

ARTICLE 1**GENERAL PROVISIONS****1.01.0 TITLE**

This Code shall be entitled the “Land Development Code” and may be referred to herein as the “Code”.

1.02.00 AUTHORITY

This Land Development Code is enacted pursuant to the requirements and authority of Chapter 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), the City of Freeport Charter effective May 13, 1975, and the general powers in Chapter 166/125, Florida Statutes (City of Freeport Government).

1.03.0 APPLICABILITY**1.03.01 General Applicability**

Except as specifically provided below, the provisions of this Code shall apply to all development in the City of Freeport, and no development shall be undertaken without prior authorization pursuant to this Code.

1.03.02 Consistency With Plan

Nothing in this Part shall be construed to authorize development that is inconsistent with the City of Freeport’s comprehensive plan.

1.04.0 GUIDE FOR USERS**1.04.01 The Integration of Land Development Regulations**

This integrated land development code was enacted to replace the various land development regulations that had been adopted piecemeal over the years and were thus scattered throughout the local code or ordinances. These scattered regulations lacked coordination and were difficult to find, administer and understand. The replacement of these scattered regulations with an integrated land development code should greatly enhance the efficiency and effectiveness of land development regulation by the City of Freeport.

An integrated code, such as this one, may appear to be missing certain parts. For example, there is not a separate part of the Code labeled “Subdivision Regulations.” That is because the regulations relating to subdivisions are essentially the same as those relating to other developments. Thus, stormwater requirements for all development,

including subdivisions, are found in the part labeled “Stormwater Management;” tree planting requirements are found in the “Landscaping” part, and so forth.

Likewise, there is no part labeled “Planning Unit Development.” The distinction between P.U.D. developments and others may be eliminated in an integrated land development code. Under this Code, all development is treated as only Planned Unit Developments were in the past. Thus, all commercial development, and all residential development except the building of a dwelling on a lot of record, must go through a review process similar to that used for Planned Unit Developments. Also, the flexible site design criteria formerly reserved for Planned Unit Developments are now applied to all developments.

In short, this Code establishes a single set of site design criteria and development review procedures. This integration results in a different layout and an unfamiliar table of contents, but should, as familiarity with the code increases, result in a much more streamlined and effective land development regulatory system.

1.04.02 Checklist For Preparation And Review Of Development Proposals

Every attempt has been made to make this Code as easy as possible for interested citizens, developers, and local government staff to use. The Articles are arranged in an order that reflects the process by which a developer would start with a parcel of land and conclude with an approved development. This same ordering provides a checklist approach for interested citizens and staff who are reviewing a proposed development for compliance with code requirements. The ordering and checklist are as follows:

ARTICLE 1: GENERAL PROVISIONS

This Article contains general provisions necessary to determine the applicability of the Code, and to ensure the Code’s legal validity. Part 1.02.00 above, “Applicability,” establishes which development must comply with the requirements of this Code. Certain development must comply with the requirements of this Code. Certain development activities are not covered if they are authorized by previously approved development plans. Thus, an initial question is whether proposed development activity is covered by this Code or by rules in effect prior to the adoption of this Code.

Once a determination is made that this code applies, this User’s Guide should be reviewed in order to gain an understanding of how the Code works. The remainder of Article 1 need not be reviewed unless a question of intent, interpretation or validity of a regulation arises.

ARTICLE 2: ADMINISTRATION AND ENFORCEMENT

This article sets out the procedures for making land use decisions. Most importantly, it sets out the procedures for reviewing development plans to determine their compliance with code requirements. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Is the proposed activity “development” as defined in the Code? See Appendix A
- _____ If the proposed activity is development, must a Development Plan showing the proposed development be approved prior to the issuance of a construction permit? See Part 2.01.04
- _____ If a Development Plan is not required, see Part 2.01.07 for issuance of Development Permits.
- _____ If a Development Plan is required, is the proposed development a Minor Development or a Major Development. See Part 2.01.05.B. See, also, the submittal requirements at Part 2.01.05.K.
- _____ If the proposal is a Minor Development, follow the review procedures at Parts 2.01.05.B, 2.01.05.C and 2.01.05.D.
- _____ If the proposal is a Major Development, follow the review procedures at Parts 2.01.05.B, 2.01.05.C and 2.01.05.E.
- _____ If the development is to be built in phases, see Part 2.01.05.F.
- _____ If the development proposal involves platting, see Part 2.01.05.K
- _____ If the development proposal requires an amendment to the comprehensive plan or land development code, see Part 2.01.08.
- _____ If an appeal of a decision by the Department of Planning and Development, or by the Development Review Board, is sought, see Part 2.01.00.

