

CITY OF GRACEVILLE

ORDINANCE #86-0211

An ordinance to be entitled:

A LAND DEVELOPMENT REGULATION ORDINANCE, PROVIDING LEGAL STATUS, INCLUDING SHORT TITLE, AUTHORITY, JURISDICTION, PURPOSE, INTENT, COMPLIANCE VIOLATION, PENALTIES, AMENDMENTS, FEE SCHEDULE, INTERPRETATION, SEVERABILITY, AND EFFECTIVE DATE; ESTABLISHING DEFINITIONS; ESTABLISHING AN OFFICIAL USE DISTRICT MAP, WITH GUIDELINES FOR AMENDMENTS, INTERPRETATION, AND ANNEXATION; ESTABLISHING A SCHEDULE OF USE DISTRICT REGULATIONS FOR AGRICULTURAL, RESIDENTIAL, COMMERCIAL, DAY CARE, AND INSTITUTIONAL USES; ESTABLISHING SUPPLEMENTAL REGULATIONS FOR ACCESSORY USES, AUTOMOBILE SERVICE STATIONS, OFFSTREET PARKING, LOADING AND ACCESS, TREE PROTECTION AND LANDSCAPING PROVISIONS, SIGN REGULATIONS, STORAGE, SWIMMING POOLS, AND FLOODPLAINS AND WETLANDS; SUBDIVISION REGULATIONS COVERING DESIGN, BLOCKS AND LOTS, STREET SYSTEM, INFRASTRUCTURE AND MONUMENTS; ADMINISTRATION OF EXEMPT AND MINOR SUBDIVISIONS; ADMINISTRATION OF SUBDIVISION PROPOSALS, INCLUDING PURPOSE, PRE-APPLICATION CONFERENCE, PRELIMINARY PLAT FILING AND REVIEW; AUTHORIZATION TO PROCEED, INSPECTION PRIOR TO COMPLETION, COMPLETION OF REQUIRED PUBLIC FACILITIES, FINAL PLAT APPROVAL, AND RECORDING THE PLAT; VACATING EXISTING SUBDIVISION PLATS; NONCONFORMITIES, INCLUDING INTENT, LOTS OF RECORD, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING USES OF STRUCTURES, REPAIRS AND MAINTENANCE, CONDITIONAL USES AND MAINTAINING RECORDS; GENERAL ADMINISTRATION, INCLUDING INTENT, DEVELOPMENT ADMINISTRATOR, AND DEVELOPMENT PERMITS; ADMINISTRATIVE APPEALS, CONDITIONAL USES, AND VARIANCES, INCLUDING INTENT AND PLANNING COMMISSION ROLE; AND RELATIONSHIP WITH OTHER ORDINANCES, INCLUDING REPEAL OF SPECIFIC CONFLICTING ORDINANCE, AND OTHER ORDINANCES.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GRACEVILLE, FLORIDA:

The following Articles and Sections constitute an amendment to the Graceville Land Development Regulation Ordinance, Ordinance No. 86-0211, to bring the document into compliance with the Graceville Comprehensive Plan. This amendment and Ordinance No. 86-0211, together, constitute the new land development regulations for the City of Graceville pursuant to Chapter 163.3202-3243 of the Florida Statutes and Rule 9J-24.003 of the Florida Administrative Code.

CITY OF GRACEVILLE

ORDINANCE NO. 92-1110

An Ordinance to be entitled:

AMENDMENT TO CITY OF GRACEVILLE LAND DEVELOPMENT REGULATION ORDINANCE NO. 86-0211, PROVIDING CONSISTENCY WITH THE 1991

GRACEVILLE COMPREHENSIVE PLAN; PROVIDING LEGAL STATUS REGARDING VESTED RIGHTS; AMENDING THE OFFICIAL USE DISTRICT MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN FUTURE LAND USE MAP; AMENDING USE DISTRICT REGULATIONS TO REFLECT THE FUTURE LAND USE MAP; AMENDING THE SUPPLEMENTAL REGULATIONS, INCLUDING REGULATIONS FOR OFFSTREET PARKING, TREE PROTECTION AND LANDSCAPING, SIGNAGE, FLOODPLAINS AND WETLANDS, WELLHEAD PROTECTION, PROTECTION OF HISTORIC RESOURCES, SOIL SUITABILITY AND EROSION, SURFACE AND GROUNDWATER QUALITY, HAZARDOUS WASTE MANAGEMENT, MINERAL RESOURCES, AND FLORA AND FAUNA PROTECTION; AMENDING SUBDIVISION REGULATIONS, INCLUDING BICYCLE FACILITIES, PEDESTRIAN FACILITIES, CONVERSION OF AGRICULTURAL LAND, AND HOUSING; AMENDING ARTICLE X TO ADDRESS SUBSTANDARD HOUSING; ADDING ARTICLE XI ON CONCURRENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GRACEVILLE, FLORIDA: AMENDMENT TO LAND DEVELOPMENT REGULATION ORDINANCE NO. 86-0211 OF GRACEVILLE, FLORIDA.

ARTICLE I: LEGAL STATUS

1.0 Short Title

This ordinance shall be known and may be cited as the Land Development Regulation Ordinance of the City of Graceville, Florida.

2.0 Authority

Under the authority of Part II of Chapter 163 of the Florida Statutes the City of Graceville is authorized and empowered to adopt regulations governing the subdivision, development, and use of land. Chapter 177 of the Florida Statutes establishes certain technical requirements for recorded platys, and Chapter 166 of the Florida Statutes mandates certain procedural matters concerning lawful adoption of such ordinances. This ordinance has been duly adopted by the Graceville City Commission at a meeting held on February 11, 1986 after due consideration of the recommendations of the Graceville Planning Commission and comments from the affected public at the requisite public hearings preceding adoption.

3.0 Jurisdiction

The area subject to these regulations shall be all of the incorporated area of the City of Graceville, Florida.

4.0 Purpose

The public health, safety, comfort, economy, and general welfare require the harmonious, orderly, and progressive development of land within the incorporated area of the City. The subdivision, development, and use of land for any and all lawful purposes may best be accomplished in accordance with duly described standards, regulations, and guidelines which shall be established to be uniformly applicable within designated use districts and which outline minimum community obligations which must be met by the applicant to ensure that the community's development proceeds in a fashion which maximizes the overall public benefit with a minimal public cost.

5.0 Intent

The regulation of the subdivision, development, and use of land within the City is intended to:

- 5.1 Ensure orderly land development and use consistent with the physical pattern of the community indicated as most desirable by the Comprehensive plan.
- 5.2 Maintain and protect the local economy over a long term perspective by encouraging the wise use and nondegradation of the City's natural resources.
- 5.3 Discourage haphazard, premature, uneconomic, or scattered land development.
- 5.4 Encourage development and construction of lasting quality in

locations most appropriate for the uses proposed so that an economically stable and healthful community may be ensured.

5.5 Ensure safe and convenient traffic control.

5.6 Ensure that community facilities and utilities will be available and adequate to serve the uses proposed within a time frame which is rational and not burdensome to the public at large.

5.7 Assure purchasers of land that the continuing value of their land will be maintained to the fullest extent possible.

6.0 Compliance, Violations, and Penalties

6.1 After the effective date of this ordinance no land may be subdivided or used, nor may any building or structure be subdivided or used, nor may any building or structure be erected, moved, added to, enlarged, altered, or maintained, unless that activity is in conformity with the provisions of this ordinance.

6.2 After the effective date of this ordinance no development permit may be issued nor any subdivision plat approved, recorded, or used to convey property except in conformity with the provisions of this ordinance.

6.3 Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Development Administrator stating fully the causes and basis of the complaint. The Development Administrator shall investigate all such complaints and take appropriate enforcement action to remedy the situation.

6.4 If any of the provisions of this ordinance are being violated the Development Administrator shall notify in

writing the person responsible for the violation indicating the nature of the violation and the action necessary to correct it. He or she shall also:

- a) order the discontinuance of any illegal use of land, building, or structure;
- b) order the removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes;
- c) order the discontinuance of any illegal work being done;
- d) take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

6.5 Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violation of any conditions or safeguards assigned to development permits by the Planning Commission in connection with their consideration of conditional uses or variances) shall constitute a second degree misdemeanor.

- a) Any person found in violation shall be fined not more than \$500 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in the case.
- b) Each day such violation continues shall be considered a separate offense.
- c) The owner or tenant of any land, building, structure, or development which is the subject of any violation of this ordinance, and any architect, surveyor, engineer, builder, contractor, agent or other person who commits,

participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

d) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

6.6 Failure to comply with the subdivision regulations of this ordinance shall not impair the title of land to any subdivision lots so transferred or affect the validity of the title conveyed. However, a purchaser of land sold as part of any unrecorded subdivision or any other subdivision not in compliance with this ordinance shall be entitled, within one year from the date of purchase thereof, to bring an appropriate action to avoid such sale or to bring action against the seller for any damages which he or she suffers as a result of the seller's unlawful act, or both.

7.0 Amendments

For the purpose of ensuring that the ongoing application of the regulations and provisions of this ordinance continues to serve as an appropriate and current mechanism providing for the public health, safety, and welfare, the City Commission may from time to time amend this ordinance in the manner set out in this section and in §166.041 of the Florida Statutes.

7.1 Amendments may be proposed by the City Commission, the Planning Commission, City staff, or by petition of citizens to the City commission.

7.2 Any proposed amendment to the text of this ordinance or proposed changes to the Official Use District Map shall be considered at a public meeting by the Planning Commission prior to formulating written recommendations for action by the City Commission. Planning Commission consideration of amendments shall include:

a) A determination of consistency with the Comprehensive Plan. If nonconsistency is found, the applicant shall be advised that a simultaneous application for an amendment to the Comprehensive Plan must be made before the proposal can be considered.

b) An analysis of the potential impact of the proposed change on the City and its environs.

c) An evaluation of the proposed change with regard to the internal consistency of this ordinance and the relationship of the text of the ordinance and the Official Use District Map.

7.3 The City Commission shall consider any proposed amendments and the accompanying report of the Planning Commission at a duly advertised public hearing prior to taking official action. If the Planning Commission's recommendation is adverse to the proposed amendment it shall not be enacted except by an affirmative vote of the entire membership of the City Commission.

7.4 Amendments to change use district designations shall be processed in the following manner:

a) No later than fourteen days before the regularly

scheduled meeting of the Planning Commission the applicant shall supply the following information:

- i) The legal description of the subject property, including lot and block numbers is appropriate, and approximate acreage.
 - ii) The names and addresses of all owners of the property.
 - iii) A statement of the applicant's interest in the property, including documentation sufficient to establish the veracity of their claim, such as copies of warranty deeds, purchase contracts, agent agreements with owners, and similar legal documents.
 - iv) The existing and proposed use district designation, and the future land use category.
 - v) A statement of reasons why the redesignation is being sought.
 - vi) A signed statement under penalty of perjury that all the materials submitted are true and correct to the best of the applicant's knowledge and belief.
- b) At the time of application submission the applicant shall pay a filing fee as established by the City Commission. No filing fee is required for any redesignation amendments initiating from the City Commission, Planning Commission, or City staff.
- c) At the time of application submission the applicant shall post on the subject property so as to be plainly visible from the most traveled street abutting the property a sign of at least 6 square feet in size

stating in 6-inch capital letters: "A change of use district designation has been requested for this property." The sign shall also provide information which is readable from the public right of way about the present and proposed use district designation, the Future Land Use Category and the time, date, and place of the Planning Commission's consideration and the City Commission's public hearing.

d) City staff shall prepare an appropriate textual ordinance amendment identifying the proposed use district redesignation by means of the legal description of the property.

e) Simultaneous consideration of changes of use district designations and amendments to the Comprehensive Plan may be considered provided that the timing considerations of S163.3184 and 163.3187 of the Florida Statutes shall be considered controlling.

f) Consideration before the Planning Commission and City Commission of any amendments under this subsection shall be according to the guidelines and criteria of subsections 7.2 and 7.3 above. Any changes to the Official Use District Map shall be made in accordance with Article III, Section 2.1 below.

8.0 Schedule of Fees, Charges, and Expenses

8.1 The City Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for development permits, appeals proceedings, conditional use or variance applications, change in use district

designation requests, comprehensive plan amendments, preliminary and final subdivision plat reviews, and any other matters under the jurisdiction of this ordinance.

8.2 The schedule of fees, charges, and expenses shall be posted in City Hall and may be altered or amended only by the City Commission.

8.3 Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

9.0 Interpretation

9.1 In interpreting and applying the provision of this ordinance the requirements and specifications herein are declared to be the minimum requirements necessary to effect the purposes and intent of this ordinance.

9.2 It is not the intent of this ordinance to interfere with, annul, or abrogate any easements, covenants, or other agreements between parties which are not inconsistent with this ordinance. Where any provision of the ordinance imposes restrictions difficult from those imposed by an agreement between parties, or imposed by any other statute, ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

10.0 Severability

If any provision of this ordinance is held invalid or unconstitutional, and the remainder of this ordinance is intended to and shall remain in full force and effect despite the determined invalidity of any particular provision.

11.0 Vested Rights

Nothing in this Article shall be construed or applied to constitute a temporary or permanent taking of private property without just compensation or abrogation of vested rights.

For developments approved prior to December 1, 1991, other than developments of regional impact approved pursuant to Chapter 380, F.S., a determination shall be made by the Development Administrator as to those projects which merit a full or partial exemption from concurrency requirements.

12.0

In matters involving concurrency questions, nothing in this Code shall limit or modify the rights of any person to complete any development that has been authorized, prior to the adoption of the Graceville Comprehensive Plan and this Code, as a development of regional impact pursuant to Chapter 380, F.S., or who has been issued a final local development order, prior to the adoption of the Graceville Comprehensive Plan and this Code, and development is commenced and continuing in good faith. For purposes of this provision, a final order approving a land use change and/or issuing a building permit pursuant thereto under the Graceville Development Code of February 11, 1986, as amended, shall be deemed a "local development order" as that term is used in Chapter 163.3164(6), F.S. Such approval shall be deemed final on the date an order of approval is entered by the Graceville City Commission if no appeal is taken to the Graceville City Commission. "Vesting," as used herein, includes the right to proceed and to complete the development in accord with the

provisions set out in such development order. A project for which a final local development order has been issued shall be deemed commenced upon the occurrence of any activity listed in Section 380.04, F.S.; provided, however, that a development shall also be deemed commences and continuing in good faith during: (1) the pendency of any appeal of the final development order or any building permit issued pursuant thereto; (2) the pendency of legal action under Section 163.3215, F.S.; (3) the City's post-judicial appeal reconsideration of a development order or building permit which had been previously vested; and (4) a period of 180 days after the conclusion of any such appeal or other legal challenge to a final development order as defined above. Nothing in this Code shall limit or modify the equitable rights of any person.

ARTICLE II: DEFINITIONS

1.0 General Definitions

Except where specifically defined herein, all words used in these regulations shall convey their usual and customary meanings. Words used in the present tense include the future tense; words in the singular number include the plural and words in the plural include the singular. The word "shall" is mandatory and the word "may" is discretionary. The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

2.0 Specific Definitions

When used in these regulations the following words and phrases shall have the meaning given in this section.

- 2.1 ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2.2 APPLICANT: Any person who seeks a development permit for the purpose of compliance with these regulations.
- 2.3 ARTERIAL STREET OR HIGHWAY: Any thoroughfare serving as a connecting link for large volumes of traffic moving at high rates of speed and having well controlled access points. Arterial highways specifically include State Roads 2, 77, and 169 within the City and such other highways as the City Commission may designate upon the recommendation of the Planning Commission.
- 2.4 AUTOMOBILE SERVICE STATION: Any building or land use in whole or any part for the retail sale of automotive fuel, oil, or accessories and in connection with which is performed general automotive servicing.
- 2.5 BLOCK: A tier or group of lots within well-defined and fixed boundaries, particularly an area surrounded by streets or other physical barriers.
- 2.6 BUILDABLE AREA: The portion of a lot remaining after required yards or other setbacks have been provided.
- 2.7 BUILDING: Any structure designed or erected for the support, enclosure, shelter, or protection of persons, animals, or movable goods or property of any kind.
- 2.8 CITY: The City of Graceville, Florida.

- 2.9 CLEAR SIGHT TRIANGLE: The area within the limits described by the two intersecting roadway center lines and a line drawn between them from points on each center line that are as prescribed number of feet from the intersection of the center lines.
- 2.10 CLEARING: The removal of trees and other vegetation from the land preparatory to construction of buildings or other improvements. Such practices as mowing, yard maintenance, and customary agricultural practices are excluded.
- 2.11 CLUSTERED DEVELOPMENT: Concentrating development for an entire site on the non-environmentally sensitive portion of the site.
- 2.11a. COMPATABILITY: 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.
- 2.12 COMPREHENSIVE PLAN: The City of Graceville Comprehensive Plan as originally adopted by ordinance by the City Commission in July of 1979 along with such duly adopted amendments, revisions, and updates as may be passed by the City Commission.
- 2.13 CONDITIONAL USE: A use allowable; under these regulations only when certain special conditions are met, including a finding by the Planning Commission that such action is in harmony with the purposes and intent of these regulations.

Criteria concerning conditional uses are included within the schedule of use district regulations.

2.14 CUL-DE-SAC: Any local street (q.v.) with a single intersection.

2.15 DEDICATION: The deliberate assignation of land by its owner(s) for any general or public uses(s) with an eventual view toward transfer of ownership and management to the City. The acceptance of such dedications to the City are at the discretion of specific action by the City Commission.

2.16 DENSITY, NET RESIDENTIAL: The number of residential dwelling units per acre of land determined by dividing the total number of units by the total area of land within the parcel boundaries minus all dedicated rights-of-way, floodplains, and other undevelopable areas.

2.17 DEVELOPER: Any person engaged in subdividing, developing, or improving land for use or occupancy.

2.18 DEVELOPMENT PERMIT: A written authorization to proceed, subject to any conditions or requirements which it may contain, with any aspect of building, construction, subdivision platting, or establishment of use district compliance.

2.19 DEVELOPMENT PLAN: A conceptual design of a proposed subdivision or construction project which includes the requirements of these regulations.

2.20 DISTRICT: Any designated section of the City comprising one or more lots within which specific regulations regarding allowable uses contingent upon certain reasonable

requirements of a special nature being met, or excluded uses are applicable. Such regulations are uniform throughout each use district but may differ from regulations governing other use districts.

