

ARTICLE 5

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

5.00.01 General Provisions

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the City of Freeport.

5.00.02 Responsibility For Improvements

All improvement required by this Article shall be designed, installed, and paid for by the Developer.

5.00.03 Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article 4 of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

5.01.01 TRANSPORTATION SYSTEMS

5.01.01 General Provisions

A. Purpose

This section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this SECTION are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

B. Compliance with Technical Construction Standards Manual

All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards contained in the Technical Construction Standards manual in Appendix D of this Code.

5.01.02 Streets**A. Street Classification System Established**

1. Street in the City of Freeport are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, design speed, and construction standards.
2. Private streets that are to be dedicated to the City of Freeport are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.
3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.
4. The following streets hierarchy is established: residential, collector, and arterial. Each street type is divided into subcategories. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part.

B. Residential Streets

Residential streets are primarily suited to providing direct access to residential development, but may give access to limited non-residential uses, provided average daily traffic (ADT) volume generated by the non-residential use does not exceed applicable standards for the affected streets. All residential streets should be designed to minimize unnecessary and/or speeding traffic. Each residential street shall be classified and designed for its entire length to meet the minimum standards for one of the following street types.

1. Residential access street.

This is the lowest order street in the hierarchy. A residential access street is a frontage street which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself.

Residential access streets may take access from any higher order street type. Both ends of a residential loop street must take access from a single higher order street. The design speed for residential access streets is fifteen to twenty-five (15-25) miles per hour. Residential access streets shall have a maximum ADT of five hundred (500). Cul-de-sacs shall have a maximum ADT of two hundred (200). Loop streets shall have a maximum ADT of four hundred (400).

2. Residential sub-collector street

This is the middle order street in the residential street hierarchy. It will collect traffic from residential access streets and provide direct access to abutting properties. Residential sub-collector streets shall have a design speed of twenty-five (25) miles per hour. Residential sub-collector streets may take access from any higher order street type and may give access to residential access streets and may provide direct access to limited non-residential uses. Loop streets carrying more than five hundred (500) ADT must have two (2) intersections with higher order streets. Lots of less than forty (40) feet in width may not take access from a residential sub-collector. Residential sub-collector streets shall have a maximum ADT of one thousand (1,000).

3. Residential collector street

This is the highest order street that can be classified as residential. In larger developments, this class of street may be necessary to carry traffic from one neighborhood to another or from the neighborhood to street connecting to other areas in the community. It will collect traffic from residential access and sub-collector street and may provide direct access to limited non-residential uses. Residential collector streets shall have a design speed of thirty (30) miles per hour. No individual residential uses shall take direct access from residential collector streets except where no feasible alternative exists. All residential collector streets shall take access from at least two (2) equal or higher order street types or give access to residential access and sub-collector streets. Residential collector streets shall have a maximum ADT of two thousand (2,000).

C. Collector Roads

Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets. There are three types of collector streets.

1. Minor Collector

These are local collector streets giving direct access to commercial and industrial uses and to residential projects, but not to individual dwelling units. Minor collectors may take access from other collector streets, minor arterials, or arterials. Minor collectors may give access to any residential street type. Minor collectors shall have a design speed of thirty (30) miles per hour. Minor collectors shall have a maximum ADT of three thousand (3,000).

2. Collector

Collector roads may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, major collectors, minor arterials or arterials and may give access to any lower order street. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have an ADT of no greater than seven thousand (7,000) nor less than three thousand (3,000).

3. Major Collector

These streets serve major community or regional facilities and carry through traffic. Major collector streets may take access from other major collectors, minor arterials, and arterials and may give access to any same or lower order street type. Major collectors shall have a design speed of thirty-five (35) miles per hour. Major collectors shall have a minimum ADT of seven thousand (7,000). No parking is allowed on major collectors.

D. Arterial Roads

Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to fifty-five (55) miles per hour. No parking is allowed on any arterials. There are three types of arterial roads.

1. Minor Arterial

These roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. Minor arterials shall have a design speed of forty-five (45) miles per hour.

2. Arterials

These are major regional highways providing links between communities. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. These roads shall have a design speed of fifty-five (55) miles per hour.

3. Freeways

These roads provide links between lower order roads or with other freeways. Access to individual land uses is not permitted. These roads may take access from other arterials or freeways and may give access to other arterials or freeways.

E. Special Purpose Streets

Under special circumstances a new local street may be classified and designed as one of the following:

1. Alley

An alley is a special type of street which provides a secondary means of access to lots. It will normally be on the same level in the hierarchy as a residential access street, although different design standards will apply.

2. Marginal Access Street

A marginal access street is a street parallel and adjacent to a collector or higher level street which provides access to abutting properties and separation from through traffic. It may be designed at the level of a residential access street or a residential sub-collector as anticipated traffic volumes will dictate.

3. Divided Streets

For the purpose of protecting environmental features or avoiding excessive grading, the municipality may require that the street be divided. In such a case, the design standards shall be applied to the aggregate dimensions of the two street segments.

F. Official Street Map

The Official Street Map and any amendments thereto, adopted by the City of Freeport as a part of the Comprehensive Plan, is hereby made a part of this code. All existing roadways within the jurisdiction of the City of Freeport shall be designated on the Official Street Map according to the foregoing classification

scheme. Any street abutting or affecting the design of a subdivision or land development which is not already classified on the Official Street Map shall be classified according to its function, design, and use by the city of Freeport at the request of the applicant or during plan review. The map shall be the basis for all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

G. Street Classification Standards

Table, 5-1, specifies the number of lanes and pavement and right-of-way widths for residential, collector, and arterial streets. These requirements should be read in conjunction with the foregoing street type descriptions.

Table 5-1
Development Design and Improvement Standards

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb + Gutter	Curb + Gutter	No Curb + Gutter
1. Residential Streets					
a. Residential Access Streets (1) cul-de-sac (2) loop street	· 2-9' moving · no parking · no individual lot access	18'	16'	50'	50'
	· 2-9' moving · no parking · individual lot access	18'	16'	50'	50'
	· 2-10' moving · no parking · individual lot access	20'	18'	50'	50'
	· 2-9' moving · 1-8' parking · individual lot access	26'	--	50'	--
	· 2-9' moving · no parking · no individual lot access	26'	--	50'	--
	· 2-9' moving · no parking · individual lot access	18'	--	50'	--
	· 2-10' moving · no parking · individual lot access	20'	18'	50'	50'
	· 2-9' moving · 1-8' parking · individual lot access	26'	--	50'	--
	· 2-10' moving · 1-8' parking · individual lot access	28'	--	50'	--
	· 2-14' moving · no parking · individual lot access	22'	--	50'	--

Table 5-1 (Continued)
Development Design and Improvement Standards

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb + Gutter	Curb + Gutter	No Curb + Gutter
b. Residential Collector Streets	· 2-11' moving · no parking	22'	20'	60'	60'
2. Collector Streets					
a. Minor Collector Streets	· 2-11' moving · 1-8' parking · undivided (no median)	30'	--	60'	--
	· 2-11' moving · 2-8' parking · undivided	38'	--	60'	--
	· 2-11' moving · 2-8' parking · 6' median strip	44'	--	66'	--
b. Collector Streets	· 2-14' moving · no parking · no median	28'	28'	66'	66'
	· 2-12' moving · no parking · 6' median	30'	30'	70'	70'
c. Major Collector Streets	· 4-12' moving · no parking · no median	48'	48'	80'	80'
	· 4-12' moving · no parking · 6' median	54'	54'	90'	90'
3. Arterial Streets					
a. Minor Arterial Streets	Normal road configuration: · 2-14' moving · no parking · no median	--	28'	--	80'
	Approach to intersections: · 2-12' moving · 2-12' turning · 1-2' merging · 6' median	--	66'	--	100'
b. Arterial Streets	Normal road configuration: · 4-12' moving · no parking · 6' median	--	54'	--	100'
	Approach to intersections · 4-12' moving · 2-12' turning · 6' median	--	78'	--	120-
c. Freeways	Same as above	--	Same as Above	--	Same as Above

5.01.03 Rights-of-Way**A. Right-of-Way Widths**

Right-of-way requirements for road construction shall be as specified in Table 5-1 of this Code. The right-of-way shall be measured from lot line to lot line.

B. Future Rights-of-Way

Future right-of-way requirements are identified in the Transportation Circulation Element of the City-County Comprehensive Plan. Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.

C. Protection and Use of Rights-of-Way

1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the City of Freeport.
2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in the Technical Construction Standards Manual in Appendix D, and other applicable City of Freeport regulations.
3. Sidewalks and bicycle ways shall be placed within the right-of-way.

D. Vacations of Right-of-Ways

Application to vacate a right-of-way shall be approved upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Transportation Circulation Element of the City of Freeport Comprehensive Plan.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
3. The vacation would not jeopardize the current or future location of any utility.

4. the proposed vacation is not detrimental to the public interest, and provides a positive benefit to the City of Freeport.

5.01.04 Street Design Standards

A. General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to the standards in the Technical Construction Standards Manual in APPENDIX D. Streets shall be dedicated to the City of Freeport upon completion, inspection, and acceptance by the City of Freeport.
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
3. Streets shall be laid out to avoid environmentally sensitive areas.
4. Private streets may be allowed within developments that will remain under common ownership, provided they designed and constructed pursuant to the standards in the Technical Construction Standards Manual in APPENDIX D.
5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are un platted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
7. Residential streets shall be arranged to discourage through traffic.
8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting street shall be no less than 150 feet.

10. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

B. Paving Widths

Paving widths for each street classification shall be as provided in TABLE 5-1 of this Code.

C. Curbing Requirement

1. Curbing shall be required for the purpose of drainage, safety, and delineation and protection of pavement edge along streets in the following cases:
 - a. Along designated parking lanes.
 - b. Where the surface drainage plan requires curbing to channel stormwater.
 - c. Where narrow lots averaging less than 40 feet in width take direct access from a street upon which no on-street parking is allowed.
2. All curbing shall conform to the construction standards contained in the technical Construction Standards Manual in Appendix A of this Code.

D. Shoulders

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the Technical Construction Standards Manual contained in Appendix D of this Code. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on residential access and residential sub-collector street only where necessary for stormwater management or road stabilization.
2. All residential collector streets shall provide two 4 – foot wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.

