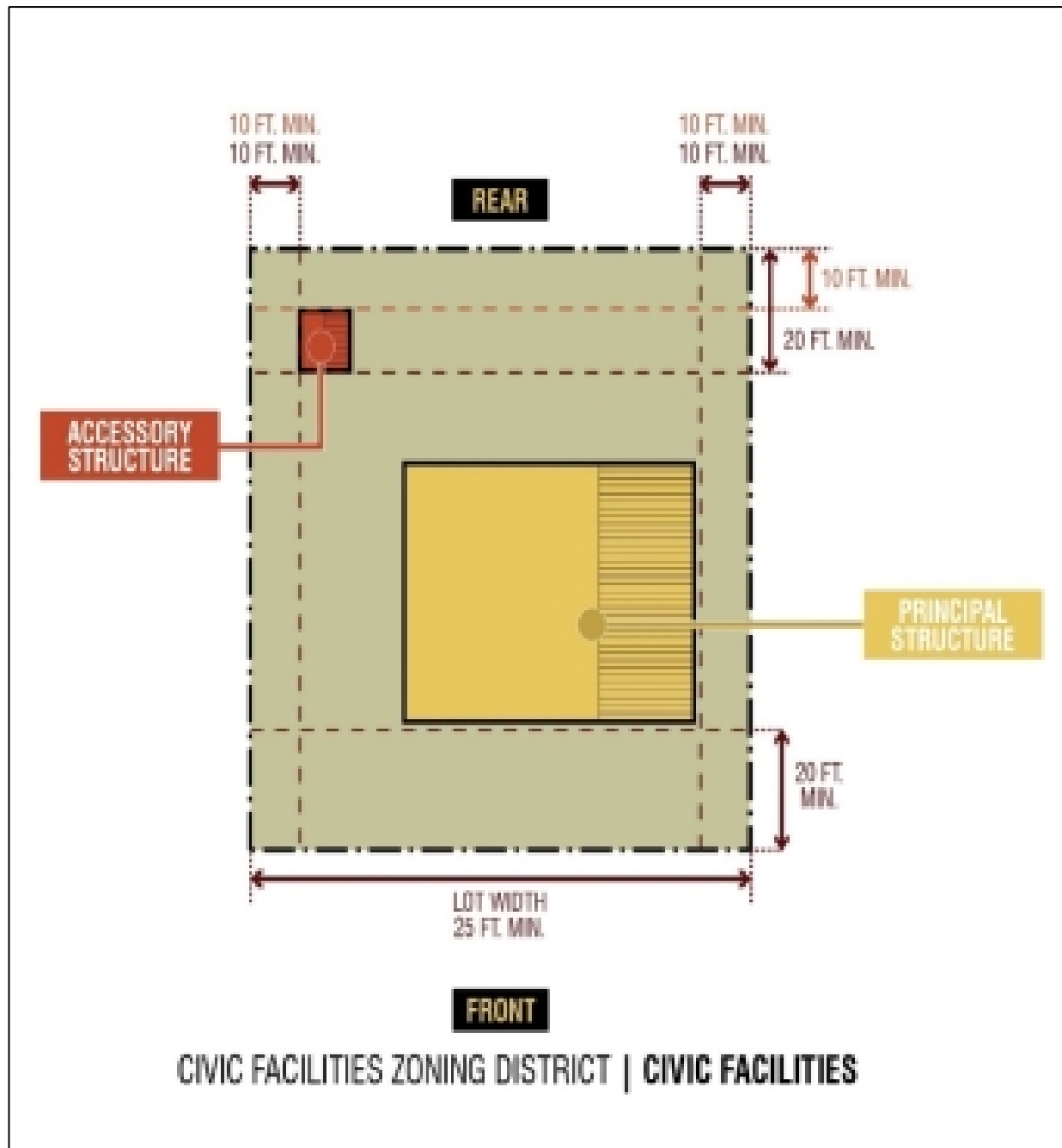


Table 13 - P Dimensional Regulations

Development Standards	Development
<b>LOT DIMENSIONS:</b>	
Lot Size, Minimum (square feet)	6,000
Lot Width, Min at Setback Line (feet)	n/a
Lot Depth, Min (feet)	n/a
<b>LOT COVERAGE:</b>	
Lot Coverage, Max (percent)	20
<b>BUILDING HEIGHT:</b>	
Building Height, Max (feet)	25
Building Height, Max (stories)	2
<b>DENSITY/INTENSITY:</b>	
Density, Max (units per acre)	n/a
Floor Area Ratio (FAR)	0.5
<b>SETBACKS:</b>	
Front Setback, Min (feet)	20
Side Setback, Min (feet)	15
Rear Setback, Min (feet)	20

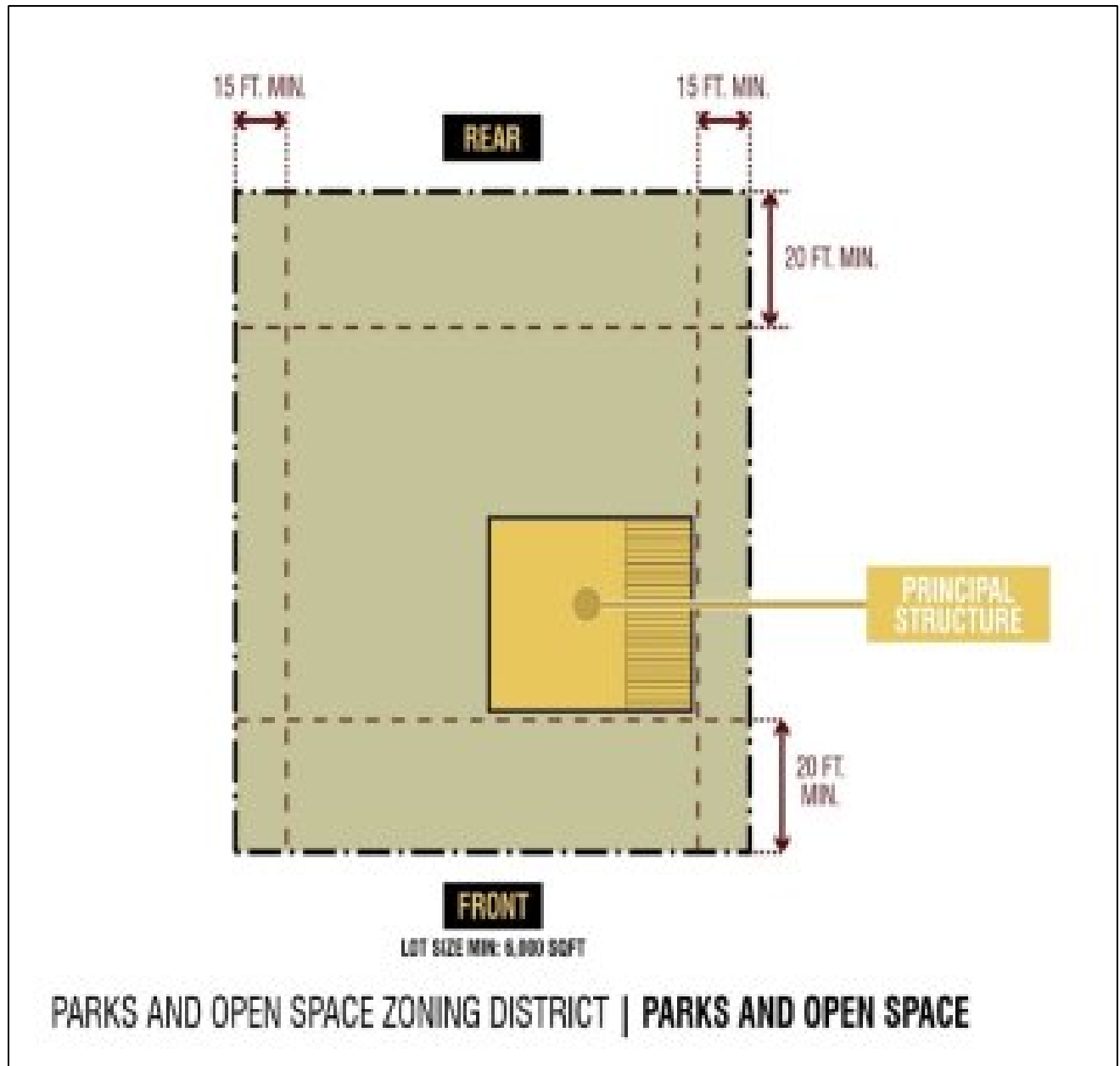
Principal and accessory setbacks are the same.

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.



**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 Designation.

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.



Table 14

<b>RESIDENTIAL AND LODGING USES</b>													
	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Downtown	Village Mixed-Use	Canal Mixed-Use	Utility	Light Industrial	Heavy Industrial	Civic Facilities	Parks and Open Space	Conservation
<b>RESIDENTIAL USES</b>													
Accessory Dwelling Units	P	P	P	P	P	-	-	-	-	-	-	-	-
Caretaker's Residence	-	-	-	-	-	-	P	P	P	P	P	SE	SE
Community Residential Home (7-14)	-	C	-	C	C	C	C	-	MU/C	-	-	-	-
Group Home (6 or fewer)	C	C	C	C	C	C	C	-	MU/C	-	-	-	-
Mobile Home	P	-	EO	-	-	-	EO	-	-	-	-	-	-
Multi-family	-	P	-	P	P	P	MU	-	MU	-	-	-	-
Single-family Detached	P	P	P	P	-	-	-	-	-	-	-	-	-
Single-family Attached/Townhouse	-	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	MU	-	-	-	-	-	-
<b>LODGING USES</b>													
Bed & Breakfast	-	SE	-	P	P	-	-	-	-	-	-	-	-
Boatel	-	-	-	-	-	-	P	-	-	-	-	-	-
Hotel/Motel	-	-	-	SE	P	P	P	-	-	-	-	-	-
Resort	-	-	-	P	-	-	P	-	-	-	-	-	-
P=Permitted, C=Conditional, SE=Special Exception, EO=Existing Only, MU=In Mixed-Use Only, -=Not Allowed													

<b>COMMERCIAL USES</b>													
	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Downtown	Village Mixed-Use	Canal Mixed-Use	Utility	Light Industrial	Heavy Industrial	Civic Facilities	Parks and Open Space	Conservation
<b>COMMERCIAL</b>													
Adult Businesses	-	-	-	-	-	-	-	-	C	-	-	-	-
Automobile Sales (new or used)	-	-	-	SE	-	C	-	-	P	-	-	-	-
Automobile Service/Garage	-	-	-	SE	EO	EO	-	-	P	-	-	-	-
Bar/Nightclub	-	-	-	C	C	C	C	-	C	-	-	-	-
Boat Sales or Rental	-	-	-	SE	-	C	P	-	P	-	-	-	-
Boat Service/Repair	-	-	-	-	-	C	P	-	P	-	-	-	-
Boatyard	-	-	-	-	-	-	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	-	-	-	-	-	P	-	-	P	-	-	-	-
Financial Institution	-	-	-	P	P	P	P	-	-	-	-	-	-
Fuel Pumps (Gas Station)	-	-	-	-	-	P	P	-	P	P	-	-	-
Funeral Home	-	-	-	P	P	P	-	-	-	-	-	-	-
Kennel/Doggy Daycare	-	-	-	SE	SE	C	SE	-	C	-	-	-	-
Marina	-	-	-	-	-	-	P	-	-	-	-	-	-

	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Downtown	Village Mixed-Use	Canal Mixed-Use	Utility	Light Industrial	Heavy Industrial	Civic Facilities	Parks and Open Space	Conservation
<b>COMMERCIAL USES (Continued)</b>													
Maritime Activities							P						
Medical Marijuana Dispensing Facility	-	-	-	-	P	P	-	-	-	-	-	-	-
Medical Service/Office	-	-	-	P	P	P	-	-	P	-	-	-	-
Movie Theater	-	-	-	-	P	P	P	-	-	-	-	-	-
Non-Chartered Financial Institutions	-	-	-	-	-	C	-	-	-	-	-	-	-
Office, Professional	-	-	-	P	P	P	P	P	P	-	-	-	-
Pawn Shop/Gold Buying Business	-	-	-	-	-	C	-	-	-	-	-	-	-
Personal Services	-	-	-	P	P	P	P	-	-	-	-	-	-
Pharmacy	-	-	-	-	P	P	-	-	-	-	-	-	-
Recreational Vehicle Storage	-	-	-	-	-	-	EO	-	P	P	-	-	-
Restaurant	-	-	-	P	P	P	P	-	SE	SE	-	-	-
Retail Small, less than 15,000 sq ft.	-	-	-	P	P	P	P	-	P	-	-	-	-
Retail Large, 15,000 sq. ft. or more	-	-	-	SE	SE	P	SE	-	SE	-	-	-	-
Shooting Range, Indoor	-	-	-	-	-	-	-	-	SE	C	-	-	-
Shooting Range, Outdoor	-	-	-	-	-	-	-	-	SE	C	-	-	-
Stable, Commercial/Equestrian Facility	-	-	-	-	-	-	-	-	-	-	-	-	-
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													

<b>COMMUNITY FACILITY USES</b>													
	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Downtown	Village Mixed-Use	Canal Mixed-Use	Utility	Light Industrial	Heavy Industrial	Civic Facilities	Parks and Open Space	Conservation
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	-	-	-	-	-	-	-	-	-	P	-
Fire Station	-	P	-	P	-	-	-	-	P	P	P	-	-
Government Services & Offices	P	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	-	-	-	-	P	-	-
Park	P	P	P	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	-	-	-	-	-	-	-	-	P	P	-
P=Permitted, C=Conditional, SE=Special Exception, EO=Existing Only, -=Not Allowed													

<b>UTILITY USES</b>													
	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Downtown	Village Mixed-Use	Canal Mixed-Use	Utility	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	-	P	-	-	-	-	-
Water Impoundment less than 10 acres	P	SE	-	-	-	-	-	P	P	P	-	-	-
Water Impoundment more than 10 acres	-	-	-	-	-	-	-	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													

<b>INDUSTRIAL USES</b>													
	Rural Residential	Limited Residential	Single Family Residential	Neighborhood Mixed Use	Downtown	Village Mixed-Use	Canal Mixed-Use	Utility	Light Industrial	Heavy Industrial	Civic Facilities	Parks and Open Space	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	-	-	-	-	EO	EO	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	P	-	-	-
Rubber & Plastic Manufacturing	-	-	-	-	-	-	-	-	-	P	-	-	-
Self-Storage/Mini Warehouse	-	-	-	-	-	-	P	-	P	P	-	-	-
Solid Waste Disposal Facility or Transfer Station	-	-	-	-	-	EO	-	-	-	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 and 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 Chapter.

(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 Chapter.



(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.**

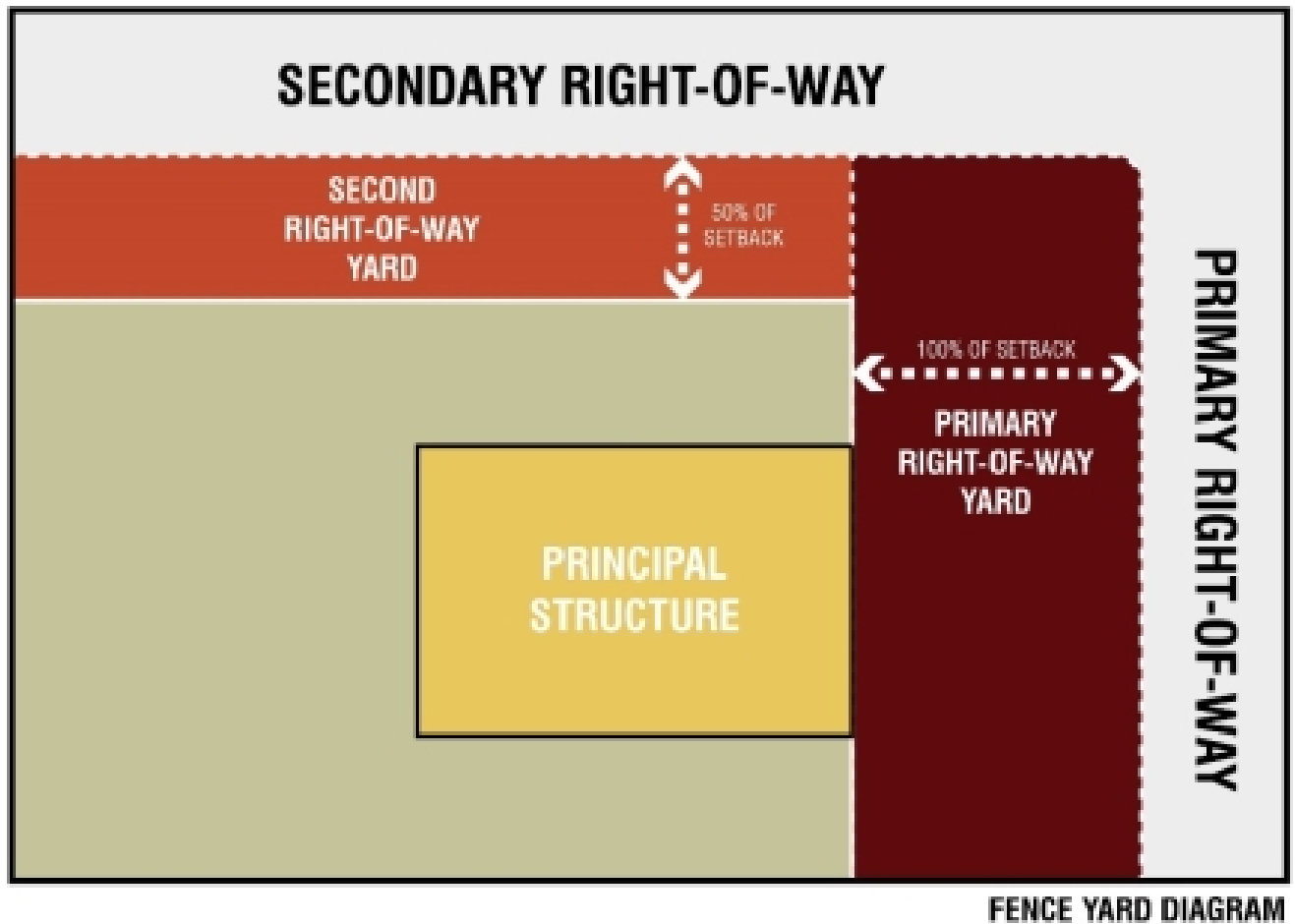
These regulations shall apply to docks located over any public waterway and shall not apply to any dock constructed completely within private property and meeting side setbacks.

- (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.



- (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. 3-6.4.)

**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 15 - 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. 3-6.3. 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 16 - 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 17 - 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.

(l) Joint and shared usage of parking.

1. Joint usage. Two or more structures or uses may collectively provide their required off-street parking, provided that the total number of parking spaces provided shall not be less than the sum of the requirements for the several individual uses if computed separately.

2. Shared usage. Required parking spaces may be permitted by the director to be utilized for meeting the parking requirements of two separate permitted uses when it is clearly established by the applicant that these two uses will primarily utilize these spaces at different times of the day, week, month or year, such as a church sharing spaces with a retail store. Recordable covenants, with correct legal descriptions, shall

be submitted by the owners of the property and the businesses, in form acceptable to the city attorney; and these covenants shall be recorded by the city at the applicant's expense, and shall run with the land. These covenants shall provide that the use, or portion of a use, that requires the shared parking in order to obtain the necessary permits or licenses shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities; and no nonresidential use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the city may collect attorney fees if litigation is necessary.



