

## LAND USE AND ZONING

### **3.01.00 Purpose**

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts in the City of Freeport. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the City as expressed in the City Comprehensive Plan. Appendix A provides a summary of the relationship between land use categories and zoning districts.

### **3.02.00 Definitions**

[Refer to Appendix B](#)

### **3.03.0 Legal Interpretation of Districts and Boundaries.**

The City of Freeport Future Land Use Map and any subsequent amendments thereto shall dictate the location and extent of land use districts designated on the zoning map of the City of Freeport. The zoning map series, entitled “Official Zoning Map of City of Freeport”, including all notations, references and other information shown thereon, is hereby made a part of this Chapter as if such information set forth on the maps were fully described and set herein. This zoning map series, properly attested, is on file in the Freeport City Hall.

In the establishment by this Article of the respective districts, the City Council has given due and careful consideration to the peculiar suitability of each district for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangement of the various uses and densities of population in accordance with a well considered plan for the development of the area.

The boundaries of such districts as are shown upon the zoning map adopted by this Article or amendment thereto, are hereby adopted and approved. The regulations of this Article governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters as are hereinafter set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon such map.

Where uncertainty exists as to the boundaries of any district shown on such map, the following rules shall apply:

- A. Where such district boundaries are indicated as approximately following street

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center lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

- B. Where district boundaries are indicated as approximately parallel to the center lines of streets or highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is indicated on the zoning map, the scale of the map shall determine.
- C. In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map. Where a district boundary line divides a lot into equal sections, the more restrictive classification shall regulate. If a lot is divided into unequal sections, the regulation shall be the same as that in the largest section.
- D. Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- E. Where a lot or parcel of land in a residential district has an area or a width less than the minimum required in the zoning district and was owned as a separate unit and shown as a lot of record on the date of passage of these regulations, such lot or parcel of land may be used only for single-family dwelling purposes.
- F. In cases of uncertainty, the Zoning Coordinator shall interpret the zoning map or maps as to the exact location of boundaries. Any such decision may be appealed to the City Council.

### **3.04.00 DISTRICT NOMENCLATURES**

#### **3.04.01 Intent**

In order to regulate and limit the height and size of buildings, to regulate and determine the areas of open space within and surrounding building, to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses, the land area within the City of Freeport is hereby divided into the following zoning districts.

**3.04.02 Districts**

RA	Rural Agricultural District
RR	Rural Residential Development District
RV	Rural Village
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
RC	Residential/Neighborhood Commercial District
C-1	General Commercial District
C-2	High Intensity Commercial District
I-1	Light Industrial District
I-2	General Industrial District
I-3	Heavy Industrial
CON	Conservation District
PS	Public Service District
SDD	Special Development District

**3.04.03 Structure of District Regulations**

The regulations for each district are structured in the following manner, as relevant:

- A. Intent and Purpose of District
- B. Uses Permitted
- C. Uses permitted as Variances
- D. Uses Specifically Prohibited
- E. Site and Building Requirements

**3.05.00 SCHEDULE OF DISTRICT REGULATIONS****3.05.01 Rural Agricultural District (RA)****A. Intent and Purpose of District**

The Rural Agricultural District (RA) is intended to apply to those areas where future development is uncertain and for which a more restrictive zoning would be premature. The regulations in these districts are intended to permit a reasonable use of property, while at the same time, preventing a condition which would blight or prevent the proper future use of contiguous or nearby property.

**B. Uses Permitted**

1. Single family dwellings and their customary accessory buildings and uses.
2. Agricultural activities, the growing of crops, plants and raising of domestic animals, provided such animals are kept in a fenced area.
3. Agricultural Accessory and Out Buildings.
4. Buildings used exclusively by the federal, state, county or city governments for public purposes. Such building(s) shall be developed in accordance with site and building requirements for the R-1 District, and shall be subject to the screening requirements for commercial districts.
5. Boat houses and boat docks as accessory uses providing the roof of said boathouse does not exceed 20 feet above the elevation 0.0 based upon National Geodetic Vertical Datum (NGVD).
6. Campgrounds and recreational vehicle parks in accordance with the requirements of Section 3.10.00.
7. Home Occupations.
8. Mobile homes, provided that all minimum requirements for a single family residence are met, and that the skirting requirements and restrictions against location in flood hazard zones, as specified in Section 15C-1.10 Florida Administrative Code are met.
9. Planned Development Projects as provided for in Section 3.08.00.
10. Private stables which shall be no closer than 200 feet to a property line, and further provided that more than 75 percent of the owners of residences within a radius of 300 feet of the stable have given their written consent to the stable, and further provided that there shall not be kept more than one horse for each two acres of property.
11. Public parks and recreational areas.

**C. Uses permitted as variances**

The following uses may be permitted as a variance provided that any review and hearing of an application for a variance shall consider the character of the neighborhood in which the proposed use is to be located and its effect on the value of surrounding lands, and further, the area of the site as it relates particularly to the required open spaces and off-street parking facilities. Procedures for requesting variances are contained in Article 2.04.00 of these regulations.

1. Airplane landing fields with accessory facilities for private or public use.
2. Cemeteries, mausoleums, crematoriums, veterinary hospitals and

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- kennels.
  3. Churches with their attendant educational buildings and recreational facilities.
  4. Country clubs and their customary accessory uses.
  5. Day nurseries (day-care centers) and kindergartens as provided for in Sections 3.07.04 and Appendix B.
  6. Golf course, tennis centers and/or swimming pools, with customary attendant clubhouse facilities and accessory buildings.
  7. Hospitals and clinics, nursing homes and convalescent centers.
  8. Public or privately owned and operated amusement recreational facilities, open to the public, such as, but not limited to, athletic fields, race tracks and speedways, golf driving ranges, swimming pools.
  9. Riding stables, when located on a tract of land not less than 20 acres, provided that no structure, or corral housing animals shall be closer than 200 feet from any property line, and providing that the density shall not exceed one animal per acre of lot area.
  10. Schools, public, parochial and private, with conventional academic curriculums.
  11. Stadiums in conjunction with school facilities, provided the seating capacity does not exceed the student enrollment of the school to be served plus ten percent.

**D. Site and Building Requirements**

1. **Lot Area.** The minimum lot size for a single family dwelling shall be 20 acres.
2. **Density.** The maximum residential density shall be 1 dwelling unit per 10 acres.
3. **Lot Coverage.** There is no restriction on lot coverage for residential uses. The maximum combined area occupied by all principal and accessory buildings for other than residential uses shall not exceed 30 percent of the total lot area.
4. **Lot Width.** Minimum lot width for a single family dwelling measured at the front building line and at the street right-of-way shall be 100 feet.
5. **Front Yard Requirements.** There shall be a front yard having a depth of not less than 40 feet.

6. **Rear Yard Requirements.** There shall be a rear yard having a depth of not less than 40 feet.
7. **Side Yard Requirements.** There shall be side yards, each having a depth of not less than 20 feet.
8. **Building Height Requirements.** No building shall exceed two and one-half stories or 35 feet in height.

### **3.05.02 Rural Residential Development District (RR)**

#### **A. Intent and Purpose of District**

The Rural Residential Development District (RR) is intended to apply to those areas where future development is uncertain and for which a more restrictive zoning would be premature. The regulations in these districts are intended to permit a reasonable use of property, while at the same time, preventing a condition which would blight or prevent the proper future use of contiguous or nearby property.

#### **B. Uses Permitted**

1. Single family dwellings and their customary accessory buildings and uses.
2. Agricultural activities, the growing of crops, plants and raising of domestic animals, provided such animals are kept in a fenced area.
3. Agricultural accessory and out buildings.
4. Boat houses and boat docks as accessory uses providing the roof of said boathouse does not exceed 20 feet above the elevation 0.0 based upon National Geodetic Vertical Datum (NGVD).
5. Buildings used exclusively by the federal, state, county or city governments for public purposes. Such building(s) shall be developed in accordance with site and building requirements for the R-1 District, and shall be subject to the screening requirements for commercial districts.
6. Campgrounds and recreational vehicle parks in accordance with the requirements of Section 3.13.00.
7. Home Occupations.
8. Mobile homes, provided that all minimum requirements for a single family residence are met, and that the skirting requirements and restrictions against location in flood hazard zones, as specified in Section 15C-1.10 Florida Administrative Code are met.
9. Planned Development Projects as provided for in Article 3.08.00.
10. Private stables which shall be no closer than 200 feet to a property

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line, and further provided that more than 75 percent of the owners of residences within a radius of 300 feet of the stable have given their written consent to the stable, and further provided that there shall not be kept more than one horse for each two acres of property.

11. Public parks and recreational areas.

### **C. Uses permitted as a Variance**

The following uses may be permitted as a variance provided that any review and hearing of an application for a variance shall consider the character of the neighborhood in which the proposed use is to be located and its effect on the value of surrounding lands, and further, the area of the site as it relates particularly to the required open spaces and off-street parking facilities. Procedures for requesting variances are contained in Section 2.04.00 of these regulations.

1. Airplane landing fields with accessory facilities for private or public use.
2. Cemeteries, mausoleums, crematoriums, veterinary hospitals and kennels.
3. Churches with their attendant educational buildings and recreational facilities.
4. Country clubs and their customary accessory uses.
5. Day nurseries (day-care centers) and kindergartens as provided for in Articles 3.07.04 and Appendix B.
6. Golf course, tennis centers and/or swimming pools, with customary attendant clubhouse facilities and accessory buildings.
7. Hospitals and clinics, nursing homes and convalescent centers.
8. Public or privately owned and operated amusement recreational facilities, open to the public, such as, but not limited to, athletic fields, race tracks and speedways, golf driving ranges, swimming pools.
9. Riding stables, when located on a tract of land not less than 20 acres, provided that no structure, or corral housing animals shall be closer than 200 feet from any property line, and providing that the density shall not exceed one animal per acre of lot area.
10. Schools, public, parochial and private, with conventional academic curriculums.
11. Stadiums in conjunction with school facilities, provided the seating capacity does not exceed the student enrollment of the school to be served plus ten percent.