3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

E. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes may be required by the City of Freeport along existing and proposed streets as determined by a traffic impact study or where the City of Freeport can justify the need.
2. Deceleration lanes shall be designed to the following standards:
 - a. The lane width shall be the same as the required width of the roadway moving lanes.
 - b. The lane shall provide the full required land width for its full length. It shall not be tapered.
 - c. The minimum land length shall be as follows:

<u>Design Speed Of Road</u>	<u>Minimum Deceleration Lane Length</u>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

3. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the City of Freeport traffic engineer. Where needed, a paved taper shall be provided for right hand turns.

F. Cul-de-sacs Turnarounds

An unobstructed twelve (12) foot wide moving lane with a minimum outside turning radius of thirty-eight (38) feet shall be provided at the terminus of every permanent cal-de-sac.

G. Stub Streets

1. Residential access and sub-collector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.

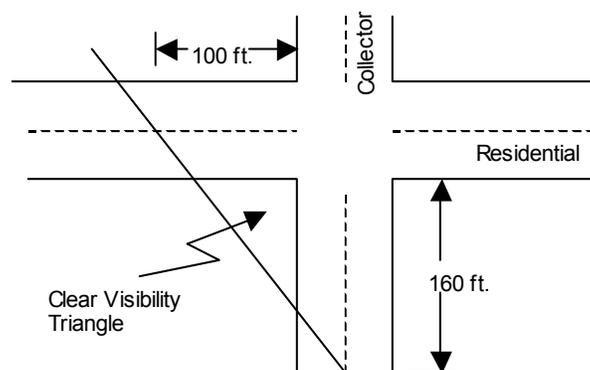
2. Residential collector and higher order stub streets may be permitted or required by the City of Freeport provided that the future extension of the street is deemed desirable by the City of Freeport or conforms to an adopted City of Freeport Transportation Plan.
3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

H. Clear Visibility Triangle

In order to provide a clear view of intersecting street to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.
2. The clear visibility triangle shall be formed by connecting a point on each street center line, to be located at the distance from the intersection of the street center lines indicated below, and a third line connecting the two points. See FIGURE 5-1.

Figure 5-1
Sight Triangle Illustration



3. The distance from the intersection of the street center lines from the various road classifications shall be as follows:

Road Classification	Distance from Street Center Line Intersection
Driveway or Residential Street	100 feet
Collector	160 feet
Arterial	200 feet

I. Signage and Signalization

The developer shall deposit with the City of Freeport sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City of Freeport, based upon City of Freeport or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

J. Signage and Signalization

The developer shall deposit with the City of Freeport sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City of Freeport, based upon City of Freeport or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

K. Street Trees

1. Street trees shall be provided in accordance with the standards established in SECTION 5.05.02.C of this Code.
2. No development shall be approved without reserving an easement authorizing the City of Freeport to plant shade trees within five (5) feet of the required right-of-way boundary. No street shall be accepted for dedication until the easement required by this subsection has been provided.

L. Blocks

1. Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.
2. The lengths, widths, and shapes of blocks shall be consistent with adjacent areas. In no case shall block lengths in residential areas

exceed two thousand two hundred (2,200) feet nor be less than four hundred (400) feet in length.

5.01.05 Transit Stops

A. When Required

Any development with a parking requirement of more than 350 vehicles shall provide and dedicate to the City of Freeport land area for a transit stop.

B. Size and Design

The land area dedicated shall be sufficient to provide a transit stop with shelter and a separate paved transit lane one hundred (100) feet from the bus stop. Design of the transit lane shall be as specified in the Technical Construction Standards manual in Appendix D.

C. Location

With the approval of the Development Review Board, transit stops may be located at an appropriate site within the development project.

5.01.06 Sidewalks and Bikeways

A. When Required

1. Projects abutting collector or arterial facilities shall provide sidewalks adjacent to the collector or arterial roadway. Location of sidewalks shall be consistent with planned roadway improvements.
2. Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is sixty (60) feet or less.
3. Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than sixty (60) feet but less than one hundred fifty (150) feet.
4. Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
5. Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or

recreation activities shall provide pedestrian and bicycle access from the development to the activity center.

6. Pedestrian-ways or crosswalks, not less than ten (10) feet wide with a sidewalk meeting the requirements of this Code, may be required by the Department or Development Review Board to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

B. Design And Construction Standards

Design and construction of sidewalks, bikeways, or other footpaths shall conform to the requirements of the Technical Construction Standards Manual in APPENDIX D, including provisions for access by physically handicapped persons.

5.01.07 Access

All proposed development shall meet the following standards for vehicular access and circulation:

A. Number of Access Points

1. All projects shall have access to a public right-of-way. The number of access points shall be as follows:

Type of Development	Number of Access Points	Preferred Type of Access
Residential, <75 units	1	Resident or Minor Collector
Residential, 75+ units	2	Minor Collector
Non-residential, <300 Required parking spaces	1	Collector
Non-residential, 300 – 999 Required parking spaces	2	Major Collector or Arterial
Non-residential, 1,000+ Required parking spaces	2 or more	Major Collector or Arterial

2. Notwithstanding the provisions in paragraph one above:
 - a. A non-residential development, or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one (1) access shall be onto an arterial.
 - b. Schools may have one additional access, provided that the additional access drive is limited to school bus use only.

B. Separation Of Access Points

1. The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

<u>FUNCTIONAL CLASS OF ROADWAY</u>	<u>DISTANCE BETWEEN ACCESS POINTS</u>
Major Arterial	300 Feet
Minor Arterial	250 Feet
Major Collector	185 Feet
Minor Collector	140 Feet

2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

C. Frontage On Service Roads and Common Driveways

1. Projects proposed on arterials and major collectors shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector. Frontage road design shall conform to FDOT standards. This access requirement may be met through the use of interconnecting parking lots which abut the arterial or major collector facility. The maximum number of parking lots that may be so interconnected, however, is three.
2. Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

D. Alternative Designs

Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs maybe approved.

E. Access To Residential Lots

1. Access to non-residential uses shall not be through an area designed, approved, or developed for residential use.
2. All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code except that rural residential subdivisions of one (1) unit per twenty (20) acres or lower density may take access from a private graded road.
3. Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential sub-collector street.

5.01.08 Standards for Drive-up Facilities

A. Generally

All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards.

B. Standards

1. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersection.
2. The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
3. A by-pass lane shall be provided.
4. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
5. Minimum stacking lane distance shall be as follows:
 - a. Financial institutions shall have a minimum distance of two hundred (200) feet. Two or more

stacking lanes may be provided which together total two hundred (200) feet.

- b. All other uses shall have a minimum distance of one hundred and twenty (120) feet.
6. Alleys or driveways in or abutting areas designed, approved or developed for residential use shall not be used for circulation of traffic for drive-up facilities.
7. Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be thirty-four (34) feet. The minimum inside turning radius shall be twenty-five (25) feet.
8. Construction of stacking lanes shall conform to the specifications in the Technical Construction Standards Manual.

5.02.0 OFF-STREET PARKING AND LOADING

5.02.01 Generally

A. Applicability

Off-street parking facilities shall be provided for all development within the City of Freeport pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

B. Computation

1. When determination of the number of off-street spaces required by this code results in a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
2. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, and/or which contains an open assembly area, the occupancy shall be based on the maximum occupancy rating given the building by the fire marshal.
3. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

C. Parking Study

A parking study, when required by this Code, shall include, but not be limited to:

1. Estimates of parking requirements based on recommendations in studies such as those from ULI, ITE, or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop recommendations.
2. An analysis of the extent to which a transportation system management program and/or use of alternative forms of transportation lessen the parking requirement.

5.02.02 Number of Parking Spaces Required

A. Requirements In Matrix

The matrix below specifies the required minimum number of off-street automobile and bicycle parking spaces, the percentage of automobile spaces that must be allotted for compact vehicles, and, in the notes, any special requirements that may apply.

B. Uses Not Specifically Listed In Matrix

The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the Department or the Development Review Board. The Board shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

C. When Parking Study Required

For several uses listed in the matrix the parking requirement is to be determined by the Development Review Board. These uses have a large variability in parking demand, making it impossible to specify a single parking requirement. A developer proposing to develop or expand one of these uses must submit four (4) copies of a parking study, as described at SECTION 5.02.01.C of this Part, to the Department that provides justification for the requirement proposed. The Development Review Board will review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed.

D. Treatment Of Mixed Uses

Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed by the matrix, unless a reduction is granted pursuant to SECTION 5.02.02.I of this Part.

E. Tandem Parking Spaces

The term “tandem parking space” used in the matrix means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

F. Matrix

Parking Requirements Matrix begins on next page.

RESIDENTIAL USES

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	RATIO OF FULL SIZE TO COMPACT PARKING SPACES (FULL/COMPACT)	REQUIRED BICYCLE SPACES	NOTES
Conventional	1,2, and 3 Bedroom 2 spaces/unit * ** 4 Bedrooms 3 spaces/unit * **	100/0	0	*if on-street parking is not permitted or is restricted on the unit’s street frontage, than 1 visitor parking space shall be required The visitor space shall be located not more than 100 feet from the units street frontage. ** Resident parking spaces may be in tandem.
Cluster/Multi-Family				* Resident parking spaces may be in tandem.
Resident Parking *	Studio 1 space/unit 1 Bedroom 1.5 spaces/unit 2, 3 or more Bedrooms 2.0 spaces/unit	100/0	.10 per required space	** On-street parking provided in accordance with the dimensions required for parallel spaces may count toward visitor parking requirements. These spaces must be located within the maximum distances specified in Section 6.03.05 5.05.05
Visitor Parking **	.5 space/unit	50/50		
Housing for The Elderly	To be determined by the Development Review Board. *			* Developer shall submit a parking study.
Mobile Home				
Resident parking *	2 spaces/unit	100/0		* Resident parking may be in tandem.
Visitor parking **	.25 spaces/unit	50/50		** On-street parking provided

in accordance with the dimensions required for parallel spaces may count toward fulfilling visitor parking requirements. These spaces must be located within the maximum distances specified in Section ~~6.03.05~~ 5.02.05.