Table 18 – Minimum Parking Requirements

<b>SINGLE-FAMILY RESIDENTIAL (ATTACHED OR DETACHED)</b>	
Single-Family & Two-Family	2 per dwelling unit
Mobile Home	2 per dwelling unit
Accessory Dwelling Unit	1 per dwelling unit
Senior Housing (deed restricted)	.5 per unit
Live/Work Units	2 spaces per unit
<b>MULTI-FAMILY RESIDENTIAL USE</b>	
Efficiency dwelling unit	1.0 space/unit plus guest parking
One bedroom dwelling unit	1.25 spaces/unit plus guest parking
Two or more bedroom dwelling unit	2.25 spaces per unit plus guest parking
<b>Guest Parking:</b>	
First 20 Units	0.5 spaces/unit
Units 21-50	0.3 spaces/unit
Units 51+	0.2 spaces/unit
<b>LODGING</b>	
Hotels/Motels	1.0 space for each lodging unit and 3 spaces for employees, plus parking for accessory lodging uses
Resorts	.5 space for each lodging unit and 10 spaces for employees, plus parking for accessory lodging uses
<b>Parking for Accessory Lodging Uses:</b>	
	1.0 space per 300 sq. ft. of accessory ballrooms, meeting rooms, shops, restaurants, and lounges
<b>BUSINESS USES</b>	
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 2 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	5 spaces*
Car Wash	6 spaces*
Caterer	3 per 1,000 sf of floor area plus company vehicles

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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 5 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, Crematorium	.5 space per seat, grass overflow parking is allowed
Furniture or Flooring Store	1 per 1,000 sf of floor area
Kennel/Doggy Daycare	5 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 (indoor and outdoor)
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
<b>INDUSTRIAL USES</b>	
Flex Space	1 space per 500 sf. of net floor area
Manufacturing	1 space per 750 sf. of net floor area

<b>COMMUNITY FACILITY USES</b>	
Assisted Living Facility	1 per 2 beds
Cemetery/Memorial Garden	15 spaces
Golf Course	3 per green
Gymnasium/Work out Facility	2 per 1,000 sf of floor area
Hospital	1 per bed plus 1 per 2,500 sf. of office space
Indiantown Facilities & Offices	Determined during review process
Library	2 per 1,000 sf of floor area
Place of Worship or Public Assembly	1 per 3 seats in the main meeting area
Public School or School Facilities (K-12, vocational & community college)	Public schools per the Florida Department of Education, State Requirement for Educational Facilities
Private Elementary and Junior High School	1 space per classroom and 1 space per five seats in an auditorium
Private High School (grades 9—12), vocational schools, colleges	5 spaces per classroom and 1 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

Table 19 – Off Street Loading

Multi-Family Residential and Mixed-Use Development	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.
Schools, Hospitals, Nursing Homes, and other similar institutional uses and mid-rise residential uses	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.
Auditoriums, gymnasiums, stadiums, theaters, convention centers, and other buildings for public assembly	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.
Office and Financial Institutions	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.
Retail commercial, Service, Road Service and Commercial entertainment uses	One space for the first 10,000 square feet of gross floor area and one space for each additional 20,000 square feet.
Industrial uses	One space for every 10,000 square feet of gross floor area.
<b>Standard Off-Street Loading Space Dimensions</b>	
Width	12 feet
Length	35 feet
Vertical Clearance	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 Chapter 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 Chapter, 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.

**Sec. 3-4.16. – Outdoor Commercial Amusement (RESERVED)**

**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 - Animals 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 6 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 acre (less than 43,560 sq. ft.)	Existing Only
	Rural Residential	One to two acres (43,560 sq. ft. up to 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***

\* 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 Chapter. 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 be minimally 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 Mixed Use District. 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.
- (5) Canal Mixed Use District. 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. Boat storage is allowed as a permitted primary use in Canal Mixed Use zoning district.

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

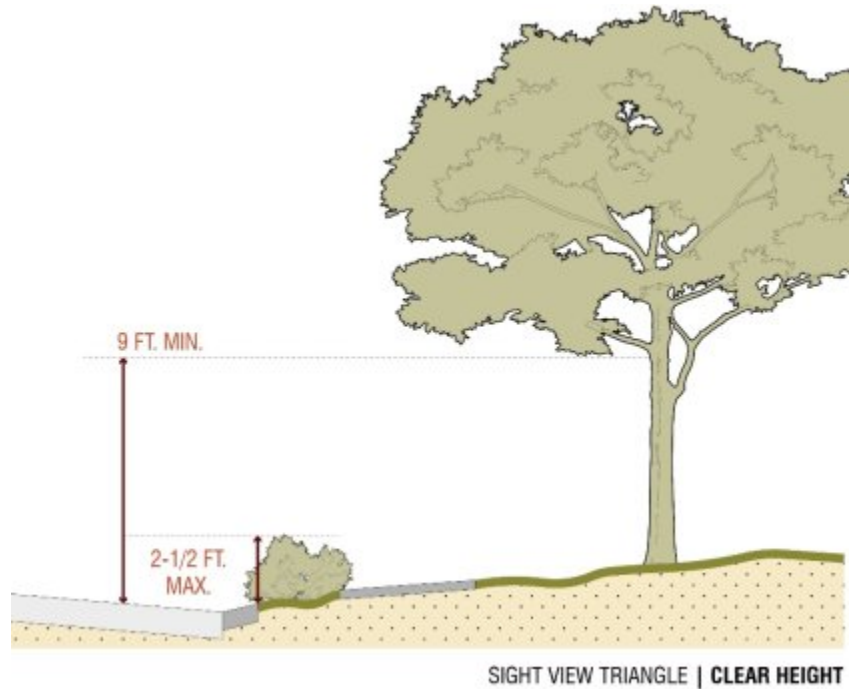
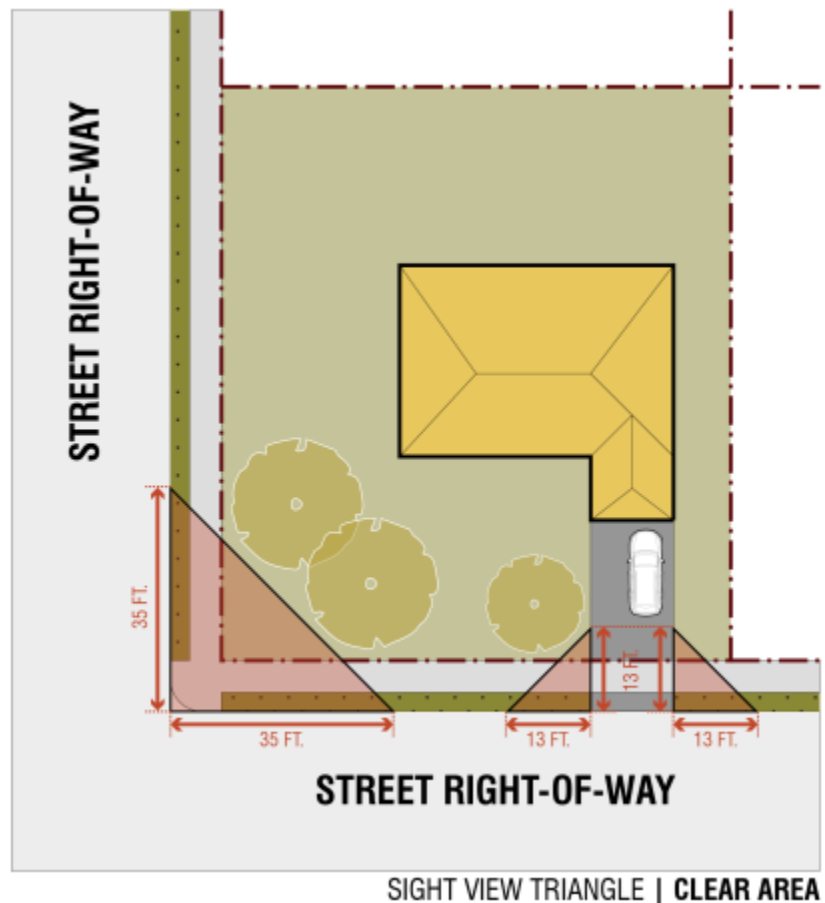


Figure 3 - Sight View Triangle, Clear Area



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

Buffer and landscaping requirements can be found in Chapter 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, and Village 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:

(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, 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) Canal Mixed-Use District design standards.**

(3) 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 Mixed Use and Canal Mixed Use zoning districts:

(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 it 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, Neighborhood Mixed-Use, and Light Industrial zoning districts that obtain third party green building certification in compliance with the procedures described in 3-6.8(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 of one (1) additional up to 12 additional feet may be permitted within the Neighborhood Mixed-Use, Canal Mixed-Use, Village Mixed-Use, Downtown, or Light Industrial zoning districts.
- (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 reduced by 10% for a 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 3-6.8(2), are available to new development and redevelopment proposed in Downtown, Village Mixed-Use, Canal Mixed-Use, Neighborhood Mixed-Use, and Light Industrial 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 Chapter. 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 establishment for short-term care of children need not provide outdoor play area.

**Sec. 3-7.8. - Drive-thru Lane. (Additional language to be considered)**

- (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. (Reconcile with Use Table)**

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 sign, 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. (Reconcile with Use Table)**

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. (Reconcile with Use Table)**

- (a) Mobile food vendors (MFV) may be allowed as part of a permitted special event or in compliance with the following regulations.
  - (1) MFV may be a Conditional 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) The name and contact information of the person responsible for the maintenance, placement and operation of the MFV shall be posted in a conspicuous place in a part of the vehicle to which the public has access by sight.

- (7) A notarized letter, from property owner of record, authorizing the use of the property by the MFV, shall be posted in a conspicuous place in a part of the vehicle to which the public has access by sight.
- (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 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) 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 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.



## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 4 – LANDSCAPING AND NATURAL RESOURCE PROTECTION**

#### **Sec. 4-1. – Purpose and Intent.**

- (a) The purpose of this Chapter is the protection of existing vegetation, new landscaping, and natural resources within the Village through effective regulation.
- (b) The intent of this Chapter is to promote the preservation of existing plant communities and limit the removal of native vegetation; to assist in the control of soil erosion, dust, heat, air pollution and noise; to maintain property aesthetic and health values; to conserve irrigation water use; to protect wetlands, waterbodies and shorelines; to protect critical habitats and listed species.

#### **Sec. 4-2. – Applicability.**

- (a) The regulations of this Chapter shall apply to all lands, proposed development plans and plats, and site activity within the Village. Except as follows, the provisions of this Chapter are not applicable to the Village.

#### **Sec. 4-3. – Landscaping.**

- (a) **Landscape Requirements.** This section contains the regulations for the installation and maintenance of landscaping within the Village. The provisions of this section are the minimum landscape requirements and any other regulations relating to removal, replacement, or maintenance of trees which are more restrictive shall supersede these regulations to the extent of any inconsistency.
- (b) **Prohibited species.** Vegetation identified by the Florida Exotic Pest Plant Council (FLEPPC) as a Category I species on the FLEPPC Invasive Species List, as may be amended and updated, shall be removed from a site as a condition of any new development, redevelopment or substantial improvement permit approval and Category I species shall not be installed as a part of any landscape improvement plan. The FLEPPC List is available at the Village Department of Community and Economic Development (Department).
- (c) **Native Species Retention.** All new development, redevelopment or substantial improvement projects shall retain existing native (native species as recognized by the University of Florida Institute of Food and Agricultural Sciences) and mature vegetation to the maximum extent possible. Existing native vegetation shall be retained unless stormwater management design, necessary grade changes, required infrastructure, approved construction footprints or hazard conditions necessitate its removal. This subsection shall not be construed to require the retention of existing native and mature vegetation in excess of the applicable minimum open space requirements of these LDRs.

The need to remove existing vegetation shall be demonstrated by the applicant as part of the permit application or site development plan review process. Retained vegetation shall be protected during construction in accordance with Sec. 4-5(e).

- (d) **Native Species Requirement.** At least seventy-five (75%) of all trees, all palms, all shrubs and all landcovers required by this section to be installed with a development permit shall be South Florida native species. Existing native species retained on-site will count toward this requirement.
- (e) **Landscape Calculations.** Any calculation required in this section resulting in a fractional number shall be rounded to the next highest whole number.
- (f) **Landscape Plan Required.** All new development, redevelopment or substantial improvement projects covered by the requirements of this Chapter shall submit a complete landscape plan to the director of the department or designee. The landscape plan shall be prepared by and bear the seal of a registered landscape architect.
- (g) **Landscape Plan Exemption.** The requirement for a signed and sealed landscape plan prepared by a registered landscape architect is exempt for development within the Rural Residential, Single Family Residential and Limited Residential Zoning Districts provided a site plan including the following is submitted:
  - (1) The location of all existing and proposed improvements, including driveways and overhead and underground utilities, and parcel boundary limits.
  - (2) The location and identification of existing native vegetation to remain on-site.
  - (3) The location of all landscape materials to be installed.
  - (4) A chart identifying the quantities and species of material to be installed.
- (h) **Landscape Plan Waiver.** At the discretion of the director or designee the requirement for a signed and sealed landscape plan prepared by registered landscape architect may be waived. The director's determination will be based on such factors as the complexity and extent of landscape material required by this section, and if, at a minimum, sufficient detail such as, but not limited to, that outlined in Section 4-3(g) is submitted to ensure the requirements of this section are met and the Village will have the capacity to ensure compliance upon completion.
- (i) **Landscape Material Quality.** All landscape materials required by this section shall be Florida Grade No. 1 or better as set forth in the Florida Department of Agriculture publication "Grades and Standards for Nursery Plants," Parts I and II.
- (j) **Landscape Material Size.** All landscape materials required by this section shall meet the following size requirements:
  - (1) Trees shall be at least 10 feet in height installed, with a diameter at breast height (DBH) of no less than one and a half (1.5") inches.
  - (2) Palms shall have a clear trunk of at least six (6) feet.

- (3) Shrubs shall be at least two (2) feet in height installed and spaced not less than twenty-four (24) inches on center.
- (4) Ground covers shall be no less than one-gallon materials.

(k) **Landscape Species Diversity.** To promote and maintain species diversity, all landscape materials required by this section shall meet the following diversity requirements:

**Table 4-1**

<b>Required Number of Trees</b>	<b>Required Number of Species</b>
1 - 3	1
4 - 10	2
11 - 20	3
21 - 30	4
31 +	5
<b>Required Number of Palms</b>	<b>Required Number of Species</b>
1 - 3	1
4 - 10	2
11 - 20	3
21 – 30+	4
<b>Required Number of Shrubs</b>	<b>Required Number of Species</b>
1 - 3	1
4 - 20	2
21 - 40	3
41 - 60	4
61 +	5

(l) **Landscape Buffers.** Perimeter landscape buffers are only required for the Light Industrial, Heavy Industrial and Utility Zoning Districts. A perimeter landscape buffer will be required where these districts abut any district other than Light Industrial, Heavy Industrial and Utility Zoning Districts; additionally, a buffer is not required where these districts abut the corporate limits of the Village. The landscape buffer shall meet all the following requirements:

- (1) Shall be 10 feet in width.
- (2) Every 20 linear feet of required buffer shall contain at least one (1) tree or Palm, seven (7) shrubs, and three (3) ground covers.
- (3) Disturbed ground shall be covered in four (4) inches of clean (weed free/seed free) mulch.
- (4) Existing native vegetation that falls within the buffer area will count toward the buffer quantity requirements of this subsection.

(m) **Landscape Quantities.** The Tables below specify the quantity of landscape material required by this section for any new development, redevelopment, or substantial improvements on a property.

- (1) The Rural Residential, Single Family Residential and Limited Residential Zoning Districts require the following:

**Table 4-2**

<b>Lot Size</b>	<b>Number of Trees or Palms</b>	<b>Number of Shrubs</b>
Up to 5,000 square feet	2	4
5,001 to 10,000 square feet	4	6
10,001 square feet to 1 acre	6	8
Greater than one acre	8	12

- (2) The Neighborhood Mixed Use, Canal Mixed Use, Village Mixed-Use, Downtown, Park and Open Space, and Civil Facilities Zoning Districts require the following:

**Table 4-3**

<b>Lot Size</b>	<b>Number of Trees or Palms</b>	<b>Number of Shrubs</b>
Up to 2,000	1	2
2,001 to 4,500 square feet	2	4
4,501 to 10,000 square feet	4	6
10,001 to 20,000 square feet	6	8
20,001 to one acre	8	12
Greater than one acre	10	18

- (3) The Light Industrial, Heavy Industrial and Utility Zoning Districts require the following, in addition to the buffer requirements of Section 4-3(l):

**Table 4-4**

<b>Lot Size</b>	<b>Number of Trees or Palms</b>	<b>Number of Shrubs</b>
Up to 5,000 Square Feet	2	4
5,001 to 10,000 Square feet	4	6
10,001 square feet to 1 acre	6	8
Greater than one acre	8	12

- (4) Where vehicle parking is required for any development, other than within the Rural Residential, Single Family Residential and Limited Residential Zoning Districts, the following applies in addition to that specified in Tables 4-3 or 4-4 above:

**Table 4-5**

<b>Required parking spaces</b>	<b>Number of Trees or Palms</b>	<b>Number of Shrubs</b>
Up to 10	1	2
11 to 20	2	4
21 to 30	3	6
31 to 40	4	8
Greater than 40	8	12

- (5) To ensure adequate canopy coverage is retained in the Village, where the code identifies tree or palm in subsection 4-3(m)(1) – (4) above, it is required that at least half of the required number be canopy trees.
- (n) **Landscape Installation Placement.** The landscape quantities specified in subsection 4-3(m) shall be installed to the maximum extent feasible to showcase and enhance the aesthetic value of a property and to be most visible from outside observers and public spaces. Installed landscape materials shall not:
- (1) Obstruct clear sight triangles or create other visibility hazards.
  - (2) Interfere with overhead or underground utilities or other infrastructure.
  - (3) Obstruct signage, walkways or create hazards to buildings and sidewalks.
- (o) **Certificate of Occupancy.** All landscape materials required by this section shall be installed, and staked, prior to issuance of a Certificate of Occupancy or other permit close out processes.
- (p) **Payment in Lieu of Landscaping (PLL) Option.** It is the intent of this section that payment in lieu of landscaping (PLL) be an optional method of providing landscaping for previously developed properties where a property cannot reasonably conform to the requirements of this Chapter. The payment or PLL is in the public interest as a means of encouraging the redevelopment of existing properties and as a means of funding Village landscaping within developed areas. The owner of an existing developed property may make a request to the director during the development application review process if they feel compliance is not feasible. It shall be incumbent upon the applicant to provide evidence explicitly establishing that one (1) or more of the following conditions exist:
- (1) Compliance is not logistically possible.
  - (2) Compliance would cause other aspects of the site (example: parking) to become substandard or further substandard relative to the LDR requirements.
  - (3) Compliance would compete with other site amenities deemed in the prevailing public interest.
  - (4) Compliance could not be achieved through alternative creative vegetative means such as green walls or a green roof.
- (q) **Payment in lieu of landscaping (PLL) Authorization.** The following shall be required in granting an approval for a payment in lieu of landscaping (PLL).
- (1) The applicant must meet the requirements of this Chapter to the maximum feasible based on the existing site conditions.
  - (2) The PLL must be approved prior to the issuance of the development permit for the site.
  - (3) The PLL must be brought before and approved by the village council.
  - (4) Any onsite landscape arrangement satisfied through a PLL shall run with the land, unless the site is redeveloped in a manner that allows for additional potential

- compliance with the landscaping requirements of this Chapter, in which case said requirements shall be satisfied on site, or through additional PLL. Any subsequent change of use or alteration which increases the degree of nonconformity to these regulations, if permitted, shall require a recalculation of the PLL and may require payment of additional fees for the cost of landscaping, installation and processing.
- (5) After the authorization of a PLL, the director shall document the degree of nonconformity to be accommodated based upon the percentage of required landscaping that cannot reasonably be provided upon the previously developed property and shall calculate the cost of providing and installing the required landscaping to be exempted by the PLL. This cost plus an administrative fee of \$200.00 for processing shall constitute the payment to be made in lieu of providing the required landscaping.
  - (6) No refund of PLL shall be made when there is a change of use or alteration which reduces the degree of nonconformity.
  - (7) The PLL shall be made to the Village in one lump sum prior to the issuance of any development permit.
  - (8) Funds received from a PLL shall exclusively be used and expended only for the purpose of providing municipal landscaping and streetscape improvements within the Village.
- (r) **Landscape Maintenance.** The owner shall be responsible for the maintenance and protection of all landscaping existing or hereafter installed, which shall be maintained in a healthy growing condition and shall be kept free from invasive species, refuse and debris. Planting beds shall be maintained with four (4) inches of clean mulch. Newly installed trees shall be staked for the first year with the staking removed after one (1) year.
- (s) **Right of Way Landscaping.** Privately installed trees located in the public right-of-way may be adversely impacted by various underground or other construction activities undertaken by the Village. The Village shall not be responsible for any adverse impact on existing private trees in the public right-of-way from activities undertaken by the Village. Any trees and plant material placed in public rights-of-way does not create or vest any property right in association with the planting. Any privately installed trees located in the public right-of-way shall be maintained by the property owner.
- (t) **Florida-Friendly.** It is recommended that whenever possible the Florida-Friendly concept of landscaping shall be utilized. The Florida-Friendly landscape principles identified by the Florida Yards and Neighborhoods program operated by the University of Florida Institute of Food of Agricultural Services Extension, are identified in the most recent edition of the Florida-Friendly Best Management Practices for Protection of Water Resources. The principles encompass the following categories:
- (1) Right Plant, Right Place
  - (2) Water Efficiency

- (3) Fertilize Appropriately
- (4) Mulch
- (5) Attract Wildlife
- (6) Manage Yard Pests Responsibly
- (7) Recycle Yard Waste
- (8) Reduce Stormwater Runoff
- (9) Protect Waterfront

**Sec 4-4. – Irrigation Systems.**

- (a) **Permit Required.** The property owner shall obtain a permit from the Village, as required, and be responsible for obtaining the necessary permit(s) from all other applicable agencies having jurisdiction for any new or updated landscape irrigation system that connects to a public utility or utilizes a private well or pump; and to provide a copy of the permit to the Village.
- (b) **Water Conservation.** Any new or updated landscape irrigation system shall incorporate the following water conservation measures.
  - (1) Irrigation controllers shall have rain sensors incorporated into the system.
  - (2) Irrigation systems shall be designed so that, to the greatest extent practical, water is not applied to non-pervious areas.
  - (3) Wherever practical, high water and low water use areas are circuited separately.
  - (4) As feasible and effective, the most water efficient sprinkler head and/or drip line is utilized to conserve water and to minimize evaporation.
  - (5) Wherever practical and feasible, the use of non-potable water is recommended.
  - (6) Wherever practical and feasible, the use of reclaimed water is recommended.
- (c) **Irrigation Plan Submittal.** All proposed development site plans or proposed plat plans submitted to the Village shall include an irrigation plan, if applicable. Submitted irrigation plans shall identify the water source and have sufficient detail to demonstrate conformance with the criteria within Sec. 4-4(b).