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**D. Site and Building Requirements**

1. **Lot Area.** The minimum lot size for a single family dwelling shall be 5 acres.
2. **Density.** The maximum residential density shall be 1 dwelling unit per 5 acres.
3. **Lot Coverage.** There is no restriction on lot coverage for residential uses. The maximum combined area occupied by all principal and accessory buildings for other than residential uses shall not exceed 30 percent of the total lot area.
4. **Lot Width.** Minimum lot width for a single family dwelling measured at the front building line and at the street right-of-way shall be 100 feet.
5. **Front Yard Requirements.** There shall be a front yard having a depth of not less than 40 feet.
6. **Rear Yard Requirements.** There shall be a rear yard having a depth of not less than 40 feet in depth.
7. **Side Yard Requirements.** There shall be side yards, each having a depth of not less than 20 feet.
8. **Building Height Requirements.** No building shall exceed two and one-half stories or 35 feet in height.

**3.05.03 Rural Village (RV)****A. Intent and Purpose of District**

The Rural Village category allows for predominantly residential development at a maximum density of two (2) dwelling units per acre.

**B. Uses Permitted**

Single-family residential and neighborhood –scale businesses and public uses, such as churches or schools, provided that the non-residential uses are compatible in scale and intensity with the character of the residential areas.

**C. Allowed Residential Density**



Density allowed: maximum of two (2) residential units per acre.

**D. Intensity Allowed**

The intensity of non-residential uses shall not exceed a floor area ratio of 50 percent (0.5 FAR).

**E. Mixture of Uses**

Residential uses shall account for approximately 95 percent (95%) of the total land area. To ensure a compatible mix of uses, landscaped buffers shall be required between residential uses and non-residential uses.

**F. Site and Building Requirements**

1. Lot Area. The minimum lot size for a single-family dwelling shall be  $\frac{1}{2}$  acre. If clustering is utilized due to the existence of environmentally sensitive lands on the property, the minimum lot size for a single family dwelling shall be  $\frac{3}{8}$  acre.
2. Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed 30 percent (30%) of the total lot area. The maximum impervious surface shall not exceed 30 % of the total lot area (maximum Impervious Surface Ratio (ISR) of 0.3).
3. Lot Width. The minimum lot width at the front building line shall be 100 feet and at the street right of way line 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
4. Front Yard Requirements. There shall be a front yard having a depth of not less than 25 feet.
5. Rear Yard Requirements. There shall be a rear yard having a depth of not less than 25 feet.
6. Side Yard Requirements. The side yard shall be 10% of the lot width measured at the front building line; however, side yards need not exceed 15 feet.
7. Building Height Requirements. No building shall exceed two and one half ( $2\frac{1}{2}$ ) stories or 35 feet in height.

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**G. Commercial Uses**

Commercial uses shall not occupy more than five percent (5%) of any area designated RV. Commercial land Uses shall be limited to collector and arterial road intersections, intersections of subdivision collectors and arterial or collector roads, and areas that are specifically designated and platted for neighborhood commercial uses as part of PDP master plans. Commercial uses shall not occupy more than fifteen percent (15%) of the frontage of any one mile segment of a collector or arterial roadway.

**3.05.04 Low Density Residential District (R-1)****A. Intent and Purpose of District**

The areas included within Low Density Residential Districts (R-1) are intended to be single family residential areas with large lots and low population density. Certain structures and uses required to serve educational, religious, utilities and non-commercial recreational needs of such areas are permitted within the district as variances.

**B. Uses Permitted:**

Only the following uses shall be permitted in any Low Density Residential District (R-1):

1. Single family dwellings and their customary accessory buildings and uses.
2. Boat houses and boat docks as accessory uses providing the roof of said boathouse does not exceed 20 feet above the elevation 0.0 based upon National Geodetic Vertical Datum (NGVD).
3. Buildings used exclusively by the federal, state, county or city governments for public purposes. Such buildings(s) shall be developed in accordance with site and building requirements for the R-1 District, and shall be subject to the screening requirements for commercial districts.
4. Home Occupations.
5. Planned Development Projects as provided for in Section 3.08.00.
6. Private stables which shall be no closer than 200 feet to a property line, and further provided that more than 75 percent of the owners of residences within a radius of 300 feet of the stable have given their written consent to the stable, and further provided that there shall not be kept more than one horse for each two acres of property.

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7. Public parks and recreational areas.

**C. Uses Permitted as Variances:**

The following uses may be permitted as a variance provided that any review and hearing of an application for a variance shall consider the character of the neighborhood in which the proposed use is to be located and its effect on the value of surrounding lands, and further, the area of the site as it relates particularly to the required open spaces and off-street parking facilities. Procedures for requesting variances are contained in Section 2.04.00 of these regulations.

1. Churches with their attendant educational buildings and recreational facilities.
2. Country clubs and their customary accessory uses.
3. Day nurseries (day-care centers) and kindergartens as provided for in Articles 3.07.04 and Appendix B.
4. Golf course, tennis centers and/or swimming pools, with customary attendant clubhouse facilities and accessory buildings.
5. Schools, public, parochial and private, with conventional academic curriculums.
6. Stadiums in conjunction with school facilities, provided the seating capacity does not exceed the student enrollment of the school to be served plus ten percent.

**D. Uses Specifically Prohibited:**

1. Manufactured housing not meeting the standards of the Florida Manufactured Building Act.

**E. Site and Building Requirements:**

1. **Lot Area:** The minimum lot area shall be one quarter acre (10,890 square feet) for each single family dwelling.
2. **Density:** The maximum density shall be no more than four (4) dwelling units per acre.
3. **Lot Coverage:** The maximum combined area occupied by all principal and accessory buildings shall not exceed 30 percent of the total lot area.

4. **Lot Width:** The minimum lot width at the front building line shall be 90 feet and at the street right-of-way line 50 feet.
5. **Front Yard Requirements:** There shall be a front yard having a depth of not less than the average depth of the front yards on the lots next adjacent thereto on either side. In case there is not dwelling within 200 feet of either side of the lot, the front yard depth shall not be less than 25 feet.
6. **Rear Yard Requirements:** The rear yard shall not be less than 25 feet in depth.
7. **Side yard Requirements:** The side yard shall be 10 percent of the lot width measured at the front building line; however, side yards need not exceed 15 feet.
8. **Building Height Requirements:** No building shall exceed two and one-half stories or 35 feet in height.
9. **Minimum square footage:** The minimum square footage of living space for all single family dwellings shall be 900 square feet or as approved by the development approval authority.

### **3.05.05 Medium Density Residential District (R-2)**

#### **A. Intent and Purpose of District**

This district is composed of certain limited areas where it is desirable, because of established trend, to recognize a more intensive form of residential use than in the Low Density Residential District. Provision is made for the erection of duplex, triplex, quadruplex and townhouse structures.

#### **B. Uses Permitted**

Only the following uses shall be permitted within any Medium Density Residential (R-2) District:

1. Any use permitted in the Low Density Residential (R-1) District including the customary accessory uses.
2. Congregate living (state licensed) shall be permitted only when owners of immediately adjacent dwellings give their written consent. Occupancy of a dwelling unit shall not exceed eight persons including the resident owner or administrator and not more

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- than two persons per bedroom.
  - 3. Multiple family dwellings.
  - 4. Townhouses.
  - 5. Planned Development Projects as provided for in Section 3.08.00.

**C. Uses permitted as Variances**

Same as for Low Density Residential (R-1) District.

**D. Uses Specifically Prohibited**

- 1. Manufactured housing not meeting the standards of the Florida Manufactured Building Act.

**E. Site and Building Requirements**

- 1. **Lot Area.** The minimum lot area shall be 5,000 square feet for each dwelling unit.
- 2. **Density.** The maximum density for the district shall be 8 dwelling units per acre.
- 3. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
- 4. **Lot Width.** The minimum lot width at the front building line and at the street right-of-way shall be 50 feet.
- 5. **Front Yard Requirements.** There shall be a front yard having a depth of not less than the average depth of the front yards on the lots next adjacent thereto on either side. In case there is no dwelling within 200 feet on either side of the lot, the front yard depth shall not be less than 20 feet.
- 6. **Rear Yard Requirements.** The rear yard shall not be less than 20 feet in depth.
- 7. **Side Yard Requirements.** The minimum side yard shall be 7.5 feet for single family dwellings. The minimum side yard for duplex, triplex, quadruplex or townhouses shall be 10 percent of the lot width measured at the front building line; however, side yards need not exceed 15 feet.

8. **Building Height Requirements.** No building shall exceed two and one-half stories or 35 feet in height.
9. **Minimum Square Footage Requirements.** Minimum Square Footage of living space for all dwelling units shall be 900 square feet or as approved by the development approval authority.

### **3.05.06 High Density Residential District (R-3)**

#### **A. Intent and Purpose of District.**

The areas included in High Density Residential (R-3) Districts are residential in character. Residential uses are permitted at higher development densities than R-1 and R-2 districts.

#### **B. Uses Permitted**

Only the following uses shall be permitted within any High Density Residential (R-3) District.

1. Any use permitted in the R-2 District.
2. All uses permitted as variances in R-1 shall be permitted uses in R-3 and shall not require a variance.

#### **C. Uses permitted as Variances**

1. Hospitals and clinics (excluding animal hospitals and clinics), nursing homes and convalescent homes.

#### **D. Uses Specifically Prohibited**

1. Manufactured housing not meeting the standards of the Florida Manufactured Building Act.
2. Any non-residential use.

#### **E. General Regulations for Townhouse Projects:**

The townhouse project shall be in single ownership at the time of submission of plans.