2.21 DOUBLE FRONTAGE LOT: A lot having two non-adjoining property lines abutting upon a street or streets.

2.22 DWELLING: A building or portion thereof designed or used exclusively for residential occupancy. A dwelling may be a single-family dwelling, a two-family dwelling, a multiple-family dwelling, or a mobile home (g.g.v.).

2.23 EASEMENT: A grant by a property owner for the use of land for a specific purpose.

2.24 ENGINEER: A professional engineer registered, certified, and licensed to practice in the State of Florida.

2.25 EXEMPT SUBDIVISION: Any subdivision (g.v.) of land in which the transfer of title occurs between or among relatives by blood, adoption, or marriage, or in which the transfer of title passes as a result of inheritance or court decision, or in which the transfer of title occurs between adjacent landowners, save in situations where the Planning Commission may find that such subdivision will have an adverse effect on existing community facilities or have the effect of creating lots smaller than the minimum size required within the applicable use district.

2.25a ENVIRONMENTALLY SENSITIVE AREA: Areas that include wetlands, habitats of threatened, endangered or species of special concern, ten (10) year floodplain and areas of prime aquifer recharge as identified by NFWFMD.

- 2.26 FAMILY: One or more persons occupying a dwelling and using common cooking facilities, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.
- 2.27 FLOODPLAIN OR ONE HUNDRED YEAR FLOODPLAIN: A land area subject to a one percent or greater chance of flooding in any given year. Those areas designated by the Federal Insurance Administration as flood hazard areas shall be considered the minimal extent of such floodplains. More restrictive boundaries may be determined by the City Commission upon the recommendations of the Planning Commission.
- 2.28 FRONTAGE: The length of the front property line of the lot, lots, or tract of land abutting a street.
- 2.29 GRADE: The slope of a road or other right-of-way specified as a percentage.
- 2.30 IMPROVEMENT, PUBLIC: Any highway, street, sanitary sewer, storm drain, culvert, drainageway, water main, bridge, sidewalk, or other facility for which the City may assume the responsibility for maintenance and operation.
- 2.31 LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

2.32 LOCAL STREET: Any street primarily serving adjacent property and characterized by short trip distances, low speeds, and light traffic volumes.

2.33 LOT: According to content:

a) Within the context of discussion of the subdivision of land, "lot" shall mean any tract or parcel constituting the least fractional part of a subdivision of land. All such lots newly created shall meet at least the minimum specifications of the appropriate use district designation, shall have a fixed boundary, and shall bear a number, letter, or name by which it may be identified.

b) Elsewhere in this ordinance "lot" shall mean a parcel of land of at least sufficient size to meet minimum use district requirements for use, coverage, and area, and to provide such yards and other open spaces as are required. A lot shall have frontage on an improved public street and may consist of a lot of record, a portion of a lot of record, a combination of whole and partial lots of record, or a parcel described by metes and bounds, provided that in no cases of division or combination shall any residual lots or parcels be created which do not meet the specifications of the appropriate use district regulations.

2.34 LOT DEPTH: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

- 2.35 LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Jackson County, Florida, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 2.36 LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points, where they intersect with the street line, shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80 percent requirements shall not apply.
- 2.37 MINOR SUBDIVISION: Any subdivision (q.v.) of land into four or fewer lots intended solely for residential use and which abuts an existing public local street.
- 2.38 MOBILE HOME: A dwelling (q.v.) which is designed to be transported following its manufacture to the site where it is to be occupied and which is ready for occupancy upon arrival save for minor and incidental unpacking and assembly operations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
- 2.39 MULTIPLE-FAMILY DWELLING: A dwelling (q.v.) designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

- 2.40 NONCONFORMITY: Any lot, structure, use of land, or use of structure and premises which was lawful at the time of adoption of this ordinance but would not be lawful within its use district according to the specifications of that use district's regulations.
- 2.41 OWNER: Any person having legal title to land subject to these regulations.
- 2.42 PARKING SPACE, OFF STREET: A space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public thoroughfare and maneuvering room.
- 2.43 PERFORMANCE BOND: Evidence of security adequate to assure the installation and completion or maintenance of all required public improvements (q.v.) for a subdivision. Acceptable security may include a cash deposit, a surety bond, an executed escrow agreement between the applicant and a bank or other financial institution, or any other financial assurance acceptable to the City Commission, acting on the Planning Commission's recommendation, which will effectively guarantee installation or maintenance of required public improvements within a reasonable period of time.
- 2.44 PERSON: Any individual, firm, partnership, trust, estate, company, association, or organization, whether for profit or not-for-profit, which may be awarded legal status under Florida law.
- 2.45 PLANNING COMMISSION: The City of Graceville Planning Commission.

2.46 PLANTING SCREEN: A planted row of bushes, hedges, trees, or other living vegetative matter which collectively serves as an effective visual barrier from one property to the next.

2.47 PLAT: According to context.

a) "Plat" as a noun means a map or delineated representation of the subdivision of lands, being a complete and exact representation of the subdivision, along with other information in compliance with the requirements of Chapter 177 of the Florida Statutes and these regulations.

b) The verb "to plat" means to act so as to create a plat.

2.48 RIGHT-OF-WAY: Land dedicated, deeded, used, or to be used for a street, alley, walkway, public utility, drainageway, access for ingress and egress, or other public purpose.

2.49 SIGN: According to context:

a) Sign: Any device designed to inform, or attract the attention of persons not on the premises on which the on which the sign is located, provided that the following shall not be included in the application of the regulations herein:

(i) Signs not exceeding one square foot in area and bearing only property numbers, or names of occupants of premises;

(ii) Flags and insignia of any government except when displayed in connection with commercial promotion;

- (iii) Legal notices, or identification, information, or directional signs erected by governmental bodies;
 - (iv) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - (v) Signs guiding and directing traffic and parking on private property, but bearing no advertising matter.
- b) Signs, Number: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- c) Sign, Surface Area Of: The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, or semicircle comprising all of the elements of the matter displayed, but not forming part of the display itself, or frames surrounding display areas.
- d) Sign, On-Site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising businesses.

e) Sign, Off-Site: A sign other than an on-site sign.

2.50 SINGLE-FAMILY DWELLING: A detached residential dwelling (q.v.) other than a mobile home, designed for the occupancy of one family.

2.51 STORMWATER MANAGEMENT SYSTEM: The designed features of and improvements to property which collect, convey, channel, hold, store, inhibit, or divert the movement of stormwater to meet the requirements of Chapter 17-25 of the Florida Administrative Code and these regulations.

2.52 STREET: A vehicular thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenues, drives, lanes, roads, and any other thoroughfare.

a) Public Street: Any street dedicated for public use.

b) Private Street: Any street not dedicated for public use.

2.53 SUBDIVISION: The division of any parcel of land, whether improved or unimproved, into three or more lots any one of which is 5.0 acres or less in size for the purpose, whether immediate or future, of offer, sale, lease, or development; or the division of a parcel of land of any size in which a change of public rights-of-way or easements are involved. The term includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or the land so subdivided. Subdivisions are subject to these regulations save that those subdivisions found to be exempt subdivisions or minor subdivisions (q.v.) are subject only to those sections pertinent to them.

- 2.54 SURVEYOR, REGISTERED: A land surveyor currently registered to practice in the State of Florida.
- 2.55 TWO-FAMILY DWELLING: A dwelling (q.v.) containing two separate units designed for occupancy by not more than two families.
- 2.56 USE DISTRICT: Any designated section of the City comprising one or more lots within which specific regulations regarding allowable uses contingent upon certain reasonable requirements of a special nature being met, or excluded uses are applicable. Such regulations are uniform throughout each use district but may differ from regulations governing other use districts.
- 2.57 UTILITIES: Facilities made available to and shared by the community at large, including, but not limited to, community water systems, central sewage systems, electrical power distribution systems, stormwater management systems, natural gas distribution systems, and telephone and communication systems.
- 2.58 VARIANCE: A determination made by the Planning Commission following a public hearing regarding a proposed use of land which while otherwise allowed within the applicable use district is constrained by special conditions and circumstances peculiar to that particular land parcel, structure, or building within that use district. In authorizing a variance the Planning Commission must find that a literal application of these regulations would deny an applicant of rights otherwise commonly enjoyed, that the circumstances are due to no action taken by the applicant,

that in granting such a variance no special privilege is conferred on the applicant, and that the variance is in harmony with the purposes and intent of these regulations.

2.59 WETLANDS: Land subject to regular inundation by water over a majority of time measured over a period of years. Wetlands shall be more particularly defined according to Chapter 403.817 of the Florida Statutes and as any land bearing those dominant wetland plant indicator species as included in Chapter 17-4 of the Florida Administrative Code.

2.60 YARD: A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated in these regulations.

ARTICLE III: OFFICIAL USE DISTRICT MAP

1.0 Establishment

1.1 The Official Use District Map of the City of Graceville is hereby established and adopted by reference and declared to be an integral part of this ordinance. The Official Use District Map shall indicate the geographic location within the City of all use districts applicable within the City as a part of these regulations.

1.2 The Official Use District Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words:
"This is to certify that this is the Official Use District

Map referred to in Article III of Ordinance #86-2111 of the City of Graceville, Florida as adopted by the City Commission on 11/10/92."

1.3 Regardless of the existence of purported copies of the Official Use District Map which may from time to time be made or published, the Official Use District Map which shall be located in the office of the City Clerk in City Hall shall be the final authority as to the current zoning status of lands, buildings, and other structures in the City.

2.0 Amending the Official Use District Map

2.1 If, in accordance with the provisions of these regulations and other applicable laws, changes are made in use district boundaries or other matters portrayed on the Official Use District Map, such changes shall be made on the Official Use District Map promptly after the amendment has been approved by the City Commission, together with an entry of the Official Use District Map which will separately note the ordinance number effecting the change, the date of its adoption, and a brief narrative of the nature of the change. That entry shall be signed by the Mayor and attested by the City Clerk. The amending ordinance shall not become effective until they have been duly entered upon the Official Use District Map.

2.2 No changes of any nature shall be made to the Official Use District Map except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a

violation of this ordinance and punishable under the terms included herein.

2.3 Should the City Commission, on the recommendation of the Planning Commission, determine that the Official Use District Map should be replaced because of illegibility, damage, base map inaccuracies, or other administrative reasons, it shall commission a replacement map to be made. Following a finding by the Planning Commission that the new map accurately reflects all legally adopted use district boundaries as shown by the old map, the City Commission shall adopt the new map by the identification process indicated in III-1.2 above and the old map shall be inscribed with official notification that it has been replaced on the date the new map was adopted.

3.0 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Use District Map, the rules of this section shall apply.

3.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3.3 Boundaries indicated as approximately following city limits shall be construed as following city limits;

3.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

3.5 Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the Official Use District Map shall be determined by the scale of the map.

3.6 Where the street or property layout existing on the ground is at variance with that shown on the Official Use District Map, or in other circumstances not covered by subsections 3.1 - 3.5 above, the Planning Commission shall interpret the district boundaries.

4.0 The Official Use District Map and Future Annexation

All territory which may hereafter be annexed to the City shall be considered to have the same use district classification as the contiguous territory inside previous City Limits until otherwise classified. Within 60 days following an annexation the Planning Commission shall present recommendations to the City Commission concerning future land use categories and use district designations.

ARTICLE IV. SCHEDULE OF USE DISTRICT REGULATIONS

1.0 Establishment and Purpose

- 1.1 The geographic jurisdiction of the City is hereby divided into the use districts described in this Article with their pertinent regulations and the boundaries of which are shown on the Official Use District Map.
- 1.2 The schedule of use district regulations includes for each use district a general description and intent, an indication of consistency with the future land use categories of the Comprehensive Plan, a list of principal allowable uses and conditional uses, and a statement of minimal lot

ARTICLE IV: SCHEDULE OF USE DISTRICT REGULATIONS are hereby revised as follows:

Article 1.0. Establishment and Purpose, is hereby amended by deleting the existing compatibility table and replacing it with the following tables I and II:

TABLE I:
TABLE OF LAND USE DENSITY AND INTENSITY
FOR LAND USE DISTRICTS

ZONING CATEGORY	MAXIMUM DENSITY (du/a)	MAXIMUM INTENSITY (Impervious Surface Coverage) (%)	MAXIMUM HEIGHT PERMITTED (ft.)
Agricultural	.5	7	35
Conservation	0	Not applicable	Not applicable
Educational	Not applicable	40	35
Recreational	Not applicable	25	35
Industrial	Not applicable	50	35
Commercial	Not applicable	50	35
Residential Medium density	6.18 Single Family only	Single Family: 30 Multi-Family: 35 (2-4 unit construction)	Single Family/Duplex: 25
High density	10.81 for Single Family 12.00 for Multi-Family	Multi-Family: 40 (more than 4 unit construction)	Other Multi-Family: 35
Public Grounds	Not applicable	40	35

TABLE II: LAND USE/ZONING MATRIX

Zoning Districts	CON	A-1	R-1	R-2	R-3	R-4	R-5	G-1	G-2	G-3	G-4	G-5	CBD	DC	I-1	I-21
LAND USE CATEGORIES																
Agricultural	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Conservation	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Educational	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P
Recreational	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P
Industrial	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P
Commercial	X	X	X	X	X	e	X	P	P	P	P	P	P	P	P	P
Residential Area	X	P ¹	P ¹	P ¹	P ¹	P ^{1,2}	P ²	P	X	X	X	X	P	P	P	P
Public Grounds	X	P	X	X	X	X	X	X	X	X	X	X	P	X	P	P

P = Permitted
 X = Prohibited
 C = Conditional Use
 # = See Conditions List

List of Conditions

- 1 Single-Family Units Only
- 2 Multi-Family Uses Permitted
- 3 Mobile Home Units Only

requirements, minimum building setbacks, and maximum building requirements. These matters are promulgated as the minimum necessary requirements to insure the general welfare and provide for the orderly development of the City.

1.3 The relationship of use districts as established by this ordinance to the future land use categories envisioned by the Comprehensive Plan are indicated in summary form on the following table II, where the symbol ** 'P' indicate compatibility, * "C" indicates compatibility under certain conditions which are spelled out in these regulations, and O "X" indicates no compatibility. + indicates compatibility under certain conditions which are spelled out in these regulations, and O indicates non compatibility.

2.0 Agricultural Use District (A-1)

- 2.1 The A-1 use district is established in these areas with active or potential use for agricultural activity, forestry, or similar low intensity uses in order to allow their continued economic use as agricultural production areas.
- 2.2 The A-1 use district is compatible with the Open Areas future land use category.
- 2.3 The A-1 uses district includes no special development requirements.
- 2.4 The A-1 use district would allow all agricultural or timber harvesting activities, agricultural support structures and machinery, and associated residences.
- 2.5 The A-1 use district has no conditional uses.
- 2.6 Development standards in the A-1 use district are as follows:

- a. Minimum lot size - 2.0 acres (0.5 DU/acre);
- b. Minimum lot width - 150 feet;
- c. Minimum lot depth - 150 feet;
- d. Minimum front building setback - 50 feet;
- e. Minimum rear building setback - 40 feet;
- f. Minimum side building setbacks - 15 feet;
- g. Maximum building coverage of lot - not applicable;
- h. Maximum building heights - 35 feet.

3.0 Very Low Density Residential Use District (R-1)

3.1 The R-1 use district is intended to allow limited and low intensity residential development in areas of the City not served by water and sewer lines.

3.2 The R-1 use district is compatible with the Open Areas future land use category.

3.3 The R-1 use district includes no special development requirements.

3.4 The R-1 use district would allow single family residences and their accessory uses and facilities.

3.5 The R-1 use district has no conditional uses.

3.6 Development standards in the R-1 use district are as follows:

- a. Minimum lot size - 1.0 acres (1.0 DU/acre);
- b. Minimum lot width - 150 feet;
- c. Minimum lot depth - 150 feet;
- d. Minimum front building setback - 50 feet;
- e. Minimum rear building setback - 40 feet;
- f. Minimum side building setback - 15 feet;

- d. Minimum front building setback - 35 feet;
- e. Minimum rear building setback - 15 feet;
- f. Minimum side building setback - 8 feet;
- g. Maximum building coverage of lot - 25%;
- h. Maximum building height - 25 feet.

5.7 Group homes of six or fewer residents which otherwise meet the definition of a community residential home, provided that such homes are not located within a radius of 1,000 feet of another existing such home of six or fewer residents, consistent with Chapter 419, Florida Statutes.

6.0 Medium Density Residential Use District (R-4)

6.1 The R-4 use district is intended to allow a variety of medium intensity residential uses for single family homes and multifamily accommodations in portions of the City served by sewer and water lines where such density is considered desirable.

6.2 The R-4 use district is compatible with the Medium Density Residential Neighborhood future land use category. It is also compatible with the medium Activity Area future land use category provided that the proposed development be designed for unified access to collector or arterial streets.

6.3 The R-4 use district includes the special requirement that all multi-family construction be designed so as to unify street access points as follows:

- a. Multi-family developments of two to four units shall have one access point;

- b. Multi-family developments of more than four units shall be allowed two access points.

6.4 The R-4 use district would allow single family residences, multi-family residential structures, and their accessory uses and facilities.

6.5 The R-4 use district has no conditional uses.

6.6 Development standards in the R-4 use district are as follows:

- a. Minimum lot size - 4,000 square feet (10.81 DU/acre) for single family residences or a net residential density of 12.0 DU/acre for multifamily construction;
- b. Minimum lot width - 40 feet for single family residences, 30 feet for duplexes, and 100 feet for other multi-family developments;
- c. Minimum lot depth - 90 feet;
- d. Minimum front building setback - 25 feet;
- e. Minimum rear building setback - 20 feet;
- f. Minimum side building setback - 8 feet for developments of one to four units, and 15 feet for multi-family units numbering more than four in a single building;
- g. Maximum building coverage of lot - 30% for single family units, 35% for two to four unit multi-family construction, and 40% for multi-family units of more than four in a single building;
- h. Maximum building height - 25 feet for single family or two family units and 35 feet for multi-family units of three or more in a single building.

- g. Maximum building coverage of lot - not applicable;
 - h. Maximum building height - 35 feet.
- 3.7 Group homes of six or fewer residents which otherwise meet the definition of a community residential home, provided that such homes are not located within a radius of 1,000 feet of another existing such home of six or fewer residents consistent with Chapter 419, Florida Statutes.