**Sec. 4-5. – Vegetation Removal, Protection, and Replacement. Clarification required in (a) to specify applicability to land clearing; and (b) should be simplified**

**Permit Required.** Unless a Protected species, single family and duplex will not be required to obtain a tree removal permit

Multi-family and non-residential districts will still require removal permits

Prior to any clearing of improved, vacant, or unimproved land, or the relocation, or removal of any tree(s) from a parcel, unless specifically exempted from this section, a landowner shall obtain a land clearing/tree removal permit from the Village.

(b) **Exemption.** A landowner is exempt from the requirement to obtain a permit from the Village for the removal of any vegetation identified by the Florida Exotic Pest Plant Council (FLEPPC) as a Category I species on the FLEPPC Invasive Species List, as may be amended and updated. The FLEPPC List is available at the department.

(c) **State Regulation.** Tree pruning, trimming and removal on residential property must comply with the documentation requirements of Section 163.045 of the Florida Statutes, as may be amended.

(d) **Supplemental Tree Standards.** [change between first and second reading to address comments]

(e) **Vegetation Protection During Development.** All new development, redevelopment or substantial improvements shall retain existing native and mature vegetation to the maximum extent possible. Existing native vegetation shall be retained unless stormwater management design, necessary grade changes, required infrastructure, approved construction footprints or hazard conditions necessitate its removal. The need to remove existing vegetation shall be demonstrated by the applicant as part of the building permit or site development plan review process. Areas of retained vegetation shall be preserved in their entirety. Following are the minimum standards necessary to protect trees/palms designated for preservation, per the approved site plan or issued permit, from damage during development.

- (1) Prior to any clearing or development activities, trees/palms to be preserved shall have barriers constructed around each tree/palm or groups of trees/palms and understory by the permit holder or land clearing person to prevent physical damage from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection by the Village as a condition of permit approval and prior to any such clearing or development activity. The barriers or barricades shall be:
  - a. Large enough to include the entire area inside the outer edge or dripline of the tree/palm.
  - b. Conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.
  - c. Constructed of sturdy, orange, plastic barricading with supports placed every five (5) feet as approved by the Village based on professional judgment that the intent of this provision shall be met.
  - d. Constructed as a condition of the issuance of any land clearing, building or other development permit and prior to any construction or other development activities.
  - e. Remain in place throughout the construction period.
  - f. Be completely removed from the site at the end of the construction period and be removed prior to the issuance of a Certificate of Occupancy by the Village.



- (2) The permit holder and any on-site person shall protect the trees/palms and understory plants designated for preservation in the approved site plan or tree permit from hazardous and poisonous materials, from excavation, the placement of fill and grade changes.
  - (3) No parking, vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall take place within areas marked for preservation, specifically including, but not limited to, within the dripline of any individual trees designated to remain.
  - (4) All proposed development site plans or proposed plat plans submitted to the Village shall include a Tree Protection Plan, if applicable. Submitted plans shall have sufficient detail to demonstrate conformance with the criteria within Sec. 4-5(e).
- (f) **Vegetation Replacement.** Any tree or palm removed in violation of the requirements in this section, or that is abused beyond reparation to restore natural growth, or is a protected tree/palm designated as such on an approved site plan or tree removal permit that is irreparably damaged during development, shall be replaced.
- (1) Palms shall be replaced at a 2:1 ratio. Palms shall be a Florida native species (native species as recognized by the University of Florida Institute of Flood and Agricultural Sciences) that is appropriate for the site conditions, Florida Grade No. 1 or better as set forth in the Florida Department of Agriculture publication "Grades and Standards for Nursery Plants," Parts I and II, and have a clear trunk of at least six (6) feet.
  - (2) Trees less than 18" DBH shall be replaced at a 2:1 ratio, trees greater than an 18" DBH shall be replaced at a 3:1 ratio. Replacement trees shall be a Florida native species (native species as recognized by the University of Florida Institute of Flood and Agricultural Sciences) that is appropriate for the site conditions, Florida Grade No. 1 or better as set forth in the Florida Department of Agriculture publication "Grades and Standards for Nursery Plants," Parts I and II, and be at least ten (10) feet in height installed with a DBH of no less than 1.5 inches.
  - (3) Any protected tree/palm designated as such on an approved site plan or tree removal permit that is irreparably damaged during development shall be replaced prior to the issuance of the Certificate of Occupancy for the development.
  - (4) Any tree or palm removed in violation of the requirements in this section, or that is abused beyond reparation to restore natural growth, shall be replaced within 30 days of notice of the violation.
- (g) **Ground Stabilization After Vegetation Removal.** To control soil erosion and impede the growth of invasive pest plant species, the applicant is required to immediately seed, sod, or otherwise vegetate with desirable plant species, a cleared area after vegetation removal.

- (h) **Suspension of Permit Requirement.** The village council may, by emergency resolution, suspend the permit requirement for vegetation removal in the aftermath of a natural disaster, such as a hurricane, when the following conditions are met and contained in the resolution:
- (1) The suspension is for a defined period of time not to exceed 30 days or as otherwise set by the village council.
  - (2) The vegetation removal is necessitated by disaster related damage.
  - (3) The suspension is not applicable to vegetation within habitats containing listed species.
  - (4) The vegetation to be removed is not a specimen tree greater than 18 inches DBH.

**Sec. 4.6. – Excavation, Filling, and Mining.**

- (a) **Permit Required.** A landowner shall obtain a permit for any land disturbing from the Village.
- (b) **Engineered Design.** Development designs proposing the use of fill shall be approved by a registered professional engineer and shall meet any required site design standards established in Chapter 5, subdivision design and specification in Chapter 10, flood mitigation of these LDRs and, the Florida Building Code.
- (c) **Keeping of Fill on Property.** Every owner and, if applicable, every agent, custodian, lessee or occupant of property shall reasonably regulate and effectively control the property to prevent the keeping of fill on it to prevent the creation of:
- (1) A habitat for rodents, vermin, reptiles or other wild animals.
  - (2) Breeding ground for mosquitoes.
  - (3) A place conducive to illegal activity.
  - (4) A place that threatens or endangers the public health, safety or welfare of Village residents.
  - (5) A place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.
  - (6) A condition on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby property.
- (d) **Temporary Stockpiling of fill.** For temporary stockpiling of fill associated with any construction or development, as a component of the development permit application process the applicant shall identify that fill will be stockpiled, the location of the stockpiles, and shall remove all fill stockpiles prior to issuance of a Certificate of Occupancy. To prevent erosion the applicant shall also provide a silt fence around the stockpile.
- (e) **Distinction between Mining Operations and Excavation.** Excavation and mining are both the digging, stripping or removal by any process of natural materials or deposits from their natural state and location. For the purposes of this section excavation shall include

but not be limited to, the creation of canals, waterways and lakes incidental to real estate development. Excavation as used herein shall not include digging for foundations, fences, structures or incidental to construction work, wherein no materials are removed from the premises, except surplus not required for backfill or approved grading of the premises.

Mining, for the purposes of this section, is not incidental to real estate development and has as its sole purpose the removal of all of the natural materials or deposits from the premise for commercial purposes.

- (f) **Prohibition of Mining Operations.** New Commercial Rock Mining Operations are prohibited with the Village.
- (g) **Excavation Requirements.** This section contains the regulations for conducting excavation within the Village.
  - (1) The excavation shall be incidental to a real estate development project.
  - (2) Prior to any land disturbance or development activity the property owner shall be responsible for obtaining the necessary consultation and permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village.
  - (3) The use of blasting, fracking, rock fragmentation or other techniques designed to fracture rock by vibration or compression is not allowed in excavation operations within the Village.
  - (4) During excavation operations, the site shall be suitably posted with warning signs of such character and location as may be adequate to warn the public concerning possible hazards.
  - (5) During the excavation operations, the site shall be suitably protected with barriers and fencing to protect the public from possible hazards.
  - (6) Excavation hours of operation shall be limited to the period between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday.
  - (7) Every owner or operator of any excavation site shall be insured to the extent of \$100,000 against liability arising from any activities or operations incidental to excavation carried on or conducted pursuant to any permit or approval given for that excavation by the Village.
  - (8) The Village reserves the right to request that an applicant for a permit for excavation post a performance bond conditioned upon complete compliance with the regulations of the Village pertaining to the initiation, conduct and completion of the excavation project in a manner conforming to this section and the issued permit conditions.
  - (9) Upon completion of the project, the property shall be cleaned and left in a presentable condition. The perimeter of the excavation shall be properly backfilled and graded and vegetated. Any stockpile or staging areas must be mulched or vegetated.

- (10) Upon completion of the excavation and final grading a topographical survey shall be submitted to the Village showing elevations and cross-sections of the final outside boundaries of each excavation at 100-foot intervals.
- (11) The following shall be submitted with each excavation application.
  - a. A site plan to showing the property owned or controlled by the applicant with reference to streets, highways, and contiguous platted areas.
  - b. A current boundary survey with topographic information of the project site.
  - c. Cross-sections showing approximate elevation and grades of the final boundaries of excavation.
  - d. A final grading plan to show the ground elevations of the land immediately adjacent to the side of the excavation and all the bounding streets or roads.
  - e. A disposition for the excavated materials.
  - f. A staging and stockpiling plan
  - g. A site clean-up and revegetation plan.
  - h. The maps, grading plans, elevations, and cross-sections required by this section shall be made by a surveyor-engineer registered as such by the state.

**Sec 4-7. – Wetlands, Protected Species, Critical Habitat, Shorelines and Submerged Lands.**

- (a) **Wetlands.** Prior to any land clearing or other land disturbance, development or fill activity in any wetland, as defined pursuant to Sections 62-340.100 through 62-340.500, F.A.C., and ratified by Section 373.4211 F.S, as well in accordance with the 1987 U.S. Army Corps of Engineers (ACOE) Wetland Delineation Manual, the property owner shall be responsible for obtaining the necessary permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village. The South Florida Water Management District, the Florida Department of Environmental Protection and the U.S. ACOE all regulate wetlands within the Village.
- (b) **Protected Species and Their Critical Habitats.** Prior to any land clearing or other land disturbance or development activity within any Critical Habitat or on any site actively hosting a protected species, the property owner shall be responsible for obtaining the necessary consultation and permits from all applicable agencies having jurisdiction and providing a copy of these permits to the Village. The Florida Fish and Wildlife Conservation Commission (FWC) maintains the list of animals identified as Federally-designated Endangered or Threatened, State-designated Threatened, or State-designated Species of Special Concern, in accordance with Rules 68A-27.003, and 68A-27.005, respectively, Florida Administrative Code (F.A.C.), and Critical Habitats are mapped by the US Fish and Wildlife Service (FWS).
- (c) **Shorelines and Submerged lands.** Prior to any land clearing or other land disturbance, development or fill activity along a shoreline or in, over or under any natural or manmade waterbody the property owner shall be responsible for obtaining the necessary consultation and permits from all applicable agencies having jurisdiction and providing a

copy of these permits to the Village. The South Florida Water Management District, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers all regulate waterbodies and shoreline within the Village.

**Sec. 4.8. – Wellfield Protection.**

- (a) **Wellfield Protection.** The Martin County Wellfield Protection Ordinance No. 949, February 26, 2014, or subsequent amendments thereto, is hereby adopted by reference as part of these LDRs. Copies of this document shall be made available to the public at the office of the director or Martin County's website.

**Sec. 4.9. – Violations.**

- (a) **Penalties.** Any violation of this Chapter shall constitute a Village ordinance violation and may be prosecuted before the code enforcement board of the Village as provided in the Village code. Each violation of this Chapter is deemed a separate and distinct infraction.

## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 5 – SUBDIVISION DESIGN AND ADDRESSING**

#### **Division 1 – Subdivision Design**

##### **Sec. 5-1.1. – Purpose and Applicability.**

The purpose of this division is to establish basic guidelines for designing new subdivisions within the Village.

##### **Sec. 5-1.2. – Creating Neighborhoods.**

These LDRs will permit through zoning a mix of residential and non-residential building types within new subdivisions which will in turn provide for the creation of diverse neighborhoods.

##### **Sec. 5-1.3. – Connectivity to Surrounding Areas.**

Blocks within subdivisions shall connect to the existing Village street network through a system of walkable blocks/street frontages as part of the subdivision design. Connectivity shall be assessed by the ability to provide multiple routes, diffuse traffic, and shorten pedestrian walking distances.

##### **Sec. 5-1.4. – Subdivision Block Lengths.**

Block lengths shall generally be between 200 and 500 feet. Exceptions are permitted, however, due to existing street patterns, environmental protection, topographical features, existing buildings, enhanced design features, and similar conditions.

Lots and blocks within subdivisions intended for commercial and industrial use shall be designed specifically for such purposes.

##### **Sec. 5-1.5 – Lot Design.**

To ensure a functional and efficient design, reduce conflicts with transportation facilities, and create desirable lots for development, all activities regulated under this section shall comply with the following general requirements:

- (1) Except for cluster development, all lots shall meet the minimum requirements of the applicable zoning district, for the zone in which the property is located with respect to area, depth, width at street right-of-way, width at building line, yards, percentage of lot coverage, and, if applicable, parking and loading.
- (2) All lots shall be provided with direct access from a dedicated public street by means of minimum frontage on a public street right-of-way or by a private road.
- (3) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot pattern.
- (4) Lots shall be laid out to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the area. In

general, drainage shall be designed to avoid concentration of stormwater from one lot onto an adjacent lot.

- (5) In general, the ratio of the depth of any lot to its width shall not be greater than four to one.
- (6) Lots having frontage on two streets shall be avoided wherever possible.

**Sec. 5-1.6 – Private Streets.**

Although private streets are discouraged, any street that is not open to general public use shall be retained permanently as a privately owned and privately maintained street. This may be accomplished by creating a private tract or easement for ingress and egress purposes.

**Sec. 5-1.7 – Easements.**

In order to ensure the provision of adequate utilities as determined by the public works director in a timely manner consistent with the Village's Comprehensive Plan, and protect the health, safety and welfare of the Village and its residents, all activities regulated under this Section shall comply with the following requirements:

- (1) Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The widths of the public easements shall be a minimum of 6 feet unless the Village determines a smaller or larger width is appropriate based on-site conditions. Whenever possible, public easements shall be combined with driveways, pedestrian accessways and other utility easements.
- (2) Private easements for the construction and maintenance of utilities within the subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be a minimum of 5 feet unless the Village determines a larger width is appropriate based on the site conditions.

**Division 2 – Addressing and Street Naming**

**Sec. 5-2.1. – Purpose and Applicability.**

The purpose of this division is to establish a standardized procedure for addressing the physical location of all structures, streets and real properties in the Village. For the purposes of this division Street shall mean any type of public right-of-way designation.

**Sec. 5-2.2. – Time of Address and Street and Subdivision Naming.**

Site address numbering and street and subdivision naming may occur during staff review of applications for proposed development or during the building permit review. New addresses shall be determined from the relationship of the proposed development's location to the established addressing grid within the Village.

**Sec. 5-2.3. – Street Naming and Addressing System.**

The Village is located in the Southwest Quadrant of Martin County. The County Quadrants were

originally established for the purposes of street naming and site address numbering.

**Sec. 5-2.4. – Street Naming Procedure.**

Street names shall be established as follows:

- (1) Numbered streets. Streets parallel to the baseline may bear a number instead of a name. Numbers shall be allocated in a consistent manner or pattern.
- (2) New street and subdivision names. Proposed names of streets and subdivisions shall be submitted to the department for review and approval.
- (3) Street name spelling and duplication. Spelling of street names shall be in accordance with that provided in a current standard, unabridged English dictionary. A proposed street name shall not duplicate existing street names.
- (4) Naming driveways. A driveway that serves as the principal access to two or more parcels that contain primary structures shall be named and the primary structures shall be addressed from the named access.
- (5) Continuity of Street Names. When streets are extended or lengthened the street names shall not change.

**Sec. 5-2.5. – Street Addressing Procedure.**

The procedure for selecting a site address shall be as follows:

- (1) Site address numbering shall be generally derived from a site's location relative to the Village grid system.
- (2) Odd numbers shall be assigned to the north and east sides and even numbers shall be assigned to the south and west sides of a street.
- (3) Units (suites, offices, bays, etc.) within structures which have direct access to the building exterior shall be individually enumerated. Units having only interior hallway access shall share the same building address.

**Sec. 5-2.6. – Street Name Suffix.**

Street name suffixes shall be established as follows:

- (1) North/south streets. Streets running in a nominal north/south direction shall be designated "avenue," "court," "drive," "lane" or some other designation beginning with a letter in the first half of the alphabet (A through M).
- (2) East/west streets. Streets running in a nominal east/west direction shall be designated "street," "terrace," "place," "way" or some other designation beginning with a letter in the second half of the alphabet (N through Z).



- (3) Circular roadways. Streets that form loops or circles shall be designated "circle."
- (4) Roads, highways, parkways, and boulevards. Only major thoroughfares shall be designated "road", "parkway", "highway" or "boulevard". These terms may be used regardless of street direction.
- (5) Standard Abbreviations. Standard abbreviations may be used for street name suffixes.

**Sec. 5-2.7. – Official Address Assignments.**

The department shall maintain the official list of addresses and street and subdivision names associated with all property in the Village. Public service providers, such as Indiantown Sheriff, Martin County Fire Rescue Department, U.S. Postal Service, Martin County Property Appraiser, utilities, and any other agency requesting such information, shall be notified of any new assignments to this database. Site addresses shall be assigned as follows:

- (1) The property shall be addressed from the street which the principal building faces.
- (2) Corner properties shall generally be addressed from the street with the narrowest frontage.
- (3) A request by an agency for an address for a public facility located in the right-of-way (lift station, phone box, traffic signal box, meters, wells, etc.) shall be on official letterhead and include a description of the facility and an aerial photograph or survey showing the proposed location of the facility.
- (4) Properties not containing a principal building will not be assigned an address unless:
  - (a) The property is created through a site plan or plat process.
  - (b) The property is in the process of obtaining a building permit.
  - (c) There is an official request from a governmental agency.

**Sec. 5-2.8. – Displaying Addresses.**

Site addresses shall be displayed as follows:

- (1) The property owner shall be responsible for the placement of all site addresses. The address shall be placed conspicuously on the front of the structure, so the numbers can be plainly seen from the street. An additional address may be located near the driveway or common entrance, but maintaining the sight visibility triangle, whenever the structure is more than 50 feet from the street.
- (2) Numbers used in residential districts shall not be less than four inches in height and shall be made of a durable and visible material.

- (3) Numbers used for commercial, industrial, or mixed-use buildings shall not be less than six inches in height. In addition to placement on individual entry doors, the range of addresses within a commercial development shall be placed at the right-of-way fronting the development on either a monument sign or a marquee sign. Numbers on the monument or marquee sign shall also not be less than six inches in height.
- (4) No certificate of occupancy shall be issued until the site address is placed in the required manner.

**Sec. 5-2.9. – Changing Street Names in Conflict with this Division.**

The following procedure shall be used for changing any street name which conflicts with this division:

- (1) The department shall notify each affected property owner of any conflicts with this division, identify possible solutions and seek input.
- (2) The department shall review all response comments and determine a course of action which is in the interest of the majority of the affected property owners.
- (3) The department shall provide a final written notice to all affected property owners. The notice shall: (1) identify the selected course of action, (2) allow the property owner six (6) months to implement any name change, and (3) advise the property owner that a temporary sign indicating current and future street names will be posted by the Village during the six-month implementation period.
- (4) The department shall notify all affected agencies and utilities of the Village's action.