1. The maximum density of each project shall be no greater than one dwelling unit for each 3000 square feet of total project area.
2. The maximum combined area occupied by all principal and

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- accessory buildings shall be 50 percent of the land.
3. Off-street parking shall be provided as required in Section 5.02.00 for residential dwellings.
  4. Each unit shall be self-contained with respect to utilities, heating and air-conditioning. Each unit shall have independent entrances, and common stairwells shall be prohibited.
  5. Swimming pools, tennis courts, playgrounds, and other recreational uses may be permitted within the project, provided such uses are located in areas retained in common ownership. Adequate provisions shall be made to eliminate problems of noise and lights with respect to dwelling units within the Project and with respect to adjacent property.
  6. When driveways and parking spaces are located adjacent to the perimeter of the project, consideration should be given to the provision of walls or other screening material to avoid adverse effects of noise and light to adjacent property.
  7. Deed covenants shall be developed to insure the maintenance and upkeep of areas and facilities retained in common ownership in order to provide a safe, healthful and attractive living environment within project and to prevent the occurrence of blight and deterioration of separate units.
  8. Each townhouse building shall contain no less than two nor more than ten townhouse units.
  9. Every townhouse unit shall have a minimum gross floor area of 900 square feet of usable living area, exclusive of utility, attic and garage.
  10. The width of a lot occupied by a town house shall be not less than 16 feet.
  11. No townhouse complex or part thereof or building accessory thereto shall be constructed within 16 feet of any other townhouse complex or any part thereof or building accessory thereto.
  12. There shall be a front yard having a depth of not less than 30 feet if off-street parking is to be in the front yard. If off-street parking is provided elsewhere, front yard depth may be reduced to 15 feet.
  13. Townhouses having only one party wall shall have a side yard of not less than ten feet.
  14. There shall be a rear yard having a depth of not less than 20 feet, except that the minimum rear yard need not exceed 20 percent of the total depth of the lot. The rear yard may be in the form of a patio, green space, etc.

**F. Waiver or Imposition of Standards:**

The development approval authority may waive the standards contained in Section E, above or may impose additional requirement, which in their judgment are required as a result of unique circumstances with respect to size and the type of development proposed. Such conditions shall be in keeping with the intent and purpose of these regulations and the High Density Residential (R-3) District.

**G. Site and Building Requirements**

1. **Lot Area:** The minimum lot area shall be 5,000 square feet for each single-family dwelling unit and 3,000 square feet per dwelling unit for duplex, triplex, quadruplex and townhouse units.
2. **Density:** The maximum density shall be no more than 8 single family dwelling units per acre, or 14 duplex, triplex, quadruplex or townhouse dwelling units per acre
3. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
4. **Lot Width.** The minimum lot width at the front building line and at the street right-of-way shall be 50 feet.
5. **Front Yard Requirements.** Where a single-family detached residence is constructed on the lot there shall be a front yard having a depth of not less than the average depth of the front yards on the lots next adjacent thereto on either side. In case there is no dwelling within 200 feet of either side of the lot, the front yard depth shall not be less than 15 feet. On parcels with a duplex, triplex, quadruplex or townhouse there shall be a front yard having a depth of not less than 15 feet if off-street parking is to be in the front yard. If off-street parking is provided elsewhere the front yard depth may be reduced to 15 feet.
6. **Rear Yard Requirements.** The depth of the rear yard shall be not less than 15 feet.
7. **Side Yard Requirements.** The minimum side yards shall be 7.5 feet for a single-family detached residences. For duplex, triplex, quadruplex and townhouses the minimum side yards shall be 10 percent of the lot width measured at the front building line; however, side yards need not exceed 15 feet.



8. **Building Height Requirements.** No building shall exceed two and one-half stories or 35 feet in height.
9. **Minimum Square Footage Requirements.** Minimum Square Footage of living space for all dwelling units shall be 700-750 square feet or as approved by the development approval authority.

### **3.05.07 Residential/Neighborhood Commercial District (RC)**

#### **A. Intent and Purpose of District**

1. It is the intent of this district to provide for and guide the development and use of land in the downtown areas of the City of Freeport
2. It is further the purpose of this district to promulgate development of the expanded downtown area, which results from the realignment of Route 331, as an intensely developed center of the City through providing for a planned mixture of residential, commercial and office uses. Various ancillary uses and amenity features appropriate for a downtown will also be incorporated.

#### **B. Uses Permitted**

Unless otherwise specified, the following use categories or combination thereof, are determined to be appropriate to and compatible with the expressed purpose of this district and shall be permitted.

1. Uses permitted in R-1, R-2, and R-3 Districts.
2. The following uses and others consistent with the intent of the district, which are not otherwise excluded, are permitted:
  - a. Antique shops.
  - b. Bakeries, the products of which are sold only at retail on the premises.
  - c. Buildings used exclusively for federal, state and local government for public purposes.
  - d. Churches and schools.
  - e. Day nurseries, kindergartens, and other child-care centers.
  - f. Florist shops, the products of which are displayed and sold wholly within an enclosed building.
  - g. Funeral homes.
  - h. Grocery, fruit, vegetable and retail meat market stores.
  - i. Health baths and spas.

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- j. Hospitals and nursing homes, but not animal hospitals.
  - k. Interior decorating, home furnishing and furniture stores.
  - l. Marinas.
  - m. Mini-warehouses to provide private storage compartments primarily for use by private individuals for storage only, and not to be used for any other purpose including but not limited to workshops, and garages and further limited in the following ways.
    - (1) The buildings shall not exceed 15 feet in height.
    - (2) Street frontage to be set back a minimum of 30 feet from property lines; and
    - (3) All storage will be within the confines of the buildings and nothing shall be stored outside thereof.
  - n. Motels.
  - o. Music conservatory, dancing schools and art studios.
  - p. Music, radio and television shops.
  - q. Performing arts theatres and museums.
  - r. Personal service establishments such as banks, beauty parlors, barbershops, medical and dental clinics, financial institutions, parking garages, parking lots, laundry and dry cleaning pick-up stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.
  - s. Police and fire stations.
  - t. Professional office buildings.
  - u. Radio broadcasting and telecasting stations; studios and offices.
  - v. Recycling collection centers.
  - w. Restaurants.
  - x. Retail businesses, such as: drug, hardware stores, book stationary, gift shops, china and luggage shops, newsstands, photographic supplies and studios, ladies' and men's and children's apparel.
  - y. Retail paint and wallpaper stores.
  - z. Retail shops with a maximum floor area of three thousand square feet.
  - aa. Shopping Centers.
  - bb. Planned development projects as provided for in Section 3.08.00.
  - cc. Other uses which are substantially similar to the uses permitted herein, which would promote the intent and

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purposes of this District. Determination shall be made by the development approval authority which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determinations shall be final.

**C. Uses permitted as Variances**

1. One single family dwelling which is accessory and attached to a permitted principal building actively engaged in a permitted use.
2. Apartment complex when located above at least one story of commercial uses, providing each dwelling unit has a minimum floor area of 500 square feet and that parking requirements for the residential use are met.

**D. Uses Specifically Prohibited**

The following uses are specifically prohibited from location in the Residential/Neighborhood Commercial (RC) District.

1. Billboards and off-premises signs.
2. Outside storage.
3. Vehicle or equipment dealerships and repair facilities except minor filling station servicing.
4. Wholesale trade establishments.

**E. Site and Building Requirements**

1. **Lot Area.** There shall be no minimum lot size
2. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 70 percent of the total lot area.
3. **Lot Width.** There shall be no minimum lot width.
4. **Yard Requirements.** There shall be a rear yard of at least 15 feet. Where a commercial use or district is contiguous to a residential use or district, there shall be a minimum side yard of ten feet on the side abutting the residential district unless the two district are separated by a public street, body of water, or similar man-made or natural buffer in which case no side yard is required. There shall be a minimum front yard depth of not less than 15 feet, except as

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provided for in Section 3.07.03.

5. **Screening Requirements.** Where a lot line of a lot within an RC Residential/Neighborhood Commercial District abuts a side or rear lot line of a residential use or lot in a residential district, the open storage of equipment, vehicles, materials or commodities shall be screened from said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six feet in height, and shall be at least 50 percent opaque as viewed from any point along said residential lot line. Where such open storage exists unscreened as of the date of adoption of these regulations, the non-residential property owner shall be required to meet the screening requirements of this section within 18 months of the adoption date of this code. When landscaping is used for screening, the height and opacity requirements shall be attained within 18 months of planting.
6. **Other Requirements.** Driveways, streets and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets shall not be hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts.
7. **Performance Standards:** Each use, activity or operation within this district shall comply with the performance standards specified in Sections 3.11.00 and 3.12.00.
8. **General.** No building or structure on a site in the RC district shall exceed the lesser of three stories or 45 feet from grade at the required front, rear, or side yard lines, except as provided in Subsection 3.07.01 (Height and Area Exceptions and Supplements).
9. **Residential Requirements.**
  - a. Densities shall be the same as the R-3 District.
  - b. Multiple family side yard requirements shall be the lesser of ten percent of lot width at the front building line or 15 feet. The maximum floor area ration shall be 3.0.
  - c. Floor area ratios shall not include balconies which extend less than six feet from the main building.
10. **Commercial Requirements:**

- a. Floor Area Ratio
  - (1) No new structure shall be constructed with a floor area ratio in excess of 3.0.
  - (2) No structure shall be renovated with floor area ratio in excess of 3.0.
  - (3) Structures used exclusively for parking shall not be included in floor area ratio calculations, but must meet all other requirements and shall be included in site coverage, yard regulations, etc.
- b. Site Coverage. Renovations of existing structures will be allowed for a structure covering 100 percent of the site area. New construction may only cover 70 percent of the entire site area at ground level.
- c. Yard Regulations. There are no specific yards or set backs required except where a lot line is adjacent to a residential use, in which case a 15 foot building set back from the adjacent residential lot line shall be maintained.

**F. Off-Street Parking and Loading:**

- 1. Parking
  - a. There shall be provided at the time of erection or alteration of any commercial structure within the Residential Commercial District, one off-street parking space for each 300 square feet of net rentable tenant or occupant space, along with adequate provisions for ingress and egress by automobiles of standard size, except as set forth below.
  - b. There shall be an exemption from the requirement of off-street parking, for the purchase and renovation of an existing structure without available appurtenant off-street parking, or for the renovation of the same for any usage not inconsistent with the other requirements of these regulations.
  - c. There shall be provided at the time of erection or alteration of any residential structure within the district, adequate off-street parking along with suitable provision of ingress and egress by automobiles of standard size as follows:

- (1) 1-4 Units: 2.0 spaces per unit
- (2) 5 or more Units: 1.5 spaces per unit

2. Loading. For requirements, refer to Section 5.02.00 of these land development regulations.

### **3.05.08 General Commercial District (C-1)**

#### **A. Intent and Purpose of District**

This district is composed of certain land and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops, and automotive repairs. Characteristically, this type of district occupies an area larger than that of the Residential/Neighborhood Commercial District, is intended to serve a considerably greater population and offers a wider range of services.