4.0 Low Density Residential Use District (R-2)

- 4.1 The R-2 use district is intended to provide for low density residential development for single family detached homes in portions of the City served by sewer and water lines where such density is considered desirable.
- 4.2 The R-2 use district is compatible with the Low Density Residential Neighborhood future land use category.
- 4.3 The R-2 use district includes no special development requirements.
- 4.4 The R-2 use district would allow single family residences and their accessory uses and facilities.
- 4.5 The R-2 use district has no conditional uses.
- 4.6 Development standards in the R-2 use district are as follows:
- a. Minimum lot size - 12,000 sq. ft. 3.60 DU/acre);
 - b. Minimum lot width - 75 feet;
 - c. Minimum lot depth - 100 feet;
 - d. Minimum front building setback - 35 feet;
 - e. Minimum rear building setback - 15 feet;
 - f. Minimum side building setback - 10 feet;

g. Maximum building coverage of lot - 15%;

h. Maximum building height - 25 feet.

4.7 Group homes of six or fewer residents which otherwise meet the definition of a community residential home, provided that such homes are not located within a radius of 1,000 feet of another existing such home of six or fewer residents, consistent with Chapter 419, Florida Statutes.

5.0 Intermediate Low Density Residential Use District (R-3)

5.1 The R-3 use district is intended to provide for intermediate low density residential development for single family homes in portions of the City served by sewer and water lines where such density is considered desirable. (This district shall also allow adult congregate living facilities as a conditional use, subject to procedures stated in ARTICLE XIII, Section 3.0 Conditional Uses.)

5.2 The R-3 use district is compatible with the low Density Residential Neighborhood and Medium Density Residential Neighborhood future land use categories.

5.3 The R-3 use district includes no special development requirements.

5.4 The R-3 use district would allow single family residences and their accessory uses and facilities.

5.5 The R-3 use district has no conditional uses.

5.6 Development standards in the R-3 use district are as follows:

a. Minimum lot size - 7,000 sq. ft. (6.18 DU/acre);

b. Minimum lot width - 50 feet;

c. Minimum lot depth - 90 feet;

6.7 All group homes, as defined by Section 419, Florida Statutes.

7.0 Mobile Home Park Residential Use District (R-5)

7.1 The R-5 use district is intended to allow for mobile home residences of medium density in areas of the City served by sewer and water lines and where paved direct access is available to collector or arterial streets and where such uses are considered desirable.

7.2 The R-5 use district is compatible with the Medium Density Residential Neighborhood future land use category. It is also compatible with the Medium Activity Area future land use category provided that the proposed development be designed for unified access to collector or arterial streets.

7.3 The R-5 use district includes the following special requirements:

a. Any mobile home parks created for lot sales shall be subject to the subdivision regulation and plat review sections of this ordinance.

b. Whenever an owner of a mobile home is also the owner of the lot on which the mobile home is located that mobile home shall be placed on a permanent foundation.

7.4 The R-5 use district would allow the use of mobile homes for residences within a planned mobile home park environment. Affiliated accessory uses and structures would also be allowed.

7.5 The R-5 use district has no conditional uses.

7.6 Development standards in the R-5 use district are as follows:

- a. Minimum lot size - 4,000 sq. ft. (10.81 DU/ac.);
- b. Minimum lot width - 40 feet;
- c. Minimum lot depth - 90 feet;
- d. Minimum front building setback - 25 feet;
- e. Minimum rear building setback - 10 feet;
- f. Minimum side building setback - 5 feet;
- g. Maximum building coverage of lot - 30%;
- h. Maximum building height - 15 feet.

8.0 Neighborhood Commercial Use District (C-1)

8.1 The C-1 use district is designed for those retail and service activities which are compatible with residential values and serve a predominantly local clientele without attracting significant traffic loads from outside the immediate area.

8.2 The C-1 use district is compatible with the Low Density Residential Neighborhood, Medium Density Residential Neighborhood, and Medium Activity Area future land use categories.

8.3 The C-1 use district includes these special requirements:

- a. That planting screens or opaque fences be installed as a buffer to adjacent non commercial property.
- b. Developments within the C-1 use district are subject to the parking and access standards as established by this ordinance.

8.4 The C-1 use district would allow those retail activities which in terms of their character or volume would be of

primary service to adjacent neighborhoods, as well as service commercial activities and home occupations which would not generate sufficient traffic volume as to be a detriment to neighborhood values.

8.5 The C-1 use district has no conditional uses.

8.6 Development standards for the C-1 use district are as follows:

- a. Minimum lot size - 12,000 square feet for any retail establishment and 7,000 square feet for any service establishment;
- b. Minimum lot width - 100 feet for any retail establishment and 70 feet for any service establishment;
- c. Minimum lot depth - 100 feet;
- d. Minimum front building setback - 35 feet;
- e. Minimum rear building setback - 25 feet;
- f. Minimum side building setback - 20 feet for any retail establishment and 10 feet for any service establishment;
- g. Maximum building coverage of lot - 25%
- h. Maximum building height - 25 feet.

9.0 General Commercial Use District (C-2)

9.1 The C-2 use district is intended to provide sites with good vehicular access for a variety of retail, wholesale, service, and office commercial activities. The C-2 use district is intended to serve the general commercial needs of residents from throughout and beyond the City.

9.2 The C-2 use district is compatible with the Medium Activity Area future land use category. It is also compatible with

the High Activity Area future land use category in circumstances where a unified planned development is proposed incorporating several independent establishments and featuring unified access points.

9.3 The C-2 use district includes these special development requirements:

- X a. A planting screen or opaque fence should be utilized as a buffer along the property line of adjacent residential property.
- b. Developments within the C-2 use district are subject to the parking and access standards as established by this ordinance.

9.4 The C-2 use district would allow those wholesale and retail commercial uses which do not involve especially intensive activity or significant outside storage. It would also allow for service and office commercial uses.

9.5 Within the C-2 use district automobile service stations would be allowed as a conditional use subject to the supplemental regulations governing their design.

9.6 Development standards in the C-2 use district are as follows:

- a. Minimum lot size - none;
- b. Minimum lot width - none;
- c. Minimum lot depth - none;
- d. Minimum front building setback - 35 feet;
- e. Minimum rear building setback - 25 feet;
- f. Minimum side building setback - none, save for those adjoining other use districts, in which case 20 feet;

g. Maximum building coverage of lot - 50%;

h. Maximum building height - 25 feet.

10.0 Transient Lodging Commercial Use District (C-3)

10.1 The C-3 use district is intended for transient lodging facilities at locations along collector or arterial streets where such facilities are considered desirable.

10.2 The C-3 use district is compatible with the Medium Activity Area future land use category.

10.3 The C-3 use district includes the following special requirements:

a. A planting screen or opaque fence should be utilized as a buffer along the property line of adjacent residential property .

b. Developments within the C-3 use district are subject to the parking and access standards established by the ordinance.

10.4 The C-3 use district would allow hotel, motel, tourist home, or bed and breakfast facilities within the boundaries.

10.5 The C-3 use district has no conditional uses.

10.6 Development standards in the C-3 use district are as follows:

a. Minimum lot size - 20,000 square feet;

b. Minimum lot width - 100 feet;

c. Minimum lot depth - 100 feet;

d. Minimum front building setback - 35 feet;

e. Minimum rear building setback - 20 feet;

f. Minimum side building setback - 10 feet;

- g. Maximum building coverage of lot - 40%;
- h. Maximum building height - 35 feet.

11.0 Heavy Commercial Use District (C-4)

- 11.1 The C-4 use district is intended to allow suitable space for those retail and wholesale commercial uses involving especially intensive activities or rely significantly on outside storage or support activities. Use in this category would generally be considered incompatible with other commercial activities or residential values.
- 11.2 The C-4 use district is compatible with the High Activity Area future land use category. It also is compatible with the Open Area future land use category upon the following conditions: a special finding be issued by the Planning Commission that a clear public need exists; the proposed use is for storage rather than active use; and there will be minimal environmental impact.
- 11.3 The C-4 use district included the following special requirements:
 - a. A planting screen or opaque fence should be utilized as a buffer along the property line of adjacent residential property.
 - b. Developments within the C-4 use district are subject to the parking and access requirements established by this ordinance.
- 11.4 The C-4 use district could allow commercial facilities which because of outside storage and movement, frequent truck or rail traffic, or generation of noise or odors

require special locational consideration. Automotive repair facilities, machinery storage and operation, and associated accessory structures would also be allowed.

11.5. Within the C-4 use district automobile service stations would be allowed as a conditional use subject to the supplemental regulations governing their design.

11.6. Development standards for the C-4 use district are as follows:

- a. Minimum lot size - 20,000 square feet;
- b. Minimum lot width 100 feet;
- c. Minimum lot depth - 100 feet;
- d. minimum front building setback - 50 feet;
- e. Minimum rear building setback - 30 feet;
- f. Minimum side building setback - 20 feet from all uses not in a C-4 or C-5 use district and none for uses in a C-4 or C-5 district;
- g. Maximum building coverage of lot - 50%
- h. Maximum building height - 25 feet.

12.0 Industrial Use District (C-5)

12.1 The C-5 use district is intended to provide locations featuring good heavy truck or rail access and are suitable for industrial purposes.

12.2 The C-5 use district is compatible with the High Activity Area future land use category.

12.3 The C-5 use district includes the following special requirements:

- a. A planting screen or opaque fence should be utilized as

a buffer along the property lines with any adjacent property not designated C-4 or C-5.

b. Developments within the C-5 use district are subject to the parking and access requirements established by this ordinance.

12.4 The C-5 use district would allow industrial activity involving any substantial degree of materials treatment, manufacturing, industrial degree of materials treatment, manufacturing, industrial processing, or materials transfer and storage and which because of associated generation of noise, odors, and heavy traffic require special locational considerations. Machinery storage and operation and associated accessory structures and uses would also be allowed.

12.5 The C-5 use district has no conditional uses.

12.6 Development standards for the C-5 use district are as follows:

- a. Minimum lot size - 20,000 square feet;
- b. Minimum lot width - 100 feet;
- c. Minimum lot depth - 100 feet;
- d. Minimum front building setback - 50 feet;
- e. Minimum rear building setback - 30 feet;
- f. Minimum side building setback - 20 feet from all uses not in a C-4 or C-5 use district and none for uses in a C-4 or C-5 use district;
- g. Maximum building coverage of lot - 50%;
- h. Maximum building height - 35 feet.

13.0 Central Business Use District (CBD)

13.1 The CBD use district is intended to allow for a variety of retail, service, office lodgings, heavy commercial, and institutional uses which are suitable for location in a downtown area.

13.2 The CBD use district is compatible with the Central Business District future land use category.

13.3 The CBD use district has no special development requirements.

13.4 The CBD use district would allow any use otherwise allowed in the C-1, C-2, C-3, or I-1 use districts.

13.5 The CBD use district would allow as a conditional use any use allowed in the C-4 use district upon a finding by the Planning Commission that the proposed use would not be inconsistent with the overall character of the downtown environment and would not unduly burden existing transportation facilities.

13.6 Development standards for the CBD use district are as follows:

- a. Maximum building height - 35 feet.
- b. Maximum impervious surface coverage - 50% in CBD.

14.0 Day Care Use District

14.1 The DC use district is intended to provide suitable areas within a residential context which are appropriate for child or adult care facilities.

14.2 The DC use district is compatible with the Low Density

Residential Neighborhood and Medium Density Residential Neighborhood future land use categories.

14.3 The DC use district includes the following special requirements:

- a. All sites in the DC use district shall have a paved driveway connecting with the street at two points such that a one way flow of cars to discharge and pick up passengers is possible outside of the street right-of-way.
- b. All sites in the DC use district shall have at least three of their four yards securely fenced, and no more than one entranceway may open onto an unfenced area.
- c. All sites in the DC use district are subject to the parking requirements established by this ordinance.

14.4 The DC use district would allow day care facilities or foster or group homes to be constructed and used as well as their affiliated accessory structures and uses.

14.5 The DC use district has no conditional uses.

14.6 Development standards in the DC use district are as follows:

- a. Minimum lot size - 16,000 square feet;
- b. Minimum lot width - 120 feet;
- c. Minimum lot depth - 100 feet;
- d. Minimum front building setback - 35 feet;
- e. Minimum rear building setback - 30 feet;
- f. Minimum side building setback - a minimum of 10 feet on one side providing a total for both sides of at least 40 feet is available;

g. Maximum building coverage of lot - 20%

h. Maximum building height - 25 feet.

15.0 Active Institutional Use District (I-1)

15.1 The I-1 use district is intended as an institutional category for public or semi-public facilities which are designed for active and regular visitation and use.

15.2 The I-1 use district is compatible with the Medium Density Residential Neighborhood and Medium Activity Area future land use categories. It is also compatible with the Low Density Residential Neighborhood and future land use category providing that the street access is clear.

15.3 The I-1 use district includes the special requirement that uses are subject to the parking and access requirements as established by this ordinance.

15.4 The I-1 use district would allow the construction and use of religious establishments, educational facilities, hospitals, nursing care facilities, funeral homes, and public agency offices and facilities, along with their accessory structures and uses. Also allowed would be any of the uses allowed in the I-2 use district.

15.5 The I-1 use district has no conditional uses.

15.6 Development standards for the I-1 use district are as follows:

- a. Minimum lot size - 16,000 square feet;
- b. Minimum lot width - 120 feet;
- c. Minimum lot depth - 100 feet;
- d. Minimum front building setback - 35 feet;
- e. minimum rear building setback - 15 feet;

- f. Minimum side building setback - 10 feet;
- g. Maximum building coverage of lot - 40%;
- h. Maximum building height - 35 feet.

16.0 Passive Institutional Use District (I-2)

16.1 The I-2 use district is intended as an institutional category for public or semi-public facilities which have sporadic visitation or use or which feature a significant open areas or recreational feature.

16.2 The I-2 use district is compatible with the Open Area, Low Density Residential Neighborhood, and Medium Density Residential Neighborhood, future land use categories.

16.3 The I-2 use district includes the special development requirement that any recreational facilities constructed shall be subject to the parking and access requirements established by this ordinance and the standards promulgated by the Florida Department of Natural Resources in their publication entitled Comprehensive Park and Recreation Planning Handbook, latest edition.

16.4 The I-2 use district would allow the construction and use of cemeteries, parks, playgrounds, other recreational facilities and similar uses, as well as accessory and support structures, facilities, and uses.

16.5 The I-2 use district has no conditional uses.

16.6 Development standards for the I-2 use district are waived.

ARTICLE V: SUPPLEMENTAL REGULATIONS

1.0 Purpose of Supplemental Regulations

The supplemental regulations as established by this article

create minimum standards and criteria concerning each of the items included here. These are generally applicable in whatever use district they occur.

2.0 Accessory Uses and Structures

2.1 The following accessory uses and structures shall be generally allowed when appropriate as incidental to the principal uses allowed within a particular use district:

- a) Antennas or satellite dishes intended to receive television, radio, or other communication signals.
- b) Private garages, carports, storage sheds, children's playhouses and play equipment, greenhouses, and doghouses or other pet enclosures.
- c) Swimming pools, bathhouses, gazebos and other home-based recreation facilities.
- d) Guest cottages and garage apartments with living units of 600 square feet or less. Travel trailers are not considered guest cottages.

2.2 The use of a single unit mobile home as auxiliary housing in any residential use district may be authorized by the Development Administrator for a one year period provided that:

- a) It is situated with respect to all setback lines;
- b) The occupancy of any such unit may only be by blood relatives;
- c) There exists a specific medical or financial hardship necessitating close care by the resident family members.

2.3 All accessory uses or structures are subject to these general requirements:

- a) No accessory use or structure shall be occupied or used unless the principal structure to which it is accessory is occupied or used.
- b) All accessory uses and structures shall comply with the property development requirements and use limitations which are applicable in their use district.
- c) All accessory uses and structures shall be arranged and maintained so as not to encroach on any required front yard.
- d) Any accessory structures in residential use districts and on any lot used for residential purposes shall be at least 5 feet from side to rear lot lines.

3.0 Automobile Service Stations

3.1 No automobile service station may be located closer than 150 feet to any residential use district.

3.2 All automobile service stations are subject to the following site requirements and design considerations:

- a) The minimum lot size shall be 12,000 square feet.
- b) The minimum frontage of the primary street is 120 feet.
- c) All buildings shall be set back at least 40 feet and gasoline pump islands are at least 15 feet from the street right-of-way.
- d) Two curb cuts are required each of which shall be at least 25 feet but not more than 40 feet in width, as measured at the street, and located no closer than 10 feet from adjoining property, or 50 feet from any street intersection, or less than 20 feet from each other.

Pervious traffic flow and parking surfaces within parking areas shall not be considered part of the five percent landscaping requirement for off-street parking.

b) All parking spaces shall have tire stops or be painted so as to show orientation and limits. Handicapped parking spaces shall be appropriately marked.

c) Standard and compact parking spaces shall be sized according to Table 2. If proposed parking angles are not shown in table, dimensions shall be interpolated, using those dimensions on the table, and reviewed for approval by the City Manager.

Compact parking spaces shall be twenty-five (25) percent of all required spaces.

d) The minimum width for driveway aisles within a parking area are 12 feet for one-way traffic and 25 feet for two way traffic.

e) Maneuvering space shall be sufficient so that no vehicles waiting to exit onto adjacent streets will not interfere with other vehicles pulling into or out of parking spaces.

f) All access points into parking areas shall be at least 25 feet but not more than 40 feet in width. They shall be set back at least 25 feet from intersections and there shall be no more than one access point per hundred feet of street frontage.

g) The paved surface of the parking area shall be set back

not less than 4 feet from any right-of-way or property line.

4.4 Required off-street parking spaces shall be located as follows:

- a) Parking spaces for all dwelling shall be located on the same property with the main building to be served wherever feasible.
- b) Parking spaces for non-residential uses shall be located on the same lot or not more than 500 feet away.
- c) Parking spaces for two or more uses may be satisfied by allocating the required total number of spaces in a common parking facility.

4.5 Off-street loading spaces shall be provided for the uses indicated:

- a) Every commercial, industrial, or institutional use with a floor of 10,000 square feet or more which requires the receipt or distribution by vehicle of materials and merchandise, shall have no less than one permanently maintained off-street loading space for the first 10,000 square feet of gross floor area and one additional space for each 20,000 square feet of gross floor area, or fraction thereof, over and above the first 10,000 square feet.
- b) Commercial, industrial, or institutional uses with a floor area of less than 10,000 square feet shall have sufficient receiving space on the property so as not to hinder movement of vehicles or pedestrians over public right-of-way.