**Sec. 5-2.10. – Changing Street Names Not in Conflict with this Division.**

The following procedure shall be used for changing any street name which is not in conflict with this division:

- (1) Village Initiated.
  - (a) The village council may change a street name at a public hearing advertised for this purpose.
  - (b) The department director shall prepare and mail letters to the affected property owners giving them notice of the public hearing to consider the street name change.
  - (c) If approved, a new street sign(s) shall be placed by the Village.
- (2) Citizen Initiated Petition.
  - (a) A petition of any citizen for a street name change shall be submitted to the Village in a format and application determined by the director. The application shall include the petition explaining the proposed name

change, a certified mailing list of all affected property owners, the results of a poll of each affected property owner, as to whether he or she is "in favor of" or "opposed to" or "neutral to" the proposed change, and a sample notice letter announcing a public hearing.

- (b) If a majority of affected property owners sign the petition "in favor of" the proposed change, the director shall schedule a public hearing before the Village Council. The petitioners shall prepare and mail letters to the affected property owners giving them notice of the public hearing to consider the street name change. Copies of all letters with return receipts shall be submitted to the department.
- (c) If approved, a new street sign(s) shall be placed by the Village.

## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 6 – TRAFFIC AND STREET DESIGN**

#### **Sec. 6-1. – Purpose and Applicability.**

The purpose of this Chapter is to establish minimum standards for traffic and street design requirements within the Village. All design standards in this Chapter shall apply to all new or redevelopment projects. The Village retains the ability to rely upon good engineering methods and practices in interpreting application of the codes to individual projects.

#### **Sec. 6-2. – General Principles**

The Village views streets as important public spaces and therefore has developed the following set of principles which permit this space to be used by both vehicles and people:

- (1) Streets are designed to be only as wide as necessary to accommodate the vehicular/pedestrian mix serving adjacent land uses, while providing adequate access.
- (2) Whenever an irreconcilable conflict exists among vehicular and pedestrian usage, the conflict should be resolved in favor of the pedestrian, unless in the best interest of public safety.
- (3) The use of traffic calming devices is strongly preferred as an alternative to conventional traffic control measures. The Village public works director may permit minor variations and exceptions to street engineering and design specified, such as, but not limited to, variations to the pavement width, tree planting areas, street grade, sight distances, and centerline radii in accordance with principles above. Right-of-way widths should be preserved for continuity.
- (4) Closed or gated streets are discouraged.
- (5) Private streets may be allowed within developments that will remain under common ownership, provided they are designed, constructed, and maintained pursuant to best management practices approved by the Village public works director.
- (6) Although discouraged, Cul-de-sacs if permitted shall not exceed 300 feet in length unless a greater length is approved by the Village public works director. Cul-de-sacs shall provide a turnaround having a right-of-way radius sufficient to accommodate truck traffic and emergency vehicles.
- (7) Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow proper inter-neighborhood traffic flow by means of a collector street. If adjacent lands are not subdivided, stub-outs in the new development shall provide for future connections to these lands.

- (8) The developer of a proposed subdivision shall deposit with the Village sufficient funds to provide all necessary roadway related signage as may be required by Village, county or state standards.

**Sec. 6-3. – Relationship to Plans, Site Conditions and Topography.**

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to all official plans and shall be considered in their relation to the pattern of existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.
- (b) Streets shall generally follow or parallel the existing topography and shall not run perpendicular to it. Streets shall be designed to facilitate drainage and stormwater objectives.
- (c) Streets shall be constructed with grades which conform to construction standards as set forth by the Village. In no case may streets be constructed with grades that create a substantial danger to public safety.
- (d) The widths of proposed rights-of-way and the configuration of any proposed street shall be subject to review by the Village. A typical detail depicting proposed rights-of-way and street configurations shall be submitted concurrent with preliminary plat, subdivision, and site plan applications where dedication of right-of-way and construction of a new street is proposed.

**Sec. 6-4. – Plans Minimum Widths and Grades.**

- (a) Street rights-of-way shall be designed and constructed to carry motor vehicle traffic, to provide a safe and convenient passageway for pedestrian and in some cases bicycle traffic, and to serve as a link to the city's drainage system.
- (b) Street right-of-way widths, in accordance with all official plans, shall not be less than the following:

Street Type	Right-of-Way (feet)	Minimum Lane Width (feet)
Collector	80	12
Commercial and Industrial Local Street	60	12
Residential Local Street	50	10

- (c) Provisions may be made for bicycle lanes.
- (d) Waivers to minimum street right-of-way widths may be granted by the community development director on a case by case basis.

**Sec. 6-5. – Sidewalks.**

Sidewalks shall be constructed to the construction standards as set forth by the Village for all projects for which a permit for new construction is granted, except as provided in this section. Sidewalks shall be located within the right-of-way of all public and private streets. The location of the sidewalks within the right-of-way shall be as determined by the public works director. No

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building permits shall be issued unless such sidewalks are shown on plans for construction with the following exceptions:

- (1) There are plans for widening or improving the abutting street right-of-way.
- (2) A lot or parcel is located on a local street within an existing platted subdivision in which over 75 percent of the lots are developed and where no sidewalks exist adjoining the developed lots.
- (3) A lot or parcel is located within a residential subdivision in which the smallest lot is not less than one acre in size and the subdivision does not adjoin an existing residential development in which sidewalks exist.

**Sec. 6-6. – Construction Standards.**

Minimum standards for traffic and street design requirements in the public right-of-way, not found in this Chapter, shall be found in the Construction Standards as set forth by the Village.

## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 7 – INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES**

#### **Sec. 7-1. - Purpose and Applicability.**

The purpose of this Chapter is to provide regulations which apply to availability and adequacy of public facilities within the Village, including standards found in the Village's Comprehensive Plan pertaining to adequacy of transportation systems, water and sewer, surface water management and drainage facilities, parks and recreation facilities, and schools. This Chapter shall apply to all development orders or permits which contain a specific plan of development, including densities and intensities of development.

#### **Sec. 7-2. - Concurrency.**

Concurrency for public facilities shall be in compliance with Florida Statute 163.3180. All development applications shall demonstrate consistency with the comprehensive plan as well as with all applicable provisions of these LDRs. Development applications, if applicable, shall demonstrate that specified levels of service for public facilities shall be available concurrent with the impact of the development.

#### **Sec. 7-3. - Fee in Lieu.**

The Village may allow for a fee in lieu of facility or infrastructure construction. The fee in lieu must be for the proportionate share of the facilities necessary to maintain the level of service determined by the comprehensive plan. Proportionate share shall be determined as described in F.S. 163.3180.

#### **Sec. 7-4. - Exemptions.**

The following shall be exempt from concurrency review:

- (1) Projects below the minimum threshold or de minimis projects.
  - (a) Residential projects which would result in the creation of a single-family dwelling or one (1) two-family dwelling, as well as projects that entail structural alterations, including room additions to single-family structures, which do not change the land use.
  - (b) Any development which does not create additional public facility demands.
  - (c) In the case of transportation facilities, the cumulative total of the de minimis impacts, from both improved and vacant properties, shall not exceed three (3) percent of the maximum volume at the adopted level of service standard of the affected transportation facility.
  - (d) Actions administered through development orders and other development which do not increase demand on facilities subject to these regulations, such as grading or land excavation or structural alterations which do not include a change of use.

(2) Vested developments. Projects that have valid final development orders or vested concurrency determination pursuant to a plat or building permit issued prior to [insert date], 2020, shall be considered vested.

(3) Redevelopment projects. Proposed redevelopment shall be credited for the existing demand on available capacity. If a redevelopment project generates in excess of the existing demand which it is replacing, a concurrency review shall be required; however, the concurrency review shall only address the amount by which the proposed demand generated exceeds the demand of existing development. The development plan for redevelopment must be submitted no more than one (1) year after the prior use is discontinued in order to qualify for a concurrency credit. If the proposed redevelopment generates equal or less demand than the existing project, the applicant shall be given a concurrency credit enabling the applicant to reserve the unused capacity.

(4) Village public facilities. Village public facilities which are to ensure the protection of the health, safety and general welfare of the citizens shall be exempt from concurrency review. This shall include all public facility construction projects included in the Village capital improvements program required to meet any adopted level of service standard.

**Sec. 7-5. - Roadways, Sidewalks and Bike Lanes.**

(a) Level of Service (LOS): In order to promote the safe and efficient movement of vehicles, bicyclists, pedestrians and public transit, the Village shall maintain the following:

(1) For all roads on the Florida Department of Transportation (FDOT) Strategic Intermodal System (SIS), requires a LOS "D", and

(2) For all other State, Village and County maintained roads, requires a LOS "C" for daily and peak hour conditions.

(b) Within three (3) years of building permit issuance, construction of facilities necessary to meet the required LOS or the proportionate fair share payments for such facilities shall be completed.

(c) Dedication for facilities: The Village may require developments to dedicate any necessary right-of-way proportionate to the impacts of development along property boundaries of external roadways to accommodate standard lane widths, turn lanes, bike lanes, stormwater, utilities, sidewalks, multi-use paths and landscaping features. Sidewalks and multi-use paths may be provided within an easement along major roadways to preserve and take advantage of proposed buffers, existing vegetation, environmentally sensitive areas and natural features.

**Sec. 7-6. - Potable Water.**

(a) LOS: In order to provide adequate potable water for the needs of all Village residents, the Village shall maintain the following:

(1) Potable Water LOS is 100 gallons per capita per day (GPCD).

**Sec. 7-7. - Wastewater Disposal Systems.**



- (a) LOS: In order to provide safe and efficient management of Village effluent the Village shall maintain the following:
  - (1) Minimum sanitary sewer LOS shall be 85 gallons per capita per day (GPCD).
  - (2) The capacity for sanitary sewer will be permitted and constructed in accordance with Florida Department of Environmental Protection criteria.
- (b) Alternative sources for sewer treatment: The Village shall coordinate with the private utility provider to identify alternative sources for sewer treatment if sewer service capacities are not sufficient to meet or exceed the sanitary sewer established LOS.

**Sec. 7-8. - Stormwater Management.**

- (a) LOS: In order to ensure sufficient stormwater runoff to prevent localized flooding, the Village shall maintain the following:
  - (1) Peak flood stage for a project shall be less than the first (finished) floor elevation for a 100-year, 3-day flood event, 18 inches above crown of road of adjacent roadway, one foot above the FEMA flood elevation per the most recent FIRM maps for the area, whichever is greater.
- (b) Where appropriate, development shall incorporate techniques and structures that protect natural drainage and remove debris and pollution from waterways.

**Sec. 7-9. - Parks.**

- (a) LOS: in order to ensure all residents have adequate access to recreational facilities, the Village shall maintain the following:
  - (1) A system wide average of five (5) acres of recreation space per 1,000 residents.
- (b) Park, recreation, and open space facilities design shall be in accordance with the Americans with Disabilities Act requirements and equip playground areas with accessible equipment.

**Sec. 7-10. - Schools.**

- (a) LOS: in order to ensure adequate access to educational facilities, the Village shall pursue coordination with the Martin County School District to seek to achieve the desired level of service for public school facility capacity.
  - (1) A public-school impact statement shall be required for the following:
    - a. An amendment to the Comprehensive Plan Future Land Use Map;
    - b. Master site plan applications which include residential units with residential units; or
    - c. Final site plan applications which include residential units.

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## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 8 – IMPACT FEES**

*Reserved.*

## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 9 – DEVELOPMENT AGREEMENTS**

#### **Sec. 9-1. - Purpose.**

- (a) This Chapter is intended to implement and be consistent with the Village of Indiantown Comprehensive Plan and Land Development Regulations.
- (b) The purpose of this Chapter is to define a process for review and acceptance of agreements between an applicant and the Village of Indiantown that complies with Sections 163.3220 – 163.3243 F.S. This will ensure the adequacy of public facilities and sound capital improvement planning, while providing certainty in the process of obtaining development approval and reducing the economic costs of development by providing greater regulatory certainty.
- (c) The provisions of this Chapter are the minimum requirements necessary to accomplish the stated purpose of this Chapter. Nothing in this Chapter shall be interpreted as characterizing a development agreement as anything other than a discretionary, bilateral contract between the Village and the property owner or other applicants, having a power of attorney from the owner to make the application, with consideration given by both parties to the contract.
- (d) A Development Agreement enacted pursuant to this Chapter may be amended to revise a PUD development order.

#### **Sec. 9-2 - Application.**

- (a) An application for a development agreement shall be filed with the Village by the property owner or other applicants, having a power of attorney from the owner to make the application. The development review procedures set forth in Chapter 12, Land Development Regulations, shall be applicable to development agreements except as set forth in Sec. 9-3 below.
- (b) The application shall include:
  - (1) The requirements of a development agreement pursuant to Section 163.3227 F.S.
  - (2) A statement that the initial duration of the agreement shall not exceed 30 years.
  - (3) Any additional information that the Village may require because of the nature or location of the development.
- (c) The application, all required documents, fees and other relevant evidence will be considered a complete application.

**Sec. 9-3. - Process**

- (a) The applicant shall submit a proposed development agreement which contains all of the components listed in Sec. 9-4 of this Chapter.
  - (1) Preapplication coordination with the director is recommended but not required.
- (b) A minimum of two public hearings shall be required.
  - (1) Advertising, notice of hearings and criteria for acceptance shall be in compliance with Section 163.3225, F.S.

**Sec. 9-4. - Final Development Agreement.**

- (a) Pursuant to Section 163.3227, F.S. the approved development agreement shall include:
  - (1) A legal description of the land subject to the agreement, and the names of all owners.
  - (2) The duration of the agreement.
  - (3) The permitted uses, including population densities, building intensities and height.
  - (4) A description of public facilities that will service the development, including who shall provide such facilities; the date by which any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.
  - (5) A description of any reservation or dedication of land for public purposes.
  - (6) A description of all local development permits approved or needed to be approved for the development.
  - (7) A finding that the development permitted or proposed is consistent with the comprehensive plan and LDRs.
  - (8) A description of any conditions, terms, restrictions or other requirements determined to be necessary by the local government for the public health, safety or welfare of its citizens.
  - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing those permitting requirements, conditions, terms or restrictions.

**Sec. 9-5. - Applicability of Regulations.**

- (a) The ordinances and regulations of the Village governing the development of the land at the time of the execution of a development agreement shall continue to govern the development of the parcel subject to the development agreement for the duration of the development agreement, except as provided in Sec. 9-5(b) and (c). At the expiration of the development agreement, all existing LDRs shall become applicable to the development, regardless of the terms of the development agreement.

(b) The Village may apply ordinances and policies adopted after the execution of the development agreement, only if the Village has held a public hearing and determined that:

- (1) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities or densities in the development agreement;
- (2) They are essential to the public health, safety or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;
- (3) They are specifically anticipated and provided for in the development agreement;
- (4) The Village demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
- (5) The development agreement is based on substantially inaccurate information supplied by the developer.

(c) In the event that state and federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of the development agreement, such agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.

(d) The director shall review all parcels, subject to development agreements, not less than once every 12 calendar months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. In the event that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the Village upon 30 days' notice to the property owner, as shown on the records of the property appraiser. Such termination or amendment shall be accomplished only after a public hearing and notice and made on the basis of competent substantial evidence. Amendment or cancellation of the development agreement by mutual consent of the Village and the property owner may be accomplished following the notice required for initial adoption of the development agreement as is set forth in Chapter 12 of this LDR.

**Sec. 9-6. - Recordation.**

No more than 14 days after the execution of a development agreement, the Village shall record the approved development agreement with the Clerk of Circuit Court and Comptroller in Martin County. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement. The cost of recordation of the development agreement shall be the responsibility of the applicant.

## VILLAGE OF INDIANTOWN - Land Development Regulations

### Chapter 10 - FLOOD PROTECTION

#### Sec. 10-1. - General

(a) *Title.* These regulations shall be known as the *Floodplain Management Ordinance* of Village of Indiantown, hereinafter referred to as this "Chapter."

(b) *Scope.* The provisions of this Chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(c) *Intent.* The purposes of this Chapter and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

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

(e) *Warning.* The degree of flood protection required by this Chapter and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory

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

(f) *Disclaimer of Liability.* This Chapter shall not create liability on the part of Village Council of the Village or by any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision lawfully made thereunder.

**Sec. 10-2. – Applicability.**

(a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to which this Chapter applies.* This Chapter shall apply to all flood hazard areas within the Village, as established in Section 10-2(c) of this Chapter.

(c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Martin County, Florida and Incorporated Areas dated February 19, 2020, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Village Hall.

(d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 10-5 of this Chapter the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this Chapter and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(e) *Other laws.* The provisions of this Chapter shall not be deemed to nullify any provisions

of local, state or federal law.

(f) *Abrogation and greater restrictions.* This Chapter supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this Chapter and any other ordinance, the more restrictive shall govern. This Chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Chapter.

(g) *Interpretation.* In the interpretation and application of this Chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

**Sec. 10-3. – Duties and Powers of the Floodplain Administrator.**

(a) *Designation.* The Village Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other Village staff.

(b) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Chapter. The Floodplain Administrator shall have the authority to render interpretations of this Chapter consistent with the intent and purpose of this Chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Chapter without the granting of a variance pursuant to Section 10-7 of this Chapter.

(c) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Chapter;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;



- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this Chapter is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Chapter.

(d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

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

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 10-7 of this Chapter.

(f) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Chapter.

(g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 10-6 of this Chapter for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building*

*Code.* The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 10-3(d) of this Chapter;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this Chapter and the *Florida Building Code* to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Village are modified.

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

#### **Sec. 10-4. – Permits.**

(a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Chapter, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain

Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Chapter and all other applicable codes and regulations has been satisfied.

(b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this Chapter for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this Chapter:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(d) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 10-5 of this Chapter.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

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

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

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

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

- (1) The South Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (5) Federal permits and approvals.

#### **Sec. 10-5. – Site Plans and Construction Documents.**

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood

- elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 10-5(b)(2) or (3) of this Chapter.
  - (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10-5(b)(1) of this Chapter.
  - (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
  - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
  - (7) Existing and proposed alignment of any proposed alteration of a watercourse.

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

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

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - g. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - h. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

(4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 10-5(d) of this Chapter and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 10-5(d) of this Chapter.

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

#### **Sec. 10-6. – Inspections.**

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

(b) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Chapter and the conditions of issued floodplain development permits or approvals.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this Chapter and the conditions of issued floodplain development permits or approvals.

(d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 10-5(b)(3)(b) of this Chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 10-6(d) of this Chapter.

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

#### **Sec. 10-7. – Variances and Appeals.**

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

(b) *Appeals.* The Village Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator

in the administration and enforcement of this Chapter. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) *Limitations on authority to grant variances.* The Village Council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 10-7(g) of this Chapter, the conditions of issuance set forth in Section 10-7(h) of this Chapter, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Village Council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Chapter.

(d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 10-5(c) of this Chapter.

(e) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(f) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Chapter, provided the variance meets the requirements of Section 10-7(d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(g) *Considerations for issuance of variances.* In reviewing requests for variances, the Village Council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this Chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;



- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

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

**Sec. 10-8. – Violations.**

(a) *Violations.* Any development that is not within the scope of the *Florida Building Code* but that is regulated by this Chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Chapter, shall be deemed a violation of this Chapter. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Chapter or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(b) *Authority.* For development that is not within the scope of the *Florida Building Code* but that is regulated by this Chapter and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Secs. 10-9 through 10-15. Reserved.

**Sec. 10-16. – Definitions.**

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

**A**

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

*Appeal:* A request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter.

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

**B**

*Base flood:* A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

*Base flood elevation:* The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

*Basement:* The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

**D**

*Design flood:* The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

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

*Design flood elevation:* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

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

**E**

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

*Existing building and existing structure:* Any buildings and structures for which the “start of construction” commenced before June 15, 1981. [Also defined in FBC, B, Section 202.]

*Existing manufactured home park or subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1981.

*Expansion to an existing manufactured home park or subdivision:* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

## **F**

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

*Flood or flooding:* A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

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

*Flood damage-resistant materials:* Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

*Flood hazard area:* The greater of the following two areas: [Also defined in FBC, B, Section 202.]

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

*Flood Insurance Rate Map (FIRM):* The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

*Flood Insurance Study (FIS):* The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

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

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

*Floodway:* The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

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

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

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

## **H**

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

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

## **L**

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

Letter of Map Amendment (LOMA). An amendment based on technical data showing that

a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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

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

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

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

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

*Lowest floor:* The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

## **M**

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

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

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

## **N**

*New construction:* For the purposes of administration of this Chapter and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after June 15, 1981 and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1981.

## **P**

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

## **R**

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

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

## **S**

*Special flood hazard area:* An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

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

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

*Substantial damage:* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

*Substantial improvement:* Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

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

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

## **W**

*Watercourse:* A river, creek, stream, channel or other topographic feature in, on, through,



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or over which water flows at least periodically.