COMMERCIAL & INSTITUTIONAL USES

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	RATIO OF FULL SIZE TO COMPACT PARKING SPACES (FULL/COMPACT)	REQUIRED BICYCLE SPACES	NOTES
All retail except as otherwise noted	1 space/250 square feet of gross floor area	75/25	.10 per required parking space	
Retail, furniture & appliances	1 space/500 square feet of gross floor area	75/25	.10 per required parking space	
Hotel/Motel	To be determined by the Development Review Board			* Developer shall submit a parking study
Offices/administrative business/professional/government	1 space/250 square feet of gross floor area	75/25	.10 per required parking space	
Restaurants	1 space/100 square feet of gross floor area	75/25	.10 per required parking space	

EDUCATIONAL

Elementary and Junior High Schools	2 spaces/classroom	75/25	5.0 per required parking space*	* Bicycle spaces for teachers and visitors should be Separate from spaces for students
Senior High	1 space/faculty member and employee, plus 1 space/6 students	75/25	1.0 per required parking space	
Colleges	.5 space/faculty member and employee, plus 1 space/3 students	75/25	.50 per required parking space	

HEALTH AND MEDICAL SERVICES

Convalescent and Nursing homes	1 space/4 beds	75/25	.5 per required parking space	
Medical and Dental Offices & Clinics Veterinary Hospitals And Clinics	1 space/200 square feet of gross floor area	75/25	.05 per required parking space	

INDUSTRIAL USES

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	RATIO OF FULL SIZE TO COMPACT PARKING SPACES (FULL/COMPACT)	REQUIRED BICYCLE SPACES	NOTES
Manufacturing	1 space/750 square feet of gross floor devoted to manufacturing plus the required parking for square footage devoted to other uses.	50/50	.10 per required parking space	
Warehouse	1 space/1,000 square feet of gross floor area for the first 20,000 square feet devoted to warehousing plus the required parking for square footage devoted to other uses. 1 space/2,000 square feet for the second 20,000 square feet. 1 space/4,000 square feet for floor area in excess of 40,000 square feet.	50/50	.05 per required	
ENTERTAINMENT AND RECREATIONAL USES				
Indoor Recreation except as otherwise noted.	1 space/200 square feet of gross floor area	75/25	.20 per required parking space	
Golf Course	6 spaces/hole plus required parking for any other uses on site	75/25	.10 per required parking space	
Driving Range	1 space/tee plus required parking for any other uses on site.	75/25	.10 per required parking space	
Miniture Golf	3 spaces/hole plus required parking for any other uses on site	75/25	.10 per required parking space	
Commercial Horse Stables	1 space/5 horses boarded on site	75/25	.10 per required parking space	
Tennis/Handball & Racquetball Facilities	2 spaces/court plus required parking for and other uses on site	75/25	.25 per required parking space	
Theaters & Auditoriums	1 space/2 seats plus 5 spaces for employees	75/25	.10 per required parking space	
Public/Private Parks	To be determined by the Development Review Board *			* Developer must submit a parking study

MISCELLANEOUS USES

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	RATIO OF FULL SIZE TO COMPACT PARKING SPACES (FULL/COMPACT)	REQUIRED BICYCLE SPACES	NOTES
Churches & other Spaces of Public Assembly	1 space/3 seats within main auditorium, of if no fixed seats, 1 space/35 square feet of gross floor area within main auditorium	75/25	.10 per required parking spaces	
Daycare, Preschools Nursery Schools	1 space/staff member plus 1 space/5 children or 1 space/10 children if adequate drop-off facilities are provided *	75/25	.25 per employee	* Drop-off facilities must be designed to accommodate a continuous flow of passenger vehicles to load and unload children safely.
Libraries	1 space/300 square feet of gross floor area	75/25	.20 per required parking space	

G. Special Parking Spaces

1. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Section 316.1955, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with SECTION 5.02.03.A of this Part, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.
2. A portion of the parking spaces required by this Code may be designated as exclusively for motorcycle parking if the following conditions are met:
 - a. The Director recommends that the spaces be so designated, based upon projected demand for them and lessened demand for automobile spaces.
 - b. The Development Review Board approves the recommendation and the designated spaces are shown on the final development plan.
 - c. The designated spaces are suitable, marked and striped.
 - d. The designation does not reduce the overall area devoted to parking so that if the motorcycle spaces are converted to automobile spaces the minimum requirements for automobile spaces will be met. The approval may later be withdrawn, and the spaces returned to car spaces, if the Director finds

that the purposes of this Code would be better served thereby, based upon actual demand for motorcycle and automobile parking.

3. The following applies to bicycle parking:
 - a. The Department shall maintain a list of approved bicycle parking facilities. Other bicycle parking devices may be used if it is established to the satisfaction of the Department that the standards below are met.
 - b. The rack or other facility shall:
 - (1) Be designed to allow each bicycle to be supported by its frame.
 - (2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
 - (3) Be designed to avoid damage to the bicycles.
 - (4) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
 - (5) Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
 - (6) Be located to prevent damage to bicycles by cars.
 - (7) Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.
 - (8) Be located in convenient, highly-visible, active, well-lighted areas.
 - (9) Be located so as not to interfere with pedestrian movements.
 - (10) Be located as near the principal entrance of the building as practicable.
 - (11) Provide safe access from the spaces to the right of way or bicycle lane.

H. Parking Deferral

1. To avoid requiring more parking spaces than actually needed to serve a development, the Development Review Board may defer the provision of some portion of the off-street parking spaces required by this Code if the conditions and requirements of this section are satisfied.
2. As a condition precedent to obtaining a partial deferral by the Development Review Board, the developer must show any one or more of the following:

-
- a. A parking study as described in SECTION 5.02.01.C of this Part indicates that there is not a present need for the deferred parking.
 - b. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of parking sought to be deferred.
 - c. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the Development Review Board include, but are not limited to:
 - (1) Private and public car pools and van pools.
 - (2) Charging for parking.
 - (3) Subscription bus services.
 - (4) Flexible work-hour scheduling.
 - (5) Capital improvement for transit services.
 - (6) Ride Sharing.
 - (7) Establishment of a transportation coordinator position to implement car pool, van pool, and transit programs.
 - d. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.
 - e. Transportation System Management.
 - f. Transportation Demand Management.
3. If the developer satisfies one or more of the criteria in 2., the Development Review Board may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.
 4. A deferred parking plan:
 - a. Shall be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate with are to be deferred.
 - b. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would

- otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.
- c. Shall include a landscaping plan for the deferred parking area.
 - d. Shall include a written agreement with the City of Freeport that, one (1) year from the date of issuance of the certificate of occupancy, the deferred spaces will be converted to parking spaces that conform to this code at the developer's expense should the Development Review Board determine from experience that the additional parking spaces are needed.
 - e. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken by the City of Freeport Transportation engineer to determine the advisability of providing the full parking requirement.
5. When authorized by the Development Review Board upon a preliminary finding that the parking is inadequate, but not sooner than one (1) year after the date of issuance of the certificate of occupancy for the development, the Department shall undertake a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking.
 6. Based upon the study and the recommendations of the Transportation Engineer and the Director of Planning and Development, the Development Review Board shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.
 7. The developer may at any time request that the Development Review Board approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

I. Reduction For Mixed Or Joint Use Of Parking Spaces

The Development Review Board shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective house of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

2. The developer submits a legal agreement approved by the City of Freeport Legal Department guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

J. Reduction For Low Percentage Of Leasable Space

The requirements of [SECTION 5.02.02.A](#) of this Part assume an average percentage of gross leasable building to total gross building area (approximately 85%.) If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the Development Review Board may reduce the parking requirements if the following conditions are met:

1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully with this Code.

K. Special Parking Districts

The City of Freeport Commission may designate special parking districts where parking or transit facilities may be provided by the City of Freeport, thus lessening the demand for on-site parking. For development proposed in these districts, the Development Review Board may allow the developer to pay a fee in lieu of providing some or all of the spaces required by this Code. The fee shall be a one-time, non-refundable fee per parking space avoided, paid to the City of Freeport prior to the issuance of a certificate of occupancy. The amount of the fee shall be determined by the City of Freeport Commission and shall be equal to the land acquisition, construction and maintenance costs of parking spaces that are deferred by this provision. These fees shall be used by the City of Freeport solely for the purchase, construction, operation and maintenance of parking or transit facilities serving the area of the development. The City of Freeport Commission may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking or transit facilities.

L. Historic Preservation Exemption

The preservation of any property that has been placed on the local register of historic places, or that is located in a historic district and contributes to the historic character of the district, shall be grounds for a rant, by the Development

Review Board, of a reduction in, or complete exception from, the parking requirements in SECTION 5.02.02.A of this Part. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a service parking shortage or severe traffic congestion will result.

M. Increase in Requirements

The number of required parking spaces may be increased by the Development Review Board if a parking study demonstrates that the proposed use would have a parking demand in excess of the requirements in SECTION 5.02.02.A of this Part. The Development Review Board may require the developer to provide a parking study, as described in SECTION 5.02.01.C of this Part, when the Transportation Engineer presents preliminary data indicating that an increase in the number of parking spaces may be warranted.

5.02.03 Off-Street Loading

A. Generally

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

B. Spaces Required

1. Schools, hospitals, nursing homes and other similar institutional uses and mid- and high-rise residential uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,00) square feet or fraction thereof.
2. Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet.
3. Offices and financial institutions shall provide one (1) space for the first seventy-five thousand (75,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty-five thousand (25,000) square feet.
4. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first ten thousand (10,000) square feet of gross floor area, and one (1) space for each additional twenty-thousand (20,000) square feet.

5. Industrial uses shall provide one (1) space for every ten thousand (10,000) square feet of gross floor area.

C. Adjustments To Requirements

The development Review Board may, upon the recommendation of the Transportation Engineer, require that a study be done to determine the actual number of loading spaces needed for a proposed use. The Transportation Engineer shall recommend the need for a study when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed.

5.02.04 Alteration Of Conforming Development

A. Decreased Demand For Parking Or Loading

The number of off-street parking or loading spaces may be reduced if the Director or Development Review Board finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces should permit the site to remain in conformity with this Code after the reduction.

B. Increased Demand For Parking or Loading

The number of off-street parking or loading spaces must be increased to meet the requirements of this Code if the Director or Development Review Board finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this Code causes the site not to conform with this Code.