3.3 All activity areas, access areas, and parking areas shall be paved for automobile service stations.

3.4 Automobile service stations are not repair garages or body shops; permissible uses shall not include major mechanical or body work, painting, welding, the storage of nonoperating vehicles, or other work involving noise, glare, fumes, smoke, or other such characteristics to an extent greater than normally found in service stations.

4.0 Offstreet Parking, Loading, and Access Requirements

4.1 Parking space shall be available or provided according to the following schedules:

- a) Residential uses of all sorts shall provide for an average of two cars for each dwelling unit.
- b) Auditoriums, theaters, churches, recreational facilities, restaurants and similar facilities shall provide one space for every four seats of capacity.
- c) Hospitals, nursing homes, and similar facilities shall provide one space for every four beds, plus one space for every 2 employees.
- d) Hotels, motels, and similar facilities shall provide one space for every sleeping unit plus one space for every two employees.
- e) Mini-warehouses shall provide one space for every 300 square feet of gross floor area, including offices. Spaces shall be situated so as not to block access points or driveway aisles.
- f) Manufacturing, warehousing, and industrial uses shall provide one space for every two employees on the largest

working shift plus one space for every company vehicle.

- g) Business, commercial, or office facilities shall provide one space for every 300 square feet of gross floor area.

4.2 Handicap parking spaces shall be reserved and posted in all commercial and institutional use districts and shall be conveniently located with respect to entrances and ramps to sidewalks. Handicap parking spaces shall be four percent of all required spaces.

4.3 All required off street parking spaces shall be designed and constructed to meet the following requirements:

- a) All parking areas shall be either paved or rock surfaces, except as follows: To encourage the use of pervious surfaces to aid in infiltration and percolation of stormwater run-off, the following materials shall be permitted for 50% of the required parking spaces for those uses permitted in the Agricultural, Conservation, Educational, Recreational, Commercial and Residential land use categories:

- 1) asphalt or concrete pavement
- 2) pervious pavement
- 3) gravel
- 4) crushed rock or shells
- 5) brick on sand
- 6) turf pavers
- 7) mulch
- 8) grass

c) Each loading space shall have direct access to an alley, driveway or street and be no less than 25 feet long, 12 feet wide, and have a clearance of at least 14 feet.

4.6 It is the particular intent of this ordinance that the regulations in this section concerning parking and access be considered in connection with those regulations governing tree protection and landscaping provisions so that future parking facilities will be practical, adequate, aesthetically pleasing, and environmentally sound.

5.0 Tree Protection and Landscaping Provisions

5.1 In submitting any required application for a development permit as required by this ordinance an applicant shall identify any trees of 12 inches or greater diameter (or 4 inches for smaller flowering tree species) as measured at four feet above the ground which may be subject to clearance as a result of the proposed development activity. If, after consultation with the Development Administrator, no alternatives to clearance are feasible, permission to remove them shall be granted subject to the requirement that two trees shall be replanted on the site for every one removed. Replanted trees of any native species shall be of at least 6 feet in height at the time of planting and must be planted within 6 months of occupancy.

5.2 It is the intent of the landscaping provisions of this ordinance that:

- a) Land clearance for development purposes should be the minimum necessary to accomplish the proposed end.

b) The timing of land clearing activities and the use of erosion - reduction techniques should be such that erosion and run off problems are minimized to the fullest extent possible.

c) The end result of landscaping requirements should be community development which is aesthetically pleasing and environmentally sound.

5.3 Information concerning the timing and extent of land clearing shall be included by the applicant as part of any application for a development permit. Provisions for limiting erosion, establishing any required planting screens, and meeting the other requirements of this section shall be included and are subject to review by the Development Administrator.

5.4 No less than 5 percent of the total area designated for off-street parking shall be landscaped with any combination of sod, pinestraw, hedges, flowers, trees, shrubs, berms, decorative accompaniments, and similar arrangements so that buffering spaces between parking areas, rights-of-way, building, and adjacent uses may be effected. For off-street parking spaces with 25 spaces or more, interior planting areas designed to be harmonious with the overall traffic flow pattern of the parking area shall additionally be provided on the basis of 10 square feet for every parking space.

5.5 a) A minimum landscaped buffer area of twenty-five (25)

feet shall be required between adjacent residential and commercial land uses.

b) A minimum landscaped buffer area of fifty (50) feet shall be required between adjacent residential and commercial land uses.

c) A minimum landscaped buffer area of twenty-five (25) feet shall be required between adjacent commercial and industrial land uses.

5.6 Natural drainageways that are preserved for stormwater management shall be credited toward required landscaping acreage.

6.0 Sign Regulations

6.1 Signs larger than 1 square foot in size shall not be allowed within any residential use district save for these exceptions:

a) Signs advertising the sale or rental of the premises;

b) Signs placed in connection with any proposed redesignation of use district;

c) A single sign at each entrance point identifying a residential subdivision or mobile home.

6.2 Any signs erected within the City are subject to the following requirements:

a) The only illumination permissible shall be of a constant variety rather than of a flashing, intermittent, rotating, or moving nature. No illumination shall be placed so as to be a distraction for any traveler on any right-of-way. The wiring of any illumination shall meet electrical code standards. Signs providing time and

temperature, but no advertising material, shall be a permissible exception to this requirement.

b) Signs shall not consist of any moving parts, nor shall any banners, ribbons, flags, strings of lights, or other similar devices be attached to any sign.

c) No sign may project more than 2 feet from the face of any building.

6.3 Any business located within any commercial, institutional, or day care use district shall be entitled to one sign on the face of the building and one free-standing sign for any public street from which access to the business may be made. Such free-standing signs shall be located at least 10 feet from the street right-of-way and 30 feet from any adjoining lot line and are subject to the height requirements of that use district. The allowable size for such free-standing signs shall be calculated as 1.5 square feet of sign area for every linear foot of building width, not to exceed 100 square feet.

6.4 Off-premises signs shall be limited to commercial use districts and may only be erected if any business located on that lot relinquishes their right to a free-standing sign. Off-premises signs must be located at least 10 feet from the street right-of-way and 30 feet from any adjoining lot line and are subject to the height requirements of that use district. No off-premises sign may be placed closer than 200 feet to any existing off-premises sign. No off-premises sign shall be larger than 600 square feet in size.

6.5 All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near any sign.

7.0 Storage of Parked Vehicles, Trailers, and Equipment

7.1 Commercial vehicles, trailers of all types, and other materials and equipment shall not be parked or stored in a residential district except in accordance with the following regulations:

a) No more than one commercial vehicle per dwelling shall be permitted. Heavy trucks or any vehicles used for hauling gasoline, fuels, or hazardous materials or any sort will not be allowed under this provision.

b) Travel trailers, boat trailers, or hauling trailers shall be stored behind the front setback line. Travel trailers shall not be used for living purposes.

c) Junked or inoperable vehicles shall not be permitted on or adjacent to lots with dwelling units. Such vehicles shall be consigned to junk yards.

d) No materials, supplies, appliances, or equipment used or designed for use in commercial or industrial operations shall be stored in residential districts, nor

shall any home appliances be stored outdoors in a residential district.

7.2 The provisions of this section do not apply to storage, on a temporary basis, of materials, equipment, or appliances to be used for or in construction of a building on the premises in conformity with the terms of this ordinance.

8.0 Swimming Pools

8.1 Any swimming pool established in any residential use district may encroach on side and rear yards provided that a 10 foot clearance from the rear lot line is maintained. Such swimming pools shall be securely enclosed by a fence of at least 4 feet in height so that the access is effectively limited to the owners of the property and their guests.

8.2 Any swimming pool established in any institutional use district shall have at least 20 foot setbacks from any lot lines and must be securely enclosed by a fence of at least 6 feet in height.

8.3 Any patio created in connection with a swimming pool shall be designed so as to be self-draining away from the pool.

9.0 Floodplains and Wetlands

9.1 No buildings other than residential building may be erected within the confines of a floodplain. Construction of residential buildings will only be authorized after full consideration of alternative locations. In consideration of such issues the setback requirements may be waived by as much as 50 percent in order to protect the public's interest in preservation of water quality.

9.2 If no alternatives exist to placement of a residential structure within a floodplain, it may be authorized subject to these requirements:

- a) Only those facilities which will have sewer connections will be permitted.
- b) The applicant must submit a building plan attested by a registered engineer showing how the construction of the dwelling will be such that the lowest habitable floor will be at least one full foot above the level of the one hundred year flood.
- c) Residential accessory structures must be firmly anchored so as to resist flotation.
- d) Access roads or driveways across floodplains must be constructed of permeable material and must not impede natural drainage flows. Placement of any culverts must be shown on the construction plans.
- e) The use of fill dirt in a floodplain is prohibited.
- f) Any additional requirements which may be part of the City's compliance with federal flood insurance programs shall be met.
- g) All proposed development in the floodplain shall provide compensatory storage of floodwaters per the requirements of the Northwest Florida Water Management District.

9.3 No wetland areas may be filled for construction of any sort save for publicly financed projects where no alternative to placing the public facilities in a wetland area exist. Any such proposal shall specifically be the subject of a public hearing before the City Commission and a favorable vote from

them prior to the public agency proceeding with requiring a wetlands development permit from the Florida Department of Environmental Regulation.

Mitigation shall be required for any wetland areas destroyed. Wetlands shall be replaced acre for acre, by wetland type, form and function.

9.4 Developers shall be authorized to calculate wetland acreage with respect to meeting the landscaping requirements of this ordinance.

9.5 The City of Graceville Ordinance Number 90-1114, establishing Areas of Special Flood Hazard within the City of Graceville, is hereby incorporated into the Code under Article V, Section 9.5.

10.0 Wellhead Protection

10.1 No development, except a single family residential use on an individual lot on central sewer, is permitted within a 200 foot protection zone around the City's well fields.

10.2 Land uses involving landfills; facilities for the bulk storage, handling or processing of materials on the Florida Substance List; activities that require the storage, use or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, etc; feedlots or other commercial animal facilities; wastewater treatment plants, percolation ponds and similar facilities; mines; and excavation of waterways or drainage facilities which intersect the water table shall be prohibited within 400 feet of the City's well fields. These standards shall apply to all future new

development and/or redevelopment, but shall not apply retroactively to existing development, which in the event of destruction may rebuild to the prior condition.

11.0 Protection of Historic Resources

11.1 The City Manager shall review development plans for historic resources prior to review by the City Commission to assure that there is no danger to life, health or property. Designated buildings shall be exempt from the provisions of the Southern Standard Building Code insofar as life and safety are not threatened. To support this concern, plans for rehabilitation work on designated buildings shall be signed and sealed by a registered architect or engineer.

11.2 Historically significant resources may be protected through site design standards, which may include the use of cluster housing and/or transfer of development rights, to minimize potential negative impacts on these historic resources.

11.3 Hardship relief may be provided for designated buildings through the provisions of Section 101.5 of the Southern Standard Building Code.

11.4 Historically significant housing units as identified by the Florida Master Site File and the National Register of Historic Places shall be preserved to the extent provided by inclusion in these two documents, or as otherwise provided herein.

12.0 Soil Suitability and Erosion

12.1 Development that utilizes septic tanks shall be permitted

subject to soils suitability analysis, pursuant to Rule 10D-6, F.A.C.

12.2 Soil suitability for building development shall be determined:

- a) pursuant to the Southern Standard Building Code, and
- b) based upon on-site inspection, U.S. Geologic Survey Topographic Quadrangle maps and Soil Conservation Service (SCS) soil survey of the subject property. Suitability for development shall be determined based upon characteristics including, but not limited to, permeability, infiltration, seasonal wetness, depth to the water table, depth to bedrock, texture, shrink-swell potential, erodibility and slope as recommended by the SCS.

12.3 Soil erosion and sedimentation by wind and water shall be minimized by retaining or restoring vegetation during and after construction. The following protection shall be provided for disturbed areas: minimize velocities of water run-off, maximize protection of disturbed areas from stormwater run-off, and retain sedimentation within the development site as early as possible following disturbances. The following measures necessary to minimize soil erosion and to control sedimentation in the disturbed land areas shall be implemented:

- a) Hay bales, seeding, ground cover landscaping or other effective means to prevent erosion on areas of steep slope shall be used;
- b) Shorelines and wetlands shall be protected with filter

berms or fabric screens, as appropriate, to prevent siltation into water bodies and wetlands;

- c) Temporary and permanent natural and man-made drainageways shall be constructed and/or managed using such techniques as riprap, diversion and permanent seeding to prevent erosion from stormwater run-off;
- d) All landscaping as shown on the site plan for new development shall be completed within six months of completion of construction to ensure restabilization of soils;
- e) Other erosion control practices set forth in the Florida Department of Environmental Regulation's Florida Development Manual shall be employed to prevent erosion.

12.4 Operations engaged in silvicultural activities shall operate in accordance with the Department of Forestry's Accepted Best Management Practices (BMPS).

13.0 Surface and Groundwater quality

13.1 Waterfront developments shall include the following mechanisms to protect surface and groundwater quality:

- a) Minimum setbacks for structures shall be no less than 50 feet from the ordinary high water line;
- b) Minimum setbacks for septic tanks shall be no less than 100 feet from the ordinary high water line and no less than 75 feet from the wetland jurisdiction line;
- c) Dredging and filling of waterbodies or wetlands shall be prohibited, unless mitigation is provided; wetlands

lost must be replaced acre for acre, by wetland type, form and function;

- d) No hazardous, toxic, chemical, petroleum, nuclear waste or liquid sludge shall be discharged into waterbodies or wetlands; no bulk hazardous waste shall be stored within 500 feet of waterbody or wetland edges (ordinary high water line), or within the Holmes or Little Creek floodplain;
- e) All future development, other than infill of existing platted residential development of greater than four dwelling units, shall show proof of permitting from the Department of Environmental Regulation, Rule 17-25 F.A.C., ensuring use of methods of stormwater treatment which filter stormwater prior to discharge into surface waters;
- f) If central sewer facilities are not available, the use of aerobic septic tanks on waterfront property shall be encouraged; use of septic tanks within the 10-year floodplain shall be prohibited; and use of conventional septic tanks on other floodplain lots and on waterfront lots characterized by severely rated soils shall be regulated pursuant to the Department of Health and Rehabilitative Services Rule 10D-6, F.A.C.;
- g) The preliminary platting process may begin prior to state and federal permit approvals; however, no building permits or clearing permits shall be issued until the applicant has demonstrated that all proper

state and federal permits have been approved, including permits for stormwater treatment and wetlands;

h) No septic tank effluent or liquid sludge in excess of 1,000 gallons shall be stored within 200 feet of waterbodies or wetlands.

13.2 Land uses that may discharge substances that could infiltrate and degrade the groundwater shall be prohibited. To encourage site design that maintains aquifer recharge capabilities, parking areas may be constructed of pervious materials and natural drainageways may be credited toward required landscaping acreage (see ARTICLE V, Sections 4.3 and 5.5).

13.3 Applications for industrial land use development shall include documentation that surface water and groundwater quality will not be lowered.

14.0 Hazardous Waste Management

14.1 Prior to site approval of any activity that stores, uses or produces toxic matter, the responsible party shall show documentation that an emergency response plan addressing accidents involving hazardous waste has been developed.

14.2 All parties transferring, storing and/or working with hazardous wastes shall comply with Department of Environmental Regulation Rule 17-730, F.A.C.

15.0 Air Quality

15.1 All sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of

Federal Regulations, Title 40), and the Florida Department of Environmental Regulation (Chapter 17-2, F.A.C.).

16.0 Mineral Resources

16.1 No mining activities shall be permitted within the Graceville city limits unless a professionally prepared study irrefutably documents that this activity will not cause damage to potable water supplies, surface water, property, or the residential character of the community.

16.2 All mining activities shall be subject to the Department of Environmental Regulation Rules 17-600, 17-671 and 17-672, F.A.C.

16.3 In the event that a proposed mining activity is approved, the applicant shall prepare an acceptable reclamation plan to be implemented in a timely manner at the expense of the applicant; if wetlands or other natural communities are destroyed, they shall be replaced acre for acre by type, form and function.

16.4 All mining activities shall provide adequate vegetative and other buffers sufficient to protect adjacent land uses from air, noise and visual pollution.

17.0 Flora and Fauna Protection

17.1 To manage, conserve and protect natural vegetative communities and wildlife, the following information shall accompany all applications for proposed developments within fifty (50) feet of a wetland or water body:

a) Survey of Habitat Areas

1) The applicant shall prepare a survey of habitat

areas using the guidelines recommended by the Florida Game and Freshwater Fish Commission and shall include all endangered or threatened animal species.

2) The survey shall determine the presence of habitat and areas important for endangered and threatened animal species for purposes of reproduction, feeding, nesting, or securing shelter from predation, or for traveling between such areas.

3) The survey shall be conducted at the necessary time of the year for proper identification of endangered and threatened animal species.

4) The survey shall include, at a minimum:

a. A description of the survey methodology, including dates and times; and,

b. A list and map of threatened and endangered animal species observed on-site and presumed to use the site based on the vegetative community and species range.

b) Survey of Endangered Plant Species

1) The applicant shall request the Florida Natural Areas Inventory (FNAI) or an appropriate state or federal agency for a preliminary determination as to the possible presence of endangered plant species.

2) In addition, the applicant shall prepare a professionally conducted survey to determine the presence of endangered plant species.

3) The survey shall be conducted at the necessary times

of the year for proper field identification of the
plant species.

4) The survey shall include, at a minimum:

a) A map of endangered plant species that exist or
are presumed to exist on-site based on species
range and site characteristics.

b) A description of the survey methodology,
including dates and times.

c) Management Plan

1) Generally. When one or more of a threatened or
endangered species, or species of special concern
are found on a development site, development
activities which may cause harm to the species shall
not be allowed until a management plan has been
prepared which avoids the adverse effect of the
project on the species.

2) Contents. The management plan shall be prepared by
an ecologist, biologist or other related
professional as a consultant to the County. Such
expense shall be borne by the applicant. The Plan
shall document the presence of affected species, the
land needs of the species that may be met on the
development site, and shall recommend appropriate
habitat management strategies to protect the subject
wildlife. Where adverse impacts cannot be avoided
through site design or other means, the applicant
shall be required to develop a mitigation plan which
will allow no net loss of individuals of designated

species, in coordination with the Florida Game and Freshwater Fish Commission.