#### **B. Uses Permitted**

The following uses shall be permitted within any General Commercial (C-1) District:

1. Any commercial use permitted in the Residential/Neighborhood Commercial (RC) District.
2. Amusement and recreational facilities such as, but not limited to arcades, amusement parks, shooting galleries, miniature golf courses, golf driving ranges, baseball batting ranges and trampoline centers, indoor recreation centers and gymnasiums.
3. Bowling alleys, skating rinks and billiard/pool parlors, providing such activities and facilities are enclosed within a soundproof building.
4. Carnival type amusement, when located more than 500 feet from any residential district.
5. Car wash.
6. Commercial or trade schools such as dance and martial arts studios.
7. Community centers and fraternal lodges.
8. Community food banks, food distribution.
9. Country clubs and golf courses.
10. Department stores and other retail sales stores.
11. Drive-in restaurants.
12. Farm and Garden supply, building supplies.
13. Frozen food lockers.

14. Garden centers and plant nurseries.
15. Hospitals.
16. Light garment manufacturing.
17. Mechanical garages with body work and painting services provided that storage yards shall have a privacy fence with a minimum of six feet in height.
18. Machine and welding shops.
19. Movie theaters.
20. Printing, bookbinding, lithography, and publishing plants.
21. Private clubs, lodges and therapeutic massage clinics.
22. Radiator cleaning, repair and installation.
23. Retail heating and air conditioning sales and service, provided that all refrigerators and freezers in outside storage area must comply with state laws pertaining to removal of doors. Storage areas shall have a privacy fence with a minimum of six feet in height.
24. Shopping Centers (but not regional malls or centers).
25. Taverns and night clubs.
26. Theaters and auditoriums.
27. Trade shops, including tinsmith, cabinet maker, rug and carpet cleaning, upholstery, mattress renovation, electrical, roofing and plumbing shop, provided that storage yards shall have a privacy fence with a minimum of six feet in height.
28. Veterinary offices and animal hospital, provided the facility has no outside kennels.
29. Washing and packaging of fruit when accessory to retail fruit sales on the premises.
30. Other uses which are substantially similar to the uses permitted herein, which would promote the intent and purposes of this district. Determination shall be made by the development approval authority which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination from the City Council. Such determination shall be final.
31. Planned development projects as provided for under Section 3.08.00.

### **C. Uses permitted as Variances**

1. One single family dwelling which is accessory and attached to a permitted principal building, which principal; building is actively engaged in a permitted use.
2. Apartment complex when located above at least one story of

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commercial uses, provided that each dwelling unit shall have a minimum floor area of 500 square feet and that parking requirements for the residential use are met.

#### **D. Site and Building Requirements**

1. **Lot Area.** There shall be no minimum lot size.
2. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
3. **Lot Width.** There shall be no minimum lot width.
4. **Yard Requirements.** There shall be a rear yard of at least 15 feet. Where a commercial district is contiguous to a residential district, there shall be a minimum side yard of ten feet on the side abutting the residential district unless the two districts are separated by a public street, body of water, or similar man-made or natural buffer in which case no side yard is required. There shall be a front yard depth of not less than 15 feet, except as provided for in Section 3.07.03.
5. **Building Height Requirements.** No building shall exceed a height at the required front, rear and side yard lines of three stories or 45 feet from grade.
6. **Screening Requirements.** Where a lot line within a General Commercial (C-1) District abuts a side or rear lot line in any residential district, the open storage of Equipment, vehicles, materials or commodities shall be screened from said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six feet in height; and shall be at least 50 percent opaque as viewed from any point along said residential lot line. Where such open storage exists unscreened as of the date of adoption of these regulations, the non-residential property owner shall be required to meet the screening requirements of this section within 18 months of the adoption date of this code. When landscaping is used for screening, the height and opacity requirements shall be attained within 18 months of planting.
7. **Other Requirements.** Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances



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and exits to public streets shall not be hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent Residential Districts.

**E. Performance Standards.**

Each use, activity or operation within this district shall comply with the performance standards specified in Sections 3.11.00 and 3.12.00.

**3.05.09 High Intensity Commercial District (C-2)**

**A. Intent and Purpose of District**

This district is composed of those lands and structures which, by their use and location are high intensity commercial uses especially adapted to the conduct of the business of wholesale distribution, storage and light manufacturing. Such lands are conveniently located to principal thoroughfares and/or railroads.

**B. Uses Permitted**

The following uses shall be permitted within any High Intensity Commercial (C-2) District.

1. Any use permitted in the C-1 General Commercial District.
2. Bakeries and confectionary manufacturers.
3. Building material storage and sales.
4. Bus, car, truck repair, storage and terminals.
5. Financial institutions with drive-up facilities.
6. Flea markets or similar outdoor or indoor/outdoor sales complexes.
7. Furniture, decorating materials, and upholstery manufacture.
8. Garment manufacturing.
9. Machinery sales and storage.
10. Manufacture and assembly of scientific, electrical, optical and precision instruments or equipment.
11. Manufacture of novelties and souvenirs.
12. Marinas.
13. Meat storage, cutting and distribution.
14. Milk bottling and distribution plants; ice cream manufacturing.
15. New and used automobile dealerships, mobile home and boat sales.
16. Roadside produce stands, temporary or permanent.
17. Soft Drink bottling.

18. Storage and wholesale distribution warehousing.
19. Storage yards for equipment, machinery, and supplies for building and trades contractors, garbage haulers.
20. Testing of materials, equipment and products.
21. Taverns, bars, lounges, night clubs and dance halls.
22. Truck stop.
23. Veterinary offices and animal hospitals and kennels.
24. Wholesale meat and produce distribution.
25. Other uses which are similar to the uses permitted herein, which are not specifically prohibited in "C" below, and which would promote the intent and purpose of this district. Determination shall be made by the development approval authority which shall be made without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.
26. Planned development projects as provided for under Section 3.08.00.

**C. Uses Specifically Prohibited.**

The following uses shall be prohibited in any High Intensity Commercial (C-2) District:

1. Any use or activity which is not in full compliance with all the requirement and standards set forth in this section..
2. Animal slaughtering, or the confinement of animals for feeding, finishing and preparation for slaughter, including stockyards and feeding pens.
3. Asphalt manufacturing or refining, or any similar petroleum or petrochemical refining or manufacturing process.
4. Asphalt or concrete paving, mixing or batching plant.
5. Blast furnace or similar heat or glare generating operations.
6. Bone distillation or the reduction, rendering, incineration or storage of garbage, offal, animals or animal waste, fats, fish, or similar materials or products.
7. Cement, lime, gypsum or plaster-of-paris manufacture, or the open storage of raw materials or finished products related to such manufacturing.
8. Corrosive acid manufacture or bulk storage, including but not limited to hydrochloric, nitric, sulphuric, or similar acids.
9. Dwellings, except living quarters for custodians, guards and caretakers, when such facilities are accessory to the primary occupancy of the premises.

10. Glue, size or gelatin manufacture where the process involves the refining or recovery of such products from fish, animal or refuse materials.
11. Junk, salvage or wrecking yard or structure wherein motor vehicles, appliances or similar used equipment or material stored, dismantled or sorted for display, sale or packing.
12. Tallow, grease, lard or vegetable oil refining.
13. Other uses which are similar to those listed above which are not specifically permitted; the prohibition of which would promote the intent and purposes of this district. Determination shall be made by the development approval authority which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.

**D. Site and Building Requirements**

1. **Lot Area.** There shall be no minimum lot size.
2. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
3. **Lot Width.** There shall be no minimum lot width.
4. **Yard Requirements.** There shall be a rear yard of at least 15 feet. Where a commercial district is contiguous to a residential district, there shall be a minimum side yard of ten feet on the side abutting the residential district unless the two districts are separated by a public street, body of water, or similar man-made or natural buffer in which case no side yard is required. There shall be a front yard depth of not less than 15 feet, except as provided for in Section 3.07.03.
5. **Building Height Requirements.** No building shall exceed a height at the required front, rear or side yard lines of three stories or 45 feet from grade.
6. **Screening Requirements.** Where a lot line of a lot within a High Intensity Commercial (C-2) District abuts a side or rear lot line of a lot in any residential district, the open storage or equipment, vehicles, materials or commodities shall be screened from said residential lot line. Such screen may be in the form of walls,

fences or landscaping; shall be at least six feet in height; and shall be at least 50 percent opaque as viewed from any point along said residential lot line. Where such open storage exists unscreened as of the date of adoption of these regulations, the non-residential property owner shall be required to meet the screening requirements of this section within 18 months of the adoption date of this code. When landscaping is used for screening, the height and opacity requirements shall be attained within 18 months of planting.

7. **Other Requirements.** Other requirements are as follows: Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets shall not be hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts.

**E. Performance Standards:**

Each use, activity or operation within any High Intensity Commercial (C-2) District shall comply with the performance standards established in Sections 3.11.00 and 3.12.00.

**3.05.10 Light Industrial District (I-1)**

**A. Intent and Purpose of District**

The intent and purpose of this district is to provide space for those industries which require locations accessible to major transportation facilities, to establish and maintain standards that will promote the development of those industries and related activities which desire an attractive, pleasant environment and compatible surroundings; to establish and maintain standards which will protect adjacent residential and commercial developments.

**B. Uses Permitted**

The following uses shall be permitted in any Light Industrial (I-1) District:

1. Any use permitted in the C-2 district.
2. Ceramics manufacturing.
3. Communications and transmission towers in excess of 40 feet in height.
4. Crematoriums
5. Electrical machinery and equipment manufacturing.
6. Food processing and packaging.
7. Glass and glass products manufacturing.