5.02.05 Design Standards For Off-Street Parking And Loading Areas

A. Location

1. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.
2. The Development Review Board may approve off-site parking facilities as part of the parking required by this Code if:
 - a. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:

- (1) Proximity of the off-site spaces to the use that they will serve.
 - (2) Ease of pedestrian access to the off-site parking spaces.
 - (3) Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
 - b. The location of the off-site parking spaces will not create unreasonable:
 - (1) Hazards to pedestrians.
 - (2) Hazards to vehicular traffic.
 - (3) Traffic congestion.
 - (4) Interference with access to other parking spaces in the vicinity.
 - (5) Detriment to any nearby use.
 - c. The developer supplies a written agreement, approved in form by the City of Freeport Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
3. All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

Resident parking: 200 feet

Visitor parking: 250 feet

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

B. Size

1. Standard and compact parking spaces shall be sized according to the Institute of Transportation Engineers "Traffic Engineering Handbook".

2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.
3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
4. A standard motorcycle parking space shall be four and one-quarter (4 ¼) feet wide and nine and one-quarter (9 ¼) feet long.
5. Spaces for handicapped parking shall be the size specified in Section 316.1955, Florida Statutes.
6. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
7. The Development Review Board may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. The Transportation Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the Development Review Board shall submit a written statement of the public interest served by allowing the modification.

C. Layout

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to

buildings and between buildings are not unreasonable exposed to vehicular traffic.

4. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Director based on the size and accessibility of the driveway.
7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
8. Parking spaces for all uses, except single-family and two family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
9. No parking space shall be located so as to block access by emergency vehicles.
10. Compact car spaces should be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters.

5.03.0 TREES

5.03.01 Definitions

[Refer to Appendix B.](#)

5.03.02 Exemptions**A. Single-Family Homes**

Lots or parcels of land on which a single family home is used as a residence shall be exempt from all provisions of these tree protection regulations, except that historic or specimen trees on such parcels shall be protected according to these regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan by the Development Review Board.

B. Utility Operations

Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. Written notice of the removal shall be provided to the City five (5) days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

C. Surveyors

A Florida licensed land surveyor in the performance of his duties provided such alterations is limited to a swath three feet or less in width.

D. Commercial Growers

All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

E. Emergencies

During emergencies caused by a hurricane or other disaster, the City Manager may suspend these tree protection regulations.

5.03.03 Removal of Trees**A. Conditions For Authorization To Remove Protected Trees**

1. It is the intent of this section to minimize the removal of protected trees and that no authorization shall be granted to remove a tree if the developer has failed to take reasonable measure to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.
2. No authorization for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:
 - a. A permissible use of the site cannot reasonable be undertaken unless specific trees are removed or relocated.
 - b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
 - c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
 - d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
 - e. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
 - f. Any law or regulation requires the removal.

B. Replacement of Removed Trees

1. Trees removed pursuant to paragraph A above shall be replaced at the expense of the developer.
2. For each inch of Diameter at Breast Height removed, an inch of Diameter at Breast Height shall be replaced.
3. A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to paragraph 4 below.
4. Replacement trees shall, if practicable, be planted on the development site. If not practicable, replacement trees may be donated, or a fee in lieu may be paid, to the City for purposes of planting trees on public property. The fee in lieu shall be based on

the cost of purchasing the requisite size and number of replacement trees.

C. Historic And Specimen Trees

1. An historic tree is one that has been designed by the City Council as one of notable historical interest and value to the City because of its location or historical association with the community. A public hearing shall be held by the City Council on the designation with due notice to the owner of the tree.
2. A specimen tree is one that has been officially designated by the City Council, upon the advice of the Staff Forester, to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the City Council with due notice to the owner of the tree.
3. No historic or specimen tree shall be removed without a finding by the development review board that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree. The developer shall explain in detail why the tree is a hazard or why it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The Director shall make a recommendation as to whether it should be approved or denied. The decision by the Board on the application shall be made within 45 days of the date the application was filed.

5.03.04 Protection Of Trees During Development Activities

A. Generally

1. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
 - a. Mechanical injuries to roots, trunk, and branches;
 - b. Injuries by chemical poisoning;
 - c. Injuries by grade changes;
 - d. Injuries by excavations; and
 - e. Injuries by paving.
2. At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and undertaken in consultation with the Staff Forester and shall not be construed as limiting the authority of the Development Review Board, upon the advice of the Staff

Forester, to impose additional reasonable requirements as may be necessary to preserve the health of protected trees in particular circumstances.

B. Avoiding Mechanical Injuries

1. Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone.
2. No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.
3. No equipment, construction materials or debris of any kind shall be placed within the protective barrier.
4. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
5. In lieu of constructing the barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of twenty five (25) feet apart and tying ribbon, plastic tape, rope, etc. from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
6. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

C. Avoiding Injuries Due to Chemical Poisoning

1. No fuel, paint, solvent, oil thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
2. No equipment shall be cleaned within a required protective barrier or perimeter line.

D. Avoiding Injuries Due To Grade Changes

Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:

1. When raising the grade, the following measures shall be taken:
 - a. Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
 - b. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
 - c. Porous, four-inch agriculture drain tiles shall be laid over the soil to drain liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
 - d. The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous soils.
 - e. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
 - f. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a sixty (60) inch diameter well. For slow-growing mature trees, a space of twelve to eighteen (12-18) inches shall be provided between the trunk and the side of the well at every point.
 - g. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
 - h. Dry will walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
 - i. Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
 - j. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
 - k. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be place over the remainder of the ground within the drip line.
 - l. A layer of gravel shall be placed over the stones.
 - m. The fill shall be completed with a layer of porous soil.

2. When lowering the grade, the following measures shall be taken:
 - a. Roots shall be cut cleanly and re-trimmed after excavation.
 - b. The canopy shall be pruned to aid in maintaining tree vigor.
 - c. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
 - (1) Terracing. The area within the tree protection zone is left at the original grade by terracing.
 - (2) Retaining wall. The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
 - (3) Terracing and retaining wall. The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall.

3. **Minor Changes in Grade**

When the change in grade is minor, as determined by the Staff Forester, lesser protective measures than those described above may be taken. The Staff Forester shall approve the use of these methods where their use will not endanger the health of the protected tree.

E. Avoiding Injuries Due to Excavations

1. Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.
2. If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main tap roots.

F. Avoiding Injury by Paving Within The Drip Line

Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

5.03.05 Special Provisions For Protection Of Canopy Roads**A. Generally**

The City Council may determine that certain roadways within the City merit special protection of the trees which line and/or provide canopies over the roadway.

B. Purpose

It is the purpose of this section to describe the protections available to designated roadway sections through control of activities that abut these roadways.

C. Restrictions

All protected species within an area extending fifty (50) feet on either side of the designated roadways are protected from removal or destruction by the requirements of this section. Appendix C provides a list of canopy trees. No protected species within the area of protection shall be removed and shall be replaced with one and one half (1.5) times the number of trunk circumference inches as the removed tree(s).

5.03.06 Preservation Of Protected Trees As Grounds For Variance From Other Requirements Of This Code

The preservation of any protected tree may be considered as a factor in rendering a decision upon an application for a variance from the literal application of other requirements of this Code.

(See Part 2.04.00 of this Code for Variance provisions.)

5.04.0 STORMWATER MANAGEMENT**5.04.01 Definitions**

Refer to Appendix B

5.04.02 Relationship To Other Stormwater Management Requirements

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable state regulation (Chapter 17-25, Florida Administrative Code) or rules of the Northwest Florida Water Management District. In all cases the strictest of the applicable standards shall apply.

5.04.03 Exemptions

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

- A. The construction of a single family or duplex residential dwelling unit and accessory structures on a single parcel of land.
- B. Any development within a subdivision if each of the following conditions have been met:
 - 1. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 - 2. The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.
- C. Bona fide agricultural activity, including forestry, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service Conservation Plan and forestry activities are conducted in accordance with the Silviculture Best Management Practices (BMP) Manual (1979) published by the Florida Division of Forestry. If the Conservation Plan and forestry BMP's are not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.
- D. Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- E. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards. A report of the emergency action shall be made to the Department as soon as practicable.

5.04.04 Stormwater Management Requirements

A. Performance Standards

All development must be designated, constructed and maintained to meet the following performance standards:

1. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first (amount based on local conditions) of stormwater runoff shall be treated in an off-line retention system or according to other best management practices as described in the Stormwater Management Manual adopted pursuant to this Code.
2. The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code.

B. Design Standards

To comply with the foregoing performance standards the proposed stormwater management system shall conform to the following design standards:

1. Detention and retention systems shall be designed to comply with the Stormwater Management Manual adopted by the City of Freeport pursuant to this Code.
2. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
3. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.
5. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this Code by a professional engineer registered in the state of Florida.
6. No surface water may be channeled or directed into a sanitary sewer.
7. The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.

8. The banks of detention and retention areas should be sloped to accommodate, and should be planted with, appropriate vegetation.
9. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
10. Natural surface waters shall not be used as sediment traps during or after development.
11. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be sinuous rather than straight.
12. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
13. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
14. In phased developments the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this Code.
15. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from street or public rights-of-way.

5.04.05 Cash In Lieu Of On-Site Treatment Of Stormwater

A. Generally

Payment of cash in lieu of providing on-site treatment of stormwater may be accepted by the City of Freeport pursuant if the two conditions below are met.

B. Conditions

1. The development site is within the area covered by a functioning regional stormwater management facility permitted by the Department of Environmental Protection or Northwest Florida Water Management District.

2. The director, with the written concurrence of the City of Freeport Engineer, determines that the regional stormwater management facility is of sufficient size and capacity to accept the projected additional stormwater runoff without impairing its capacity to perform its current and projected functions for other areas.

C. Determination And Payment Of Cash In Lieu

The amount of the cash in lieu payment shall be set, and the payment shall be made, according to the following provisions.

1. The developer shall supply calculations, certified by a registered professional engineer, of anticipated additional post-development stormwater runoff.
2. A drainage payment of \$500.00 per cubic foot/second (C.F.S.) of said additional stormwater runoff shall be paid by the developer to the City of Freeport upon final approval of the development plan.
3. The amount of the payment shall be held in trust by the City of Freeport and shall be used only for land acquisition and/or improvements for stormwater management purposes, and shall be applied only within the same drainage basin as the site for which it was collected.

5.04.06 Dedication Or Maintenance Of Stormwater Management Systems

A. Dedication

If a stormwater management system approved under this Code will function as an integral part of the City of Freeport maintained regional system, as determined by the City of Freeport Engineer, the facilities should be dedicated to the City of Freeport.