- 3) Cluster development may be required where necessary to protect endangered and threatened wildlife from development activities that would otherwise affect their survival.

ARTICLE VI: SUBDIVISION REGULATIONS

1.0 General Principles of Subdivision Design

1.1 All land to be included within any proposed subdivision shall be suitable for the purpose proposed and shall conform to the requirements of the appropriate use district within which it lies.

1.2 Proposed subdivisions must be found by the Planning Commission to be consistent with the goals, objectives, and policies of the Comprehensive Plan.

1.3 Access to any proposed subdivision shall be on a paved street adequate to serve as a collector street.

1.4 Where appropriate in larger subdivisions in order to make the development process more efficient, the subdivider may propose or the Planning Commission may require that construction proceed in phases. Where so required, the clearing and grading of advanced phases shall not proceed ahead of earlier phases in an unreasonable fashion. Each phase of any development shall be capable of standing on its own if subsequent areas planned for development are not developed.

2.0 Blocks and Lots

2.1 The length, width, and shape of lots shall be designed with

due regard to maximizing the use of existing natural drainage systems and providing adequate building sites suitable to the needs of the use contemplated.

2.2 Blocks shall not be longer than 1800 feet nor less than 400 feet in length and shall be wide enough to provide for two tiers of lots, save where abutment to arterial highways or other busy streets or specific disadvantages of topography and orientation would make this requirement impractical. Where double frontage lots are included in the subdivision design, they shall include a planting screen easement of at least ten feet across which there shall be no right of access.

3.0 Street System

3.1 The arrangement, character, width, grade, and location of all roads shall conform to the Traffic Circulation Element of the Comprehensive Plan, to any standards additional to these regulations which may be adopted by the City Commission, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and in relation to the proposed use of the land to be served by such streets.

3.2 Subdivision access to arterial highways shall be limited to collector streets, and the subdivider shall design the street plan accordingly so as to eliminate the direct access of local streets or abutting lots.

3.3 Design features for streets within proposed subdivisions shall include the following:

a) The arrangement of streets within a subdivision shall be

coordinated with the existing street system surrounding the area and provide for continuation of existing streets where appropriate.

- b) The street design shall be such as to discourage the use of local roads for through traffic.
- c) New street names shall not duplicate or closely approximate existing street names, save for cul-de-sacs which may take the same name as the street with which they intersect but with a differing suffix. Any new street that is an extension of or in essential alignment with an existing street where there is a strong probability as determined by the Planning Commission that the discontinuous segments of street will eventually be continuous shall bear the same name as the existing streets.
- d) Street jogs with center line offsets of less than 125 feet shall not be permitted.
- e) Street intersections shall be as nearly at right angles as possible with no street intersection being at any angle of less than 70 degrees. No intersection shall be permitted for more than two streets.
- f) Cul-de-sacs shall be no longer than 800 feet and shall have a turn-around at the closed end of no less than fifty foot radius from the center point to the property line.
- g) The street right-of-way radius at intersections shall be at least twenty feet, save that where the angle of intersection is less than 90 degrees, the Planning

Commission may require an additional length.

- h) At all street intersections an adequate clear sight triangle must be maintained, within which no impediments to clear sight, including ornamental plantings higher than 30 inches, will be allowed, save that trees will be allowed provided that they do not cumulatively present an obstacle to clear sight. Triangle leg distances shall be 75 feet along any local street, 200 feet along any collector street, and 300 feet along any arterial highway.
- i) Street signs shall be provided by the developer of a durable and readable material and posted with a clearance of seven feet so as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, two street sign posts shall be located diagonally across the intersection from each other. Only one street sign post shall be required at T-street intersections.

3.4 Street design and construction standards must meet the minimum specifications as established in the following chart.

	<u>Local Street</u>	<u>Collector Street</u>
Rights-of-way	60' (see note)	60'
Lane Width	20' paved	22' paved
Shoulder Width	6'	curb and gutter
Maximum Street Grade	12%	8%
Minimum Radius of Center Line Curvature	100'	300'
Minimum Length of Tangent Between Reverse Curves	100'	150'
Minimum Stopping Sight Distance	200'	240'
Sidewalks		required, both sides

Note: Local street right-of-way may be reduced to 50 feet if the developer agrees to install curb and gutter.

3.5 Subdivisions adjoining existing public streets with right-of-way less than that specified in these Regulations shall dedicate land sufficient to meet the right-of-way requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing, road, and one-half of the right-of-way as measured from the centerline shall be provided where any part of the subdivision is on only one side of a public road.

3.6 Basic construction requirements for all streets shall include the following considerations.

a) All streets shall be graded to their full width by the subdivider so that the various public improvements to be provided within the right-of-way may be placed with minimal difficulty.

b) Utility and public improvement placements shall be located to the fullest extent possible within the backslope areas of dedicated rights-of-way. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with the utility's established policies.

c. If it is necessary for the subdivider or any utility to break existing pavement for the purpose of installing new facilities, the break shall be repaired by the subdivider unless the utility assumes that responsibility as a matter of policy.

d) When all construction is complete within the street

right-of-way, the subdivider shall replace the shoulder and swales areas with grass or other vegetation to prevent undue soil erosion.

3.7 Where not otherwise mentioned in these Regulations, the required standards and specifications for design and construction of streets and their related facilities shall be in conformity with those standards promulgated by the Florida Department of Transportation in the current editions of Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (the "Green Book") and Standard Specifications for Road and Bridge Construction.

3.8 All streets within subdivisions shall be dedicated for public use. Areas dedicated for rights-of-way or for other public improvements do not imply acceptance by the City Commission. The City Commission must take specific action to accept any dedicated land for whatever purpose. Specifically, the City Commission shall not accept for ownership or maintenance and street not built in accordance with these Regulations.

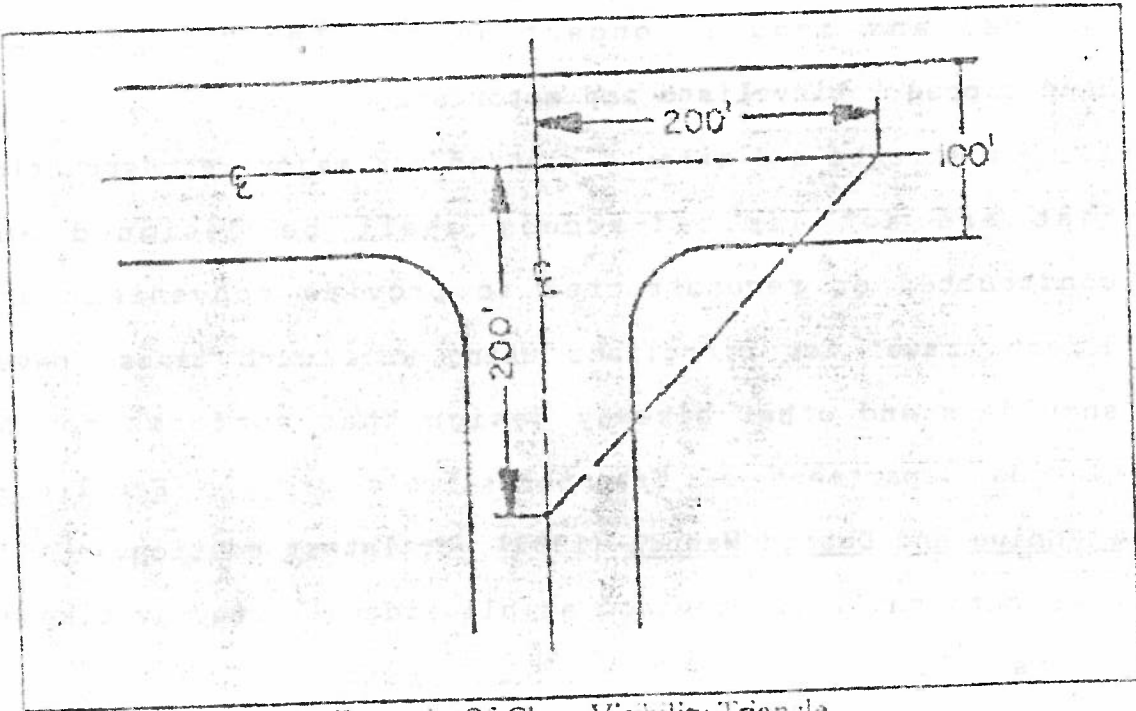
3.9 The vacation of rights-of-way, alleys, roads or easements shall only be allowed when principal or secondary access to a parcel of land is not diminished, the location of an existing or future utility is not adversely affected, or the roadway does not serve the public purpose or have the potential for integration into the transportation system.

4.0 Bicycle Facilities

4.1 The intent of this section is to foster the creation of

bikeways within the system of traffic circulation to increase transportation safety, improve the City's environment, conserve energy, create more options for independent mobility for people in the community, make streets more people-friendly and therefore more active and secure, and reduce congestion for pedestrians, the handicapped, bicyclists and motorists.

- 4.2 All new streets and streets planned for major reconstruction that are not limited-access shall be designed and constructed or reconstructed to provide convenient and direct travel for bicyclists using wide curb lanes, paved shoulders and other bikeway design that conforms to the Florida Department of Transportation's Bicycle Facilities Planning and Design Manual (1982), or latest edition.
- 4.3 Curb cuts shall be provided at all sidewalk/roadway/bikeway intersections.
- 4.4 All bikeways, including, but not limited to, curb lanes, paved shoulders, sidewalks and free-standing bike paths shall be maintained in good repair with smooth surfaces and free of obstructions, including but not limited to, gaps, ridges, holes pavement markers and rumble strips. All bikeways shall be maintained free of vegetation, fencing, and signage that obstructs line of site or travel. Signs or other objects (except temporary construction fencing and the like where necessary) shall not be located within two (2) feet of bikeways and shall maintain at least an eight (8) foot vertical clearance. Utility companies shall patch their roadway excavations to the above standards. If a



Example Of Clear Visibility Triangle

patch fails within one (1) year, the company shall be required to replace the patch.

4.5 New utility facilities (i.e., fire hydrants, utility poles, guide wires or other obstructions) shall not interfere with bicycle facilities.

4.6 Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision in the clear-visibility triangle between a height of two (2) feet and ten (10) feet above the grade, as measured at both the centerline of the roadway and the near-side sidewalk. The clear-visibility triangle shall be formed by connecting a point on each right-hand sidewalk center line, to be located ninety-five (95) feet from the intersection of the sidewalk center lines, and a third line connecting the two points. Where new roadway construction intersects with streets without sidewalks, the clear-visibility triangle shall be positioned as follows:

4.7 New streets constructed with curbing shall incorporate curb-face inlets for drainage.

4.8 Existing on-road bicycle facilities and sidewalks shall not be removed to accommodate additional motor vehicle users.

4.9 Future right-of-way reservation requirements shall provide sufficient room for on-road bicycle facilities. Right-of-way shall not be vacated or reduced if such action is deemed detrimental to bicycle travel or if the right-of-way could be used to expand the existing bicycle network.

4.10 All drive-up facilities shall provide full access to bicyclists.

4.11 All development shall provide parking facilities for bicycles based upon the following guidelines. Fractions of spaces shall be rounded to the next highest number.

- a) Agricultural: No requirement
- b) Single-family residential: No requirement
- c) Multi-family residential: One space/four units
- d) Commercial: One space/25 people (average projected daily patronage), with one-space minimum
- e) Industrial: One space/25 employees
- f) Educational/
Institutional: One space/5 students, students, teachers, staff
- g) Recreational: One space/10 people (average projected daily patronage), with two-space minimum
- h) Conservation: No requirement
- i) Transit stops: Determined by Planning Department; two-space minimum

The Planning Department shall maintain a list of approved bicycle parking facilities (see Appendix A). Other bicycle parking devices may be used if such devices meet the standards set by the Planning Commission to the Commission's satisfaction.

4.12 Bicycle parking facilities shall:

- a) Be designed to allow each bicycle to be supported by its frame (unless facility provides a totally enclosed space, i.e., locker);

- b) Be designed to allow the frame and wheels of each bicycle to be secured against theft;
- c) Be designed and located to avoid damage to bicycles;
- d) Be anchored to resist removal;
- e) Be solidly constructed to resist rust, corrosion, and vandalism;
- f) Accommodate a range of bicycle shapes and sizes and facilitate easy locking without interfering with adjacent bicycles;
- g) Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design;
- h) Be located as near the principle entrance of the building as practicable;
- i) Be located in a convenient, highly visible, active, well-lighted area;
- j) Be located so as not to impede pedestrian movement;
- k) Have an aisle or other space at least five (5) feet in width to the front and rear of a standard six (6) foot bicycle parked in the facility;
- l) When not clearly visible to approaching cyclists, have signage along bicycle approaches indicating the location of the facilities;

4.13 New developments shall provide non-motorized access to existing or future adjacent development within the project site or along adjacent right-of-way.

4.14 Easement use agreements between the developer and the utility entity shall, where adequate easement width allows,

provide for shared use of the easement as a non-motorized transportation/recreational corridor.

5.0 Pedestrian Facilities

5.1 It is the intent of this section to foster creation and maintenance of a pervasive, safe and pleasant system of pedestrian facilities throughout the City for use as a transportation alternative to reduce the amount of motorized vehicle congestion and energy consumption; to provide modes of transportation for the young, the elderly, the mobility-impaired and economically-disadvantage; and to create a more livable streetscape that encourages pedestrian traffic, a more secure outdoor urban environment and greater sense of community.

5.2 All streets that are not limited-access shall be designed and constructed or reconstructed to provide convenient and direct travel for pedestrians.

5.3 All streets that are not limited-access shall have parallel sidewalks, constructed of saw-cut concrete, asphalt, brick or other material approved by the development administrator, on both sides of the street in high-traffic areas, such as downtown, schools, shopping centers, parks and other recreational facilities, hospitals, and major employment centers. Sidewalk widths shall be at least five (5) feet, and wider as required. All sidewalks shall intersect roadways at 90 degree angles and shall provide handicap access.

5.5 Crosswalks with readily identifiable markings, signing and, where warranted, pedestrian signals shall be established at

key pedestrian crossings including, but not limited to, downtown, and near schools, parks, other recreational facilities, shopping centers, hospitals and major employment centers.

5.6 Surfaces of pedestrian facilities shall be smooth, with no large gaps, ridges, or other obstructions. Utility companies shall patch their sidewalk excavations to this standard. If a patch fails within one (1) year, the company shall be required to replace the patch.

5.7 New utility facilities (i.e., fire hydrants, utility poles, guide wires, and other obstructions) shall not interfere with pedestrian facilities and routes of travel.

5.8 Signs or other objects (except temporary construction fencing and the like where necessary) shall not be located within two (2) feet of sidewalks and shall maintain at least an eight (8) foot vertical clearance.

5.9 Access shall be provided, including parking, curb cuts, ramps and restrooms, for the mobility-impaired at all parks and public facilities.

5.10 Ramps and curb cuts for sidewalks shall not be limited to only one curb of an intersecting street as part of a single public works projects, regardless of the condition of the other curb(s).

5.11 Existing sidewalks shall not, under any circumstances, be removed to accommodate additional motor vehicle users. Any street-widening project that impinges on an existing sidewalk shall include the reconstruction of the sidewalk at the new roadway edge.

- 5.12 Future right-of-way reservation requirements shall provide sufficient room for sidewalks. Right-of-way shall not be vacated or reduced if such action is deemed detrimental to pedestrian travel or if the right-of-way could be used to expand the existing pedestrian network.
- 5.13 Residential streets shall provide for through pedestrian traffic by incorporating pedestrian paths or other facilities into their design.
- 5.14 The design of drive-through commercial facilities shall include facilities for safe passage of pedestrians from adjacent pedestrian and parking facilities to the drive-through facility and buildings on the site. All drive-up facilities shall provide full access to pedestrians.
- 5.15 Off-site motor vehicle parking spaces shall not hinder ease of pedestrian access to the off-site parking spaces or create hazards for pedestrians.
- 5.16 All motor vehicle parking areas shall provide pedestrian walkways separated from motor vehicle traffic. The walkways shall link in the most direct manner to off-site sidewalk/path systems, and/or points from and to which pedestrians are likely to travel. A pedestrian shall only be forced to share a roadway with vehicles in the immediate vicinity (within 15 feet) of his or her motor vehicle or at crosswalks.
- 5.17 Providing for safe, convenient pedestrian access to a site shall be the focus of all landscape planning.
- 5.18 Buffer zones shall provide for pedestrian crossings and shall not inconveniently redirect pedestrian movement.

5.19 Fences shall not inhibit pedestrian movement except when that movement could prove physically harmful to the pedestrian, land owner or environment.

5.20 New developments shall provide non-motorized access to existing or future adjacent developments with the project site and along adjacent right-of-way.

6.0 Infrastructure

6.1 All proposed subdivision lots shall be capable of being served by the City water and sewer systems. The installation of adequate facilities to accomplish this purpose shall be the responsibility of the developer.

6.2 A comprehensive stormwater management system shall be provided in all areas of the subdivision for the purpose of handling run-off flowing into or across any part of the subdivision. Post-development stormwater run-off from a site shall not exceed the pre-development rate of flow, volume, pollutant loads and timing for that site. The system shall be designed for long life, low maintenance costs, and to maximize the amount of rainfall percolated into the soil and shall percolate at least 80 percent of the run-off from a one hour design storm within 72 hours after a storm event, or otherwise meet the specifications of chapter 17-25 of the Florida Administrative Code. Such stormwater management system shall be installed within the street right-of way and in such other locations as may be necessary to fulfill its purpose. Such a system shall include all ditches, curbs, pipes, culverts, headwall, grassy swales, and other such features as required. Where stormwater management

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Required

facilities exist outside the road right-of-way an appropriate drainage easement shall be necessary to accommodate the area required. To the greatest extent possible, existing natural drainageway systems shall be preserved and incorporated into the overall stormwater management system. Use of such natural drainageways for open space and recreation shall be credited toward landscaping requirements.