The next section contains flow charts showing the development review process for Major and Minor Developments.

CONSISTENCY AND CONCURRENCY DETERMINATIONS

The final question to be answered with regard to whether the use, and density or intensity of that use, is appropriate for the site is whether the consistency and concurrency requirements are met. The purpose of this Part of Article 2 is to ensure that proposed development is consistent with the local comprehensive plan.

It cannot be necessarily assumed that because a development meets the requirements of the Land Development Code, it is consistent with the Comprehensive Plan. It may not be presumed for that form of consistency referred to as concurrency. In order for the concurrency requirement to be met, each development proposal must show that adopted levels of service for certain public facilities and service will not be degraded by the

impact of the development. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Is the development (except for concurrency) consistent with the comprehensive plan? See Part 2.02.02.
- _____ Is the general concurrency requirement met? See Part 2.02.03; Specifically:
- _____ Will the proposed development use potable water? See Part 2.02.04.A.
- _____ Will the proposed development create wastewater? See Part 2.02.04.B.
- _____ Will the proposed development increase traffic on surrounding street? See Part 2.02.04.C.
- _____ Will the proposed development change the amount, nature, or patterns of stormwater runoff? See Part 2.02.04.D.
- _____ Will the proposed development create solid waste? See Part 2.02.04.F.
- _____ Will the proposed development create a need for public recreation? See Part 2.02.04.F.
- _____ Will the development have an impact on ridership of the mass transit system? See Part 2.02.04.G.

BOARDS AND AGENCIES

At this point in the Code, all substantive provisions relating to the use and design of a development site have been covered. If the decision to proceed with development is made, the procedures for development review in Article 2 must be followed. First, however, one should become familiar with the boards and agencies involved in that review. Article 2 establishes and describes the following boards and agencies:

- _____ Department of Planning and Development. (Presently unstaffed, but provision for such a position is made) See Part 2.03.02.
- _____ Planning Board, See Part 2.03.03.B.
- _____ Development Review Board. See Part 2.03.03.C.

HARDSHIP RELIEF

- _____ Is the development an existing development that does not conform to the use regulations and/or the development design and improvements standards in Article 3? See Part 2.05.02.

- _____ With regard to proposed development, is relief sought from the strict application of a development design standard? See Part 2.04.00

ARTICLE 3: LAND USE AND ZONING

The first question regarding the development of any site is what use, and what density or intensity of that use, is allowed on the site. Article 3 provides the answer to this question. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ In what land use category and zoning district is the development site located. See Part 3.03.00.
- _____ What uses are allowed in that district. See Parts 3.05.01 – 3.05.13. and 3.06.00.
- _____ If a residential development is to be proposed, what is the allowable density (dwelling Units per acre). See Part 3.05.01 – 3.05.13.
- _____ If a commercial development is to be proposed, what is the allowable intensity (floor area ratio) of the development. See Parts 3.05.01 – 3.05.13.
- _____ Is the development eligible for density or intensity bonuses? See Part 3.14.00.

OVERLAY AND FLOATING ZONES

Once the use, and its intensity and density, have been determined for a site, it must be determined whether the site is within an overlay district. For example, if the site is within an Historic District, certain added development restrictions will apply. This Article contains all overlay districts that might affect a site. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Does the proposed development activity involve the construction of a house in an existing subdivision? See the Infill Development Standards in Part 3.06.02.
- _____ Does the proposed development activity involve the development of “Traditional Neighborhood” with mixed residential and commercial development and compact design? See the Traditional Neighborhood Development Standards in Part 3.06.03.

GENERAL REGULATIONS

- _____ Will the development involve the subdivision of land? See Part 3.07.19 for minimum lot area requirements and Part 2.01.05.L for platting procedures.

_____ Will the development contain buildings or other impervious surfaces? See Part 3.07.20 for impervious surface coverage requirements.

_____ Will the development involve the installation of utilities? See Part 3.07.22 for installation and design standards.

ACCESSORY STRUCTURES AND USES

Article 3 creates the standards for the creation, placement and construction of accessory structures or uses. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Is a satellite dish antenna to be installed? See Part 3.07.23.B.2.