8. Helicopter landing facilities.
9. Living quarters for guards, custodians, and caretakers when such facilities are accessory uses to the primary occupancy of the premises.
10. Pharmaceutical products manufacturing.
11. Planned development projects are provided for under Section 3.08.00.
12. Recreational facilities provided by an employer within the district for the exclusive use of employees, their families and guests.
13. Shoe and leather goods manufacturing.
14. Signs, identification and directional, or which advertise products manufactured, processed, stored or sold on the premises.
15. Textile manufacturing.
16. Other uses which are substantially similar to the uses permitted herein, which are not specifically prohibited and which would promote the intent and purposes of this District. Determination shall be made by authority and directive of the development review authority which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.

### **C. Uses Specifically Prohibited**

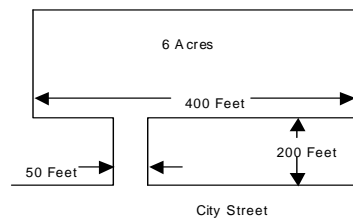
The following uses shall be prohibited in any Light Industrial (I-1) District:

1. Any uses or activity which is not in full compliance with all the requirements and standards set forth in this Section.
2. Animal slaughtering or the confinement of animals for feeding, finishing, and preparation for slaughter, including stockyards and feeding pens.
3. Asphalt manufacturing or refining or any similar petroleum or petrochemical refining or manufacturing process.
4. Asphalt or concrete paving, mixing or batching plant.
5. Blast furnace or similar heat or glare generating operations.
6. Bone distillation or the reduction, rendering, incineration or storage of garbage, offal, animals or animal waste, fats, fish or similar materials or products.
7. Cement, lime, gypsum or plaster-of-paris manufacture or the open storage of raw materials or finished products related to such manufacture.
8. Corrosive acid manufacture, including but not limited to hydrochloric, nitric, sulphuric or similar acids.
9. Drive-in restaurants.
10. Drive-in theaters, bowling alleys, skating rinks, golf driving ranges, miniature golf courses, and similar carnival-type or commercial type amusements, except recreational centers or facilities provided by an employer of the district for the exclusive use of employees, their families and guests.
11. Dwellings except living quarters for custodians, guards and caretakers when such facilities are accessory to the primary occupancy of the premises.

12. Elementary, junior or high schools.
13. Fertilizer manufacturing and processing.
14. Glue, size or gelatin manufacture where the processes involve the refining or recovery of such products from fish, animal or refuse material.
15. Hazardous waste processing, storage, or disposal.
16. Junk, salvage or wrecking yard or structure where in motor vehicles, appliances or similar used equipment or material stored, dismantled, or sorted for display, sale or packing.
17. Landfills
18. Tallow, grease, lard or vegetable oil refining.
19. Other uses which are substantially similar to those listed above which are not specifically permitted in this district; and which the prohibition thereof would promote the intent and purpose of this district. Determination shall be made by the development approval authority which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.

#### D. Site and Building Requirements

- a. **Lot Area.** Each Light Industrial (I-1) District shall have a minimum area of six acres; and a minimum lot width at the street right-of-way of 50 feet and at least 400 feet lot width parallel to, and not more than 200 feet from the street right-of way. See figure below for illustration of requirements.



2. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 70 percent of the total lot area.
3. **Lot Width.** There shall be no minimum lot width.
4. **Yard Requirements.** Within each Light Industrial (I-1) District the minimum yard requirements for each lot are established as follows:
  - a. Front Yards - - 30 Feet

- b. Side Yards - - 10 Feet
- c. Rear Yard - - 10 Feet

However, the minimum front yards for lots which abut principal arterials shall be 70 feet.

5. **Building Height Requirements.** No building shall exceed a height at the required front, rear, or side yard lines of three stories or 45 feet above grade.
6. **Buffer Requirements.** A buffer of not less than 50 feet in width shall be provided along each Light Industrial (I-1) District boundary line which abuts any district other than commercial or industrial districts. Such buffer shall be in lieu of front, side or rear yards. The 25 feet of such buffer nearest the district boundary line shall not be used for any processing activity, building, or structure other than fences or walls, and shall be improved and maintained by the developer as a landscaped planting strip. The remaining 25 feet of said buffer shall not be used for processing activities, building, or structures other than off-street parking lots for passenger vehicles, fences or walls.
7. **Screening Requirements.** The open storage of equipment, materials or commodities may be permitted provided such storage shall not be located within any required front or buffer yard; shall be screened from all collector and arterial streets; and, when located on a lot adjacent to a residential district, shall be screened from said residential district. Such screen may be in the form of walls, fences, or landscaping; shall be at least six feet in height; and, shall be at least 50 percent opaque as viewed from any point along the residential district boundary. Where such open storage exists unscreened as of the date of adoption of these regulations, the non-residential property owner shall be required to meet the screening requirements of this section within 18 months of the adoption date of this code. When landscaping is used for screening, the height and opacity requirements shall be attained within 18 months of planting.
8. **Vehicle Parking and Storage Requirements.** The parking of commercial vehicles such as trucks, cargo trailers and tractors may be permitted on hard surfaced lots provided such lots shall not be located in any required buffer or within the front 50 percent of any required front yard. Furthermore, such commercial vehicles, when located on a lot abutting a residential district, shall be screened from said residential district as provided for in item "7" above. The parking of passenger vehicles shall be permitted in any required yard except the front 50 percent of required front yards and the front 50 percent of the buffer as otherwise established in this section.
9. **Other Requirements.** Driveways, street and facilities for routing traffic

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shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts.

**C. Performance Standards:**

Each use, activity, or operation within the Light Industrial (I-1) District shall comply with the performance standards established in Sections 3.11.00 and 3.12.00.

**3.05.11 General Industrial District (I-2)**

**A. Intent and Purpose of District**

The intent and purposes of this district are as follows:

- to provide space for industries which employ the processing of bulk materials and which require space for open storage of materials/vehicles/equipment;
- to establish and maintain standards which will permit a wide variety of processing activities; and
- to establish and maintain standards which will protect adjacent residential and commercial developments.

**B. Uses Permitted**

The following uses shall be permitted in the General Industrial (I-2) District.

1. Any use permitted in the Light Industrial (I-1) District.
2. Crematoriums
3. Boat manufacturing
4. Excavation/Mining.
5. Machine shops
6. Planned development projects as provided for in Section 3.08.00.
7. Truck Terminals
8. Other uses which are substantially similar to those listed above which are not specifically prohibited in section "C" below, and, which would promote the intent and purposes of this district. Determination shall be made by the development approval authority, which shall be made without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.

**D. Uses Prohibited**

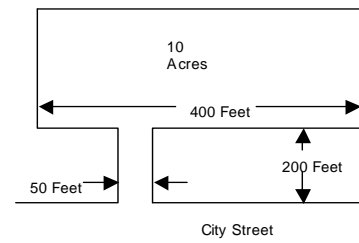
The following uses shall be prohibited in any General Industrial (I-2) District:



1. Any use or activity which is not in full compliance with all the requirements and standards set forth in this section.
2. Drive-in restaurants.
3. Drive-in theaters, bowling alleys, skating rinks, golf driving ranges, miniature golf courses, and similar carnival or commercial-type amusements, except recreational center or facilities provided by an employer of the district for the exclusive use of employees, their families and guests.
4. Dwellings except living quarters for custodians, guards and caretakers when such facilities are accessory to the primary occupancy of the premises.
5. Elementary, junior high or high schools.
6. Hazardous waste processing, storage, or disposal.
7. Landfills.
8. Other uses which are substantially similar to those listed above which are not specifically permitted in this district and prohibition of which would promote the intent and purposes of this district. Determination shall be made by development approval authority, which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination from the City Council. Such determination shall be final.

**E. Site and Building Requirements:**

1. **Lot Area Coverage.** The General Industrial (I-2) District shall be located on major collectors or principal arterials, or shall have access to a major street by a public street. Each General Industrial (I-2) District shall have a minimum area of ten acres; and a minimum lot width at the street right-of-way of 50 feet and at least 400 feet lot width parallel to, and not more than 200 feet from the street right-of-way. See figure below for illustration.



2. **Lot Coverage.** The maximum combined area occupied by all principal and accessory buildings shall not exceed 70 percent of the total lot area.

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3. **Lot Width.** There shall be no minimum lot width.
  4. **Yard Requirements.** Within each I-2 General Industrial District the minimum yard requirements for each lot are established as follows:
    - a. Front Yards - 35 Feet
    - b. Side Yards - 25 Feet
    - c. Rear Yards - 10 Feet

However, the minimum front yards for lots which abut a principal arterial shall be 70 feet. Rear yards may be reduced to zero when the rear property line coincides with a railroad siding; however, no trackage shall be located nearer than 500 feet from any residential district.

5. **Buffer Requirements.** A buffer of not less than 100 feet in width shall be provided along with General Industrial (I-2) District boundary line which abuts any district other than Agricultural, Commercial or Industrial Districts. Such buffer shall be in lieu of front, side or rear yards. The 50 feet of such yard nearest the district boundary line shall not be used for any process activity, building or structure other than fences or walls, and shall be improved and maintained by the developer as a landscaped planting strip. The remaining 50 feet of said yard shall not be used for processing activities, buildings or structures other than off-street parking lots for passenger vehicles, fences or walls.
6. **Building Height Requirements.** No building shall exceed a height at the required front, rear or side yard lines of three stories or 45 feet above grade.
7. **Screening Requirements.** The open storage of equipment, materials, or commodities may be permitted provided that such storage shall not be located within any required front yard or buffer, shall be screened from all collector and arterial streets; and when located on a lot adjacent to a residential district, shall be screened from said residential district.

Such screen may be in the form of walls, fences or landscaping; shall be at least six feet in height; and shall be at least 50 percent opaque as viewed from any point along the major street right-of-way or the residential district boundary. Where such open storage exists unscreened as of the date of adoption of these regulations, the non-residential property owner shall be required to meet the screening requirements of this section within 18 months of the adoption date of this code. When landscaping is used for screening, the height and opacity requirements shall be attained within 18 month of planting.