Secs. 10-17 through 10-20. Reserved.

**Sec. 10-21. – Buildings and Structures.**

(a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 10-4(c) of this Chapter, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 10-27 of this Chapter.

**Sec. 10-22. – Subdivisions.**

(a) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 10-5(b)(1) of this Chapter; and
- (3) Compliance with the site improvement and utilities requirements of Section 10-23 of this Chapter.

**Sec. 10-23. – Site Improvements, Utilities and Limitations.**

(a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away

from proposed structures.

(b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 10-5(c)(1) of this Chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) *Limitations on placement of fill.* Subject to the limitations of this Chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

#### **Sec. 10-24. – Manufactured Homes.**

(a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Chapter.

(b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this Chapter. Foundations for manufactured homes subject to Section 10-24(f) of this Chapter are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(d) *Elevation*. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 10-24(e) or (f) of this Chapter, as applicable.

(e) *General elevation requirement*. Unless subject to the requirements of Section 10-24(f) of this Chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

(f) *Elevation requirement for certain existing manufactured home parks and subdivisions*. Manufactured homes that are not subject to Section 10-24(e) of this Chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(g) *Enclosures*. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

(h) *Utility equipment*. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

#### **Sec. 10-25. – Recreational Vehicles and Park Trailers.**

(a) *Temporary placement*. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(b) *Permanent placement*. Recreational vehicles and park trailers that do not meet the limitations in Section 10-25(a) of this Chapter for temporary placement shall meet the requirements of Section 10-24 of this Chapter for manufactured homes.

**Sec. 10-26. – Tanks.**

(a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 10-26(c) of this Chapter shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**Sec. 10-27. – Other Development.**

(a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Chapter or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 10-23(d) of this Chapter if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to

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block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 10-23(d) of this Chapter.

(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 10-23(d) of this Chapter.

(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 10-23(d) of this Chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 10-5(c)(3) of this Chapter.

## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 11 – REVIEWERS AND DECISIONMAKERS**

#### **Sec. 11-1. – Purpose.**

This Chapter sets forth the duties and responsibilities of Village agencies.

#### **Sec. 11-2. – Authority.**

Each Village agency, which is authorized by these LDRs to have development review responsibilities, shall make recommendations or decisions on development applications as identified in **Sec. 11-9**.

#### **Sec. 11-3. – Village Council.**

(a) In addition to the other authority granted to the village council by the Florida Constitution, State law or by the Village Charter, the village council has the powers and duties under these LDRs to approve, approve with conditions or modifications, deny and hear appeals from any board or administrative body of the Village as delineated herein.

(b) General responsibilities include but are not limited to:

- (1) Annexations and contractions (de-annexations).
- (2) Comprehensive plan text or map amendments.
- (3) Land development regulations text or map (Rezone) amendments.
- (4) Subdivisions, minor replat, waiver of plat and dedication and vacation of right of way.
- (5) Major site plans.
- (6) Planned Developments.
- (7) Development Agreements and Amendments to Agreements.
- (8) Appeal of Certificates of Use.
- (9) Appeal of Variances.
- (10) Appeal of Special Exceptions.
- (11) Appeal of Vested Rights.
- (12) Appeal of Planning, Zoning and Appeals Board Decisions, including Appeals from PZA Board Decisions on Appeals of Administrative Decisions.
- (13) Appoint members of the Planning, Zoning and Appeals Board.

#### **Sec. 11-4. – Local Planning Agency.**

The Planning, Zoning and Appeals Board is designated the Local Planning Agency (LPA) for the Village. The LPA shall have all the powers authorized under Section 163.3174, Florida Statutes.

(a) General responsibilities include but are not limited to:

- (1) Review comprehensive plan or plan amendments and make recommendations to the village council regarding adoption.
- (2) Review proposed land development regulations, land development codes, or

amendments, and make recommendations to the village council as to the consistency of the proposal with the adopted comprehensive plan.

(3) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the village council any changes in the comprehensive plan that may be required from time to time.

(4) Perform any other functions, duties and responsibilities assigned to it by the village council.

**Sec. 11-5. – Planning, Zoning and Appeals Board.**

The Planning, Zoning and Appeals Board is established by the village council and consists of seven (7) members appointed by the village council.

(a) When initially established, three (3) of the seven (7) members shall be appointed for two-year terms while the remaining four (4) shall be appointed for three-year terms. Thereafter, all terms shall be for two years. Board members may serve no more than four consecutive terms. Members may be removed by the village council upon written charges at public hearing, and vacancies shall be filled for the unexpired term of any member. Members of this Board shall serve without compensation and shall reside (with a minimum of one-year residency) or be the owner of a business located (for a minimum of one year) within the Village. The Board shall consist of at least five (5) resident members and no more than two (2) business owners.

(b) In the event that any member of the Planning, Zoning and Appeals Board fails to attend three of the regularly scheduled meetings per calendar year, or abstains from voting on a matter before the Board due to a conflict of interest on four different applications within a period of one year, such member shall cease to be a member of the Board.

(c) Any member of the Board, who has a voting conflict under Sec. 112.3143, Fla. Stat. concerning any matter before the Board, shall make that interest known and shall recuse him or herself from participating in that matter, in addition to otherwise complying with the requirements of Sec. 112.3143, Fla. Stat.

(d) Meetings.

(1) The Board shall meet at least once each calendar month, unless canceled by the Board, its Chairperson, or the Director of Community and Economic Development.

(2) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every item.

(3) Three members shall constitute a quorum. Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

(4) The Director of Community and Economic Development, or designee, shall

serve as staff to the Board.

(e) General responsibilities include but are not limited to:

- (1) To elect a Chair and Vice-Chair.
- (2) To sit as the Village's Local Planning Agency.
- (3) To hear and recommend approval, denial or modifications to annexation and contraction (de-annexation) applications.
- (4) To hear and recommend approval, denial or modifications to comprehensive plan text or map amendments.
- (5) To hear and recommend approval, denial or modifications to land development regulations text or map (rezone) amendments.
- (6) To hear and recommend approval, denial or modifications to subdivisions, minor replat, and dedication and vacation of right-of-way.
- (7) To hear and recommend approval, denial or modifications to major site plans.
- (8) To hear and recommend approval, denial or modifications to development agreements and amendments to development agreements.
- (9) To hear and decide appeals of an administrative decision of the Director of Community and Economic Development or designee regarding:
  - a. Administrative Site Plan
  - b. Administrative Variance
  - c. Certificate of Use
  - d. Any development permit
  - e. Interpretation of the Code
- (10) To hear and approve, approve with conditions, or deny non-administrative variances from the terms of the Code.
- (11) To hear and approve, approve with conditions, or deny Special Exception requests.
- (12) To review and make Vested Rights determinations.
- (13) When reviewing rezoning and comprehensive plan amendments, a representative of the school district appointed to the LPA by the school board shall participate as a nonvoting member when the LPA considers those items that would, if approved, increase residential density on the property that is the subject of the application.

(f) Appeal of Decision of Director

- (1) Any appeal of a requirement, decision or determination made by the Director charged with the enforcement of the Code shall be filed within thirty (30) days after it is imposed. The Director shall bring said appeal before the Board in a form prescribed by the Village. Those appealing the Director's decision shall specify, in writing with documentation, the grounds on which the decision should be reversed.
- (2) The Director shall, upon being notified of the filing of the appeal, schedule a hearing on the matter and transmit to the Board all documents, plans and papers



constituting the record of the action from which the appeal was taken and may appear before the Board.

(3) All decisions of the Board shall be made by resolution within thirty (30) days of the filing of the written appeal.

(4) All complete applications for appeals shall include the fee prescribed in the Village's fee schedule.

(5) The Board, by a vote of four (4) concurring members, may reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed. To that end the Board shall have all the powers of the director from whom the appeal is taken.

#### **Sec. 11-6. – Development Review Colleagues.**

The Development Review Colleagues (DRC) shall be staff to serve in an advisory capacity to the Department of Community and Economic Development. Members of DRC shall include: Director of Community and Economic Development or designee, Director of Public Works, Director of Parks and Recreation, Director of Building, or their designees, and any other staff as deemed necessary.

The DRC shall to review applications for development orders or permits relative to the requirements, regulations and standards of this Chapter including: site plans; plats; vacations or dedications of rights-of-way; or any other type of development or projects that the Director of the Department of Community and Economic Development determines requires DRC review. DRC review and comments shall be based on the criteria as set forth in this and other Chapters of the Village Code. Members of the DRC shall make recommendations for approval, approval with conditions or modifications, or disapproval.

When reviewing comprehensive plan and rezoning amendments a representative of the school district may participate when staff considers those items that would, if approved, increase residential density on the property that is the subject of the application.

General responsibilities include but are not limited to:

- (1) Annexation applications.
- (2) Comprehensive plan text or map amendments.
- (3) Land development regulations text or map (Rezone) amendments.
- (4) Subdivisions, minor replat, waiver of plat and dedication and vacation of right of way.
- (5) Major site plans.
- (6) Planned Developments.
- (7) Development Agreements and Amendments to Development Agreements.
- (8) Other items determined by the Director to require review.

#### **Sec. 11-7. – Department of Community and Economic Development.**

The Department shall have the duty and responsibility for all planning functions and to administer, determine, interpret and enforce all sections of the land development regulations and Comprehensive Plan. The Department shall promote, protect and improve the health, safety, and welfare of the citizens of the Village by providing an equitable, expeditious and effective method of enforcing this Chapter.

General responsibilities include but are not limited to:

- (1) Serve as professional staff and provide technical assistance to the village council, village manager and Boards and Committees.
- (2) Research.
- (3) Administrative reviews, including permits.
- (4) Enforce and interpret the Comprehensive Plan.
- (5) Enforce and interpret the Land Development Regulations.
- (6) Establish review procedures.
- (7) Review development applications.
- (8) Concurrence.
- (9) Conduct informational meetings.
- (10) Other assigned tasks.

**Sec. 11-8. – Agency Development Review Responsibilities.**

<b>Table of Development Review Responsibilities</b>				
<b>Development Type</b>	<b>Agency</b>			
	<b>Department of Community and Economic Development</b>	<b>Development Review Colleagues</b>	<b>Planning, Zoning and Appeals Board</b>	<b>Village Council</b>
Annexation Sec. 12-3.	<b>S, R</b>	<b>S, R</b>	<b>R</b>	<b>D</b>
Comprehensive Plan – Text or Map Amendments Sec. 12-4.	<b>S, R</b>	<b>S, R</b>	<b>R</b>	<b>D</b>
Land Development Regulations – Text or Map (Rezone) Amendments Sec. 12-5. or Sec. 12-6.	<b>S, R</b>	<b>S, R</b>	<b>R</b>	<b>D</b>

<b><u>Platting</u></b>	<b>Department of Community and Economic Development</b>	<b>Development Review Colleagues</b>	<b>Planning, Zoning and Appeals Board</b>	<b>Village Council</b>
Subdivision Plat Sec. 12-7.	R	S, R	R	D
Minor Replat Sec. 12-7.	R	S, R	R	D
Waiver of Plat Sec. 12-7.	R	S, R	R	D
<b><u>Rights-of Way</u></b>	<b>Department of Community and Economic Development</b>	<b>Development Review Colleagues</b>	<b>Planning, Zoning and Appeals Board</b>	<b>Village Council</b>
Dedication of Right of Way Sec. 12-7.	R	S, R	R	D
Vacation of Right of Way Sec. 12-7.	R	S, R	R	D
<b><u>Site Plans</u></b>	<b>Department of Community and Economic Development</b>	<b>Development Review Colleagues</b>	<b>Planning, Zoning and Appeals Board</b>	<b>Village Council</b>
Major Site Plan Sec. 12-8.	S, R	S, R	R	D
Major Site Plan Modification – Minor Sec. 12-8. (8)	S, D		A	A
Minor Site Plan Sec. 12-9.	S, D	R	A	A
Minor Administrative Site Plan <b>Sec. ###</b>	S, D		A	A
Planned Developments Sec. 12-10.	S, R	S, R	R	D
Development Agreement Chapter 9	S, R	S, R	R	D

Amendment to Development Agreement Chapter 9	S, R	S, R	R	D
<b><u>Variances</u></b>	<b>Department of Community and Economic Development</b>	<b>Development Review Colleagues</b>	<b>Planning, Zoning and Appeals Board</b>	<b>Village Council</b>
Variance Sec. 12-12	S, R		D	A
Administrative Variance Sec. 12-13	S, D		A	A
Flood Plain Variance Sec. 10-3				
Payment in Lieu of Landscaping Sec. 4-3 (q)	S, R			D
Special Exception Sec. 12-14	S, R		D	A
Certificate of Use Sec. 12-15	S, D		A	
Building Permit Sec. 12-16	S, D		A	
Conditional Use Permit Sec. 3.7.1	S, R		D	A
Zoning Interpretations Sec. 12-17	S, D		A	
Vested Rights Sec. 12-18	S		D	A
Appeal of Administrative Decision Sec. 12-19			D	A

**Staff Review – S**  
**Recommendation – R**  
**Decision – D**

**Sec. 11-9. – Building Official.**

The Building Official, or designees, shall have all the powers authorized under Section 468.604, Florida Statutes.

General responsibilities include but are not limited to:

(1) Administrate, supervise, direct, enforce or perform the permitting and inspection of construction, alteration, repair, remodeling or demolition of structures and the installation of building systems within the boundaries of the Village, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include, as may be amended:

a. The review of construction plans to ensure compliance with all applicable sections of the Code. The construction plans must be reviewed before the issuance of any building, system installation or other construction permit. The review of construction plans must be done by the building official or by a person having the appropriate Plans Examiner license issued.

b. The inspection of each phase of construction where a building or other construction permit has been issued. The Building Official, or a person having the appropriate Building Code Inspector license issued under this Chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable sections of the Code.

(2) Conduct inspections of construction, alteration, repair, remodeling or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. Each Building Code Inspector must be licensed in the appropriate category as defined in s. 468.603. The Building Code Inspector's responsibilities must be performed under the direction of the Building Code Administrator or Building Official without interference from any unlicensed person.

(3) Conduct review of construction plans submitted in the permit application to assure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The review of construction plans must be done by the Building Official or by a person licensed in the appropriate Plans Examiner category as defined in s. 468.603. The Plans

First Reading

Chapter 11

October 22, 2020

Examiner's responsibilities must be performed under the supervision and authority of the Building Official without interference from any unlicensed person.

## **VILLAGE OF INDIANTOWN - Land Development Regulations**

### **Chapter 12 – DEVELOPMENT REVIEW AND PROCEDURES**

#### **Sec. 12-1. – Purpose.**

This Chapter sets forth requirements for the submittal and review of applications.

#### **Sec. 12-2. – General Requirements for Applications.**

Applications required under this Chapter must be submitted in a form and in such numbers as specified below. Application forms and checklists of required submittal information are available from the Department of Community and Economic Development.

- (1) Pre-Application Meeting. A pre-application meeting is required prior to all formal development applications requiring a hearing. The intent of this meeting is to provide the applicant with review procedures, submittal requirements, development standards and other pertinent matters regarding the site, the proposed use and the overall development so the applicant is prepared to submit the formal development application and informed of potential challenges. Staff opinions presented during a pre-application meeting are informational only and do not represent a commitment of the staff, the village council, or any other office or agency of the Village regarding the acceptability of the development proposal. Failure to identify any requirement or procedure at a pre-application meeting shall neither relieve the applicant from having to comply with the requirement or procedure, nor constitute a waiver of the requirement or procedure.
- (2) Application Filing Fee. Applications must be accompanied by the fee that has been established by the village council. Fees are not required with applications initiated by the village council or an advisory board of the Village. Unless otherwise expressly stated in this Chapter, application fees are nonrefundable.
- (3) Application Completeness and Accuracy. An application will be considered complete by the department if it is submitted in the required form, with the specified number of copies, includes all mandatory information, is accompanied by the applicable fee and all information material to the application is accurate. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.
- (4) Acceptance for Processing. Determination of application completeness shall be made by the Department within 10 business days of application filing. If an application is determined to be incomplete, the Department shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. The deficiencies must be addressed by the applicant in writing within 30 calendar days of the date of the deficiency notice provided by the Village. If these deficiencies are not

addressed, the application shall be considered withdrawn. The director shall provide in writing to the applicant that the application is either complete or withdrawn.

- (5) Burden of Proof. In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria. Approval of an application shall not create any nonconforming circumstances.
- (6) Official Review. In conducting required reviews, the department shall be authorized to distribute the application and any associated submittals to other departments and agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements.
  - a. Prior to holding a public hearing on any item requiring Planning, Zoning and Appeals Board review, the village council shall not act until it has received the findings of the Board.
- (7) Development Order Modification. After a final development order has been issued it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without first obtaining a modification to the development order. A written record of the modification shall be made a part of the original final development order and maintained in the files of the Village.
- (8) Cost Recovery. Costs for the village attorney and any outside contractors, agents or consultants of the Village shall be charged to the applicant in an amount equal to the actual or apportioned cost charged to the Village, except as specified below.
  - a. Fees charged to process building permits and other development applications on behalf of the Village shall not be affected by this section.
  - b. Unless prohibited by law, in circumstances in which the Village prepares closing papers, deeds or other documents in conjunction with Village programs such as in-fill lot housing or other housing measures, or for other matters in which the Village holds a lien and is requested to subordinate its position; and, in cases where the Village prepares loan documents, liens, mortgage papers, subordination documents and other such documents in conjunction with or resulting from Village loan and economic development programs, the Village shall charge the applicant a reasonable fee as determined by the village manager in an amount equal to the actual full costs to the Village for the preparation of such documents.

These fees shall be charged for only those development applications which require review by the Village attorney, or outside contractors, agents or consultants shall be passed on to the applicant.



- a. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**A**

*Applicant:* An owner or an owner's authorized agent who submits an application, proposal, petition or project to the Village.

*Application:* An application, petition or proposal submitted to the Village for review or approval of:

- (1) A preliminary subdivision plan;
- (2) A subdivision construction plan or plat;
- (3) A rezoning (with or without a comprehensive plan amendment);
- (4) A comprehensive plan amendment;
- (5) A variance (including administrative, and flood plain);
- (6) A special exception;
- (7) A planned unit development;
- (8) A subdivision review exemption;
- (9) A site plan;
- (10) A development permit for construction, inspection and testing of subdivision improvements;
- (11) A conceptual site plan review;
- (12) A stormwater management permit;
- (13) A tree removal permit;
- (14) A wetland alteration permit;
- (15) A development agreement;
- (16) An annexation or contraction petition;
- (17) A zoning code amendment;
- (18) A conditional use permit;
- (19) A payment in lieu of landscaping; and/or
- (20) Other development related matters for which Village approval or review is required.

**D**

*Development review cost:* The cost incurred by the Village relating directly to the review, processing, inspection, or regulation of an application or project, including, but not limited to, expenses incurred by Village consultants who review or defend the application at the direction of the Village, as well as other expenses related directly to advertising, surveying, legal review and/or engineering review for an application or project.

*Development review flat fee:* The fee intended to cover the administrative time spent reviewing and processing an application.

*Development review total fee:* The combination of the flat fee and the development review costs to be paid by an applicant pursuant to this section.

## **O**

*Owner:* An owner or group of owners of fee simple title to a particular lot, tract, or parcel of real property.

*Owner's authorized agent:* An agent of the owner duly authorized to submit and process an application. If the applicant is not the property owner, a written authorization must accompany the application. Such authorization shall be evidenced by a power of attorney signed by the owner and notarized specifically authorizing the agent to represent the owner in connection with the application and as to the owner's real property which is the subject of the application. The authorization shall include an agreement of the owner to be bound by the actions of the owner's authorized agent and the provisions of this section.

## **R**

*Review deposit:* The deposit of money, as established by this section, to be paid by an applicant at the time of the filing of an application as defined above.

## **V**

*Village consultants:* Companies, governments, individuals and other entities under contract with the Village to provide services to or for the Village, including, but not limited to, attorneys, planners, engineers and surveyors.

*Village staff:* Village employees.

### **b. Review deposit.**

1. In addition to the required development review flat fee, a review deposit in an amount as set by resolution, payable to the Village by money order, personal or company check or cashier's check drawn on a financial institution authorized to do business in the Village shall be delivered to and collected by the village manager or designee at the time of submittal of each application for review or approval.

2. If the development review total fee, as estimated by the village manager based on information from village staff and the applicant, is likely either to be less than or more than the review deposit, then the village manager may adjust the review deposit to the minimum extent supported by the village manager's estimate.
3. No review of any application shall commence until the flat fee and review deposit, if applicable, are paid to the Village.
4. The review deposit shall be utilized by the Village to reimburse the Village for the actual costs incurred by the Village as a result of the review of the development application. Any portion of the review deposit that exceeds the actual costs incurred in reviewing the application shall be returned to the applicant after completion of the matter for which the application was submitted, or after withdrawal of such application. No interest shall be paid on any review deposit.

c. Development review flat fee.