_____ Is a storage building, utility building, or greenhouse to be installed? See Part 3.07.23.B.3.

_____ Is a swimming pool, hot tub or similar structure to be installed? See Part 3.07.23.B.4

_____ Is a fence to be installed? See Part 3.07.23.B.5.

_____ Is a home occupation to be started? See Part 3.07.23.C.2.

_____ Is a dining room, recreation center or other such amenity to be included as part of the development? See Part 3.07.23.C.3.

_____ See Part 3.07.24 for supplemental standards relating to junkyards.

OPERATIONAL PERFORMANCE STANDARDS

The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Will the development create an exceptional amount of noise? See Part 3.12.02.

_____ Will the development create an exceptional amount of vibration? See Part 3.12.03.

_____ Will the development create air pollution? See Part 3.12.04.

_____ Will the development create an exceptional amount of odor? See Part 3.12.05.

_____ Will the development create a risk of fire or explosion? See Part 3.12.06.

- _____ Will the development create a risk of electromagnetic interference? See Part 3.12.06.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

- _____ See Part 3.13.03 for supplemental standards relating to recreational vehicle parks.

ARTICLE 4: RESOURCE PROTECTION STANDARDS

Once the use, and the density and intensity of that use, is determined for a site, the next question is whether any portion of the site must remain totally or partially free of development activity. Article 4 prescribes those areas and the restrictions that apply within them. The following is a checklist of provisions that should be consulted with regard to a development proposal.

- _____ Does the site contain wetlands, or other environmentally sensitive lands described in the comprehensive plan? See Part 4.01.00.
- _____ Is the site near a major wellhead as defined in the Code? See Part 4.02.00.
- _____ Does the site contain habitat of threatened or endangered species? See Part 4.03.00.
- _____ Does the site contain land in the 100-year flood plain? See Part 4.04.00.
- _____ With regard to proposed development, is relief sought from the resources protection standards through the use of clustering? See Part 4.05.02.
- _____ With regard to proposed development, is relief sought from the resource protection standards through the use of transferable development rights? See Part 4.05.03.

ARTICLE 5: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Once the developable portions of the site have been determined, the next question is how the actual development will be designed and what improvements will be required. Article 5 contains standards, which have been made as flexible as possible, for controlling the design of the development so that maximum public benefit is realized. The following is a checklist of provisions that should be consulted with regard to a development proposal:

- _____ Will the development contain streets, parking or other vehicle use areas?
- _____ See Parts 5.01.02, 5.01.03 and 5.01.04 for street layout, design and right of way requirements.

- _____ See Part 5.01.05 for transit stop requirements.
- _____ See Part 5.01.06 for sidewalk and bikeway requirements.
- _____ See Part 5.01.07 for access requirements.
- _____ See Part 5.01.08 for standards relating to drive-up facilities.
- _____ See Part 5.02.00 for off-street parking and loading requirements.
- _____ Does the site contain protected trees, or a Canopy Road, as defined in the Code? See Part 5.03.00.

- _____ Will the development affect the quality or quantity of stormwater runoff from the site? See Part 5.04.00 for stormwater management requirements.

- _____ See Part 5.05.00 for landscaping requirements.

- _____ Is the development adjacent to a street or use such that a buffer must be provided? See Part 5.05.02 for buffer requirements.

SIGNS

- _____ Exempt signs are listed as Part 5.06.02.
- _____ Prohibited signs are listed as Part 5.06.03.
- _____ Regulation relating to temporary signs are listed as Part 5.06.04
- _____ Regulation relating to permanent accessory signs are in Part 5.06.05.
- _____ The way in which measurement determinations, e.g. sign height and size, are made is covered in Part 5.06.06.
- _____ Regulations relating to the design, construction and location of signs are in Part 5.06.07.

1.04.03 Description of Development Review Procedures

The development review process is that process by which the design of the development is reviewed to determine whether it complies with the requirements of the Code. Development plan review is required for virtually all development activity, except the construction of a dwelling on a lot of record, and other very minor development activity such as the installation of a sign or the removal of a protected tree. There are four basic steps in the development plan review process: Pre-Application Conference, Review, Preliminary Development Plan Review, Final Development Plan Review and issuance of

Construction (Development) Permits. As shown in the flow charts below, some of the steps are optional for Minor Development, but all are mandatory for Major Development.