B. Maintenance By An Acceptable Entity

1. All stormwater management systems that are not dedicated to the City of Freeport shall be operated and maintained by one of the following entities:
 - a. A local governmental unit including a county, municipality, or Municipal Service Taxing Unit, special district or other governmental unit.
 - b. An active water control district created pursuant to Chapter 298 Florida Statutes or drainage district created by special act, or Community Development District created pursuant

- to Chapter 190, Florida Statutes, or Special Assessment District created pursuant to Chapter 170 Florida Statutes.
- c. A state or federal agency.
 - d. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
 - e. The property owner or developer if:
 - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraph 1-4 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
 - f. For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
 - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City of Freeport affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 - (2) The Association has sufficient powers reflected in its organizational or operational documents to:
 - (a) Operate and maintain the stormwater management system as permitted by the City of Freeport.
 - (b) Establish rules and regulations.
 - (c) Assess members.
 - (d) Contract for services.
 - (e) Exist perpetually, with the Articles of Incorporation providing that if the Association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.
2. If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

3. In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.
4. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

5.05.0 LANDSCAPING

5.05.01 Exemption

Lots or parcels of land on which a single family home is used as a residence shall be exempt from all provisions of these landscaping regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan by the Development Review Board.

5.05.02 Required Landscaping

A. Vehicle Use Areas

1. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.
2. All vehicle use areas containing more than one thousand (1000) square feet shall be landscaped in accordance with [FIGURE 5-2](#) and [FIGURE 5-3](#). [FIGURE 5-4](#) identifies the areas of landscaping that may be counted towards fulfilling the vehicle use area landscaping requirement. Examples of canopy trees, undercover trees, shrubs and groundcover are contained in [Appendix C](#).
3. Proportional amounts of landscaping shall be provided for fractional areas.
4. Vehicle use areas designed to accommodate vehicles that are larger or smaller than automobiles, or that do not have designated parking

areas, shall meet the requirements of the above figures except that in place of twenty-four parking spaces, the square footage of four thousand eight hundred (4,800) square feet shall be used.