8. **Vehicle parking and Storage Requirements.** The parking of commercial vehicles such as trucks, cargo trailers, and tractors may be

permitted on hard-surfaced lots provided such lots shall not be located in any required buffer yard or within the front 50 percent of any required front yard. Furthermore, such commercial vehicles, when located on a lot abutting a residential district, shall be screened from said residential district as provided for in item “7” above.

The parking of passenger vehicles shall be permitted in any required yard except the front 50 percent of required front yards and the front 50 percent of the buffer, as otherwise established in this section.

9. **Other Requirements.** Driveways, streets and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts.

**F. Performance Standards:**

Each use, activity or operation within the General Industrial (I-2) District shall comply with the performance standards established in Sections 3.11.00 and 3.12.00.

**3.05.12 Heavy Industrial District (I-3)**

**A. Intent and Purpose of District**

The intent and purpose of this district is as follows:

- To provide space for industries which employ manufacture or storage of materials which could be considered somewhat or primarily hazardous or a nuisance in terms of the product, by-product or storage due to noise, odors, particulate, fumes or of an unsightly nature;
- To establish and maintain standards which will permit a higher intensity of manufacturing, processing and storage activities;
- To establish and maintain standards will protect area residential and commercial development.

**B. Uses Permitted:**

1. Any use permitted in the General Industrial (I-2) zoning district.
2. Animal slaughtering or the refinement of animals for feeding, finishing and preparation for slaughter, including stockyards and feeding pens.
3. Asphalt manufacturing or refining or any familiar petroleum or petrochemical refining or manufacturing process
4. Asphalt or concrete paving, mixing or batching plant
5. Battery manufacturing and storage
6. Blast furnace or similar heat or glare generating operations
7. Bone distillation or the reduction, rendering, incineration or storage of

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- garbage, offal, animal or animal waste, fat, fish or similar materials or products.
  8. Bulk storage of petroleum
  9. Cement, lime, gypsum or plaster-of-paris manufacture or the open storage of raw materials or finished products related to such manufacture
  10. Chemical products and manufacturing and processing
  11. Crematoriums.
  12. Excavation and Mining.
  13. Fertilizer manufacture or processing.
  14. Glue, size or gelation manufacture where the process(es) involve the refining or recovery of such products from fish, animal or refuse material.
  15. Hazardous waste processing, storage or disposal.
  16. Industrial PDPs as stated in Section 3.08.05(D).
  17. Junk, salvage or wrecking yard or structure where motor vehicles, appliances or similar used equipment or materials are stored, dismantled or sorted for display, sales, packing or demolition.
  18. Manufacturing of metal, plastic or cardboard containers.
  19. Paint or varnish manufacturing.
  20. Processing centers for recycling
  21. Tallow, grease, lard or vegetable oil refining
  22. Tire manufacturing
  23. Other uses which are substantially similar to those listed above which are not specifically permitted in this district and which would promote the intent and purposes of this District. Determination shall be made by authority and directive of the development review authority which shall be without public notice or hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.

**C. Uses Prohibited:**

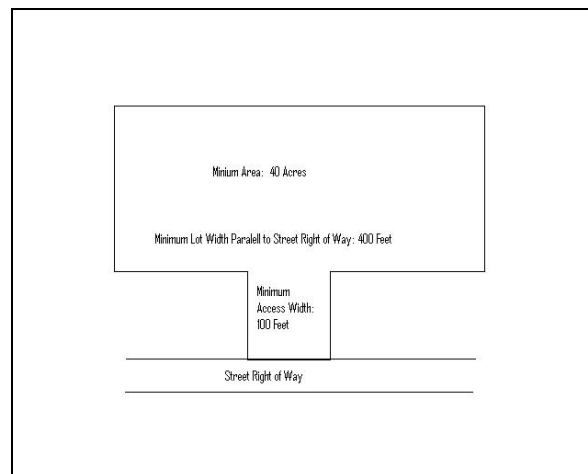
The following uses shall be prohibited in any Heavy Industrial (I-3) District:

1. Any use or activity which is not in full compliance with all the requirements and standards set forth in the Section.
2. Drive-in restaurants.
3. Drive-in theatres, bowling alleys, skating rinks, golf driving ranges, miniature golf courses and similar carnival-type or commercial-type amusements, except recreational centers or facilities provided by an employer of the district for the exclusive use of employees, their families and guests.
4. Residential dwellings, except living quarters for custodians, guards and caretakers when such facilities are accessory to the primary occupancy of the premises.
5. Elementary, junior, middle or high schools.
6. Daycare or preschool centers.

7. Flea markets or other similar outdoor or indoor/outdoor sales complexes.
8. Landfills
9. Roadside produce stands; temporary or permanent.
10. Taverns, bars, lounges, nightclubs and dance halls.
11. Carwashes.
12. Commercial or trade-schools such as dance, gymnastics or martial arts studios.
13. Country clubs or golf courses.
14. Garden centers or plant nurseries.
15. Landfills
16. Neighborhood-commercial uses such as offices, retail, or personal services businesses.
17. Shopping centers, malls, retail strip centers.
18. Other uses which are similar to those listed above which are not specifically prohibited; the prohibition which would promote the intent and purposes of this district. Determination shall be made by the development approval authority which shall be without public notice or public hearing. The development approval authority may, at its discretion, request a determination by the City Council. Such determination shall be final.

**D. Site and Building Requirements:**

1. **Lot Area.** The Heavy Industrial (I-3) District shall be located on major collector or major arterial roadways or shall have access to a major collector/arterial roadway without passing through or alongside any residential zoning district. Each Heavy Industrial (I-3) District shall have a minimum area of forty (40) acres; and a minimum lot access width at the street right of way of 100 feet and at least 400 feet of lot width parallel to the street and not more than 400 feet from the street right of way.



2. **Lot Coverage/Impervious Surface Ratio.** The maximum combined area occupied by all principle and accessory buildings, parking areas and other

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impervious surfaces shall not exceed 70 percent of the total lot area.

3. **Lot Width.** The minimum lot width parallel to the street right of way shall be 400 feet. The minimum width of the access to the property shall be 100 feet.
4. **Yard Requirements.** Within each Heavy Industrial (I-3) District, the minimum yard requirements for each lot are established as follows:
  - a. Front Yards 35 feet
  - b. Side Yards 20 feet
  - c. Rear Yards 30 feet

However, the minimum front yards for lots which abut a principle arterial shall be 70 feet.

5. **Buffer Requirements.** A buffer of not less than 100 feet in width shall be provided along the property line that abuts any land use/zoning district other than the Heavy Industrial (I-3) District. Such buffer shall be lieu of front side or rear yards requirements. The 50 feet of such buffer nearest the zoning district boundary line shall not be used for any process activity building or structure other than fences or walls, and shall be improved and maintained by the developer as a landscaped planting strip. The remaining 50 feet of said buffer may be used as off-street parking lots for passenger vehicles, fences or walls.
6. **Building Height Requirements.** No building shall exceed a height of three stories or 45 feet above grade, whichever is lesser.
7. **Screening Requirements.** The open storage of equipment, materials or commodities may be permitted provided that such storage shall not be located within any required front yard or any buffer area; shall be screened from view of all collector or arterial streets and when located on a lot adjacent to a residential district, shall be screened from said residential district. Such screen may be in the form of solid opaque walls or fences; shall be at least six feet in height; and shall block all view of said storage from any point along the street right of way or the residential zoning district boundary.

Where such open storage exists as of the date of adoption of these regulations; the non-residential property owner shall be required to meet the screening requirements of this section within 18 months of the adoption date of this code.

When property is annexed which contains open storage as described, the owner of the annexed property shall be required to meet the screening requirements of this section within 18 months of the date of the adoption of the ordinance annexing the subject property.

8. **Vehicle Parking and Storage Requirements.** The parking of commercial vehicles such as trucks, cargo trailers and tractors may be permitted on hard-

surfaced lots provided that such parking lots shall not be located in any required buffer area or within the required front yard. Furthermore, such commercial vehicles, when located on a lot abutting a residential zoning district shall be screened from said residential district as provided for in Item 7 above.

The parking of passenger vehicles shall be permitted in any required yard except the front 50 percent of required front yards and the front 50 percent of the buffer areas, as otherwise established in this Section.

9. **Other Requirements.** Driveways, streets and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts. If the district does not abut the major collector or arterial roadway and will access via the 100-foot wide easement/roadway, the developer shall be required to design the access roadway to withstand heavy truck traffic and to provide Landscape Standard "C" adjacent to the access as illustrated in Section 5.05.02(C)(4).

**E. Performance Standards.** Each use, activity or operation within the Heavy Industrial (I-3) District shall comply with the performance standards established in Section 3.11.00 and 3.12.00 of this Code.

### **3.05.13 Conservation District (CON)**

#### **A. Intent and Purpose of District:**

It is the intent of this district to preserve and protect from development impacts lands with valuable natural resources or features.

#### **B. Uses Permitted:**

Development within conservation shall be restricted to the provision of public access and limited small scale improvements such as picnic facilities, boat ramps, etc., which enhance public use and enjoyment of the conservation area.

#### **C. General Requirements:**

Development within conservation areas shall seek to minimize environmental degradation through such means as preserving native vegetation and the use of pervious materials for any parking area shall be encouraged.

### **3.05.14 Public Service District (PS)**

#### **A. Intent and Purpose of District**

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It is the intent of this district to provide for areas to accommodate public uses such as public schools, major public utilities including treatment plants, buildings used for local, state and federal government purposes, and other publicly owned lands.

### **B. Uses Permitted**

The following public uses are permitted in the Public District:

1. Airports, airfields, and public truck or bus terminals.
2. All municipal and county buildings.
3. Civic and recreation centers.
4. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue.
5. LP gas storage and/or distribution facility for up to one thousand (1,000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers.
6. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
7. Major public utilities such as wastewater, stormwater, and potable water treatment and storage facilities, electric substations serving 230KV or greater.
8. Museums.
9. Public and private schools including all associated facilities such as stadiums, and trade and technical schools.
10. Publicly owned hospitals and associated medical facilities.
11. Recycling collection centers.
12. Radio and television broadcasting stations and studios.
13. State and federal offices.
14. Other publicly owned lands which are not designated for conservation or recreation use.