FLOW CHART FOR MAJOR DEVELOPMENT PLAN REVIEW

STEP	PARTICIPANTS
Pre-Application Conference	--Development --Staff --Development Review Board
Preliminary Development Plan Review	--Developer --Staff --Development Review Board --Citizens
Final Development Plan Review	--Developer --Staff --Development Review Board
Construction Permit	--Developer --Staff

**FLOW CHART FOR MINOR DEVELOPMENT PLAN REVIEW
(Minimum Mandatory Path)**

STEP	PATICIPANTS
Pre-Application Conference	--Developer --Staff --Development Review Board
Final Development Plan Review	--Developer --Staff --Development Review Board --Citizens
Construction Permit	--Developer --Staff

1.05.0 Exceptions

1.05.01 Previously Issued Development Permits

The provisions of this Code and any amendments there to shall not affect the validity of any lawfully issued and effective development permit if:

- A. The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto, or will be commenced after the effective date of this Code but within six (6) months of issuance of the building permit; and
- B. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

1.05.02 Previously Approved Development Orders

Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

1.06.0 FINDINGS**1.06.01 General Findings****A. Statutory Requirements**

Chapter 163, Florida Statutes, requires each Florida local government to enact a single land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for the City of Freeport.

B General Public Need

Controlling the location, design and construction of development within the City of Freeport is necessary to maintain and improve the quality of life in the City of Freeport as more fully described below.

1.06.02 Specific Findings Relating To The Various Subject Areas Of This Code

With regard to the following specific subject areas of this Code, the City of Freeport Council finds:

A. Administration and Enforcement

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.
2. All development proposals should undergo a development review process to assure compliance with the requirements of this Code.
3. A mandatory pre-application conference requirement enhances communication and understanding between the City of Freeport and the Developer thereby improving the efficiency of the development review process.

4. Developments of large potential impact on the community should go through a more rigorous review process than others.
5. Review of planning decisions should be independent of review of land development decisions to avoid ad hoc planning on a site-by-site basis.
6. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
7. A quick, efficient and non-political avenue of appeal should be available for all ministerial and administrative decisions.
8. Enforcement of development orders and the provisions of this Code should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by state law.

B. Signs

1. The manner of the erection, location and maintenance of signs affects the public health, safety, and welfare of the people of this community.
2. The safety of motorists, cyclists, pedestrians, other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.
3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.
4. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.
5. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

C. Landscaping and Tree Protection

1. Landscaping and buffering development with trees and other vegetation promotes the health, safety and welfare of the

community to such an extent as to justify the imposition of landscaping and buffering requirements.

2. Trees and landscaping benefit the community by:
 - a. Absorbing carbon dioxide and returning oxygen to the atmosphere;
 - b. Precipitating dust and other particulates from the air;
 - c. Providing wildlife habitat, particularly for birds which in turn help control insects;
 - d. Providing soil stabilization which reduces erosion and mitigates the effect of flooding;
 - e. Providing shade which reduces energy consumption and glare, and making outdoor areas more comfortable during the warm months.
 - f. Making the built environment more attractive by adding a variety of color, shape and pattern and thus increasing community pride and the value of property;
 - g. Providing attractive buffering between incompatible land uses; and
 - h. Abating noise.
3. Because native vegetation is adapted to local diseases, pests, soil and climate, it is generally more economical and desirable than exotic species which require more pesticide, fertilizer and water.
4. Exotic vegetation can crowd out native vegetation, use more water, and damage the environment from increased use of fertilizers and pesticides.
5. Because some trees are more beneficial than others, the public benefits of tree protection may be obtained without preserving each and every tree.

D. Off-Street Parking and Loading

1. Off-street parking and loading of vehicles promotes the public safety and welfare by reducing traffic congestion.
2. Well-designed off-street parking and loading areas promote the safe and efficient storage, loading and circulation of vehicles.
3. Deferring the construction of some parking areas pending determination of the actual need for parking spaces, and taking into account public demand and the size of vehicles to be parked,

conserves open space and developable land, and reduces the expense and hazard of controlling stormwater runoff.

4. Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling storm water runoff.

E. Stormwater Management

1. Increased stormwater runoff may cause erosion and pollution of ground and surface water with a variety of contaminants such as heavy metals and petroleum products.
2. Stormwater runoff often contains nutrients, such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.
3. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.
4. Installation of impervious surfaces increases the volume and rate of stormwater runoff and decreases groundwater recharge.
5. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.
6. Improperly managed stormwater runoff alters the salinity of estuarine areas and diminishes their biological productivity.
7. Degradation of ground and surface waters imposes economic costs on the community.
8. Eighty to ninety-five percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one inch of rainfall (“first flush”), and carried off-site in the first one-half inch of runoff.
9. Improperly managed stormwater adversely affects the drainage of off-site property.