6.3 The use of all easements shall be clearly shown on the plat and shall conform to the following:

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- a) Where necessary, easements will be centered on rear or side lot lines. Rear lot easements shall have a minimum width of ten feet except that minimum total width of fifteen feet must be provided where necessary for storm or sanitary sewers.
 - b) Where a subdivision is traversed by or abuts a water course, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width, but not less than fifteen feet along each side of the water course, as necessary for maintenance or construction.
 - c) The City will maintain only those easements, right-of-way, and public sites which it accepts for maintenance.

7.0 Monuments

7.1 A concrete marker embedded at least two feet into the ground shall be required at the intersection of all street rights-of-way, and radius points. Such a right-of-way monument

shall be at least four inches square with a one-eighth inch iron pin embedded in the center at least four inches deep. The top surface of such marker shall be level with the surface of the ground.

7.2 Property line monuments shall be required consisting of an iron pin embedded at least two feet into the ground at each corner of the subdivision and at each point where the property line changes direction. Such iron pin shall be at least one-half inch in diameter. The top surface of such iron pin shall be approximately level with the ground surface.

8.0 Conversion of Agricultural Land

8.1 The conversion of agricultural land shall occur only after consideration of the impact the change in land use will have upon the City, including analysis of the following:

- a) The actual need for the type of development which is proposed for the converted land compared to the need for agricultural land;
- b) The economic impact the converted use will have on the existing agricultural business and other industry in the City;
- c) Mechanisms for provision of additional infrastructure not addressed in the Infrastructure Element, such as schools, additional police and fire protection, and emergency medical service.

8.2 The conversion shall be timed so that infrastructure and services that are needed to support the new development are

in place at the time the impacts of the new development occur.

8.3 The conversion shall be consistent with all criteria set forth in all elements of the Graceville Comprehensive Plan and Land Development Regulations.

9.0 Housing

9.1 Housing shall be provided pursuant to the Southern Standard Building Code.

9.2 Location and site design of manufactured and multi-family housing, housing for the elderly, group homes, foster care facilities, and housing for other special needs groups shall be regulated by the Future Land Use Map and ARTICLE IV, SCHEDULE OF USE DISTRICT REGULATIONS, of these Land Development Regulations, in addition to the regulations within this article.

9.3 Manufactured housing units shall meet the requirements of the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards of the Florida Manufactured Building Act.

9.4 Community Residential Homes

a) Community residential homes with more than six (6) residents shall be allowed in residential districts subject to the following conditions:

1) When a site for a community residential home has been selected by a sponsoring agency for development in a residential land use district, the agency shall notify the City Manager in

writing and include in the notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the Department of Health and Rehabilitative Services indicating the need for and the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of clients in the home. The district administrator shall also provide to the City Manager the most recently published data compiled that identifies all community residential homes in the district in which the proposed site is to be located. The City Manager shall review the notification of the sponsoring agency in accordance with applicable requirements of this Code.

2) Pursuant to such review, the City Manager may:

a. Determine that the siting of the community residential home is in accordance with applicable requirements and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.

b. Fail to respond within sixty (60) days. If the City Manager fails to respond within such

time, the sponsoring agency may establish the home at the site selected.

c. Deny the siting of the home.

3) The City Manager shall not deny the siting of a community residential home unless the City Manager establishes that the siting of the home at the site selected:

a. Does not otherwise conform to existing regulations applicable to other or institutional uses in the area;

b. Does not meet applicable licensing criteria established by the Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home;

c. Would result in such a concentration of community residential homes in the area in proximity to the site selected, such that the nature and character of the area would be substantially altered. A home that is located within a radius of one thousand (1,000) feet of another existing community residential home shall be an overconcentration of such homes that substantially alters the nature and character of the area.

4) All distance requirements shall be measured from the nearest point of the existing home's parcel to the nearest point of the proposed home's parcel via path of travel.

b) Upon receipt of the written notice from the sponsoring agency provided for in (1) above, the City Manager shall notify the City Commission of the pending application. The City Manager shall, within twenty (20) days of the receipt of the application, review the application and provide the Commission and the applicant with a written decision outlining reasons for the decision. The applicant may appeal the decision of the City Manager by notifying the City Clerk within ten days from the date of the City Manager's decision. Appeals of the decision of the City Manager shall be in accordance with ARTICLE XII, Section 2.0 of the Land Development Regulation Ordinance.

ARTICLE VII: ADMINISTRATION OF EXEMPT SUBDIVISIONS AND MINOR SUBDIVISIONS

1.0 Intent of Exempt Subdivisions

It is the intent of this section to allow certain transfers of ownership involving the division of lands and certain other divisions of land, none of which will create additional needs for community facilities, to proceed as the principals to the transaction intended with a minimum of legal difficulty, save only that all such transfers should be duly recorded with the County.

2.0 Administration of Exempt Subdivisions

Any subdivision of land in which the transfer of title occurs between or among relatives by blood, adoption, or marriage, or in which the transfer of title passes as a result of inheritance or court decision, or in which the transfer of title occurs between adjacent landowners, shall be exempt from these Regulations, save in situations where the Planning Commission may find that such subdivision will have an adverse impact on existing community facilities. In such situations the Planning Commission may make a recommendation to the City Commission that such subdivision be subject to these Regulations, and if the City Commission upholds that recommendation, then that subdivision shall not be exempt.

3.0 Intent of Minor Subdivisions

It is the intent of this section to provide expeditious review and approval for those subdivisions qualifying as minor subdivisions by allowing an exemption from the platting process while still meeting the legitimate public need for the provision of certain required public facilities. An applicant under this section shall be subject to the standards, specifications, and requirements included under Article VI of these Regulations.

4.0 Administration of Minor Subdivisions

4.1 Any owner contemplating a subdivision of his or her land which may qualify as minor subdivision may request a meeting with the Planning Commission or its designated representative to explain their proposal and have explained to them the Planning Commission's procedures. No fee shall be charged for such a conference.

4.2 No later than fourteen days before the scheduled meeting of the Planning Commission the applicant may formally submit an application for approval of a minor subdivision. Such application shall include at a minimum:

- a) Name and address of the applicant;
- b) A legal description of the property to be subdivided and evidence of title;
- c) A filing fee as determined by the City Commission;
- d) A map at a suitable scale attested by the registered surveyor showing the proposed new parcels and their dimensions, and a street plan showing all access points;
- e) Diagrams and descriptions as necessary to indicate how the requirements for stormwater management will be met;
- f) Such other material as the Planning Commission may request for the purpose of making a responsible recommendation to the City Commission.

4.3 The Planning Commission shall consider the application for approval of minor subdivision at its regular meeting and shall hear the comments of any interested members of the public before formulating its recommendation.

4.4 The Planning Commission may recommend approval, approval with conditions, in which case the conditions shall be clearly stated, or denial. The Planning Commission's recommendation shall be presented in writing to the City Commission no later than four days before the City Commission's next regularly scheduled meeting. The recommendation shall be considered by the City Commission at the meeting. Their decision shall result in issuance of a

development order which shall state the conditions, if any, for approval, or if the decision is for denial, the reasons why.

- 4.5 The development order shall be valid for a period of twelve months from the date of issuance unless the City Commission specifically states a longer period.

ARTICLE VIII: ADMINISTRATION OF SUBDIVISION PROPOSALS

1.0 Purpose of a Two-Step Subdivision Review and Approval Process

- 1.1 The purpose of the preliminary plat review is to present technical data and preliminary engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and the surrounding area for a determination of the proposal's compliance with Comprehensive Plan and these Regulations. Upon approval of a preliminary plat the developer may proceed with subdivision construction and installation of required public improvements.
- 1.2 The purposes of the final plat review are to insure that the subdivision has been completed essentially as authorized by the approval of the preliminary plat, and that an accurate technical representation of the subdivision will be a permanent part of the public record.
- 2.0 Any owner of land in Graceville who is contemplating subdividing it for any lawful purpose may request an informal pre-application conference with the Planning Commission or its designated representative. At such a conference the owner or owner's agent may present tentative

proposals with a view toward learning what would be required to properly evaluate the proposal within the limits of these Regulations. No fee shall be charged, and no formal application shall be required.

3.0 Filing a Plat for Preliminary Approval

3.1 Prior to any clearing activity or grading preparatory to making any street improvements or installing any utilities, the subdivider shall submit to the Planning Commission a preliminary plat in accordance with the procedures of this section.

3.2 No later than fourteen days before the regularly scheduled meeting of the Planning Commission the subdivider shall submit a formal request for review and approval of a preliminary plat which shall include:

- a) at least four copies of the preliminary plat;
- b) evidence of title to the land proposed for subdivision;
- c) other substantiating or auxiliary material as may have been determined at a pre-application conference or would otherwise be useful to the Planning Commission for their review, including technical drawing or commentary, protective covenants or deed restrictions, and the like;
- d) payment of a filing fee as determined by the City Commission.

3.3 The preliminary plat as filed shall meet the following specifications:

- a) The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.

- b) The sheet size shall be 24 inches by 36 inches. If the complete plat cannot be shown on a sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of a reduced scale.
- c) General identifying information shall include:
- i) The name of the proposed subdivision;
 - ii) The name and address of all owners of the land proposed for subdivision;
 - iii) The name and address of any professional agents involved in the preparation of the plat;
 - iv) date of plat preparation;
 - v) scale of the plat;
 - vi) a north arrow;
 - vii) total number of lots with the approximate average size or range of sizes.
- d) A full and detailed legal description of the tract to be platted and its approximate total acreage shall be included.
- e) A vicinity map shall be included showing the relationship between the area proposed for development and the surrounding area. The vicinity map shall be at a scale of not less than one inch equaling two thousand feet (1''=2000') and shall identify adjacent subdivisions and public streets by name. Current use district designations for the proposed subdivision and all adjoining property shall be clearly indicated.
- f) Existing physical features shall be fully identified. These include but are not limited to streets, culverts,

easements, rights-of-way, lakes, rivers and creeks, swamps, other wetland areas, the one hundred year flood plain, wooded areas, cultivated areas, parks and other public open spaces, sewers, and water mains.

g) The proposed layout shall be clearly shown, including streets, alleys, easements, land to be dedicated for public purposes, and any land proposed for purposes other than single family dwellings. Proposed rights-of-way shall include all dimensions.

h) Block and lot designations shall be shown. The representation of lots shall show approximate dimensions, approximate acreage, and location of setback lines as established in the schedule of use district regulations.

i) Typical road cross-sections and centerlines profiles shall be included.

j) Contour intervals of two feet shall be shown. The Planning Commission may request the plotting of contour intervals of one foot in very flat areas. Proposed contour changes shall be shown.

k) The preliminary plat shall clearly state on its face that it is not for recording.

4.0 Review for Preliminary Plat Approval

4.1 Upon receipt of an application for preliminary plat approval for a subdivision the Development Administrator shall review the submission for its sufficiency and may request of the applicant any additional information under these Regulations which was not provided.

4.2 Upon determination that the application is complete the Development Administrator shall conduct an initial evaluation for the purpose of determining compliance with these Regulations and the Comprehensive Plan. Staff may provide copies for review to technical staff of any public agency whose comments might assist the Planning Commission in making their recommendations.

4.3 Interested members of the general public may review the proposed subdivision plans at City Hall and may make written or oral comments which shall be duly considered by the Planning commission during its deliberations.

4.4 At its regularly scheduled meeting the Planning Commission shall consider the application for preliminary plat approval and the comments of those who have reviewed it prior to formulating a written recommendation for the City Commission of approval, approval with conditions, or denial. The Planning Commission's recommendation shall be submitted in writing to the City Commission no later than four days before the City Commission's next regularly scheduled meeting.

4.5 The City Commission shall act upon the Planning Commission's recommendation at its next regularly scheduled meeting. Any approval granted by the City Commission shall include identification of an expiration date which shall be eighteen months later unless another date is specified; the record shall also reflect that preliminary approval does not constitute approval of the final plat. If the City Commission assigns conditions for approval those conditions

shall be clearly stated in the record. If the City Commission denies the preliminary plat it shall be returned to the applicant with a recitation of the reason or reasons for denial.

5.0 Authorization to Precede with Improvements

The preliminary approval by the City Commission shall constitute authorization for the subdivider to proceed with the installation of the public improvements to the parcel to be subdivided as detailed in the development plans submitted to the Planning Commission for preliminary approval. The necessary clearing, grading, and construction work, may proceed as the developer finds expedient consistent with requirements of these Regulations and other requirements of the law. The developer shall have eighteen months from the date of preliminary approval to complete all improvements and file for final plat approval, unless a longer time was specified, or an extension is granted by the City Commission subsequent to a recommendation of the Planning Commission.

6.0 Inspection Prior to Completion

6.1 In order to facilitate inspection of required improvements during construction, the applicant shall notify the Planning Commission or its designated representative at least two working days before proceeding beyond of the following stages of construction:

- a) When rough grading has been completed;
- b) When excavations are ready for placing foundations, and

- when pipe trenches are shaped and prepared for laying pipe;
- c) Once the drainage and other facilities are installed, but before back-filling occurs;
 - d) Upon completion of base course compaction of roads;
 - e) When placing and rolling of lower and surface pavements.

6.2 The purpose of these inspections is to insure compliance with the approved preliminary plat and to advise the City Commission whether or not the streets, storm water management facilities, and other public improvements being constructed appears to qualify for acceptance by the City. The City assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of these stage inspections. However, if any aspect of the work being performed does not comply with acceptable standards, corrections will be required as a condition for City acceptance.

7.0 Completion of Required Public Facilities

7.1 In lieu of completion of all required public improvements prior to submission of the final plat, the subdivider may post a performance bond with the City. Such a bond shall be available to the City and in an amount sufficient, as determined by a Civil Engineer engaged by the City Commission for the purpose of such determination, to insure completion of the required improvements. When the work has been completed satisfactorily as determined by the City's inspector, the City Commission shall release ninety percent

of the bond fund with a letter of approval to the subdivider. The remaining ten percent shall remain in escrow for maintenance purposes. The maintenance period shall begin immediately following final inspection approval by the City's inspector and shall last one year from that date. The final ten percent of the bond fund in escrow shall be released to the subdivider after the one year period has elapsed with an maintenance claims on the fund.

7.2 If the required public improvements have been completed prior to the approval of the final plat, the Planning Commission or its designated representative shall arrange for final inspection and a recommendation to the City Commission concerning acceptance of dedications.

7.3 If the required public improvements are not completed at the time of final plat approval, but are subject to a performance bond, then the final inspection shall occur at such time as the subdivider has completed their obligations with regard to public improvements.

7.4 At whatever time the final inspection before acceptance of dedications occurs, the subdivider remains responsible for maintenance of all facilities and public improvements for a period of one year. Prior to the release of the maintenance bond at the end of that one year period, the subdivider shall be responsible for correcting any maintenance problems, failed facilities, or any other shortcomings which may have manifested themselves during the maintenance period.

8.0 Final Plat Approval

8.1 After completion of the physical development of the subdivision or the posting of a performance bond guaranteeing the eventual completion of the required public improvements, the applicant may file for final plat approval by submitting no later than 14 days before the regularly scheduled meeting of the Planning Commission:

- a) a letter requesting review and approval of the final plat.
- b) an original of the final plat form which copies can be made and four copies.
- c) any additional documents which may be required for the Planning Commission to evaluate the applicant's performance.
- d) payment of a filing fee as determined by the City Commission.

8.2 The final plat shall be drawn with black drawing ink on mylar or vellum using sheets measuring 24 by 36 inches. The scale shall be 100 feet to the inch; if the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map at a reduced scale. Final plats shall meet all the requirements of Chapter 177 of the Florida Statutes and shall be so certified by the registered surveyor.

8.3 Information to be included on the final plat shall include:

- a) A title block to include the name of the subdivision, the appropriate legal description with reference to a

subdivision corner tie, and the words "City of
Graceville, Jackson County, Florida."

b) The name and address of the owner of record and the
subdivider, and the name and registration number of the
surveyor or engineer.

c) A vicinity map, at scale, showing the proposed
subdivision in relation to the surrounding streets.

d) The location of all Permanent Reference Markers (PRM's)
and Permanent Control Points (PCP's) in conformity with
Chapter 177 of the Florida Statutes.

e) A legend which defines all symbols, shows a stated and
graphic scale, and displays a north arrow.

f) Names of owners of record of adjoining land with their
appropriate acreages and current use district
designations. If the adjoining land is a recorded
subdivision, a reference to the plat book and page
number shall be included.

g) Sufficient data to determine readily and to locate on
the ground the location, bearing, and length of each
street right-of-way, boundary line, block line, lot
line, easement, or other public right-of-way, whether
curved or straight, adequately correlated with
monuments and markers.

h) The right-of-way lines, widths, and names of streets.
Where streets are curved, information shall be given
concerning the radius, central angle, and arc of all
such curves.

i) Lot lines and block and lot numbers.

- j) Dedications and easements, showing widths and purpose, shall be delineated on the face of the plat and shall not be incorporated by reference.
- k) Areas not proposed for residential or public use shall be identified and delineated to the extent possible.
- l) Location of all bodies of water and the extent of the hundred year flood plain.
- m) The exact boundary lines of the tract as determined by a field survey, giving distances to the nearest one-tenth of a foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one in five thousand. Lot lines shall be shown to a similar standard.
- n) Certificates as required by Chapter 177 of the Florida Statutes, including but not limited to:
 - i) Registered surveyor certifying the accuracy of the survey and plat;
 - ii) Owner certifying dedication;
 - iii) Planning Commission certifying its approval;
 - iv) City Commission certifying its approval;
 - v) Clerk of the County Court certifying the recording of the plat.

8.4 The Planning Commission shall consider the written and oral remarks of any members of the general public in their deliberations concerning a recommendation of final plat approval.

8.5 The Planning Commission shall make a written recommendation of approval or disapproval to the City Commission no later

than four days prior to the next regularly scheduled meeting of the City Commission. The City Commission's action shall be binding. If it approves the final plat, it shall attach its certification to the face of the plat and release it for recording. If it denies approval, it shall specifically spell out in writing the conditions which must be met by the subdivider before it will reconsider the matter. Such reconsideration shall constitute a separate filing for final plat approval.

9.0 Recording the Plat

9.1 Upon the approval of a final plat by the City Commission, the applicant or applicant's agent shall have the final plat recorded in the office of the Clerk of the County Court whose certification shall be the final act before lots within the subdivision may be sold.

9.2 Upon recording the plat the owner is authorized to sell, lease, offer to sell, or otherwise transfer ownership of land within the subdivision by reference to a duly recorded plat.