1. The review fee is intended to cover the cost of Village employee time in reviewing and processing the application.
2. In addition to the required review deposit, the applicant shall submit the applicable development review flat fee to the village manager or designee at the time of submittal of each application for review or approval. The fee, which shall be set by resolution and changed from time to time, shall be payable to the Village by money order, personal or company check or cashier's check drawn on a financial institution authorized to do business in the county.

d. Development review cost.

1. All development review costs, as defined in this section, shall be assessed to the applicant, and reimbursed to the Village. The development review cost shall not include the cost of village employee time in reviewing such application, as such time shall be deemed to have been reimbursed by the application flat fee.
2. Village consultants shall submit records of their time, fees, costs, and expenses to the village manager or designee and such fees, costs and expenses shall be invoiced to the applicant on a dollar-for-dollar basis for services provided under the direction of the Village to review. The rates charged to the applicant for said services shall not exceed those charged to the Village.

e. Project account.

1. Once an application has been submitted to the Village and the applicable flat fee and review deposit have been collected, the village manager or designee shall establish an individual project account through which all fees, expenses and costs incurred by the Village associated with the application will be monitored. The project account will be maintained throughout the entire review, processing, inspection, and regulation process until the later of:
  - (a) Final action (after all appeal periods have ended) by the Village commission has occurred with respect to the application;
  - (b) No further involvement of the Village staff is likely; or
  - (c) The Village has been paid all of the amounts.
2. Fees, costs and expenses incurred by the Village relating directly to the review, processing, inspection or regulation of an application or development and directly related expenses, including, but not limited to, legal, inspection and engineering costs will be charged to the project account.

f. Village invoices.

1. The village manager or designee may periodically calculate the costs, expenses and fees incurred by the Village for such application for which a review deposit is required and send an invoice to the applicant for payment.
2. The applicant shall have 20 calendar days from the date of the invoice to pay to the Village the invoiced amount. If full payment is not received within the required time, the village manager or designee shall apply the review deposit toward payment of the invoiced amounts. If the total costs, expenses and fees incurred by the Village for such application exceed the review deposit, and payment is not received within the required time, the village manager or designee shall apply the review deposit to a portion of the invoiced amount and send a notice of nonpayment to the applicant and to all village staff and village consultants associated with the application or project instructing them to cease all work relating to such application or project unless and until further notified by the village manager or designee. A copy of such notice shall be sent to the applicant.
3. Upon receipt of the notice, work by the Village staff and Village consultants on the application or project shall cease, and neither building permits, development orders, certificates of completion nor certificates of

occupancy or other permits or approvals will be issued with respect to such real property. Continuation of the review of the application or project with respect to the real property for which payment was not made will not be undertaken by the Village until such time as all outstanding fees, costs and expenses are paid in full and a new review deposit for the application or project is paid to the Village in an amount determined by the Village manager. Review of any future application or project with respect to the real property for which payment was not made will not be undertaken by the Village until such time as all outstanding fees, costs and expenses due are paid in full and a new review deposit is paid to the Village.

4. Failure to pay an invoiced amount within the requested time shall constitute a violation of this section. The deficiency owed to the Village shall accrue interest per diem at the interest rate of 18 percent simple interest per annum or otherwise at the highest rate permitted by law until paid. The amount of any such deficiency owed to the Village shall be, together with interest and the costs of collection as hereinafter provided, the personal obligation of the property owner and shall be a continuing lien on the real property related to the application or project under review. Any subsequent or new owner of the real property related to the application or project shall take title subject to the obligations of the property owner and shall be jointly and severally liable for such obligations; provided, however, a property owner may not escape liability for the deficiency by abandonment of the application or project, withdrawal of such or sale of the real property with respect to which such application has been submitted. If the initial or subsequent invoices is/are not timely paid and the invoiced amount exceeds the amount of the review deposit, the Village may take whatever legal means it deems appropriate to collect the deficiency, including, but not limited to, retaining the services of a collection agency or attorney, initiating legal proceedings for the collection thereof, recording a notice of lien, and foreclosing same in the same fashion as mortgage liens are foreclosed. To give the public notice of the deficiency, the Village manager may (but shall not be obligated to) record a notice of lien in the public records of the county, stating the description of the real property related to the application or project, the name of the owner of the real property and the amount then due and owing to the Village.

g. Required payments.

Payment of costs, expenses and fees incurred by the Village under this section is a requirement for the Village's final approval of the application and project.

h. Objections; appeal.

Any objection to any invoice or to any matter set forth in this section must be set forth in writing, addressed and delivered to the village manager within ten calendar days of the date of the relevant invoice. In the event the Village manager denies the objection, the applicant shall have ten calendar days after the date of the Village manager's decision to file an appeal of such decision with the Village clerk, for consideration by the village commission. All objections and appeals shall set forth in detail the reasons and evidence upon which the objection and appeal are based. Failure of the applicant to establish beyond a preponderance of the evidence that an invoice, decision or other matter objected to or appealed is not appropriate and is not based upon competent substantial evidence, shall result in a denial of the objection and appeal.

i. Attorney's fees in the event of failure to pay review costs.

In the event the Village is required to take legal action to enforce this section, then the Village shall be entitled to recover from the applicant all costs and expenses incurred, including, but not limited to, its reasonable attorney's fees, paralegal fees and other costs and expenses, whether incurred prior to, during or subsequent to court proceedings or on appeal.

j. Change of ownership.

1. An applicant shall provide written notice to the village manager within 20 calendar days of a change in ownership of all or a portion of a lot, tract, or parcel of real property with respect to which an application, or project is pending before the Village. Such notice shall include the name, address and phone number of the new owner and a legal description of the lot, tract or parcel of real property now owned by the new owner. Any such new owner:
  - a. Shall not be entitled to utilize or draw upon any review deposit previously paid to the Village by the original applicant;
  - b. Shall be liable to the Village for all fees, costs and expenses related to the lot, tract or parcel of real property which arise subsequent to the date the new owner acquires title to such real property; and
  - c. May be required by the Village to pay a separate review deposit in the same manner as a new application in which case a separate project account will be opened in the name of the new owner or the new owner's authorized agent. If a separate review deposit is required, no work shall be undertaken by the Village with respect

to the lot, tract or parcel of real property then owned by the new owner until a separate review deposit is paid to the Village.

2. Until such time as the Village receives such written notice of a change in ownership, the original applicant shall be jointly and severally liable to the Village for all fees, costs and expenses associated with the application or project which may subsequently be incurred by the Village in connection with the activities of the new owner; provided, however, that upon receipt by the Village of such a notification of change of ownership, the original applicant shall not be liable to the Village for any further fees, costs and expenses incurred by the Village which arise solely out of the application or project of the new owner and the new owner shall be solely liable to the Village for all such fees, costs and expenses associated with the application or project activities of the new owner or the new owner's authorized agent subsequent to the date of receipt by the Village of such notification. Additionally, the applicant shall be entitled to a refund of any review deposit balance as of the date said change of ownership notice is received by the Village, provided all assessable costs, expenses and fees hereunder and incurred to that date are paid in full.

k. Agreement to be bound by this section.

Submittal of an application shall constitute the consent and agreement of the applicant and the owner, if the application is being executed by the owner's authorized agent, to be bound by the provisions of this section.

- (9) Commencement of Development. Site improvements shall be developed prior to or concurrent with the commencement of construction. Improvements include but are not limited to road and drainage improvements, excavation, grading and leveling, installation of utilities and other infrastructure.

A site plan shall be valid only if a master building permit for a principal building has been issued or, where a building permit is not required, construction has commenced following a preconstruction meeting with the Village within one year of the administrative or village council approval of said site plan, whichever is applicable. For good cause shown, an applicant may apply for an extension of time prior to the expiration of the 1-year period. Such extension of time shall be granted administratively and shall not exceed six (6) months. A maximum of two (2) extensions may be granted.

If development is proposed in phases, a phasing plan shall be required, and subsequent phases shall commence within one (1) year after the completion of the previous phase. For good cause shown, an applicant may apply for an extension of time prior to the expiration of the 1-year period for the initial phase and each

subsequent phase. Such extension of time shall be granted administratively and shall not exceed six (6) months. A maximum of two (2) extensions may be granted.

- a. If subsequent phases are not commenced within the 1-year period, or an extension received, the approval shall be null and void and reapplication to the Village shall be required for the remaining phases. Phases may be developed out of sequence if good cause is shown and it is not to the detriment of the preceding phase(s).

(10) Advertising and Notice Requirements. Upon determination of a complete application, the Village shall set a date, time and place for public hearing(s) and publish notice of such hearing(s) in the following manner. Each notice involving real property shall adequately describe the property along with the intent and purpose for the application and where additional information on the matter may be obtained.

- a. Advertising requirements. The Village shall prepare and provide notification of a public hearing on an application which shall be published in a newspaper having general circulation in the Village.

The Town shall advertise in accordance with the provisions set forth below:

<u>Development Application and Type of Meeting</u>	<u>Type of Advertisement Required</u>
Comprehensive Plan Amendment	As required by state law for the Village council Meeting. (Sec. 163.3184(11), Fla. Stat., Sec. 163.3187(2), Fla. Stat., as applicable)
Rezoning or LDR Amendment	As required by state law for the Village Council Meeting. (Sec. 166.041(3)(a), (3)(c)(1), or (3)(c)(2), Fla. Stat., as applicable)
Any other development application not mentioned above which requires a public hearing	An advertisement shall be published in a newspaper of general circulation in the Village at least seven (7) calendar days before the public hearing.



Local Planning Agency (LPA)	As required by state law for the LPA Meeting. (Sec. 166.041(3)(a), Fla. Stat. – See Sec. 163.3164(40), Fla. Stat.)
Administrative Variance	An advertisement shall be published in a newspaper of general circulation in the Village at least ten (10) calendar days after the director’s decision.

b. Posted notice.

1. A sign shall be prepared and posted on the subject property by the Village setting forth a notice of public hearing at least five (5) business days before the village council meeting in which the item is scheduled to be heard. This notice shall remain posted on the subject property through the date of the public hearing and shall be removed within five (5) business days following the village council’s approval or denial of the application, or upon the application’s withdrawal.
2. Posted notice shall be in a manner established by the director.

c. Courtesy mailed notice.

1. The applicant shall be responsible for mailing notice of hearing to property owners of record within a 300-foot radius of the subject property scheduled for a public hearing before the village council. The failure to receive such courtesy notice shall not affect any action or proceedings taken by the village council.
2. The current ad valorem tax rolls of Martin County shall be used to mail required notice to owners of neighboring property.

d. Notice content. Required public notice shall, at a minimum:

1. Identify the application.
2. Describe the nature and scope of the proposed development or action.
3. Identify the location of land subject to the application (not applicable to notices posted on the subject property).
4. Identify the date, time, and location of the public hearing(s) being noticed.
5. Indicate how and where written comments on the application may be submitted before the hearing.
6. Indicate how and where additional information about the application and review process may be obtained.
7. Comply with any other notice content requirements established by State law.

- e. Affidavit of notice. The applicant shall sign an affidavit affirming that any required mailing was sent. Affidavit of published and posted notices of a public hearing shall be completed by appropriate Village staff.
- f. Cost of notices. The applicant shall be responsible for all costs associated with providing notices.

(11) Withdrawal of Development Applications and Refund of Fees.

An application for development review may be withdrawn at any time. For applications filed in accordance with these LDRs and subsequently withdrawn, the applicant may request a fee refund. The refund request must be made on a form provided by the Village. The amount of refund will be based on the point in time of the review process when the application withdrawal is initiated by the applicant. The refund schedule is as follows:

- a. 75 percent prior to staff review or legal advertisement (whichever comes first).
- b. 25 percent prior to drafting of the staff report.
- c. 15 percent 10 business days prior to the village council hearing on the application.
- d. No refund shall be granted if an applicant withdraws the application at the village council meeting in which the application is scheduled to be heard.

(12) Request for Waivers/Modifications of Submittal Requirements. Any submittal requirements which are unnecessary for the review of the application, may be waived by the department director. The applicant must clearly indicate by section and paragraph in the application and in a letter attached to the application, which waiver or modification is requested. To grant a waiver or modification the department must determine that a requirement is not necessary for the full and adequate consideration of the application. The department shall set forth in writing the reasons for such determination.

(13) Re-Application. If a development application is denied by the village council on its merits, no application substantially requesting the same relief with respect to all or part of the same property shall be considered by the Village within one (1) year after the date of such denial. This re-application requirement may be waived by a majority vote of the village council. The director shall determine whether the re-application is substantially requesting the same relief.

**Sec. 12-3. – Annexation Applications.**

For any annexation proposed by either the Village or owner(s) of real property in an unincorporated area which is contiguous to the Village the process and procedures found in Chapter 171, F.S. – Local Government Boundaries Part 1 – Municipal Annexation or Contraction shall apply.

**Sec. 12-4. – Comprehensive Plan Text and Map Amendments.**

Comprehensive Plan amendments may be considered in accordance with Florida Statutes and with the following regulations and procedures.

- (1) Initiation of Application. Amendments to the Village's Comprehensive Plan may be initiated by the majority vote of the village council, motion of the majority of the Planning, Zoning and Appeals Board, Village administration, petition of the property owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of a proposed amendment.
- (2) Application Filing. Amendment applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the village manager or designee, by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.
- (3) Submittal Requirements. All amendment applications shall be accompanied by the following items:
  - a. An application, on a form provided by the Village, completed and signed by the Village, applicant, the owner or owner's agent or contract purchaser with the owner's written consent.
  - b. When the proposal is an amendment to the Comprehensive Plan text or map series the applicant shall submit data in support of the request. A text amendment shall be submitted in a strikethrough and underline format.
  - c. A disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application.
  - d. A map amendment shall include a survey, signed and sealed by a certified surveyor and mapper, completed not longer than six (6) months in advance of the date of the application, that contains the following information:
    1. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed future land use designation.
    2. Total area of the property and of each existing and proposed future land use designation presented in square feet and acres.
    3. Scale and north arrow, with north, to the extent feasible, oriented to the top of the map.
    4. Location of all existing buildings and structures.

5. Names of all boundary roads or streets and the width of existing rights-of-way.

(4) Procedure.

- a. Applications shall be received by the Village in a form set by the Village and made available to all applicants.
- b. The Department shall review all submitted applications for Comprehensive Plan amendments and shall prepare a comprehensive written recommendation.
- c. The Planning, Zoning and Appeals Board shall hold a public hearing to consider applications for amendments to the Comprehensive Plan and shall, upon conclusion of the public hearing, make a recommendation to the village council with respect to each application.
- d. The village council shall hold public hearing(s) to consider the adoption of the amendments to the Comprehensive Plan requested by the applications in accordance with the provisions of Sec. 163.3184 or 163.3187, Florida Statutes, as applicable.
- f. Proposed amendments shall be transmitted to the Department of Economic Opportunity, its successor, and other review agencies for review and comment, if required by Florida Law.

**Sec. 12-5. – Land Development Regulations Text Amendments.**

Text amendments to this Chapter, may be considered in accordance with the following regulations and procedures.

(1) Initiation of Application. Amendments to the Land Development Regulations may be initiated by the majority vote of the village council motion of the majority of the Planning, Zoning and Appeals Board, Village administration, petition of the property owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of a proposed amendment.

(2) Application Filing. Amendment applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the village manager or designee, by the owner or owner's agent, or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.

(3) Submittal Requirements. All amendment applications shall be accompanied by the following items:

- a. An application, on a form provided by the Village, completed and signed by the Village, applicant, the owner or owner's agent or contract

purchaser with the owner's written consent.

- b. When the proposal is an amendment to the LDR text data shall be submitted in support of the request. A text amendment shall be submitted in a strikethrough and underline format.
- c. A statement explaining the reason for the text amendment.

(4) Procedure.

- a. Applications shall be received by the Village in a form set by the Village and made available to all applicants.
- b. The department shall review all submitted applications for LDR amendments and shall prepare a comprehensive written recommendation.
- c. The Planning, Zoning and Appeals Board, sitting as the LPA, shall hold a public hearing to consider applications for amendments to the LDRs and shall, upon conclusion of the public hearing, make a recommendation to the village council with respect to each application.
- d. The village council shall hold public hearing(s) to consider applications for amendments to the LDRs in accordance with the applicable provisions of Sec. 166.041, Florida Statutes and may, upon conclusion of the public hearing(s), adopt an ordinance amending the LDRs.

**Sec. 12-6. – Rezoning.**

The village council may rezone a property in accordance with the following regulations and procedures.

(1) Initiation of Application. A rezoning may be initiated by the majority vote of the village council, motion of the majority of the Planning, Zoning and Appeals Board, Village administration, petition of the property owner or owner's agent or contract purchaser with the owner's written consent, which is the subject of a proposed amendment.

(2) Application Filing. Rezoning applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the village manager or designee, by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.

(3) Submittal Requirements. All rezoning applications shall be accompanied by the following items:

- a. An application, on a form provided by the Village, completed and signed by the Village, applicant, the owner or owner's agent or contract

purchaser with the owner's written consent.

- b. A disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application.
- c. An as-built survey, signed and sealed by a certified surveyor and mapper, completed not longer than 6 months in advance of the date of the application, that contains the following information:
  - 1. Boundaries of the entire area proposed to be rezoned and the existing and proposed zoning districts.
  - 2. Total area proposed to be rezoned in both square feet and acres.
  - 3. Scale and north arrow, with north, to the extent feasible, oriented to the top of the map.
  - 4. Location of all existing buildings and structures.
  - 5. Names of all boundary roads or streets and the width of existing rights-of-way.

(4) Procedure.

- a. Applications shall be received by the Village in a form set by the Village and made available to all applicants.
- b. The Department shall review all submitted applications for rezoning and shall prepare a comprehensive written recommendation.
- c. The Planning, Zoning and Appeals Board, sitting as the LPA, shall hold a public hearing to consider applications for rezoning and shall, upon conclusion of the public hearing, make a recommendation to the Village Council with respect to each application.
- d. The village council shall hold public hearing(s) to consider applications for rezoning in accordance with the applicable provisions of Sec. 166.041, Florida Statutes and shall, upon conclusion of the public hearing(s), adopt an ordinance granting the proposed rezoning or may choose to deny the request.

(5) Approval Criteria. The village council shall use the following criteria in making their decision regarding approval or disapproval of a rezoning application:

- a. The proposed rezone is consistent with goals, objectives and policies of the Comprehensive Plan.
- b. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.
- c. The subject property is physically suitable for the uses permitted in the proposed district.

**Sec. 12-7. – Platting and Right-of-Way.**

Applications for subdivision review, including waivers, dedications and vacations of right-of-way shall require the submission of a subdivision (plat) application package in accordance with the following regulations and procedures.

For the purposes of these LDRs "subdivision" shall mean: The division or platting of land into three or more lots, tracts or parcels for the purpose of sale or lease, the subdivision of new streets and alleys, whether public or private, changes in an existing street or alley, whether public or private, additions and re-subdivisions of any parcel whether divided or platted.

Any person, proposing a subdivision of real property in the Village shall first obtain plat approval in accordance with the requirements of this Chapter unless specifically exempted. In addition to this Chapter the requirements of Chapter 177, Florida Statutes and Chapter 61G17-6, Florida Administrative Code shall be followed, and no subdivision plat shall be approved for recording until the requirements of this Chapter, Chapter 177 and Chapter 61G17-6 have been met. No building permit shall be issued prior to the completion of a subdivision, unless exempted.

(1) Exemptions. Subdivision or right-of-way approval by the village council, after a public hearing, shall be required for all applications within the Village, except for the following:

- a. Where the land to be subdivided is to be divided into no more than two (2) parcels.
- b. Where the division or redivision of a parcel of land is made pursuant to an order of a court of competent jurisdiction.
- c. Where there is a conveyance between adjacent landowners if the purpose of the conveyance is to adjust or settle a common boundary line and it is stated in the deed of conveyance or in a separate instrument recorded in the public records of Martin County.
- d. Where there is a public dedication of a road, highway, street, alley, or easement and It is found by the village council that in these circumstances it is not necessary that a plat be recorded. In lieu of the recording of a plat, the dedication may be by deed, and may require conditions as deemed appropriate under particular circumstances such as improvements of sidewalks, streets, or drainage facilities. The posting of a bond or irrevocable letter of credit may also be required.
- e. Where there is a conveyance to any Federal, state or local governmental entity or agency for a bona fide public purpose and such conveyance is accepted by such governmental entity or agency by an instrument recorded in the public records of Martin County.