### **C. General Requirements:**

Public schools and municipal, county, state, or federal office buildings located in the PS district shall be developed in accordance with site and building requirements specified for the C-1 district.

Major public utilities shall be developed in accordance with state regulations governing the permitting and design of such facilities and shall further comply with the performance standards set forth in Sections 3.11.00 and 3.12.00.

## **3.05.15 Special Development District (SDD)**



**B. Intent and Purpose of District:**

It is the intent of this district to provide a temporary zoning district which will be for special applications with a mix of uses and concerns for wetlands and floodplains. The permanent zonings districts will be assigned as part of the development approval process once the intended uses have been agreed upon.

**C. Uses Permitted:**

Development within special development districts shall be a mix of uses and seek to minimize environmental degradation to wetlands and floodplains.

**D. General Requirements:**

Development within a special development district is limited to planning with all approvals occurring after the final zoning districts have been determined and approved.

**3.06.00 OVERLAY AND FLOATING ZONES****3.06.01 Purpose**

The purpose of this part is to describe certain overlay and floating zones used to impose special development restriction on identified areas. The location of overlay zones is established by the City based on the need for special protective measures in that area. The underlying uses in the area, as determined in Section 3.05.00 of this Code, remain undisturbed by the creation of the overlay zone. The overlay zone merely imposes additional or different development standards than those that would otherwise apply.

The location of a floating zone, by contract, is determined by the developer. The purpose of a floating zone is to allow the developer to choose to follow a set of development standards different from the general standards in the Code. The Traditional Neighborhood Development provisions may be used as a floating zone, or in some cases may be imposed by the City as an overlay district.

**3.06.02 Infill Development****A. Generally****1. Purpose**

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It is the intent of this Section to provide for compatibility in the construction of new residential units in areas approved for development prior to enactment of this Code.

**2. Definitions**

[Refer to Appendix B](#)

**B. Development Standards**

1. For a structure in a development with a final development order, an application for building and/or other necessary permits shall be filed pursuant to the development Permit provisions of Article 2 of this Code. However, if the request involves two or more lots, requires platting, re-platting, or any deviation from the infill standards as established below, the development shall apply for development plan review pursuant to the provisions of Article 2 of this Code.
2. Proposed structures shall conform to those standards or regulations in force at the time of development approval for the lot and its surrounding area.
3. Determination of standards in effect at the time of approval shall include, but may not be limited to the following:
  - a. Recorded subdivision splats, provided that the approval of the plat constitutes a final development order.
  - b. Approved master plans or site plans which have received a final development order from the governing board.
  - c. The City Zoning Ordinance in effect at the time of development approval may be used to specify appropriate standards.
  - d. Unrecorded subdivision plats, lawfully established pursuant to City ordinances prior to the adoption of this Code.
4. Applicable development standards include those imposed upon the initial development except standards for development in a floodplain and standards for stormwater management. The

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following initial development standards shall be followed if contained in the original approval:

- a. Minimum lot dimensions and area.
  - b. Minimum building size (gross floor area and building height).
  - c. Minimum yard setbacks on all sides.
  - d. Accessory uses, such as storage buildings or swimming pools.
  - e. Off-street parking requirements.
  - f. Dwelling unit type (single-family, duplex, manufactured home, etc.)
  - g. Dedication or reservation of easements, right-of-way, or parkland.
  - h. Landscaping and sight barriers.
  - i. Sidewalks.
  - j. Other standards not relating to stormwater or floodplain management.
5. Where no documentation is available concerning the standards in effect at the time of initial development, the following procedures shall be used:
- a. All developed lots that abut the lot proposed for development shall be considered in determining the standards for development.
  - b. Actual setbacks, lot dimensions, building heights, etc. (refer to list in SECTION 3.06.02.B.4 above) shall be determined for purposes of calculating an average (mean) for each standard to be imposed.
  - c. These average standards shall be the minimum standards required for proposed development.

- d. Where there is any uncertainty on an applicable standard, the decision shall be in favor of the stricter standard.

### **3.06.03 Traditional Neighborhood Development**

#### **A. Generally**

##### 1. Intent

This section is designed to ensure the development of open land along the lines of traditional neighborhoods. Its provisions adopt the urban conventions which were normal in the United States from colonial times until the 1940's.

##### 2. Conventions

Traditional neighborhoods share the following conventions:

- a. Dwellings, shops and work places, all limited in size, are located in close proximity to each other.
- b. A variety of streets serve equitably the needs of the pedestrian and the automobile.
- c. Well-defined squares and parks provide places for informal social activity and recreation.
- d. Well-placed civic buildings provide places of purposeful assembly for social, cultural and religious activities, becoming symbols of community identity.
- e. Private buildings are located along streets and squares forming a disciplined edge unbroken by parking lots.

##### 3. Social Objectives

Traditional neighborhoods achieve certain social objectives:

- a. By reducing the number and length of necessary automobile trips, traffic congestion is minimized and commuters are granted increased personal time.

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- b. By bringing most of the needs of daily living within walking distance, the elderly and the young gain independence of movement.
  - c. By walking in defined public spaces, citizens come to know each other and to watch over their collective security.
  - d. By providing a full range of housing types and work places, age and economic class are integrated and the bonds of an authentic community are formed.
  - e. By promoting suitable civic buildings, democratic initiatives are encouraged and the organic evolution of the society is secured.

#### 4. Definitions:

Refer to Appendix B

### **B. Land Use**

#### 1. General

- a. The Traditional Neighborhood Development Option shall constitute an overlay district available by right in any district except the following:
  - (1) Environment/Conservation
  - (2) Rural Development
  - (3) Industrial
- b. The Traditional Neighborhood Development Option requires a minimum contiguous parcel of 40 acres and a maximum of 200 acres. Larger parcels shall be developed as multiples, individually subject to the Traditional Neighborhood Development provisions below.
- c. The Developer of the Traditional Neighborhood Development shall demonstrate the availability and adequacy of access roads and utilities.

#### 2. Public

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Public Tracts contain publicly owned Parks, Squares, Greenbelts, streets and alleys.

3. Civic

Civic Lots contain publicly or privately owned buildings of communal use such as Neighborhood Halls, libraries, post offices, schools, day car centers, clubhouses, religious buildings, recreational facilities and the like.

4. Shopfront

- a. Shopfront Lots contain privately owned buildings for retail, restaurant, office, entertainment, Lodging, Artisanal and residential uses.
- b. At least twenty five (25) percent of the building area must be maintained for residential use.

5. Rowhouse

Rowhouse Lots contain privately owned buildings for residential, Limited Office, and Limited Lodging uses.

6. House

House Lots contain privately owned buildings for residential, Limited Office, and Limited Lodging uses.

7. Workshop

Workshop Lots contain privately owned buildings for Automotive and Light Manufacturing.

**C. Land Allocation**

1. General

- a. The entire land area of a Traditional Neighborhood Development shall be subdivided into Public Tracts and Lots.

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- b. Similar Lot types shall generally face each other across Street Tracts. Dissimilar Lot types may face each other across Square and Park Tracts or abut at rear lot lines.

2. Public

- a. A minimum of 15% of the land area of a Traditional Neighborhood Development shall be permanently allocated to Park and Square Tracts.
- b. Natural vistas such as waterfronts and promontories shall have 50% of their perimeter allocated to Street Tracts.
- c. Golf courses shall be located within Greenbelt Tracts.

3. Civic

- a. A minimum of 5% of the land area of a Traditional Neighborhood Development shall be dedicated to Civic Lots.
- b. Civic Lots shall be located within or adjacent to Square or Park Tracts or on a Street Vista.
- c. The Developer shall covenant to construct a Neighborhood Hall on a civic Lot upon the sale of 75% of the lots.
- d. The construction of buildings on civic Lots shall be supported by an ongoing assessment through the Homeowners' Association.
- e. For each increment of 50 dwellings, there shall be a Civic Lot of five thousand (5000) square feet reserved for day-care use and dedicated to public ownership.

4. Shopfront

A minimum of 5% and a maximum of 50% of the total land area of a Traditional Neighborhood development shall be permanently dedicated to Shopfront Lots.

5. Rowhouse

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- a. A maximum of eight (8) Rowhouse lots may be consolidated for the purpose of constructing a single apartment building containing dwellings equal in number to the lots consolidated.
  - b. Setbacks on consolidated rowhouse lots shall apply as in a single lot.
6. House
- a. A maximum of three House Lots may be consolidated for the purpose of constructing a single building.
  - b. Setbacks on consolidated House Lots shall apply as in a single lot.
7. Workshop

A minimum of 5% and a maximum of 25% of the total land area of a Traditional Neighborhood Development shall be permanently dedicated to Workshop Lots.

**D. Lots; Buildings**

1. General
  - a. All Lots shall share a Frontage Line no less than fifteen (15) feet long with a Street or Park Tract.
  - b. All buildings shall have their main entrance opening to a Street or Park Tract.
  - c. Stoops, open colonnades and open porches may encroach up to ten (10) feet into the front setbacks.
  - d. Portions of buildings having a footprint of not more than one hundred fifty (150) square feet shall be exempted from height limitations.
  - e. Building walls placed less than five (5) feet from a side or rear lot line shall remain windowless and doors shall be fire rated.



2. Public

Balconies and open colonnades shall be permitted to encroach up to ten (10) feet into a Public Tract. Such encroachments shall be protected by easements.

3. Civic

- a. Buildings located on Civic Lots shall be subject to no height or setback limitations.
- b. Buildings located on Civic Lots shall be painted a consistent color throughout the Traditional Neighborhood Development.

4. Shopfront

- a. Buildings on Shopfront Lots shall have the Façade built directly on the Frontage Line along sixty (60) percent of its length.
- b. Buildings on Shopfront Lots shall have no required setbacks from the side lot lines.
- c. Buildings on Shopfront Lots shall cover no more than seventy (70) percent of the lot area.
- d. Buildings on Shopfront Lots shall not exceed four (4) stories in height.