C. Buffer Zones

1. A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

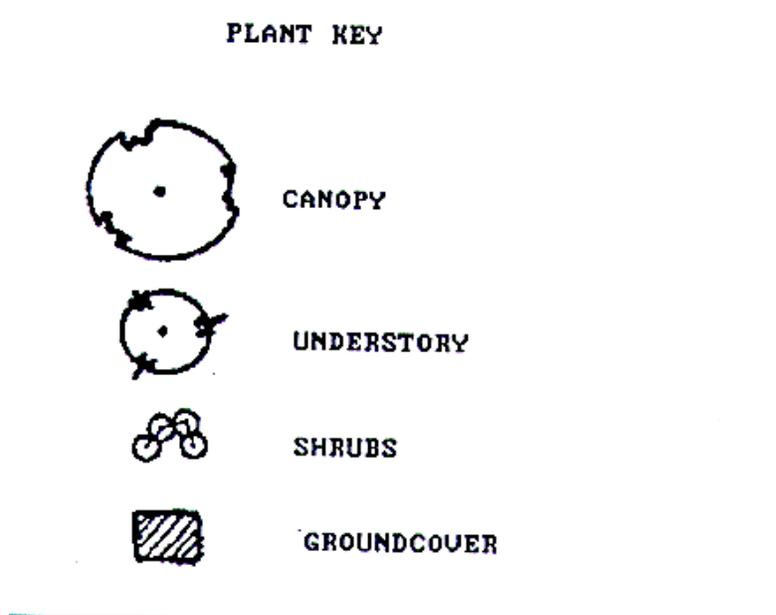


Figure 5-2 Plant Key For Vehicle Use Area Landscaping

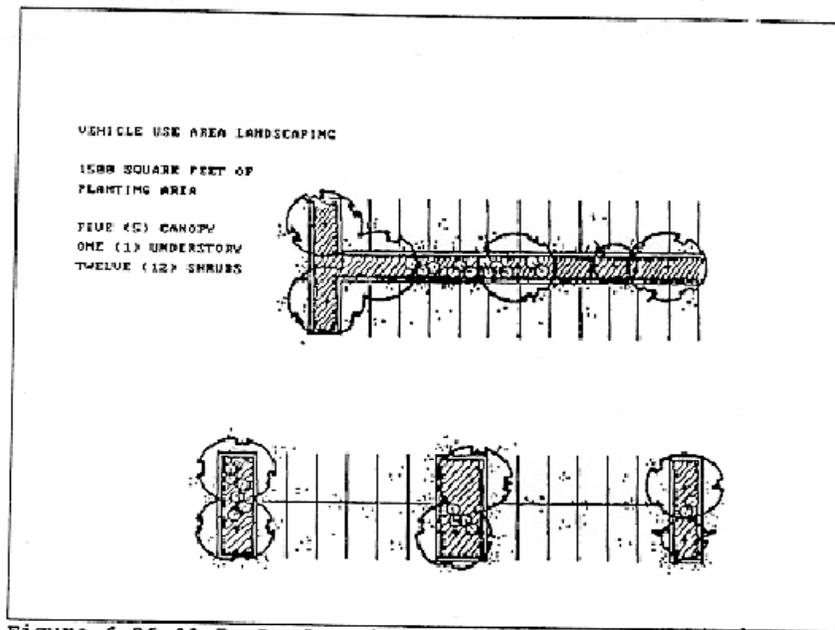


Figure 6.06.02-B Landscaping Standard

Figure 5-3 Landscaping Standard

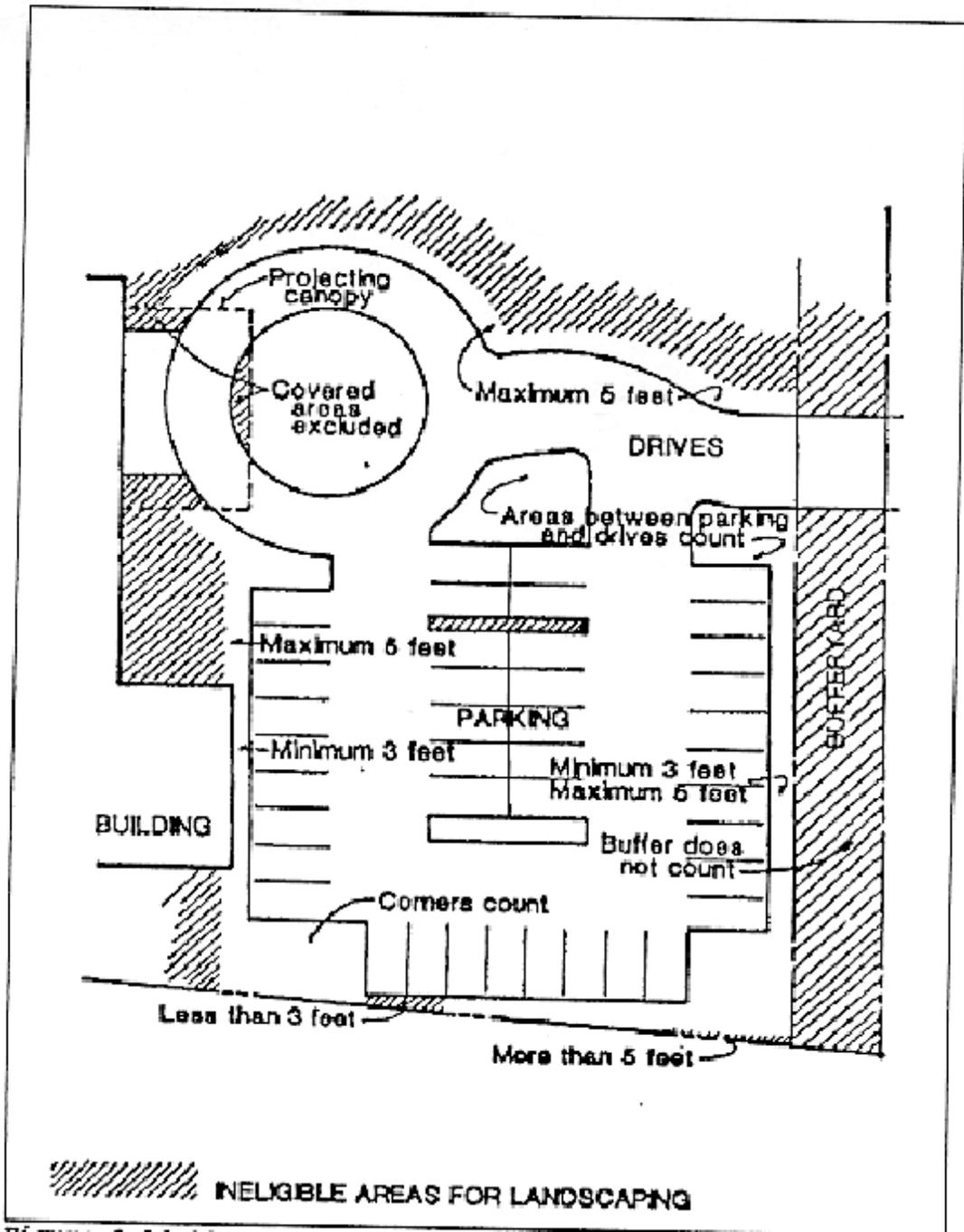


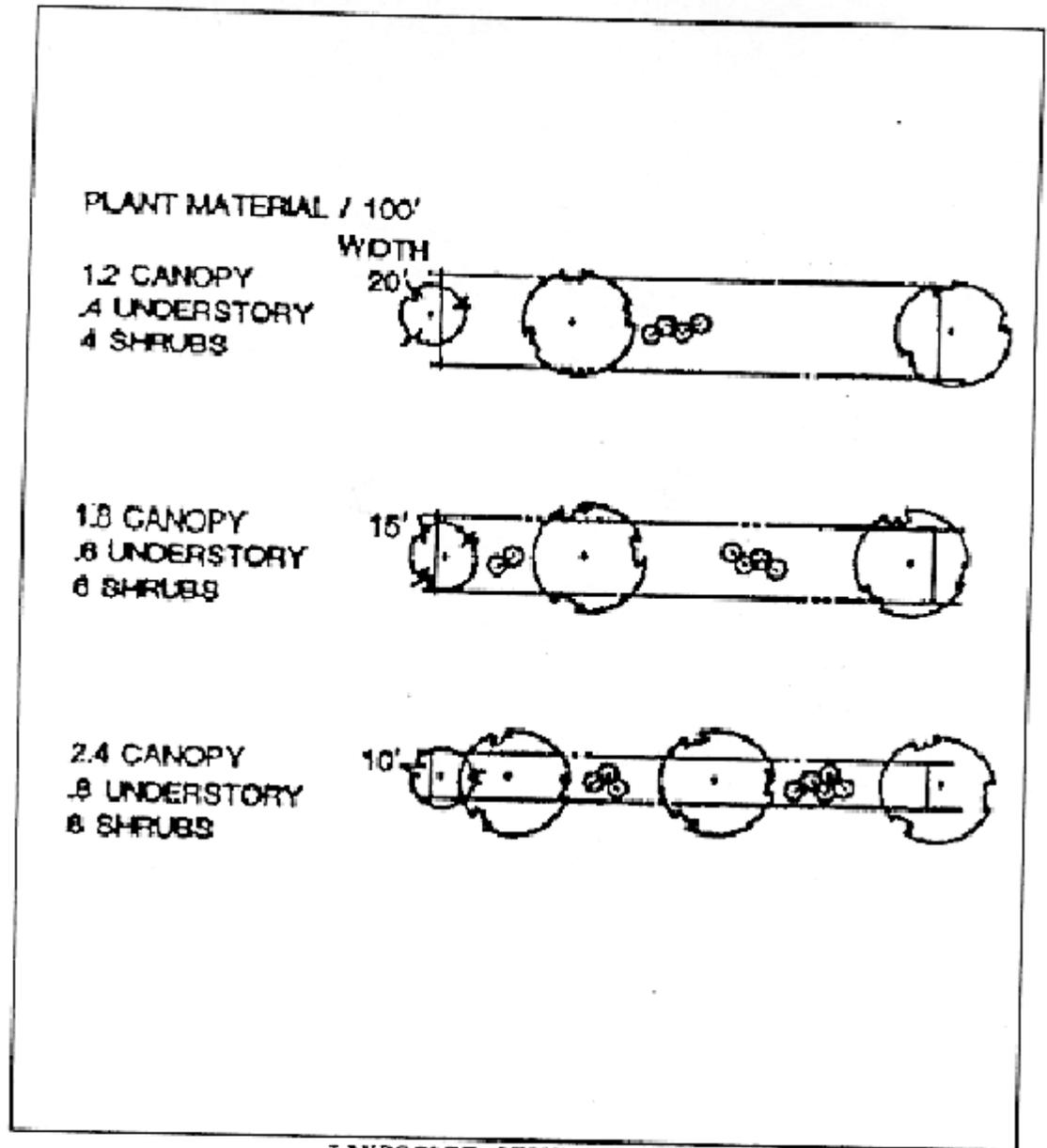
Figure 6.06.02-C Areas Eligible To Be Counted To Meet Vehicle Use Area Landscaping Requirements

Figure 5-4 Areas Eligible To Be Counted To Meet Vehicle Use Area Landscaping Requirements

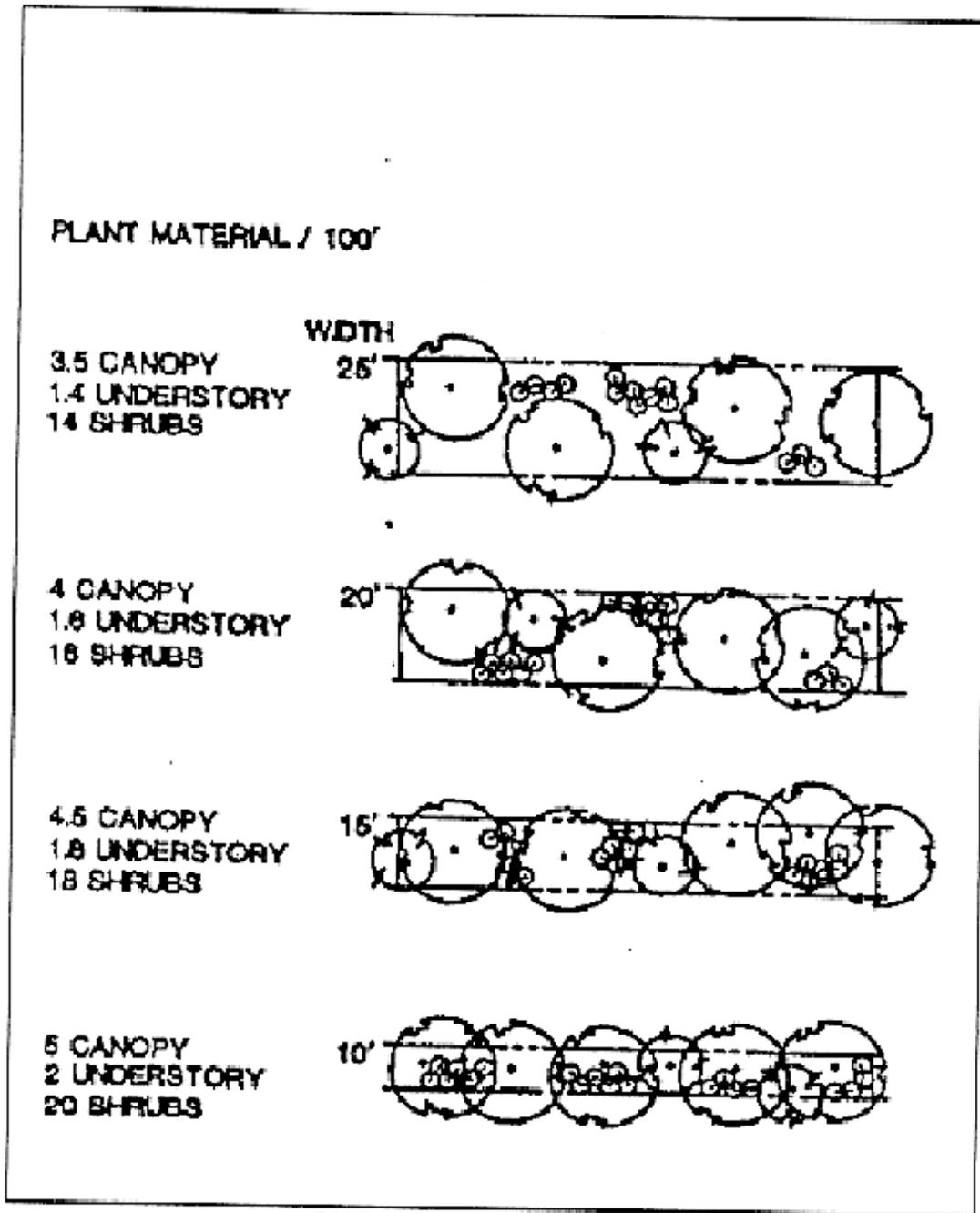
2. The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses. The standards of SUBSECTIONS 3 AND 4 below prescribe the required width and landscaping of all buffer zones.
3. The standards for buffer zones are set out in the following illustrations that specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.
4. The foregoing standards shall be applied between abutting parcels as follows:

LANDSCAPE BUFFERING STANDARDS

ABUTTING OR ADJACENT USE	PROPOSED USE	All Uses: ER District	All Uses: LDR District	All Uses: RD District	C, I, PS, MU, UD Districts	Residential up to 6 units per acre	Residential over 6 units per acre	Institutional	Outdoor Recreational	Professional Service/Office	General Commercial	High Intensity Commercial	Public Service/Utility	Industrial
ER District – All uses		N	N	N		N	A	B	A	B	B	C	B	D
LDR District – all uses		N	N	N		N	A	B	A	B	B	C	B	D
RD District – all uses		N	N	N		N	A	B	A	B	B	C	B	D
C, I, PS, MU, UD Districts														
Residential up to 6 units/acre		N	A	A		N	A	B	A	B	B	C	B	D
Residential over 6 units/acre		B	B	B		A	N	B	A	B	B	C	B	D
Institutional		B	B	B		B	A	N	B	A	B	B	A	C
Outdoor Recreational		A	A	A		A	A	A	N	A	B	B	B	C
Professional Service/Office		B	B	B		B	B	B	B	N	B	A	A	C
General Commercial		B	B	B		B	B	B	B	B	N	A	A	B
High Intensity Commercial		C	C	C		C	C	B	B	A	A	N	A	B
Public Service/Utility		B	B	B		B	B	A	B	A	A	A	N	B
Industrial		D	D	D		D	D	C	C	C	C	B	B	N

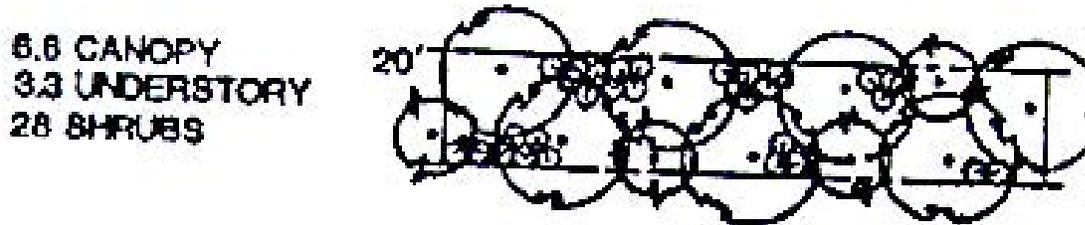
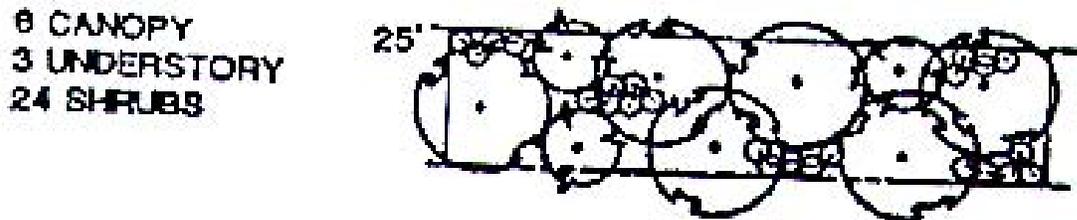
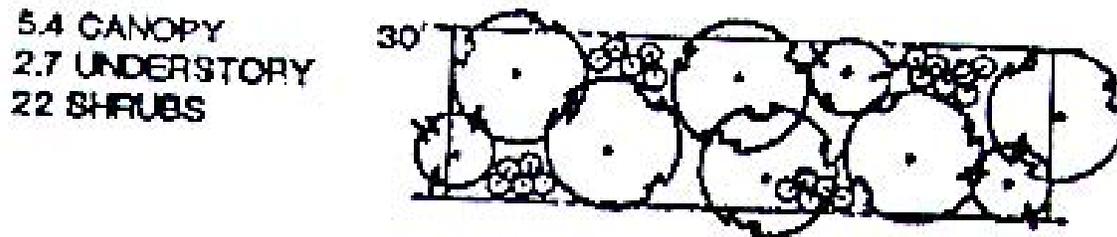
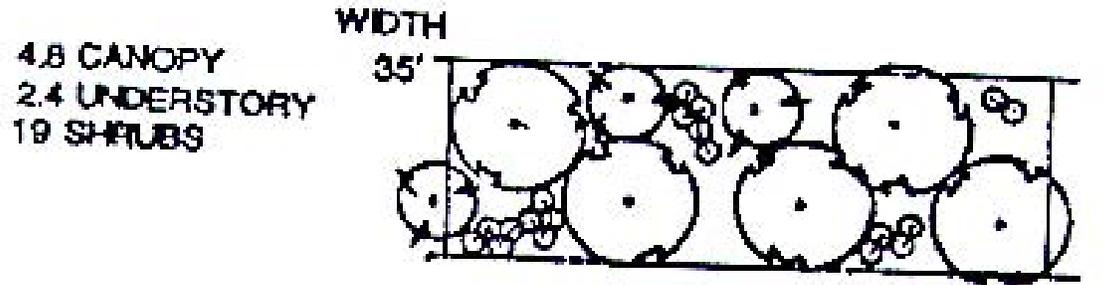