ARTICLE IX: VACATING EXISTING SUBDIVISION PLATS

1.0 Vacating Existing Plats

1.1 The owner of any land subdivided into lots may petition the City Commission to remove, vacate, and abandon the existing plat, or portion of a plat, from the official records of the County. The applicant for such action shall file the petition, Proof of Publication of Notice of Intent, Certificate of Title, Statement of Taxes and Resolution, and

Resolution, and shall pay the appropriate filing fee as established by the City Commission. The Planning Commission shall coordinate the appropriate review and formulate a recommendation to the City Commission, which shall act on the petition. The applicant shall be responsible for recording the Petition and the Proof of Publication with the Clerk of the County Clerk.

- 1.2 The City Commission may, on its own motion, order a vacation and abandonment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of streets or parcels, provided that the subdivision plat was lawfully recorded not less than five years before the date of such action by the City Commission; and no more than ten percent of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the City Commission that the proposed vacation and abandonment of subdivided land conforms to the Comprehensive Plan; and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and abandonment of subdivided land, the City Commission shall hold a hearing, with due public notice of intent.
- 1.3 No owner of any parcel of land in a subdivision shall be deprived by the vacation and abandonment of a plat, or a portion of a plat, of reasonable access to such parcel nor the reasonable access therefrom to existing facilities to which such parcel has therefore had access; providing

however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

ARTICLE X: NONCONFORMITIES

1.0 Intent of the Article

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and used of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the use districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded nor extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same use district.

2.0 Nonconforming Lots of Record

2.1 In any residential use district, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and accessory buildings may be erected on any single lot of record at the effective date of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the use district, provided

that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the use district in which such lot is located. Any such application shall be filed as a variance request under the terms of this ordinance.

2.2 If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of the effective date of this ordinance, and if all or parts of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

3.0 Nonconforming Uses of Land

3.1 Where lawful use of land exists at the effective date of this ordinance which would be no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful subject to the following provisions:

- a) No such nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this ordinance.
- b) No such nonconforming use shall be moved in whole or in

part to any other portion of the lot or parcel occupied by such use at the effective date of the ordinance.

3.2 If any nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the current use district regulations.

4.0 Nonconforming Structures

4.1 Where a lawful structure exists at the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases its nonconformity.
- b) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the use district regulations for the use district in which it is located after it is moved.

4.2 Should a nonconforming structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

5.0 Nonconforming Uses of Structures

5.1 If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of

this ordinance that would not be allowed in the use district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No existing structure devoted to a use not permitted by this ordinance within its use district shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted under the terms of this ordinance.
- b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not then be resumed.

5.2 When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not then be used except in conformity with the regulations for the use district in which it is located.

5.3 Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6.0 Repairs and Maintenance

6.1 On any building devoted in whole or any part to any nonconformity, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 per cent of the replacement value of the building, provided that the capacity of the building shall not be increased.

6.2 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6.3 To ensure that existing housing stock does not deteriorate into substandard condition, the City shall require that all housing stock be maintained in accordance with the Southern Standard Building Code.

7.0 Conditional Uses and Nonconformities

Any conditional use allowed by this ordinance shall not be considered a nonconformity, but shall be considered a conforming use in its use district.

8.0 Maintaining Records of Nonconformities

The Development Administrator shall maintain a file documenting the existence of any nonconformities which may come

to his or her attention together with such information as may prove useful in any future actions or decisions regarding them, including location, owner of record, adjacent uses, dated of abandonment (if any or if known), and similar information.

ARTICLE XI: CONCURRENCY

1.0 Intent of this Article

This article outlines the basic administrative framework in which the day-to-day administration, interpretation, and enforcement of this ordinance will occur. It is the intent of this article in establish a cooperative environment and a clearly understood process which should be available to all applicants for development permits and residents at large during the review and permitting process. It is also the intent of this article that the administrative process, including the development and use of forms, procedures, and reporting formats which would prove helpful in carrying out the purposes of this ordinance, should have the opportunity to evolve so as to most effectively meet the ordinance's purpose while recognizing the fiscal limitations of the City.

1.0 Generally

1.1 Purpose and Intent

The purpose of this Article is to describe the requirements and procedures necessary to implement the concurrency provisions of the City of Graceville Comprehensive Plan. Specifically, this Chapter is intended to ensure the availability of public facilities and services and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This intent is implemented by means of a

concurrency management system which shall measure the potential impact of a development upon the adopted minimum acceptable level of service for potable water, sewer, solid waste, drainage, parks and recreation, and roadways as provided in the Graceville Comprehensive Plan.

1.2. Definitions

Certain terms, as used in this Article, have the meanings given below.

a) Availability. Means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-5.0055(2), F.A.C.

b) Concurrency. Means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

c) Concurrency Management System. The procedures and/or process that the City of Graceville uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

d) Development. Means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The following activities or uses shall be taken for the purposes of this Code to involve "development":

- 1) A reconstruction, alteration of the size, or material change in the external appearance of a structure of land.
- 2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- 3) Alteration of a shore or bank of a river, stream, lake, pond, or canal.
- 4) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- 5) Demolition of a structure.
- 6) Clearing of land as an adjunct of construction.
- 7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

1.3 The following operations or uses shall not be taken for the purpose of this Code to involve "development":

- 1) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
- 2) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing,

renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like.

3) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

4) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

5) The use of any land for the purpose of growing plants, crops, trees, and other agricultural and forestry products; raising livestock; or for other agricultural purposes.

6) A change in use of land or structure from a use within a class specified in this Code to another use in the same class.

7) A change in the ownership or form of ownership of any parcel or structure.

8) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development," as designated in this Code, includes all other development customarily associated with the designation unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development.

Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

- e) Development Order. Shall include a zoning change, subdivision preliminary platting, building permit, site development plan, and other land use applications as determined by the City.
- f) Development Permit. For purposes of this Code a development permit is that official City document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, and flood protection permits.
- g) Public Facilities and Services. Those items covered by the Graceville Comprehensive Plan, required by Section 163.3177, F.S., and for which level of service standards must be adopted under 9J-5, F.A.C. These are: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation.

2.0 General Rules

2.1 Certificate of Concurrency Required

A Certificate of Concurrency shall be required prior to the

issuance of any development permit, with the exception of those listed in Section 11.2.2. If a development will require more than one development permit, the issuance of a Certificate of Concurrency shall occur prior to the issuance of the initial development permit.

2.2 Initial Determination of Concurrency

At the request of the applicant or at the discretion of the Development Administrator, an initial determination of concurrency may be performed for preliminary development orders and a conditional Certificate of Concurrency issued. This conditional Certificate of concurrency shall not be binding upon the City. Only those Certificates of Concurrency issued for development permits shall be binding.

2.3 Expiration of Certificate of Concurrency

A Certificate of Concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specified expiration date, the Certificate of Concurrency shall expire one (1) year from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, then the accompanying Certificate of Concurrency shall be automatically renewed for the duration of the extension given to the accompanying development permit. Should the extension equal or exceed one (1) year from the date of the issuance of the initial development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.

2.4 Burden of Proof

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The Development Administrator or his/her designee will assist in the preparation of the necessary documentation and information.

3.0 De Minimis Exemptions

3.1 Generally

If a proposed development relates to land use of such a low intensity as to have a De Minimis effect, if any, upon the level of service standards set forth in the Graceville Comprehensive Plan, the development shall be exempt from concurrency review.

3.2 De Minimis Activities

The following development activities shall be deemed de minimis:

- a) The construction of:
 - 1) room additions to residences, pursuant to item (D) (3) below;
 - 2) accessory structures, but not accessory apartments;
 - 3) swimming pools;
 - 4) fences;
 - 5) signs; and
 - 6) communications towers.
- b) Removal of trees, except that tree removal shall not be considered a de minimis activity for the purpose of determining compliance with the stormwater drainage level of service.
- c) The replacement of structures destroyed by fire,

hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.

d) Limited De Minimis Exemptions for Single Family

Single-family dwelling units shall be deemed De Minimis for the following facilities and/or services:

- 1) Roads, providing that the dwelling unit is not located within one-quarter (1/4) mile of a road segment that is operating below the adopted Level of Service.
- 2) Stormwater drainage, provided that the single-family dwelling unit is not part of a larger development.
- 3) Sewer, provided that construction meets the requirements of the Department of Health and Rehabilitative Services (HRS) related to wastewater systems. Specifically excluded from this exemption are room additions consisting of bedrooms or bathrooms.

4.0 Vested Rights

Refer to Article I: Legal Status, Section 10.0 Vested Rights.

5.0 Concurrency Review

5.1 Generally

The City of Graceville shall use the procedures listed below to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation

shall be made to determine the availability of the facilities or services required to be concurrent. An applicant for a development permit shall provide the City with all information required so as to enable the concurrency evaluation to be made. Upon receipt of a complete Concurrency Review Application, the Development Administrator or his/her designee shall perform the concurrency evaluation for each of the public facilities and services. A Concurrency Review Application shall not be deemed complete until all applicable permits, verification letters or other proof has been submitted pursuant to section 11.4.2 below.

5.2 Procedure

a) Roads

- 1) Generally. The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the Graceville Comprehensive Plan for the impacted roads. The level of service shall be based upon the existing roads, including any proposed improvements to those roads, meeting the minimum requirements for concurrency set forth in Section 11.4.3.
- 2) Submittals. The applicant for a development permit shall submit to the City, along with the application for a development permit, the following information:
 - a. The capacity (C) of the impacted road segment, at the adopted level of service, using the most recent FDOT Generalized Level of Service Tables.

b. A determination of the number of trips (D) generated by the proposed project during the P.M. peak hour, using the most recent edition (beginning with the 4th edition) of the ITE Trip Generation Report.

c. The existing volume (V) of impacted road segment(s) as given in the Graceville Comprehensive Plan, Traffic Circulation Element, or based on most recent available traffic counts provided they are approved by the Development Administrator.

d. The summation of items (b) and (c) above (i.e. $D + V$). This sum shall be known as N, for "new volume" upon the impacted road segment(s).

e. The ratio (as a percentage) of item (d) to item (s) (i.e. N/C).

3) Evaluation. For developments where item (e) above exceeds one hundred (100) percent, concurrency will not be met unless one of the minimum requirements listed in Section 11.4.3 is met.

b) Potable Water

1) Submittals. The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one of the following:

a. If the service provider is other than the City or an on-site potable water well, documentation will be required from the provider that the

project is within the provider's service area and that the provider has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the City, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project; or

b. Permits issued by the Water Management District, pursuant to 40A-1, -2, and -3, F.A.C. (NFWFMD) and 17-22, F.A.C. for a potable water well to serve the development; and/or,

c. Permits issued by the HRS Jackson County Public Health Unit.

2) **Presumption of Available Capacity.** A presumption of available capacity shall be rendered by the Development Administrator upon receipt of all applicable permits.

c) Wastewater

1) **Submittals.** The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity

exists as demonstrated by one or more of the following:

a. If the proposed service provider is other than an on-site septic system, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the City, the applicant may be required to provide evidence of a contract with the service provider indicating the provider's commitment and ability to serve the proposed project; and/or,

b. All applicable HRS permits for an on-site septic system, pursuant to 10D-6, F.A.C., are obtained; and/or,

c. All applicable DER permits, for wastewater facilities, pursuant to Rule 17-6, F.A.C., are obtained.

2) Presumption of Available Capacity. A presumption of available capacity shall be rendered by the Development Administrator upon receipt of one of the above.

d) Drainage

- 1) Submittals. The applicant for a development permit shall submit, along with the application for the development permit, proof that sufficient capacity exists as demonstrated by one or more of the following which are applicable to the development:
 - a. All applicable DER permits for stormwater management systems, pursuant to 17-25, F.A.C. are obtained; and/or,
 - b. All applicable DOT permits for drainage connections, pursuant to 14-86, F.A.C. are obtained; and/or,
 - c. All permits issued by the applicable Water Management District, pursuant to 373.451 - 373.4595, F.S. (the "SWIM Act"), and 40A-4, F.A.C. (NFWMD rules), are obtained.
- 2) Presumption of Available Capacity. A presumption of available capacity shall be rendered by the Development Administrator upon receipt of the applicable DER, DOT, and/or applicable Water Management District permits.

e) Solid Waste

- 1) City-wide Presumption of Available Capacity. Based upon the data and analysis contained in the Graceville Comprehensive Plan, adequate capacity exists for estimated demand for solid waste services through at least 1995, by which time a regional landfill will be on-line. Therefore, a presumption

of available capacity for all development shall be rendered by the Development Administrator for the period beginning December 1, 1991, until the submission of the first Concurrency Management System Annual Report. At such time, the available capacity for solid waste shall be re-assessed, and a determination made as to whether the presumption of available capacity is to be continued.

f) Recreation and Open Space

- 1) City-wide Presumption of Available Capacity. Based upon the data and analysis contained in the Graceville Comprehensive Plan, adequate capacity exists for estimated demand for park and open space facilities through the planning period (1991-2001). Therefore, a presumption of available capacity for all development shall be rendered by the Development Administrator for the period beginning December 1, 1991, through the submission of the first Concurrency Management System Annual Report. At such time, the available capacity for park and open space facilities shall be re-assessed and a determination made as to whether the presumption of available capacity is to be continued.

5.3 Minimum Requirements for Concurrency (Determination of Availability)

In order to obtain a Certificate of Concurrency, one of the following conditions must be satisfied for each of the public

facilities and services, and such condition given in the Certificate of Concurrency:

a) For Potable Water, Sewer, Solid Waste and Drainage At a minimum, provisions in the Graceville Comprehensive Plan that ensure that the following standards will be met will satisfy the concurrency requirement:

- 1) The necessary facilities and services are in place at the time a development permit is issued; or
- 2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- 3) The necessary facilities are under construction at the time a permit is issued; or
- 4) The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Section (A) (1-3) above. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220 through 163.3243, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- 5) The necessary public facilities and services are the subject of a binding executed contract between

the City and a contractor which provides for the commencement of the actual construction of the required public facilities or services or the provision of services within one (1) year of the issuance of the development permit.

b) For Parks and Recreation

The concurrency requirement may be satisfied by complying with the standards in (A) (1-4) above or by including in the Graceville Comprehensive Plan provisions that ensure that the following standards will be met:

- 1) At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
- 2) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or an agreement or

development order issued pursuant to Chapter 380,
F.S.

c) For Roads

The concurrency requirement may be satisfied by complying with the standards of Sections (A) - (B) above. In addition, in areas in which the City of Graceville has committed to provide the necessary public facilities and services in accordance with its 5-year schedule of capital improvements, the City may satisfy the concurrency requirement for roads by basing this concurrency management system upon an adequate capital improvements program and schedule which, at a minimum, include the following provisions:

- 1) A capital improvements element and a 5-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted Florida Department of Transportation five-year work program.
- 2) A 5-year schedule of capital improvements which must include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and

the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the 5-year period under the Graceville Comprehensive Plan's schedule of capital improvements.

- 3) A realistic, financially feasible funding system based on currently available revenue sources, which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit, and which public facilities are included in the 5-year schedule of capital improvements.
- 4) A 5-year schedule of capital improvements which must include the estimated date of commencement of actual construction and the estimated date of project completion.
- 5) A 5-year schedule of capital improvements which must demonstrate that the actual construction of the road facilities and the provision of services must be scheduled to commence in or before the third year of the 5-year schedule of capital improvements.
- 6) A provision that a plan amendment would be required to eliminate, defer or delay construction of any road facility or service which is needed to maintain the adopted level of service standard and

which is listed in the 5-year schedule of improvements.

5.4 Meeting Concurrency

Should a development not pass the above concurrency evaluation, several strategies may be used to rectify this, including the following:

- a) A plan amendment which lowers the adopted level of service standard for the affected facilities and/or services.
- b) An enforceable development agreement between the City and the developer, which may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S.
- c) A change in the funding source.
- d) A reduction in the scale or impact of the proposed development.
- e) Phasing of the proposed development.

6.0 Adopted Level of Service

The adopted Level of Service (LOS) standards for public facilities and services as contained in the Graceville Comprehensive Plan are hereby adopted by reference.

7.0 Monitoring

7.1 Annual Report

The purpose of the annual report is to provide monitoring of public facilities and services to ensure maintenance of the adopted levels of service in a format which is accessible to the public. Demand and capacity information will, however, be

tracked on a project by project basis as each development or building permit is submitted.

7.2 Contents

The City of Graceville shall prepare an annual report as part of the Concurrency Management System that includes:

- a) A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
- b) A summary of building permit activity, indicating:
 - 1) Those that expired without commencing construction;
 - 2) Those that are active at the time of the report;
 - 3) The quantity of development represented by the outstanding building permits;
 - 4) Those that result from the development permits issued prior to the adoption of this Code; and
 - 5) Those that result from development permits issued pursuant to the requirements of this Code.
- c) A summary of development permits issued, indicating:
 - 1) Those that expired without subsequent development permits;
 - 2) Those that are valid at the time of the report;
 - 3) The phases and quantity of development represented by the outstanding development permits.
- d) A summary of development permits issued, indicating:
 - 1) Those that expired without subsequent building permits;

- 2) Those that were completed during the period;
 - 3) Those that are valid at the time of the report but do have associated building permits or construction activity; and
 - 4) The phases and quantity of development represented by the outstanding development permits.
- e) An evaluation of each facility and service indicating:
- 1) The capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - 2) The portion of the available capacity held for valid preliminary and development permits;
 - 3) A comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits.
 - 4) A comparison of actual capacity and levels of service to adopted levels of service from the Graceville Comprehensive Plan.
 - 5) A forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

7.3 Prima Facie Evidence

The Concurrency Management System Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development permits during the twelve (12) months following

completion of the annual report. The first annual report shall be presented to the Graceville City Commission at a public hearing no later than June 1, of every year. Successive reports will be presented annually after this date.

7.4 Assurances

The City shall make available suitable land for the building and expansion of service facilities, and shall require that future land uses be assured of adequate infrastructure and services. The City shall conduct an ongoing review and analysis of the infrastructure and services to meet and needs of future land uses adopted in the Graceville Comprehensive Plan. Development shall be required to provide such lands by dedication where appropriate.

8.0 Appeals

Appeals related to determinations of concurrency shall be made pursuant to the provisions in ARTICLE XIII.

2.0 Development Administrator

2.1 The Development Administrator shall be the principal City official involved with the administration, interpretation, and enforcement of all aspects of this ordinance. He or she shall be appointed by, may be removed by, and is accountable to the City Manager, and is otherwise subject to City personnel policies.