- f. Where there is a division or redivision of a parcel of land, greater than 20 acres in size, for bona fide agricultural use, if no public street is created or changed.

(2) Initiation of Application. A subdivision or right-of-way review may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(3) Application Filing. Subdivision or right-of-way review applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form provided by the Village must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to the Development Review Staff, acting in its capacity as Plat Committee, and all appropriate reviewing agencies for comment.

The application shall be accompanied by a disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application.

(4) Submittal Requirements. All subdivision or right-of-way review applications shall be accompanied by the following items, as deemed necessary by the Village Surveyor and Mapper:

- a. Each plat must be prepared on 24-inch by 36-inch sheets of material in conformity with F.S. Chapter 177 and must contain a three-inch margin on the left side of the plat for binding purposes. The remaining three (3) sides must have a one-inch margin.
- b. The plat must be prepared under the responsible direction and supervision of a surveyor and mapper, and be clearly and legibly drawn with black permanent drawing ink or varitype process, to a scale of not smaller than one inch equals 100 feet, unless the Village Surveyor and Mapper issues prior written approval of a smaller scale, based upon good cause shown.
- c. All text and numerical data on the plat must be a minimum of one-tenth inch in height, including lower case letters.
- d. The first page of the plat must contain a vicinity sketch illustrating the subdivision location in reference to any major roadways and adjoining properties. Plats with greater than two (2) sheets of map information must provide a key map detail on each sheet showing the relationship of each sheet to the total plat. Each sheet of a plat must be numbered in the lower right-hand corner as "Sheet \_ of \_" (sheet number out of the total number



of sheets). Clearly labeled match lines are required on all multiple-sheet plats. Surveyor's notes and a legend must appear on all plat sheets.

- e. PRMs must be set in the field and shown on the plat in accordance with F.S. Chapter 177 and subsection 4.912.E. Prior to final approval of a plat for recordation, the Village Surveyor and Mapper or designee shall physically inspect the PRMs to verify placement. The surveyor and mapper certifying the plat or designee must be present at the inspection by the Village Surveyor and Mapper, or designee, to identify the location of the PRMs.
- f. PCPs must be set and shown on the plat in accordance with F.S. Chapter 177.
- g. PRMs, PCPs and lot corners must be in place prior to final improvement inspection of subdivision improvements by the Village. The Village Surveyor and Mapper, or his designee, must make a field inspection to verify existence and placement of PRMs, PCPs and lot corners upon completion of subdivision improvements. The subdivider shall be responsible for ensuring that PRMs, PCPs and lot corners are in place after construction and that such PRMs, PCPs and lot corners are marked clearly for inspection. The developer or his designee shall be present, if requested, at PRM, PCP and lot corner inspections to identify the location of the PRMs, PCPs and lot corners. In circumstances involving subdivisions as to which a bond or other surety is required, the cost of setting or resetting all PRMs, PCPs and lot corners must be included separately as a line item in the project engineer's cost estimate for bonding purposes. The cost of setting these control points must be determined by a surveyor and mapper. The developer is responsible for the proper placement of destroyed, damaged or otherwise altered PRMs, PCPs and lot corners through securing the services of a surveyor and mapper. PRMs, PCPs and lot corners that are replaced must meet all updated requirements of F.S. Chapter 177 and must include stamping thereon of "PRM Re-set" and the registration number of the individual replacing the original PRMs.
- h. Plat curve data may be tabulated subject to the following conditions:
  - 1. External plat boundary or roadway centerline curve data may not be tabulated.
  - 2. When lot line curve data are tabulated, a minimum of the arc length and the curve designation number or letter must be shown on the actual curve.
  - 3. Curve tables reflecting the tabulated data must appear on the map sheet on which the curves appear.

- i. Tangent line tables shall not be permitted unless the Village Surveyor and Mapper issues prior written approval of such tables, based upon good cause shown. Plat scale will not be considered as a factor in allowing tangent line tables. Tangent line tables, if approved, must appear on the applicable map sheet.
- j. The following notes shall appear on plats:
  - 1. "This plat, as recorded in its original form in the public records, is the official depiction of the subdivided lands described hereon and will in no circumstances be supplanted in authority by any other form of the plat, whether graphic or digital."
  - 2. "There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."
  - 3. For plats which contain public easements located within private streets or rights-of-ways: "In the event that the Village of Indiantown disturbs the surface of a private street due to maintenance, repair or replacement of a public improvement located therein, then the Village shall be responsible for restoring the street surface only to the extent which would be required if the street were a public street, in accordance with Village specifications."
  - 4. The first page of every plat shall include a signature and date line for the Village Mayor, indicating approval by the village council.
- k. Plats or portions of plats in flood zones A1-30, AH, and V1-30, as shown on the applicable FEMA map, shall have two (2) permanent benchmarks established on site in an accessible location and shall be shown and described on the plat in its current location together with identification number, elevations of the benchmarks and including vertical datum as approved by the Village. Benchmarks shall consist of a brass or aluminum disc set in concrete or other permanent material, stamped with benchmark identification number, elevation and datum.
- l. Plats bordering on tidally affected navigable waters must comply fully with the requirements of F.S. Chapter 177 regarding establishment of a local tidal datum and the determination of the MHWL in the event that the MHWL is used to determine building or other setbacks required for development. The elevation and date of determination of the MHWL, as approved by the Florida Department of Environmental Protection (FDEP) Bureau of Surveying and Mapping, or its successor agency, must appear on the plat. A copy of written MHWL survey approved from the FDEP must be submitted to the Village Surveyor and Mapper prior to plat recordation.

- m. Plats immediately bordering on tidally affected navigable waters are exempted, to the extent permitted by the provisions of F.S. Chapter 177 from compliance with the requirement of establishing the MHWL in conformity with FDEP requirements provided that the MHWL location is not required for determining building or other setbacks required for development. In case of such an exemption, a safe upland line shall be physically established on the site in the vicinity of the shoreline at a location or elevation approved by the FDEP or the Village Surveyor and Mapper. The safe upland line may be used to determine the total plat acreage only and may not constitute a boundary line; also, the safe upland line must be shown on the plat with tie-ins to the apparent shoreline. The location and the courses of the safe upland line also must be shown on the boundary survey of the subject property, in conformity with the professional standards provided in Chapter 61G17-6, Florida Administrative Code, and such survey must be submitted at the time when the plat is initially submitted for review by the Village. The boundary survey must show the apparent shoreline, as applicable. Top of bank location must be used as a safe upland line if approved in writing, for good cause shown, by the Village surveyor and mapper. When a safe upland line is used, the apparent shoreline shall be shown on the plat and the plat must contain a note indicating that the plat boundary is the MHWL of the water body, as approximated by the safe upland or apparent shoreline. PRMs must be set in accordance with this Chapter along the safe upland line. The safe upland line may be used as the apparent shoreline provided that the surveyor and mapper certifying the plat demonstrates that the safe upland line is a proper representation of the apparent shoreline.
- n. Each plat submitted must be accompanied by a boundary survey which is signed and sealed by the surveyor and mapper whose signature and seal appears on the plat. The date of the field survey must be less than 180 days prior to the date of initial submittal of the plat. A specific purpose survey may be submitted in the circumstance in which a safe upland line is used to approximate the boundary adjacent to a navigable water body.
- o. A minimum of two (2) boundary monuments shall be tied by a closed field traverse to the nearest approved Martin County geodetic control station and azimuth mark or approved pair of Martin County adjusted traverse points or to other control points established by Global Positioning System (GPS) which meet or exceed Third Order Class I Accuracy Standards according to current publication of the Federal Geodetic Control Committee (FGCC) procedures. Field traverse from plat boundary to geodetic control shall meet Third Order Class II Traverse Closure Standards when possible; however, at a minimum, traverse closure must meet the minimum technical standards set forth in Chapter 61G17-16, Florida

Administrative Code. A signed copy of geodetic tie-in field notes and traverse closure data is required along with closure documentation for the external boundary of the plat.

- p. Prior to plat recordation, a CAD file, preferably in DWG format or, alternatively, in DXF format, or in a digital format that is acceptable to the Village surveyor and mapper, shall be provided to the Village showing all final plat survey data and line annotations, including, but not limited to, lots, roadways, easements, preserve areas, buffer areas, maintenance areas and other specific information which appears on the map portion of the plat. The purpose of such a computer file is to provide direct, efficient updates to the village's and county's geographic information systems (GIS) parcel map coverage. The coordinate positions within this file are to be rotated and translated to state plane coordinates in the North American Datum of 1983/adjustment of 1990 (NAD 83/90) Florida East Zone, or currently approved datum, based upon the required tie-in to geodetic control. The conversion of ground distance to grid distance within the digital file is not required.
- q. A plat checklist shall be submitted with all applications for plat approval. The checklist shall be submitted on a form approved by the village and shall be completed and signed by the surveyor and mapper responsible for the preparation of the plat. Plat review by Village shall not commence until the signed plat checklist has been submitted.
- r. Certified corner records must be filed in accordance with F.S. Chapter 177 for public land corners identification, recovered, reestablished, remonumented, restored or used as controls in the preparation of a plat. The original certified corner record must be submitted to the FDEP Bureau of Surveying and Mapping, and a copy thereof must be provided to the county surveyor and mapper. Each certified corner must indicate the state plane coordinate value of the corner, based upon the geodetic tie-in requirement of this section. Upon approval of the certified corner record by FDEP, the certified number of the public land corner shall be shown on the plat prior to recordation of the plat.
- s. All properties contiguous to property which is to be platted must be identified, along the periphery of the plat, according to the applicable plat book and page or identified as unplatted consistent with Chapter 177, Florida Statutes.
- t. The legal description on the plat must contain the total acreage of the platted land and such acreage must be consistent with the title certification.

- u. A five-inch line for the subdivision parcel control number must be provided in the upper right-hand corner of the first page of the plat.
- v. The title of the plat (i.e., the name of the subdivision which is the subject of the plat) must be set forth on each page of the plat and must contain text of uniform size and type. If the plat encompasses a planned development (PD), then the title on the plat shall contain the abbreviation "PD".
- w. The title of the plat must be consistent with F.S. Chapter 177 which requires that each subdivision be given a name and that such name must not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision which is the subject of the plat, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his successor(s) in title.
- x. All names, signatures, seals, stamps and related data on plats must be inscribed in "India" or similar indelible ink.
- y. The following shall be submitted with the record plat:
  - 1. Acceptable 100 percent security, if the subdivider has not elected to construct required improvements.
  - 2. In the event that improvements have been made before a record plat is submitted, a certificate from the subdivider's engineer shall be submitted indicating that all improvements have been constructed in accordance with the approved plans and specifications, and an affidavit shall be submitted by the subdivider indicating that all bills for improvements have been paid.

(5) Procedure. An application for subdivision or right-of-way review shall be made prior to an application for a building permit and will only be accepted if all other ordinances and provisions of the Village have been complied with. Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to final approval by the village council.

(6) Approval Criteria. The village council, Planning, Zoning and Appeals Board and Plat Committee shall use compliance with the standards of this Chapter as criteria in making their decision regarding approval or disapproval, or recommendation of approval or disapproval of an application.

(7) Plat Committee. Upon acceptance of a subdivision or right-of-way review application,

the director shall forward a copy of the application and accompanying material to the plat committee for review and any other agency (whether municipal, county or state), as deemed applicable by the director.

If requested by the director, each reviewing discipline shall prepare a staff report with written comments and shall forward such staff report to the director. The director shall make a written finding that the subdivision or right-of-way application has or has not met the standards of this code. Except as may otherwise be required by law or administrative procedures, the applicant shall obtain any applicable County and State approval prior to scheduling of public hearing.

(8) Plat or Right-of-Way Vacation. A plat or right-of-way shall not be vacated which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, public access roadway, or dedicated public facility, until:

- a. Consents have been provided by the public users of the easements;
- b. Each public utility, which is franchised to provide services within the area of the plat, is notified in writing of the proposed vacation, and has 30 calendar days to comment;
- c. Conditions of consent from any public agencies or utilities having rights in any land proposed to be vacated have the conditions incorporated into the vacation; and
- d. If any agency or utility having rights in any land proposed to be vacated objects, a finding is made that a specific public benefit will not be annulled if the vacation is granted.

**Sec. 12-8. – Major Site Plan.**

Applications for site plan review shall require the submission of a site plan package in accordance with the following regulations and procedures.

Site plan approval by the village council, after a public hearing, shall be required for all development within the Village, except for the following: 25 or fewer residential units, new construction or additions to non-residential buildings not exceeding 4,000 square feet, new construction or additions to industrial buildings not exceeding 5,000 square feet, new construction or additions to mixed-use developments not exceeding 20,000 square feet, and other minor proposed development applications as determined by the director. No certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. The director may, if it is deemed necessary, retain consultants to assist in the review of an application for site plan approval.

The following types of proposed development and construction shall utilize the minor site plan review and approval process: 25 or fewer residential units, new construction or additions to non-residential buildings not exceeding 4,000 square feet, new construction or additions to industrial buildings not exceeding 5,000 square feet, new construction or additions to mixed-use developments not exceeding 20,000 square feet, and other minor proposed development applications as determined by the director.

~~Table 12-2. Minor and Major Site Plan Thresholds~~

To be completed:

Table 12-2. *Thresholds for Review by Type* (Minor Administrative, Minor, Major Site Plan)

Density or Intensity of Proposed Development	Minor Administrative	Minor	Major
Residential development: 1-4 dwelling units	X		
Residential development: 5-50 dwelling units		X	
Residential development: 51 or more dwelling units			X
Nonresidential development: 4,000 sq. ft. or less	X		
Nonresidential development: 4,000 - 25,000 sq. ft.		X	
Nonresidential development: more than 25,000 sq. ft.			X
Nonresidential development: of 50 beds or rooms or less		X	
Nonresidential development: of more than 50 beds or rooms			X
Industrial development: 100,000 sq. ft. or less		X	
Industrial development: more than 100,000 sq. ft.			X
Industrial development: of any size on a lot platted pursuant to an industrial site plan		X	

The following specific uses are classified as major developments:

- Adult business.
- Biofuel facilities.
- Campgrounds.
- Commercial amusements, outdoor.
- Flea markets.

- f. Golf courses.
  - g. Golf driving ranges.
  - h. Recreational vehicle parks.
  - i. Shooting ranges, outdoor.
  - j. Parking lots and garages over 250 spaces.
  - k. Vehicular sales and service, including gas stations, or vehicular service and maintenance, both excluding car washes.
  - l. Airstrips.
  - m. Airports, general aviation.
  - n. Truck stop/travel center.
  - o. Any other use deemed to be a major development elsewhere in the LDR.
3. The thresholds for nonresidential and industrial development refer to the gross floor area of all proposed buildings plus 25 percent of the gross area of any primary use that is not contained in any proposed buildings on a development site unless otherwise noted.
4. For purposes of determining the threshold for review of applications, the following shall apply:
- a. Residential development means any use in the permitted use schedule of article 3, Zoning Districts, LDR, under the residential uses category.
  - b. Industrial development means any use in the permitted use schedule of article 3, Zoning Districts, LDR, under the industrial uses category.
  - c. Nonresidential development means any use indicated in the permitted use schedule of article 3, Zoning Districts, LDR, excluding those listed as residential uses, exempt bona fide agriculture, industrial uses, LSTAR or TIB.
  - d. Life Science, Technology and Research (LSTAR) means any use in the permitted uses schedule of article 3, Zoning Districts, LDR, as Life Science, Technology and Research uses category,
  - e. Targeted Industries Business (TIB) means any use in the permitted use schedule of article 3, Zoning Districts, LDR, as Targeted Industries business uses category.
5. Where a mix of uses is proposed, each type of use shall be apportioned in order to determine the classification threshold. For example, because the threshold for a minor development is 25,000 square feet of non-residential uses and 50 dwelling units or less, the ratio of the proposed non-residential uses gross floor area to 25,000 square feet, plus the ratio of the proposed number of dwelling units to 50 dwelling units or less must not exceed one. Thus, a proposal for 10,000 square feet of non-residential and 20 dwelling units would be apportioned as follows:
- $$[(10,000/25,000) + (20/50) = (.40 + .40) = .80]$$
- and, thus, would be considered a minor development.
6. When determining classification of development applications, the proposed intensities identified in a new application including applicable gross floor areas, residential units, rooms, site area shall be added to any intensities that were approved and built on the same site during the five years prior to the date of the new application. The total of all intensities over the five-year period shall be used to



determine if the new application is processed as a major or minor development pursuant to the applicable thresholds contained in Table 10.2.C.1.

(1) Initiation of Application. A site plan review may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Site plan review applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form provided by the Village must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.

The application shall be accompanied by a disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application

(3) Submittal Requirements. All site plan review applications shall be accompanied by the following items:

- i. The location and size of the site, including its legal description and a survey, signed and sealed by a certified surveyor and mapper, completed not longer than 6 months in advance of the date of the application.
- l. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.
- c. The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological structures within 100 feet.
- d. The density or intensity of land use to be allocated, all parts of the site to be developed, together with tabulations by acreage and percentage thereof.
- e. The location, size and character of any common open space and the form of organization proposed to own and maintain any common open space.
- f. The use and the number of stories, height, bulk and location of all buildings and other structures.
- g. The requirements as set forth in this LDR Chapter and other Chapters, including the necessary documentation for providing required

improvements such as streets, water supply, storm drainage, parking, landscaping and sewage collection as well as the provisions for all other appropriate public and private services such as police or security protection, fire protection and refuse collection.

- h. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
- i. In the case of plans which call for development over a period of years, a phasing schedule showing the approximate times within which applications for building permits are intended to be filed.
- j. Any additional data, plans or specifications which the applicant believes is pertinent and will assist in clarifying his application.
- k. A demonstration that the proposed development does not degrade adopted levels of service in the Village.
- l. Architectural elevations for buildings in the development; exact number of dwelling units, sizes and types and total number of bedrooms, if residential. For nonresidential development, the Floor Area Ratio and Gross Square Footage shall be required.
- m. Plans for signs, if any.
- n. Traffic Study, as deemed necessary by the director, stating current average daily and peak hour traffic volume counts, a description of existing traffic conditions, programmed and planned roadway improvements and future traffic conditions. All roadway improvements and associated costs shall be provided.
- o. Landscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and maintenance. Compliance with Village Landscape and Resource Protection requirements.
- p. Color renderings and elevations.
- q. Photometrics.
- r. Flood criteria data and finished floor elevations.

- s. Additional data, maps, plans, surveys or statements as may be required for the particular use or activity involved.

(4) Procedure. An application for site plan review shall be made prior to an application for a building permit and will only be accepted if applicant has complied with all other ordinances and provisions of the Village. Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to final site plan approval.

(5) Approval Criteria. The village council and Planning, Zoning and Appeals Board shall use the following criteria in making their decision regarding approval or disapproval, or recommendation of approval or disapproval in the case of the Planning, Zoning and Appeals Board, of a site plan review application:

- a. The development permitted by the application, if granted, conforms to the growth management plan, is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.
- b. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the Village, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.
- c. The development permitted by the application, if granted, will have a favorable impact on the economy of the Village.
- d. The development permitted by the application, if granted, will efficiently use or not unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction.
- e. The development permitted by the application, if granted, will efficiently use or not unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

(6) Development Review Colleagues (DRC). Upon acceptance of a site plan review application, one which is deemed non-administrative, the Director shall forward a copy of the application and accompanying material to each of the following Departments for

review, as applicable.

- a. Community and Economic Development
- b. Public Works
- c. Parks and Recreation
- d. Building
- e. Any other agency (whether municipal, county or state), as deemed applicable by the Director.

If requested by the director, each reviewing discipline shall prepare a staff report with written comments and shall forward such staff report to the director. The director shall make a written finding that the site plan has or has not met the standards of this Code. Except as may otherwise be required by law or administrative procedures, the applicant shall obtain applicable County and State approval prior to scheduling of public hearing.

(7) Site Plan Expiration. A final site plan approved, either by the village council or administrative action shall after eighteen (18) months unless a building permit has been issued, or an extension has been requested. For good cause shown, an applicant may apply for an extension of time prior to the expiration of the 1-year period for the initial phase and each subsequent phase. Such extension of time shall be granted administratively and shall not exceed six (6) months. A maximum of two (2) extensions may be granted. If a final plan has been allowed to expire without application for a building permit, commencement of construction or an extension the applicant will be required to submit a new site plan application.

(8) Modification to a Previously Approved Site Plan - Minor. The director is authorized to consider and approve minor modifications to previously approved site plans which do not exceed the thresholds established below. A letter of intent shall be submitted as part of the Minor Modification application. A minor site plan modification does not require village council action or hearing. Any application for modifications that exceed the thresholds below shall be considered a Major Site Plan amendment and shall be subject to the review procedures for a Major Site Plan as set forth in this Section.