LANDSCAPE STANDARD "A"



LANDSCAPE STANDARD "B"

PLANT MATERIAL / 100'



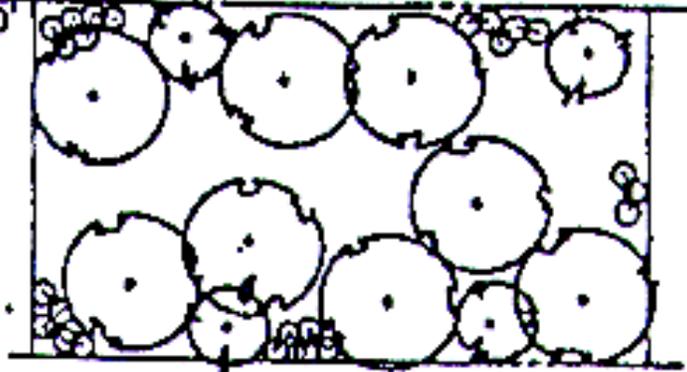
LANDSCAPE STANDARD "C"

PLANT MATERIAL / 100'

**8 CANOPY
4 UNDERSTORY
24 SHRUBS**

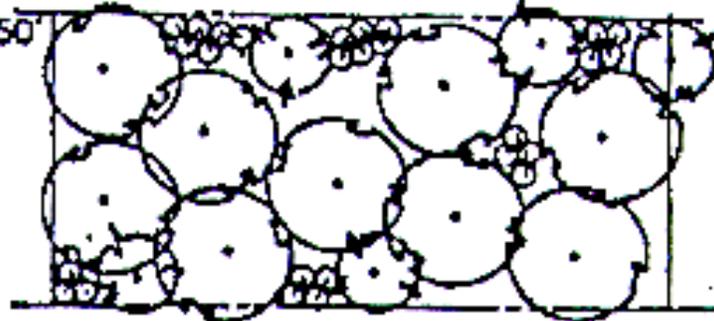
WIDTH

60'



**9 CANOPY
4.5 UNDERSTORY
27 SHRUBS**

50'



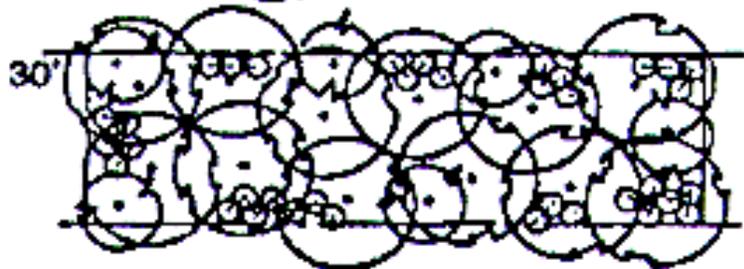
**10 CANOPY
5 UNDERSTORY
30 SHRUBS**

40'



**12 CANOPY
6 UNDERSTORY
36 SHRUBS**

30'



LANDSCAPE STANDARD "D"

5. The foregoing standards shall be applied along abutting thoroughfares as follows:

Proposed Use	Abutting Thoroughfare		
	Arterial	Collector	Residential
Environmental/Conservation	N	N	N
Rural Development	N	N	N
Low Density Residential	C	B	A
Established Residential	C	B	A
Commercial	C	B	A
Public Service	C	B	A
Mixed Use	C	B	A
Urban Development	C	C	B
Industrial	D	D	D

“N” = No buffer required.

6. Whenever the principal structure on a site abuts a vehicle use area on the same site, a buffer zone between the vehicle use area and the principal structure shall be provided as follows:

Proposed Use of Principal Structure	Standard
Environmental/Conservation	N
Rural Development	N
Low Density Residential	N
Established Residential	N
Commercial	A
Public Service	A
Mixed Use	A
Urban Development	A
Industrial	A

“N” = No buffer required

7. Buffering for mixed used developments shall be based on the more intense use in the building or cluster of buildings
8. The use of existing native vegetation in buffer zones is preferred. ([See PART 5.03.00 of this Code for Tree Protection requirements.](#)) If a developer proposes to landscape a buffer zone with existing native vegetation, the Staff Forester may recommend, and the Development Review Board may allow, a variance from the strict planting requirements of this section if:
- i. The variance is necessary to prevent harm to the existing native vegetation; and
 - ii. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.
9. Responsibility for Buffer Zones
- i. The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new

use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.

- ii. Where a residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide eight (80) percent of the combined required buffer zones of the two uses. Where the existing use has a buffer zone, but such zone does not meet the requirements of this Code, the proposed use may provide less than eight (80) percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting one hundred (100) percent of the combined required buffer zone of the two uses. The Development Review Board shall determine which areas may be counted as buffer zone of the existing use based on the buffering qualities of the areas.

C. Street Trees

1. The developer shall plant, within five (5) feet of the right of way of each street within a residential development, one shade tree for every fifty (50) linear feet of right of way. Except where property on one side of the right of way is not owned by the developer, the trees shall be planted alternately on either side of the street. Existing trees and native tree species that need less water and maintenance are preferred. ([See Part 5.03.00 of this Code for Tree Protection requirements.](#))
2. Trees planted pursuant to this section shall be selected from the approved list of canopy trees below and shall have a minimum overall height of ten (10) to (12) feet at time of planting. The Staff Forester should be consulted in selecting appropriate tree species and planting procedures. Existing trees and native tree species that need less water and maintenance are preferred.

D. Use of Required Areas

No accessory structures, garbage, or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

5.05.03 Landscape Design And Materials**A. Design Principles**

All landscaped areas required by this Code should conform to the following general design principles:

1. Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.
2. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
3. Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.
4. Existing native vegetation should be preserved and used to meet landscaping requirements. ([See Part 5.03.00 of this Code for Tree Protection requirements.](#))
5. Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
6. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short – and long-term elements to satisfy the general design principles of this section over time.
7. Landscaping should enhance public safety and minimize nuisances.

8. Landscaping should be used to provide windbreaks, channel wind and increase ventilation.
9. Landscaping should maximize the shading of streets and vehicle use areas.
10. The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy. No development plan shall be denied solely on the basis of the design principles in this section.

B. Installation of Plants

1. All plants shall be healthy and free of diseases and pests, and shall be selected from the list of approved species below. The Staff Forester may authorize the use of an appropriate species not shown on the lists. The Staff Forester should take steps to have the substituted species added to the list.
2. Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this requires that some or all of the landscaping be planted at time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued.
3. Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.
4. The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
5. All plants shall be installed according to standards adopted by the Staff Forester.
6. The developer shall provide sufficient soil and water to sustain healthy growth of all plants.

C. Use Of Native Plants

Forty (40) percent of the total number of individual plants selected from each of the categories (canopy, understory, shrub, groundcover) and used to satisfy the requirements of this Code shall be native species.

E. Prohibited Plants

The following plants shall not be installed as landscape material:

1. “Noxious” exotics, including the punk tree (*Meleleuca quinquenervia*)
2. Australian pine (*Casuarina* spp.)
3. Brazilian pepper (*Schinus terebinthe folius*)

F. Irrigation

All landscaped areas shall be provided with an appropriate irrigation system that conforms to the technical construction standards manual. If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the Director or Development Review Board, as applicable, may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirement shall include, in addition to the area covered by native vegetation, such local conditions as sun or shade, use of fill soil, and depth to water table.

G. Non-Living Materials

Mulches shall be a minimum depth of two (2) inches and plastic surface covers shall not be used.

H. Maintenance And Replacement Of Plants

1. All required plants shall be maintained in a healthy, pest-free condition.
2. Within six (6) months of a determination by the Staff Forester that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

I. Xeriscape water efficient landscaping. All development for which landscaping is required shall comply with xeriscape requirements set forth below prior to the issuance of a certificate of occupancy. The

accompanying points necessary to meet the following xeriscape requirements shall be clearly tabulated on the landscape plan.

1. Design options. All development shall attain a minimum of 50 points from the following design options. As used in the following design options, “list” means the list of drought-tolerant species set forth in Appendix C or by the Northwest Florida Water Management District as recommended drought-tolerant species for use in landscaping.
 - a. Utilization of moisture sensing controller other than rain-sensor override device. (5 pts.)
 - b. Plan submitted with low, moderate and high water usage zones indicated on the landscape plan. (5 pts.)
 - c. Grass:
 - (1) 25%-50% of the grass areas are made up of drought-tolerant grass species from the list. (5 pts.)
 - (2) 51% or more of the grass areas are made up of drought-tolerant grass species from the list. (10 pts.)
 - d. Shrubs:
 - (1) 25% - 50% of the required shrubs are made up of drought-tolerant species from the list (5 pts.)
 - (2) 51% or more of the required trees are made up of drought-tolerant species from the list. (10 pts.)
 - e. Trees:
 - (1) 25% - 50% of the required trees are made up of drought tolerant species from the list. (5 pts.)
 - (2) 51% or more of the required trees are made up of drought tolerant species from the list. (10pts.)
 - f. Extra shade trees in vehicular use areas:
 - (1) 25% more than the required shade trees planted in the vehicular use area. (5 pts.)