2.2 The Development Administrator shall be the principal liaison to the general public with regard to developmental issues connected with this ordinance. The Development Administrator shall be available to meet with any developers, individual citizens, citizen groups, or

interested parties of any sort to explain the requirements of this ordinance or the Comprehensive Plan in general terms or with regard to specific individual proposals. In any such forum the Development Administrator shall be a strictly neutral party with no advocacy position on any issue beyond a conscientious interpretation and enforcement of the requirements of this ordinance.

2.3 The Development Administrator shall serve as staff to the Planning Commission. In that capacity he or she shall:

- a) Prepare any application or agenda items as needed;
- b) Coordinate the proper timing of public notice;
- c) Maintain Planning Commission files, minutes, correspondence and other official records;
- d) Make periodic reports as may be required concerning development activity, recent trends, materials received, or other topics as may be of interest and pertinent to the Planning Commission's preview.
- e) Carry out other duties or assignments as directed by the Planning Commission.
- f) Make reports to the City Commission as needed about Planning Commission activities.

2.4 The Development Administrator shall be authorized to develop such forms, processes and timetables as may be needed to carry out the requirements of this ordinance. He or she may provide technical assistance upon request to development permit applicants, but the responsibility for complete applications, accurate portrayal of intentions, payment of any required fees and placement of legal ads and other

required public notice requirements remain with the applicant.

2.5 The Development Administrator shall coordinate the processing of development permit applications as closely as possible with any separate building permit applications so as to make the development review process as effective as possible.

2.6 The Development Administrator may have such other related duties as may be assigned by the City Commission in connection with comprehensive planning, community development or redevelopment, grantsmanship, or other related issues.

3.0 Development Permits

3.1 Any person contemplating development activity shall first submit an application in duplicate to establish compliance with this Ordinance. Such application shall be accompanied by payment of a fee as determined by a schedule adopted by the City Commission. The procedure outline below for review of site development plans shall be followed.

3.2 Pre-application Conference

Prior to filing for development plan review, the developer shall meet with the Community Development Director to discuss the development review process. With the consent of the applicant the Community Development Director may waive the pre-application conference requirement if, in the Director's opinion, the conference is unnecessary. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the

proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

3.3 Designation of Plans as Major or Minor Developments

a) Generally

For purposes of these review procedures, all development plans shall be designated by the Development Administrator as either minor or major developments according to the criteria below. Before submitting a development plan for review, the developer shall provide the Administrator with sufficient information to make this determination. The Administrator's determination shall be supported by written findings.

b) Minor Development

A plan shall be designated as a minor development if it is:

- 1) Any division of land into more than two (2) parcels but less than fifteen (15) parcels.
- 2) Any multi-family residential development of less than fifteen (15) units, that does not involve platting.
- 3) Any non-residential use, consisting of less than fifteen thousand (15,000) square feet, or additions to existing structures of less than fifteen thousand (15,000) square feet.

c) Major Development

A plan shall be designated as a major development if it is:

- 1) Any division of land into fifteen (15) or more parcels.
- 2) Any multi-family residential development of fifteen (15) or more dwelling units.
- 3) Fifteen thousand (15,000) square feet or more of non-residential floor space.
- 4) Any development that, in the estimation of the Development Administrator, should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.

3.4 Application and Submittal Requirements

a) Application

Applications for development review shall be available at the City Hall. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the cooperated seal.

b) Submittal Requirements Based on Development Plan Designation

A tiered approach shall be used in determining the

information which must be submitted at the time of application. The greater the intensity of a project, based upon its designation as either minor or major, pursuant to the criteria in Section 12.02.02, the greater the amount of information required. Development projects not qualifying as a Minor Development or Major Development shall meet the submittal requirements described in the applicable permit application form provided by the Development Administrator or as outlined in other administrative procedures adopted by the City. The following list describes the applicable submittal requirements for specific development plans:

- 1) General Plan Requirements. These shall be mandatory for all development plans.
- 2) Minor Review Requirements. These shall be mandatory for major and minor development plans.
- 3) Major Review Requirements. These shall be mandatory only for major development plans.
- 4) Optional Review Requirements. These may be required for the review of any development plan on a case-by-case basis at the discretion of the Development Administrator when additional data is needed.
- 5) Environmentally Sensitive Area Requirements. These shall be required for all developments which contain Environmentally sensitive areas as

identified in Article V, or at the discretion of the Development Administrator.

c) General Plan Requirements

Unless specifically waived by the Development Administrator, Public Works, or Building Official, as appropriate, all development plans shall include the following submittal requirements:

- 1) All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless the Development Administrator determines that a different scale is sufficient or necessary for proper review of the proposal.
- 2) The plans shall be twenty-four (24) inches by thirty-six (36) inches in size. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided unless the Development Administrator determines that a different size is sufficient or necessary for proper review of the proposal.
- 3) If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
- 4) The front cover sheet of each plan include:
 - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.

- b. A complete legal description of the property.
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
 - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
 - g. The area of the property shown in square feet and acres.
- 5) Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Ordinance have been met.

- 6) The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) shall be given.
 - 7) Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Final Development Plan for recordation.
 - 8) Documentation pursuant to Article XI related to the review for concurrency.
 - 9) Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Development Administrator.
- d) Minor Review Requirements
- 1) A map of vegetative cover including the location and identity by common or scientific name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number of trees noted. This information shall be summarized in tabular form on the plan.
 - 2) Location, names and widths of existing and proposed streets, highways, bicycle facilities, pedestrian facilities, easements, buildings lines,

alleys, parks, and other public spaces and similar facts regarding adjacent property.

3) Proposed Development Activities and Design

a) Generally

1. Area and percentage of total site area to be covered by an impervious surface.
2. Grading plans specifically including perimeter grading.
3. Construction phase lines.

b. Buildings and Other Structures

1. Building plan showing the location, dimensions, gross floor area and proposed use of buildings.
2. Architectural or engineering elevations of all sides of all buildings larger than a one or two-family dwelling unit.
3. Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
4. Minimum flood elevations of buildings within any 100-year floodplain.

- c. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.

d. Streets, parking and loading

1. The layout of all streets, bicycle facilities, pedestrian facilities, and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.

2. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.

3. The location of all exterior lighting.

4. The location and specifications of any proposed garbage dumpsters.

5. Cross sections and specifications of all proposed pavement in conformance with the Standards of the FDOT in: Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways and Standard Specifications for Roads and Bridge Construction.

6. Typical and special roadway and drainage sections and summary of quantities.

e. Tree removal and protection

1. All protected trees to be removed and a statement of why they are to be removed.
2. Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
3. A statement of the measures to be taken to protect the trees to be retained.
4. A statement of tree relocations and replacements proposed.

f. Landscaping

1. Location and dimensions of proposed buffer zones and landscaped areas.
2. Description of plant materials existing and to be planted in buffer zones and landscaped areas.

4) Signs

- a. Three blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the Building Official. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by Jackson County. The plans

shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

b. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

1. The location of the sign relative to property lines, rights of way, streets, alleys, bicycle facilities, pedestrian facilities, vehicular access and parking areas and other existing ground signs on the parcel.

2. All protected trees that will be damaged or removed for the construction and display of the sign.

c. For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

1. The location of the sign relative to property lines, rights of way, streets, alleys, bicycle facilities, pedestrian

facilities, vehicular access and parking areas, buildings and structures on the parcel.

2. The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
3. A building elevation or other documentation indicating the building dimensions.
- 5) Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.
- 6) Location of on-site wells, and wells within one-thousand (1000) feet of any property line, exceeding one-hundred thousand (100,000) gallons per day.
- 7) Total acreage in each phase, gross intensity (impervious surface coverage) and gross density (residential) of each phase.
- 8) Number, height and type of residential units.
- 9) Floor area, height and types of office, commercial, industrial and other proposed uses.

e) Major Review Requirements

1) Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as any additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section", "unit", "replat", "amended", and the like. The name of the development shall be indicated on every page.

2) A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:

a. A development plan for the first phase or phases for which approval is sought.

b. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.

c. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.

- d. Approximate location of proposed and existing streets, bicycle facilities, and pedestrian facilities, including points of ingress and egress.
 - e. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
 - f. A vicinity map of the area within three hundred (300) feet surrounding the site showing:
 - 1. Land use designations and boundaries.
 - 2. Traffic circulation systems.
 - 3. Major public facilities.
 - 4. Municipal boundary lines.
 - g. Base flood elevations for all lots.
- f) Optional Review Requirements
- 1) A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).
 - 2) A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.
 - 3) A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography and land use of any off-site areas that drain onto, through, or from the project area.

- 4) Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.
- 5) A map showing the locations of any soil borings or percolation tests.
- 6) A depiction of the site, and all land within four hundred (400) feet of any property line of the site, showing the locations of environmentally sensitive areas.
- 7) The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
- 8) The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year flood plain for all parts of the proposed development.
- 9) Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
- 10) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
- 11) A description of the proposed stormwater management system, including:

- a. Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
 - b. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
 - c. Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
 - d. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographies.
 - e. Linkages with existing or planned stormwater management systems.
 - f. On- and off-site rights-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the stormwater management system.
 - g. The entity or agency responsible for the operation and maintenance of the stormwater management system.
- 12) The location of off-site water resource facilities such as works, surface water management systems,

wells, or well fields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.

13) Runoff calculations.

14) Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

g) Environmentally Sensitive Area Requirements

1) The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from gross sections, proposed within an environmentally sensitive area.

2) Detailed statement or other materials showing the following:

a. The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.

b. The distances between development activities and the boundaries of the environmentally sensitive area.

c. The manner in which habitats of endangered and threatened species are protected.

3.4 Project Phasing

A Master Plan for the entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the site development plan for the first phase of the development and must be approved prior to approval of the site development plan for the first phase. A site development plan must be approved for each phase of the development under the procedures for development. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

3.5 The Development Administrator shall review the application for compliance with this ordinance and take action as appropriate.

- a) If the Development Administrator finds that the proposal is in full compliance, he or she shall issue a written development permit which shall accompany a copy of the application as returned to the applicant.
- b) If the Development Administrator finds that the proposal is in compliance save for certain points, he or she shall note the required changes in red ink on the application and return it to the applicant along with a written development permit which shall include the changes noted on the corrected application.

c) If the Development Administrator finds that the proposal is not in compliance, he or she shall return to the applicant a copy of the application marked "not in compliance" in red ink along with written notification explaining the reason for the determination. Any reworking and future resubmission of any application found not in compliance shall be considered a new application.

d) The Development Administrator is authorized to withhold a determination pending the submission of additional clarifying information which, if found necessary, shall be promptly requested.

e) If the Development Administrator finds that the proposal would be most properly be considered as a variance or conditional use, he or she shall refer the matter for decision to the Planning Commission at their next meeting. The applicant shall be so advised and charged whatever additional fees may be required. Consideration of variances and conditional uses are covered under Article XII of this ordinance.

3.6 If the work described in any development permit is not commenced within 90 days from the date of issuance, the development permit shall expire. The date by which construction must begin shall be included in all development permits.

3.7 Any substantially affected party may appeal any administrative decision by the Development Administrator which they consider is adverse to their interest and has

been improperly made. Appeals shall be made according to the criteria set out in Article XII of this ordinance.

3.8 The Development Administrator shall make regular activity reports to the Planning Commission concerning the number, nature, and location of development permits requested and issued. By referring to development permits issued the Development Administrator shall maintain a continually updated version of an existing land use map.

ARTICLE XII: ADMINISTRATIVE APPEALS, CONDITIONAL USES AND VARIANCES

1.0 Intent of this Article

The administrative appeal, conditional use, and variance provisions covered in this article are intended to provide mechanisms of flexibility and equity in those special situations where it is alleged that decisions have been unfairly or incorrectly made, where some discretionary latitude is allowable under clearly stated guidelines included in this ordinance, or where strict adherence to general requirements would deny a landowner rights otherwise commonly enjoyed. It is the intent of this article that these provisions should be used sparingly and interpreted conservatively so that the overall purpose and intent of this ordinance may be maintained.

2.0 Administrative Appeals

2.1 Any substantially affected party may appeal any administrative decision by the Development Administrator which they consider is adverse to their interest and has been improperly made.

2.2 A written appeal shall be filed in the office of the

Development Administrator within 30 days from that date of the appealed decision. The applicant, if not the original applicant, shall show evidence of why they are a substantially affected party, and, in all cases, explain why they feel the decision was improper. All written appeals shall be accompanied by payment of a fee as established by the City Commission.

2.3 The Development Administrator, upon receipt of a written appeal, shall arrange for placement of a public notice of at least 5 days in a local newspaper. Such notice shall include identification of the property, the current use district designation, the issue in dispute, the applicant, the appellant if different from the applicant, and the date, time, and place of the public hearing.

2.4 The Development Administrator shall arrange for all correspondence, notes, maps, application forms, photographs, and other materials relevant to the case to be available to members of the Planning Commission.

2.5 The Chairman of the Planning Commission shall specifically declare at the outset of any appeals procedure that the matter is a public hearing. If at the conclusion of the hearing the Planning Commission finds that the appellant is a substantially affected party, and after review of the record and testimony, the Planning Commission is empowered to reverse or affirm, in whole or in part, any administrative decision which has been appealed.

3.0 Conditional Uses

- 3.1 An applicant for a development permit for a conditional use may file directly for that purpose or may have it referred to the Planning Commission after initial review by the Development Administrator. Payment of a filing fee as set by the City Commission shall accompany any application submitted. In addition to the information required of any development permit application the applicant shall also indicate how their proposal will meet any additional requirements for conditional uses as listed in the schedule of use district regulations and supplemental regulations.
- 3.2 The Development Administrator, upon receipt of an application, shall arrange for placement of a public notice of at least 5 days in a local newspaper. Such notice shall include identification of the property, the current use district designation, the requested conditional use, the applicant, and the date, time, and place of the public hearing.
- 3.3 The Chairman of the Planning Commission shall specifically declare at the outset of any conditional use discussion that the matter is a public hearing. The Planning Commission shall specifically consider whether the terms of the special requirements covering conditional uses will be met by the applicant and whether the proposed development is otherwise harmonious with the use district in which it is located. In granting approval for any development permit for conditional use, the Planning Commission may assign conditions and safeguards, which will ensure the purpose and intent of this ordinance.

4.0 Variances

4.1 An applicant for a development permit which involves a variance may file directly for that purpose or may have it referred to the Planning Commission after initial review by the Development Administrator. Payment of a filing fee as set by the City Commission shall accompany any application submitted. In addition to the information required of any development permit the applicant shall indicate the kind and degree of discrepancy causing them to have to seek a variance.

4.2 The Development Administrator, upon receipt of an application, shall arrange for placement of a public notice of a public notice of at least 5 days in a local newspaper. Such notice shall include identification of the property, the current use district designation, the requested variance, the applicant, and the date, time, and place of the public hearing.

4.3 The Chairman of the Planning Commission shall specifically declare at the outset of any discussion of variances that the matter is a public hearing. In order to reach a favorable conclusion with regard to authorizing a variance, the Planning Commission must determine all of the following:

- a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same use district;
- b) That the special conditions and circumstances do not

result form the actions of the applicant;

- c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same use district;
- d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same use district and would work unnecessary and undue hardship on the applicant;
- e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- f) That the grant of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

4.4 In granting a variance the Planning Commission is empowered to assign appropriate conditions and safeguards, including specification of time limits for performance to protect the public interest and ensure the overall harmony of the purpose of the ordinance. Violation of these conditions and safeguards shall be considered a violation of the ordinance.

4.5 Under no circumstances may the Planning Commission grant any variance that would permit ;a use not generally or by conditional use permitted in the use district involved or any use expressly or by implication prohibited in that use

district. No nonconformities of adjacent land, structures, or buildings in the same use district and no permitted use of lands, structures, or buildings in use districts elsewhere shall be considered grounds for the authorization of a variance.

4.6 If the Planning Commission finds that situations giving rise to requests for variances with regard to lot sizes, shapes, or setbacks are common in any given area they shall take action properly to deny any such requests then pending, but shall at the same time initiate an inquiry into the feasibility of amending the schedule of use district regulations such that general problems are resolved by general solutions rather than through numerous individual variances.

5.0 Planning Commission Role as Quasi-Judicial

5.1 In any administrative appeal, conditional use, or variance procedure as set out in this article the role of the Planning Commission shall be considered as quasi-judicial, and limitations on their role elsewhere notwithstanding, in any action pending under the terms of this article the Planning Commission's decision shall be considered final and is not subject to confirmation by the City Commission.

5.2 Nothing in this section shall be construed to deny any applicant recourse to the judicial system for further address of any grievances.

ARTICLE XIII: RELATIONSHIP WITH OTHER ORDINANCES

1.0 Repeal of Specific Conflicting Ordinance

Those City ordinances entitled "An Ordinance Requiring That All Trailers Be Located in Licensed Mobile Home Parks and Provide for Certain Exceptions", dated August 12, 1975, and "An Ordinance Regulating the Subdivision of Land within the City of Graceville, Florida," dated July 12, 1971, are hereby superseded by this ordinance and are consequently repealed.

2.0 Other Ordinances

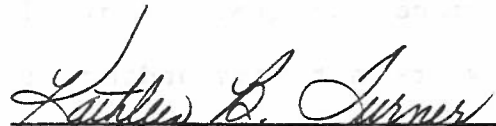
Should any conflict arise between any part of this ordinance and any part of any other duly enacted existing or future ordinance, the more stringent shall control.

PASSED AND DULY ADOPTED IN OPEN SESSION THIS 11th DAY OF FEBRUARY, 1986.

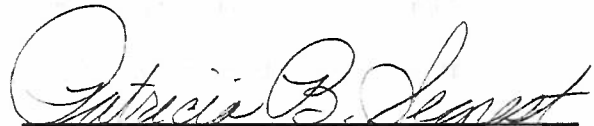
City Commission, City of Graceville

ATTEST:

BY:



Kathleen B. Turner, City Clerk




Patricia B. Segrest, Mayor

PRESENTED at a SPECIAL meeting of the City Commission of the City of Graceville, Florida, and read in full on this the 30th day of July, 1992.

Adopted by the City Commission of the City of Graceville, Florida, at a REGULAR meeting assembled on this the 10th day of November, 1992.


MAYOR/COMMISSIONER

ATTEST: 
CITY CLERK

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