- a. A minor modification must demonstrate the following, as applicable:
  1. The number of buildings, number of stories, height and number of units is the same or fewer.
  2. Lot coverage and floor area ratio have not increased or decreased by more than five (5) percent.
  3. The number of parking spaces may increase or decrease by as much as five (5) percent, provided the plan complies with all other requirements of this subsection and of these LDRs.

4. Density or intensity (floor area ratio) may be transferred from one phase of development to another, provided that the total floor area ratio is not changed and the floor area ratio for each phase is not increased or decreased by more than five (5) percent.
5. Roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans.
6. Parking is in the same general location and configuration.
7. The building setbacks are the same or greater distance from perimeter property lines.
8. The landscaped open space is in the same general location and, is of the same or greater amount.
9. Elevations and renderings of buildings have substantially similar architectural expressions.
10. Recreational facilities either remain the same or are converted from one recreational use to another.
11. If recreational facilities were not shown in the approved plans, they may be added, provided there is no net increase in lot coverage or net decrease in required non-recreational open space.
12. The proposed changes do not have the effect of creating any noncompliance or nonconformity.
13. Additional out parcels may be added where there is no net increase in the project's total floor area ratio (FAR) or lot coverage, there is no net reduction in landscaped open space.
14. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of this Code.
15. May not be contrary or modify a condition of approval or any previously approved amendment.
16. The proposed changes do not result in an increase in stormwater runoff.

(9) Extension of a Previously Approved Site Plan. The director is authorized to consider and approve requests to extend the length of time that a previously approved site plan is valid. A letter requesting an extension shall be submitted to the Village. An extension may be granted for six (6) additional months, two (2) such extensions may be granted. A site plan extension does not require village council action or hearing.

- a. A request for extension must include the following, as applicable:
  1. Site plan number and date of original approval and any previous extensions.
  2. The reason for the request.
  3. That the extension of the project will not unduly, negatively impact the Village.

**Sec. 12-9. – Minor Site Plan.**

Applications for administrative site plan review shall require the submission of a site plan package in accordance with the following regulations and procedures.

The following types of proposed development and construction shall utilize the administrative site plan review and approval process: 25 or fewer residential units, new construction or additions to non-residential buildings not exceeding 4,000 square feet, new construction or additions to industrial buildings not exceeding 5,000 square feet, new construction or additions to mixed-use developments not exceeding 20,000 square feet, and other minor proposed development applications as determined by the director.

(1) Initiation of Application. A site plan review may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Site plan review applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the department.

(3) Submittal Requirements. All administrative site plan review applications shall be accompanied by the requirements found in Sec. 12-8. – Major Site Plan, unless otherwise determined by the director.

(4) Approval Criteria. The department shall use the approval criteria found in Sec. 12-8. – Major Site Plan in making their decision regarding approval or disapproval of an administrative site plan review application.

#### **Sec. 12-10. – Planned Developments.**

Applications for planned developments shall require the submission of a site plan package in accordance with the following regulations and procedures.

Planned development approval by the village council, after a public hearing, shall be required. No certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved planned development have been provided. The Director may, if it is deemed necessary, retain consultants to assist in the review of an application for planned development approval.

(1) Initiation of Application. An application for a planned development may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Planned development applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has

been established by the village council. The required application form provided by the Village must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the Department.

The application shall be accompanied by a disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application.

(3) Submittal Requirements. All planned development applications shall be accompanied by the requirements found in Sec. 12-8. – Major Site Plan.

(4) Approval Criteria. The village council shall use the approval criteria found in Sec. 12-8. – Major Site Plan in making their decision regarding approval or disapproval of a planned development application. The Planning, Zoning and Appeals Board shall use the approval criteria found in Sec. 12-8. – Major Site Plan in making their decision regarding a recommendation of approval or disapproval of a planned development application.

**Sec. 12-11. – Development Agreements and Amendments.**

Chapter 9 – Development Agreements defines the process for review and acceptance of agreements between an applicant and the Village of Indiantown.

**Sec. 12-12. – Variance.**

Owners of lands or structures may apply to the department for a variance from the requirements or restrictions of these LDRs; except that no variance for use, intensity or density shall be considered. Variances shall be submitted in writing through the department, stating the specific variance(s) requested. Each variance of an LDR requirement necessitates a separate variance application and process. The PZAB, after a public hearing, may approve, approve with conditions or deny the application.

(1) Initiation of Application. A variance application may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Variance applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the department for comment.

(3) Submittal Requirements. All variance applications shall be accompanied by the following items:

- a. An application, on a form provided by the Village, completed and signed

by the Village, applicant, the owner or owner's agent or contract purchaser with the owner's written consent.

- b. A disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent, or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application
- c. The particular provision of the LDRs which prevents the proposed construction on the property.
- d. The existing zoning of the property, including any previously approved conditions or modifications.
- e. The special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the land in compliance with the terms of this ordinance.
- f. That particular hardship which would result if the specified provisions of the ordinance were to be applied to the subject property.
- g. The extent to which it would be necessary to vary the provisions of this ordinance to permit the proposed construction on, or use of, the property.

(4) Approval Standards. The applicant shall have the burden of proof and provide a written statement describing the manner and degree of compliance with the following standards:

- a. That strict application of the regulations of this ordinance would produce undue hardship.
- b. That such demonstrated hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent properties and that the character of the district will not be changed by the granting of the variance.
- d. Such variance is not contrary to the public interest or to the stated purpose of this ordinance.
- e. That the hardship is not self-imposed.
- f. That the hardship is not merely financial in nature.



**Sec. 12-13. – Administrative Variance.**

Owners of lands or structures may apply to the Department for an administrative variance from the requirements or restrictions of these LDRs. Applications for administrative variances shall be submitted in writing through the Department, on a form provided by the Village, stating the specific variance(s) requested. The purpose of this section is to provide a procedure by administrative decision for: a) minor site plan nonresidential development and b) certain residential property to obtain minor administrative variances relating to the setback, lot coverage and building spacing requirements specified in the underlying zoning district regulations. This section shall only apply to owners in single-family, duplex and townhouse residences and accessory residential uses.

(1) Initiation of Application. An administrative variance application may be initiated by petition of the property owner or owner's agent, or contract purchaser with the owner's written consent.

(2) Application Filing. Administrative variance applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the department for comment.

(3) Administrative Variance Limitations and Exclusion.

- a. Up to 10% of administrative relief may be approved for minor nonresidential development.
- b. Administrative adjustment approvals shall be limited to those lots within an area where at least 50 percent of the lots within approximately 300 feet, have already been developed or platted.
- c. A setback shall not be adjusted below 50 percent of that required by the underlying district regulations.
- d. Lot coverage for a principal and/or accessory structure shall not be increased by more than 10 percent of that required by the underlying district regulations.
- e. Spacing between structures on the same lot may be reduced; provided, however, in no event shall such spacing be less than five (5) feet.
- f. Unless specifically permitted by the underlying zoning regulations, no accessory building shall be placed in front of the front building line, or front yard setback (whichever is less) of the principal building.

- g. Under this section, no application shall be submitted, nor approval granted for an adjustment to canopy carport regulations.

(4) Notice to adjacent property owners. The application shall include a written notice of the request for administrative variance and proof, acceptable to the department, that the applicant presented the written notice to all adjacent property owners, including those across rights-of-way less than 70 feet wide.

(5) Inspection. Upon receipt of the application for an administrative variance, the Director or designee, prior to making a decision, may inspect the subject property and the surrounding properties to determine what impact, if any, the proposed administrative variance will have on the contiguous properties.

(6) Review standards. The following standards shall be applied in considering an administrative variance:

- a. No more than two (2) sides of the encroaching construction shall be considered for a setback variance (all prior setback variances, administrative variances and alternative site development options shall count toward this limitation); and
- b. No prior setback, lot coverage or building spacing variance(s), administrative variance(s) or alternative site development option(s) shall be further changed by administrative variance; and
- c. The architectural design, scale, mass and building materials of any proposed structure or addition shall be aesthetically harmonious with that of other existing or proposed structures or buildings on the property; and
- d. The plan shall clearly illustrate water runoff solution(s) for the encroaching construction area; and
- e. The property owner shall certify in writing that any and all easement areas as shown on the recorded plat remain unencumbered by the encroaching construction, unless a release of interest by the easement holder(s) is obtained and submitted prior to permit issuance; and
- f. The applicant provides written certification from a registered architect or engineer that the existing encroaching construction complies, or can be made to comply with all applicable construction codes, including but not limited to the Florida Building Code, the applicable Fire Prevention Code and other zoning regulations; and
- g. Any reduction in the spacing requirement between a principal building and an accessory building or structure on the same lot shall not result in a

situation that causes maintenance difficulty or an unsightly appearance;  
and

- h. The proposed accessory building or structure is a normal and customary accessory residential use; and
- i. The property owner certifies in writing that the type and placement of any proposed outdoor lighting fixtures shall comply with the Village Code and the Florida Building Code.
- j. Notwithstanding the foregoing, no proposed administrative variance shall be approved where the director determines that the proposed construction or addition:
  - 1. Will not be in harmony with the general appearance and character of the subject block face or the block face across the street from the subject property or will result in a significant diminution of value of the adjacent property; or
  - 2. Will be detrimental to the public welfare in that it will have substantial negative impact on public safety due to unsafe traffic movements, heightened pedestrian/vehicular conflicts or heightened risk of fire; or
  - 3. Creates materially greater adverse privacy impacts on adjacent residences than that permitted by the underlying district regulations.

(7) Conditions and safeguards. In granting an administrative variance, the director may prescribe conditions and safeguards deemed necessary to protect the interests served by the underlying zoning district regulations, including, but not limited to:

- a. Landscape materials, walls and fences as required buffering.
- b. Modification of the orientation or deletion of any openings.
- c. Modification of site arrangements.
- d. Modification of plans.

(8) Advertising. After the director's decision, an advertisement shall be published pursuant to Sec. 12-2. – General Requirements for Applications.

**Sec. 12-14. – Special Exception.**

Owners of property seeking a special exception use may apply to the department for the proposed use. Special exceptions may only be requested in compliance with the Use Table, Chapter 3, Table 3-3. Special exceptions requests shall be submitted in writing

through the department, stating the use(s) requested. The PZAB, after a public hearing, may approve, approve with conditions or deny the application.

(1) Initiation of Application. A special exception application may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Special exception applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the department for comment.

(3) Submittal Requirements. All special exception applications shall be accompanied by the following items:

- a. An application, on a form provided by the Village, completed and signed by the Village, applicant, the owner or owner's agent or contract purchaser with the owner's written consent.
- b. A disclosure statement by the parties with at least five (5) percent interest in the project signed by the applicant and notarized. The applicant, owner or owner's agent, or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application.
- c. The proposed use of the property and pertinent details of the operation and development.
- d. The zoning of the property, including any previously approved conditions or modifications.
- e. A survey, signed and sealed by a certified surveyor and mapper, completed not longer than six (6) months in advance of the date of the application.

(4) Procedure.

- a. Applications shall be received by the Village in a form set by the Village and made available to all applicants.
- b. The Department shall review all submitted applications for special exception and shall prepare a comprehensive written recommendation.
- c. The Planning, Zoning and Appeals Board shall hold a public hearing to consider applications for special exception and shall, upon conclusion of the public hearing, make a decision with respect to each application. This

decision may include conditions of development to reduce impacts of the proposed use and ensure cohesion with the surrounding neighborhood.

(5) Approval Standards. The applicant shall have the burden of proof and provide a written statement describing the manner and degree of compliance with all of the following standards:

- a. The proposed use will not be detrimental to the permissible use and enjoyment of adjacent properties.
- b. The proposed use does not pose a hazard to the health, safety and welfare of the Village and residents.
- c. The proposed use will not have an undue adverse impact on traffic patterns and volume.
- d. Whether the proposed use complies with the comprehensive plan.
- e. The proposed use will comply with all other requirements of the Land Development Regulations and the Village's code of ordinances.

**Sec. 12-15. – Certificate of Use.**

A certificate of use shall be granted for all uses which are in compliance with the requirements of the Land Development Regulations.

(1) Initiation of Application. A certificate of use application may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Certificate of use applications shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the department.

(3) Submittal Requirements. All certificate of use applications shall be accompanied by the following:

- a. A lease agreement or title for the property where the certificate is requested.
- b. A site plan of the property showing parking and entrances.
- c. A floorplan indicating square footage of the space and which meets all building code and fire safety requirements.

- d. A narrative describing the proposed use.

(4) Approval Criteria. The Village shall use the requirements in the Land Development Regulations, the Fire Safety Regulations, and the Florida Building Code to determine if a certificate of use may be granted.

**Sec. 12-16. – Permits.**

All buildings and structures being built new or being altered or added shall require a permit, as set forth in the Florida Building Code and in compliance with these Land Development Regulations.

(1) Initiation of Application. A permit application may be initiated by petition of the property owner or owner's agent, or contract purchaser with the owner's written consent.

(2) Application Filing. Permit applications, for the proposed development type, shall be filed with the Department of Community and Economic Development, accompanied by the fee that has been established by the village council. The required application form must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be reviewed by the department for comment.

(3) Complete Applications. All complete applications shall contain the requirements as listed on the permit application and all documents responsive to the requirements of the Land Development Regulations. Upon acceptance of a completed application, the application shall be reviewed by the department for comment.

(4) Approval Criteria. The application shall be reviewed for compliance with all applicable regulations including the Florida Building Code, the Land Development Regulations, Fire Regulations, and any state requirements.

**Sec. 12-17. – Interpretations.**

This shall provide a uniform mechanism for rendering formal written interpretations of these LDRs.

(1) Initiation of Request. An interpretation may be requested for any items related to all provisions of the comprehensive plan – interpretations of the text of the comprehensive plan, interpretations of the future land use district boundaries and LDRs – including but not limited to: interpretations of the text of the LDRs, interpretations of the zoning district boundaries, interpretations of compliance with a condition of approval and interpretations of whether an unspecified use falls within a use classification, use category or use type allowed in a zoning district.

(2) Director Responsibility. The director shall be responsible for making written interpretations. The interpretation shall be in a form approved by the Village Attorney and shall constitute the formal written interpretation. A written interpretation is binding on subsequent decisions by the director or other Village staff and officials unless the interpretation is modified in accordance with this section.

The director may amend or repeal a formal written interpretation on the director's own initiative, or upon a request for interpretation submitted in accordance with this section, based upon new evidence or discovery of a mistake in the original interpretation, a change in State or federal law, an amendment to the LDRs or an amendment to the Village Code of Ordinances that relates to the original formal written interpretation.

**Sec. 12-18. – Vested Rights Determinations.**

Applications for vested rights determination shall require the submission of an application package in accordance with the following regulations and procedures.

(1) Initiation of Application. A vested rights determination application may be initiated by petition of the property owner or owner's agent or contract purchaser with the owner's written consent.

(2) Application Filing. Vested rights determination applications shall be filed with the department, accompanied by the fee that has been established by the village council. The required application form provided by the Village must be completed and signed by the owner or owner's agent or contract purchaser with the owner's written consent.

(3) Time Limitation. To be timely and eligible for consideration, an applicant claiming vested rights under this section must file an application for a vested rights determination within 120 calendar days after the initial effective date of these land development regulations (as to any claim of vested rights arising prior to initial adoption) or within 120 calendar days after an amendment to these land development regulations or the Village of Indiantown Comprehensive Plan (as to any claim of vested rights arising with respect to such amendment). Rights vested pursuant to section 1-16(b) and Sec. 163.3167(3), Fla. Stat., are not subject to the time limitations of the preceding sentence.

(4) Submittal Requirements. All amendment applications shall be accompanied by the following items:

- a. An application, on a form provided by the Village, completed and signed by the applicant.
- b. A disclosure statement by the parties with at least five (5) percent interest in the project, signed by the applicant and notarized. The applicant, owner or owner's agent or contract purchaser with the owner's written consent, shall keep all information current during the processing of the application.

- c. The application must also contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentary evidence supporting the claim.

(5) Procedure. The Department shall review the application and attachments as to form and sufficiency and within 20 business days of receipt thereof determine and notify the applicant whether the application information complies with this section. Within 30 calendar days after acknowledging receipt of a sufficient application, the department shall place the application on the agenda of the next available PZAB meeting, unless otherwise requested by the applicant. The Planning, Zoning and Appeals Board shall review the application and any other information which it deems necessary and shall issue a final determination as to the vested rights claim.

(6) Approval Criteria. An application for a vested rights determination shall be approved only if the applicant demonstrates by competent substantial evidence, one of the following:

- a. Development that is expressly approved in a court order. The court order shall be made an exhibit to the vested rights determination and the determination shall be subject to the terms and conditions of the court order.
- b. Development subject to a valid and unexpired Building Permit, Final Plat or Final Development Plan approved under the Village's LDRs, or the Martin County LDC, whichever was in effect at the time of approval. The approval shall be made an exhibit to the vested rights determination and the determination shall be subject to the terms and conditions referenced in the approval. The determination shall expire upon expiration of the approval on which it was based.
- c. Development subject to common law vested rights
  - 1. General Standards
    - (i.) There is a valid, unexpired act or omission of the Village upon which the applicant relied; and
    - (ii.) The applicant's reliance was reasonable and in good faith; and
    - (iii.) The applicant, in reliance upon the valid, unexpired act, has made a substantial change in position and/or has incurred extensive obligations or expenses; and
    - (iv.) It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant by means of the Village's act or omissions.

(7) Effect of Vested Rights Determination. A determination by the Planning, Zoning and



Appeals Board that a property owner is entitled to a vested right shall entitle development or use in accordance with such determination. However, a vested right determination shall not limit the applicability of other provisions of these LDRs, nor shall it entitle the applicant to the issuance of any development permit not specified in the final vested rights determination.

**(8) Limitations on Vested Rights Determination.**

- a. Except as otherwise stated in the vested rights determination, two (2) years after the issuance of a vested rights determination, the determination shall expire and the issuance of development approvals or permits for the property subject to the vested rights determination shall be subject to the requirements of the comprehensive plan and these LDRs.
- b. The applicant or the applicant's successor may request an extension of the two-year period. Said request must be filed not less than 90 days prior to the expiration of the two-year period. Such a request shall be scheduled for hearing by the Planning, Zoning and Appeals Board within 30 days after it is filed. The Planning, Zoning and Appeals Board may grant extensions for such additional periods as it deems appropriate to avoid undue hardship to the applicant, provided the applicant pays all fees required.
- c. Rights vested pursuant to section 1-16(b) and Sec. 163.3167(3), Fla. Stat., are not subject to the two-year limitation set forth in this subsection.
- d. All development subject to a vested rights determination shall be consistent with the terms of the development approval or permit upon which the determination was based.
- e. A vested rights determination shall apply to the land and is therefore transferable from owner to owner of the land subject to the determination.
- f. Notwithstanding anything in this section to the contrary, a vested rights determination may be revoked by the Planning, Zoning and Appeals Board if it is shown that a failure to revoke said determination would result in a peril to the health, safety or general welfare of the residents of the Village unknown at the time of the approval of the determination.

**Sec. 12-19. – Appeal of Decisions.**

Any person or persons aggrieved on account of any ruling by the director charged with enforcing the Land Development Regulations may appeal first to the Planning, Zoning and Appeals Board. If aggrieved by a ruling of the Planning, Zoning and Appeals Board said person or persons may appeal to the village council.

- (1) Application Filing. The filing of a complete application, within 30 days of the decision, which shall include the applicable fee, for appeal from the director's or Planning, Zoning and Appeals Board ruling shall stay all proceedings and all work on the premises involved unless such stay shall be deemed to imperil life or property. In such cases, proceedings or work shall not be stayed except by an order granted by the village council or by a court of competent jurisdiction if the same shall have been refused by the village council.
- (2) Record of Decision being Appealed. Upon acceptance of a complete application, the director shall transmit to the Planning, Zoning and Appeals Board or village council all papers or other records upon which the action or decision appealed was taken.
- (3) Public Hearing by the village council. The village council shall hold a public hearing, and may reverse or affirm, wholly or partly, or may modify the director's or Planning, Zoning and Appeals Board decision regarding the application.
- (4) Approval Criteria. An appeal shall be sustained only if the village council finds that the Director or Planning, Zoning and Appeals Board erred. The decision of the village council shall be by resolution. The Director shall serve a copy of the decision on the applicant and upon each other person who was a party of record at the hearing.
- (5) Withdrawal of Appeal. An appeal to the village council may be withdrawn by the applicant at any time prior to the deadline of cancellation of the newspaper advertisement for the public hearing on the application; after this deadline an appeal may be withdrawn only with the permission of the village council.

**Sec. 12-20. – Temporary Uses and Special Events**

Chapter 3-Section. 3-5.7. defines the process for review and acceptance of temporary use and special event applications.