- (2) 50% more than the required shade trees planted in the vehicular use areas. (10 pts.)
 - g. Sod area less than 50% of the total landscaped area. (5 pts.)
 - h. Utilization of compacted mulch beds at least three inches deep in all planted areas except ground cover. (10 pts.)
 - i. Utilization of mulch other than cypress mulch. (5 pts.)
2. Irrigation. Adequate irrigation of landscaped areas shall be provided for the first full growing season and continue thereafter only as necessary to maintain required vegetation in good and healthy condition. Irrigation systems shall conform to following standards.
- a. Irrigation systems shall be continuously maintained in working order and shall be designed so not to overlap water zones or to water impervious areas.
 - b. No irrigation system shall be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
 - c. No permanent irrigation system is required for an area set aside on approved site plans for preservation of existing native vegetation or for xeriscape planting areas.

5.06.00 SIGNS

5.06.01 GENERAL PROVISIONS

A. Relationship To Building And Electrical Codes

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the City of Freeport. Whenever there is inconsistency; between these regulations and the building or electrical code, the more stringent requirement shall apply.

B. No Defense To Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

C. Maintenance

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 of Freeport, 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 the sign.

D. Definitions

[Refer to Appendix B](#)

5.06.02 Exempt Signs

The following signs are exempt from the operation of these sign regulations, and from the requirements in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

- A. Signs that are not designed or located so as to be visible from any street or adjoining property.
- B. Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by [SECTION 5.06.03](#) of this Code.
- C. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, Walton County or the City of Freeport.
- D. Legal notices and official instruments.
- E. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City Council for a prescribed period of time.
- F. Holiday lights and decorations.

- G. Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.
- H. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- I. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- J. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
- K. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- L. Works of art that do not constitute advertising.
- M. Signs carried by a person.
- N. Religious displays.

5.06.03 Prohibited Signs

A. Generally

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Code.

B. Specifically

The following signs are expressly prohibited unless exempted by [PART 5.06.02](#) of this Code or expressly authorized by [PART 5.06.04](#), [PART 5.06.05](#), or [PART 5.06.06](#) of this Code:

1. Signs that are in violation of the building code or electrical code adopted by the city.
2. Any sign that, in the opinion of the Planning Board does or will constitute a safety hazard.
3. Blank temporary signs.

4. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
5. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
6. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
7. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
9. Signs, commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such manner as to move upon being subjected to pressure by wind.
10. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
11. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
12. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the City of Freeport.
13. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
14. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
14. Non-governmental signs that use the words “stop,” “look,” “danger,” or any similar word, phrase, or symbol.

15. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.
16. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
17. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
18. Searchlights used to advertise or promote a business or to attract customers to a property.
19. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
20. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to 337.407, Florida Statutes.
21. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes (and signs authorized in writing pursuant to 337.407, Florida Statutes.)
22. Signs erected over or across any public street except as may otherwise be expressly authorized by this Code, and except governmental signs erected by or on the order of a public officer.
23. Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
 - a. is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way;
 - b. is visible from the street right of way that the vehicle is within one hundred (100) feet of; and
 - c. is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on

the vehicle, shall not be considered a vehicle used in the conduct of the business.

24. Signs displaying copy that is harmful to minors as defined by this Code.
25. Portable signs as defined by this Code.
26. Permanent Outdoor Advertising Signs.

5.06.04 Permitted Temporary Signs

A. Where Allowed

Temporary signs are allowed throughout the City of Freeport, subject to the restrictions imposed by this section and other relevant parts of this Code.

B. Signs Types Allowed

A temporary sign may be a round or building sign, but may not be an electric sign.

C. Removal Of Illegal Temporary Signs

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.

D. Restrictions On Content Of Temporary Signs

A temporary sign may display any message so long as it is not:

1. Harmful to minors as defined by this Code.
2. Advertising as defined by this Code, except that advertising for the following purposes may be displayed.
 - a. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
 - b. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business.

- c. To identify construction in progress. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.
- d. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
- e. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be removed within five (5) days after the special event.

B. Permissible Size, Height And Number Of Temporary Signs

1. One-Family and Two-Family Residences

A parcel on which is located a single one-family or two-family residence may display not more than two temporary signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet nor exceed Eight (8) feet in height.

2. Three-Family and Four-Family Residences

A parcel on which is located a single three-family or four-family residence may display not more than four (4) temporary signs with an aggregate sign area of not more than (10) square feet. No individual sign shall exceed six (6) square feet nor exceed eight (8) feet in height.

3. On All Other Parcels

All other parcels may display one (1) square foot of temporary signage per ten (10) feet of frontage up to a maximum of one hundred (100) square feet. No individual sign shall exceed sixty (60) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

5.06.05 Permitted Permanent Accessory Signs

A. Sign Types Allowed

A permanent accessory sign may be a ground or building sign. A permanent accessory sign may not be a roof sign.

B. Content

A permanent accessory sign may display any message so long as it is not harmful to minors as defined by this Code.

C. Permissible Number, Area, Spacing And Height Of Permanent Accessory Signs

1. Ground Signs

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text:

- a. If located on a thoroughfare with a speed limit of forty-five (45) miles per hour or less

Frontage on a Public right of Way in feet	Number of signs allowed	Total sign area allowed/Maximum sign area for Individual sign in Square feet	Minimum distance for any side property line/other permanent ground sign on the same site in feet	Maximum height in feet
Less than 50	1	24/24	10/NA	18
At least 50 but less than 100	1	32/32	15/NA	18
At least 100 but less than 200	1	48/48	20/NA	18
At least 200 but less than 300	1	64/64	50/NA	18
At least 300 but less than 400	2	72/72	50/100	18

400 or more	3	96/96	50/100	18
-------------	---	-------	--------	----

2. If located on a thoroughfare with a speed limit greater than forty-five (45) miles per hour:

Frontage on a Public right of Way in feet	Number of signs allowed	Total sign area allowed/Maximum sign area for Individual sign in Square feet	Minimum distance for any side property line/other permanent ground sign on the same site in feet	Maximum height in feet
Less than 50	1	24/24	10/NA	18
At least 50 but less than 100	1	48/48	15/NA	18
At least 100 but less than 200	1	64/64	20/NA	18
At least 200 but less than 300	1	96/96	50/NA	18
At least 300 but less than 400	2	128/96	50/100	18
400 or more	2	192/96	50/100	18

2. Building Signs

- a. Subject to the design criteria in [PART 5.06.07](#) of this Article, the maximum height of a building sign shall be eighteen (18) feet, except that on a building of more than two stories, a single building sign is allowed above eighteen (18) feet on each side of the building.
- b. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten (10) percent of the façade area (see [PART 5.06.06](#), Measurement determinations) of each building side or two hundred (200) square feet, whichever is smaller.
- c. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any

exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen (15) percent of the façade area (see [PART 5.06.06](#), Measurement Determinations) of such exterior portion or two hundred (200) square feet, whichever is smaller.

- d. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the façade area (See [PART 5.06.06](#), Measurement Determinations) of the building side or two hundred (200) square feet, whichever is smaller.

3. Multiple Frontages

If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no ground sign on one right of way may be closer than one hundred (100) feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

D. Time-Temperature-Date Signs

Time-temperature-date signs are permitted as a permanent accessory sign on commercially developed parcels notwithstanding the general prohibition on changing signs. These signs may only display numerical information in an easily comprehensible way and shall be kept accurate. They may be ground or building signs, and are subject to the regulations applicable to such signs. They shall be counted as part of an occupancy's allowable sign area.

E. Directional Signs

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

F. Signs At Entrances To Residential Developments, Farms and Ranches

1. Generally

A permanent accessory sign may be displayed at the entrance to residential developments, farms and ranches.

2. Restrictions

- a. One (1) sign is permitted at only one (1) entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.
- b. When considering the placement of such signs, the Development Review Board or Department, as the case may be, shall consider the location of public utilities, sidewalks and future street widenings.
- c. The Development Review board or Department shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the Board. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the sign shall be removed by the developer or owner.

G. Flags

1. Number

Not more than three flags or insignias of governmental, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land.

2. Size

The maximum distance from top to bottom of any flag shall be twenty (20) percent of the total height of the flag pole, or in the absence of a flag pole, twenty (20) percent of the distance from the top of the flag or insignia to the ground.

H. Utility Signs

Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

5.06.06 Measurement Determinations

A. Distance Between Signs

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two signs.

B. Facade Area

The façade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

C. Sign Area

1. Generally

The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semi-circle, the sides of which touch the extreme points or edges of the sign face.

2. Special Situations

- a. Where a sign is composed of letters or pictures attached directly to a façade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
- b. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.

- c. Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.
- d. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing, a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The “projected image” is that image created by tracing the largest possible two dimensional outline of the sign.

D. Number of Signs

1. Generally

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

2. Special Situations

- a. Where two sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one sign.
- b. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.

E. Sign Height

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

5.06.07 Design, Construction, and Location Standards

A. Generally

All permanent signs must comply with the following design, construction and location standards.

B. Compliance With Building And Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City of Freeport.

C. Illumination Standards

1. Sign lighting may not be designed or located to cause confusion with traffic lights.
2. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
3. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

D. Placement Standards

1. Near Street And Driveway Intersections

Signs located within a clear visibility triangle shall conform to the requirements at Section 5.01.04.H of this Code.

2. In Right Of Way

Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

3. Over Right Of Way

No ground sign shall project over a public right of way.

4. Blocking Exits, Fire Escapes, Etc.

No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

E. Clearance Standards**1. Over Pedestrian Ways**

All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

2. Over Vehicular Ways

All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

F. Relationship To Building Features

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

G. Maximum Projection

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

H. Maximum Window Coverage

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

I. Format For Multiple Occupancy Complexes

Building signs for multiple occupancy complexes constructed or remodeled after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in the Department. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Director to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Director upon submission of a revised plan and specifications detailing the revised format.

J. Signs Required To Be Certified By A Registered Engineer

The following signs shall be designed and certified by a Florida registered engineer:

1. Building signs that project perpendicularly from the surface to which it is attached and that are more than twenty-four square feet in area.
2. Ground signs of more than ten feet in height and one hundred square feet in area.