F. Floodplain Protection

1. Flooding is a natural, recurring phenomenon in the City of Freeport.
2. Naturally flood-prone lands serve the following important functions in the regional hydrologic cycle and ecological system:
 - a. They provide natural storage and conveyance of flood waters.
 - b. They facilitate groundwater recharge.
 - c. They provide temporary storage of surface waters that moderate flood elevations and the timing, velocity and rate of flood discharges.
 - d. They reduce erosion, and filter nutrients, sediments, and other pollutants from flood waters.
 - e. They export detritus and other food sources to open water bodies and are vital habitat for fish, birds, wildlife and native plant communities.
3. Naturally occurring flooding may provide recharge to groundwater and a basic source of flow to surface waters.
4. The uncontrolled development of flood-prone lands substantially degrades the health, safety and welfare of the community in the following ways:
 - a. The owners, residents, customers, guests, and employees occupying homes, businesses and other structures located in flood-prone areas are placed at unreasonable risk of personal injury and property damage.
 - b. Expensive and dangerous search, rescue and disaster relief operations may be necessary when developed properties are flooded.
 - c. Roads, public facilities, and utilities associated with development may be damaged by flooding at great expense to taxpayers and rate payers.
 - d. Flooding of developed properties may lead to demands that the government construct expensive and environmentally damaging projects to control flood waters.
 - e. Normally flood-free lands are placed at risk of flooding when flood waters on natural flood-prone areas are obstructed, diverted, displaced or channelized by development.
 - f. Water quality is degraded, the supply of freshwater to estuaries is disrupted and habitat is lost.

- g. Property values are lowered and economic activity is disrupted by damaging floods.

G. Protection Of Environmentally Sensitive Lands

1. Protection of environmentally sensitive lands described or mapped in the Conservation Element of the Comprehensive Plan promotes the well being of the people of the City of Freeport as described below and in the Conservation Element.
2. Wetlands serve the following beneficial functions:
 - a. Wetlands provide natural storage and conveyance of flood waters, and minimize erosion and sedimentation by reducing flood flows and the velocity of flood waters.
 - b. Coastal wetlands, and inland wetlands adjoining larger lakes and rivers, protect wildlife and the shoreline from destructive wave action.
 - c. Wetlands filter and help decompose sediments, nutrients, and other natural and man-made pollutants that would otherwise degrade surface and ground waters.
 - d. Wetlands support commercial and recreational fishing because they provide essential nutrients and hatcheries for aquatic live.
 - e. Wetlands provide habitat for rare and endangered species, and provide essential breeding and protective habitats for many other birds, mammals, and reptiles.
 - f. Wetlands recharge ground and surface water.
3. Shorelines serve the following beneficial functions:
 - a. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional, and upland vegetation zones, provides essential habitat for many plant and animal species, including species that are endangered, threatened, or of special concern.
 - b. Submergent, transitional, and upland vegetation zones serve as effective buffers against noise and other human activities which may have adverse affects on aquatic and wetland dependent wildlife.
 - c. Submergent, transitional, and upland vegetation zones help slow stormwater runoff flows and increase infiltration of water, nutrients, and other substances.
 - d. Submergent, transitional, and upland vegetation zones reduce predation by domestic pets on wetland and wetland dependent wildlife species.

4. Agricultural and development activities have destroyed or impaired the beneficial functions of many environmentally sensitive lands in the City of Freeport.
5. Federal and state regulations do not adequately protect environmentally sensitive lands, thus making local regulation necessary.

1.07.0 INTENT

1.07.01 General Intent

With regard to this Land Development Code in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the Freeport City Council:

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the City of Freeport.
- B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the City of Freeport in accordance with the Comprehensive Plan.
- C. To adopt a development review process that is:
 1. Efficient, in terms of time and expense;
 2. Effective, in terms of addressing the natural resources and public facility implications of proposed development; and
 3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the City of Freeport.
- D. To implement the City of Freeport Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act".
- E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

1.07.02 Specific Intent Relating To The Various Subject Areas Of This Code

This provision of this Code dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the Freeport City Council:

A. Administration and Enforcement

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this Code, the City of Freeport Comprehensive Plan, and other applicable City of Freeport regulations.
2. To promote efficiency, predictability and citizen participation.
3. To assure compliance with approved development orders and the provisions of this Code through rigorous but fair enforcement actions.

B. Signs

1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.
2. To permit signs that are:
 - a. Compatible with their surroundings.
 - b. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
 - c. Appropriate to the type of activity to which they pertain.
 - d. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property, and small enough to satisfy the needs for regulation.
 - e. Reflective of the identity and creativity of individual occupants.
3. To promote the economic health of the community through increased tourism and property values.

C. Landscaping and Tree Protection

1. To enhance the attractiveness of the community.

2. To conserve energy through the cooling and shading effects of trees.
3. To abate nuisances such as noise, glare, heat, air pollution and stormwater runoff.
4. To mitigate conflicts between adjoining land uses;
5. To preserve the environmental and ecological benefits of existing native trees and vegetation.
6. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by:
 - a. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;
 - b. Limiting physical site access to established points of ingress and egress; and
 - c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.
7. To preserve the community's irreplaceable natural heritage for existing and future generations.

D. Parking and Loading

To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principals.

E. Stormwater Management

1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.
2. To prevent activities which adversely affect ground and surface waters.
3. To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.
4. To protect natural drainage systems.

5. To minimize runoff pollution of ground and surface waters.
6. To maintain and restore groundwater levels.
7. To protect and maintain natural salinity levels in estuarine areas.
8. To minimize erosion and sedimentation.
9. To prevent damage to wetlands.
10. To protect, maintain, and restore the habitat of fish and wildlife.

F. Floodplain Protection

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense.
4. To minimize prolonged business interruptions and damage to public facilities and utilities caused by flooding.
5. To maintain a stable tax base by providing for the sound use and development of flood-prone areas.
6. To insure that potential purchasers of subdivided land are notified that the property is in a flood-prone area.
7. To assure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.
8. To preserve natural floodplains, stream channels, and natural protective barriers to accommodate flood waters.
9. To limit filling, grading, dredging and other development which may increase erosion, sedimentation, or flood damage.
10. To maintain the normal movement of surface waters to lands that are normally flood free.
11. To maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water

quality, and the natural hydrological and ecological functions of wetlands and other flood prone lands.

12. To avoid the need of costly and environmentally disruptive flood management structures.
13. To encourage the use of flood-prone lands as open space.
14. To make the City of Freeport eligible for participation in the National Flood Insurance Program.

G. Protection Of Environmentally Sensitive Lands

1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.
2. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.
3. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.
4. To maintain recharge for groundwater aquifers.
5. To prohibit certain uses that are detrimental to environmentally sensitive areas.
6. To protect the recreation opportunities of environmentally sensitive lands for hunting, fishing, boating, hiking, nature observation, photography, camping, and other uses.
7. To protect the public's rights in navigable waters.
8. To protect aesthetic and property values.

1.08.0 RELATIONSHIP TO COMPREHENSIVE PLAN

1.08.01 Generally

The adoption of a unified land development code implements the goals, policies and objectives listed in Part 1 of the Comprehensive Plan:

1.09.0 INCORPORATION BY REFERENCE**1.09.01 Technical Construction Standards Manual**

Engineering standards and construction design specifications are contained in a Technical Construction Standards Manual which is hereby incorporated into this Code by reference.

1.09.02 Maps

Maps showing zoning districts, conservation areas, overlay zones, and the like, are hereby incorporated into this Code by reference.

1.10.0 RULES OF INTERPRETATION**1.10.01 Generally**

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

1.10.02 Responsibility For Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Development Review Board shall be responsible for interpretation and shall look to the City of Freeport Comprehensive Plan for guidance. Responsibility for interpretation by the Development Review Board shall be limited to standards, regulations and requirements of this code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

1.10.03 Computation Of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1.10.04 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other City of Freeport officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

1.10.05 Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

1.10.06 Number

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

1.10.07 Shall, May

The word “shall” is mandatory, “may” is permissive.

1.10.08 Written Or In Writing

The term “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

1.10.09 Year

The word “year” shall mean a calendar year, unless otherwise indicated.

1.10.10 Day

The word “day” shall mean a working day, unless a calendar day is indicated.

1.10.11 Relationship Of Specific to General Provisions

More specific provisions of this code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.11.0 REPEAL OF PRIOR PROVISIONS

This Land Development Code repeals the following previously adopted codes:

1.12.0 ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the City of Freeport.

1.13.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

1.14.0 EFFECTIVE DATE

These regulations shall be effective on June 1, 2001.