5. Rowhouse

- a. Buildings on Rowhouse Lots shall be setback between five (5) and fifteen (15) feet from the Frontage Line. Buildings at street intersections must be setback five (5) feet from both Frontage Lines.
- b. Buildings on Rowhouse Lots shall have no required setbacks from the side lot lines.
- c. Buildings on Rowhouse Lots shall cover no more than seventy (70) percent of the lot area.

- d. Buildings on Rowhouse Lots shall not exceed three (3) stories plus Raised Basement in height.

6. House

- a. Buildings on House Lots shall be setback between fifteen (15) and thirty five (35) feet from the Frontage Line.
- b. Buildings on House Lots shall be setback from the side lot lines equivalent to no less than twenty (20) percent of the width of the lot. The entire setback may be allocated to one side.
- c. Buildings on House Lots shall be setback no less than twenty (20) feet from the rear lot line.
- d. Buildings on House Lots shall cover no more than fifty (50) percent of the lot area.
- e. Buildings on House Lots shall not exceed two (2) stories plus Attic in height.
- f. Buildings on House Lots with front setbacks exceeding twenty (20) feet shall have a Streetwall built along eighty (80) percent of its Frontage Line.

7. Workshop

- a. Buildings on Workshop Lots shall not require setbacks from any lot line.
- b. Buildings on workshop Lots shall cover no more than fifty (50) percent of the Lot area.
- c. Buildings on workshop Lots shall not exceed two (2) Stories in height.
- d. Workshop Lots shall be separated from other lot types at the side and rear lot lines by a continuous masonry wall no less than ten (10) feet in height.

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**E. Street; Alleys****1. General**

- a. Streets shall provide access to all Public Tracts and private Lots.
- b. All streets shall terminate at other streets within the traditional Neighborhood Development and connect to existing and projected street outside the traditional Neighborhood Development.
- c. The average perimeter of all Blocks within the Traditional Neighborhood Development shall not exceed two thousand (2000) feet.
- d. Utilities shall run along Alley Tracts wherever possible.
- e. Streetlamps shall be installed on both sides of Street Tracts at intervals of no more than seventy-five (75) feet measured diagonally across the streets.
- f. Street trees shall be installed on both sides of Street Tracts at intervals of no more than seventy five (75) feet measured diagonally across the street.

**2. Public**

- a. Public Tracts containing Squares shall provide a street along their perimeter which conforms to the specifications corresponding to the lot types facing the street.
- b. Streets forming part of the State highway systems shall conform to State highway standards.

**3. Civic**

Civic lots shall face tracts containing street that conform to the street specifications of the adjacent Lot Types.

**4. Shopfront**

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- a. Shopfront Lots shall face Tracts containing streets consisting of two (2) twelve (12) foot travel lanes, one ten (10) foot central turning lane and diagonal parking on both sides. Sidewalks shall be no less than twelve (12) feet wide and the Curb Radius shall not exceed fifteen (15) feet.
  - b. Shopfront Lots shall have their rear lot lines coinciding with an alley tract twenty four (24) feet wide containing a vehicular pavement width of eight (8) feet.
5. Rowhouse
- a. Rowhouse Lots shall face Tracts containing streets consisting of two (2) eleven (11) foot travel lanes and parallel parking on both sides. Sidewalks shall be no less than 6 ft. wide and the Curb Radius shall not exceed fifteen (15) feet.
  - b. Rowhouse lots shall have their rear lot lines coinciding with an alley tract twenty four (24) feet wide containing a vehicular pavement width of eight (8) feet.
6. House
- a. House lots shall face tracts containing streets consisting of two (2) ten (10) foot travel lanes and parallel parking on one side. Sidewalks shall be no less than four (4) feet wide and the Curb Radius shall not exceed twenty five (25) feet.
  - b. House Lots shall have their rear lot lines coinciding with an alley tract ten (10) feet wide containing a pedestrian pavement width of four (4) feet.
7. Workshop
- a. Workshop Lots shall face tracts containing streets consisting of two (2) twelve (12) foot travel lanes, one (1) ten (10) foot central turning lane and parallel parking on both sides. Sidewalks shall be no less than four (4) feet wide and the Curb Radius shall not exceed thirty five (35) feet.

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- b. Workshop Lots shall have their rear lot lines coinciding with an alley tract twenty four (24) feet wide containing a vehicular pavement width of eight (8) feet.

## **F. Parking**

### 1. General

- a. On-street parking directly in front of a lot shall count toward fulfilling the parking requirement of that lot.
- b. Parking lots shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by Streetwalls.
- c. Parking lots and parking garages shall not be located at street intersections.
- d. Adjacent parking lots shall have internal vehicular connections.
- e. Parking lots shall be landscaped with one Shade Tree per six (6) parking spaces.

### 2. Public

- a. The Developer shall demonstrate the provision of adequate parking for Public Tracts containing Squares and Parks.
- b. Parking lots on Public Tracts, shall be graded, compacted and landscaped, but may be left unpaved.

### 3. Civic

- a. The Developer shall demonstrate the provision of adequate parking for the various types of Civic buildings. Shared parking shall be permitted where day/night and workday/holiday schedules do not overlap (i.e. Neighborhood Halls).
- b. Parking Lots for Civic buildings used principally on holidays must be upgraded, compacted and planted, but may be left unpaved (i.e. religious buildings).

- c. No less than seventy five (75) of the off-street parking places shall be to the rear of the building. Access may be through the Frontage.
- 4. Shopfront
  - a. There shall be one (1) parking space per two hundred fifty (250) square feet of building available for restaurant, office, entertainment and artisanal uses; one (1) per room of lodging and one (1) per two (2) bedrooms of residential use.
  - b. No less than seventy five (75) percent of the parking places shall be to the rear of the building. Access may be through the Frontage.
- 5. Rowhouse
  - a. There shall be one parking place per two hundred fifty (250) square feet of office, one per room of lodging and one per tow bedrooms of residential use.
  - b. All off-street parking places shall be to the rear of the building. Access shall be through a vehicular alley only.
- 6. House
  - a. There shall be one parking place per two hundred fifty (250) square feet of office, per room of lodging and one per two bedrooms of residential use.
  - b. All off-street parking spaces shall be to the side or rear of the building. Garages or carports shall be located a minimum of twenty (20) feet behind the Façade. Access may be through the Frontage.
- 7. Workshop
  - a. There shall be one parking place per two hundred fifty (250) square feet of building.

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- b. Off-street parking places may be to the front, the side or the rear of the building.

### **3.07.0 GENERAL REGULATIONS**

#### **3.07.01 Height and Area Exceptions and Supplements.**

In addition to the building height requirements specified in Section 3.05.00 and the appropriate subsection, the following requirements shall apply where appropriate:

##### **A. Commercial and Industrial Buildings:**

Where permitted in a district, commercial and industrial buildings may be increased in height provided that the building is set back from all required yard lines (front, back and side yards) one additional foot for each three feet such building exceeds the height limit otherwise provided for in the district in which the building is located. However, no such structure shall exceed three stories or 45 feet in height.

##### **B. Public or Semi-Public Buildings:**

Where permitted in a district, public or semi-public buildings, such as hospitals, sanitariums, schools, churches or temples, may be increased in height provided that the front, rear and side yards are increased by one additional foot for each three feet such building exceeds the height limit otherwise provided in the district in which the building is located. No public or semi-public buildings shall exceed two and one half stories or 35 feet in any of the following residential districts: R-1, R-2, R-3 and RR. In other districts, no such structure shall exceed three stories or 45 feet in height.

##### **C. Items Excluded:**

The following items shall be excluded in determining the height of buildings: chimneys, water tanks or towers, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, antennas, monuments, cupolas, domes, steeples, false mansards, parapet walls, similar structures and necessary mechanical appurtenances.

##### **D. Communication Towers:**

Communication towers in excess of 40 feet in height above grade shall be prohibited in all districts, except Light Industrial (I-1) and General Industrial (I-2)

districts. Communications towers less than 40 feet are allowed in all districts subject to the provision contained in Section.

**E. Yard Area:**

Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features, and eaves; provided, however, none of the above projections shall project into a minimum side yard more than 24 inches. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half feet, in addition to the ordinary projections of chimneys and flues may be permitted where the same are so placed as not to obstruct light and ventilation and shall not be considered as an increase to the floor area of the building.

**F. Corner Lots in Residential Districts:**

On corner lots in residential districts, the side yard regulations shall apply on the street side as well as on the opposing side yard. If a building on a corner lot does not face the same direction as the building on the adjoining lot on either street, there shall be a side yard adjacent to the street on which the building does not face no less in width than 50 percent of the front yard required on that street and no accessory building on such corner lot shall extend beyond the front yard line of that street. This regulation shall not prevent the erection of any accessory building in any case where the regulations cannot reasonably be complied with.

On any corner lot abutting the side of another lot, no part of any structure within 25 feet of the common lot line shall be nearer the side street lot than the required front yard at such abutting lot.

**3.07.02 Buildings to Conform to Regulations.**

In addition to the district requirements contained in Section 3.05.00, the Schedule of District Regulations, the following requirements shall be met:

**A. Other Uses in Residential Districts:**

In all residential districts (R-1, R-2, R-3, and RR), the minimum lot requirements and minimum front, side and rear yard requirements for uses other than residential, shall be the same as those required for a single family residential use.

**B. Yard and Open Space Requirements:**



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The minimum yard and other open space requirements contained in these regulations for each and every building hereafter erected, reconstructed or structurally altered, shall not be encroached upon nor be considered for compliance with the yard or open space requirements for any other building or adjoining building.

**C. Location of Dwellings in Residential Districts:**

No dwelling shall be erected on a lot which does not abut a public street for a distance of at least 15 feet unless otherwise specified within these regulations.

**D. Lot Requirement:**

Every building hereafter erected, reconstructed or structurally altered shall be located on one or more lots fronting on a public street, deeded or dedicated to the City, unless otherwise specified within these regulations.

**3.07.03 Exception to Front Building Line Setback**

Where the construction of a commercial structure is proposed within 50 feet of existing commercial structures, and where the existing commercial structures have been constructed at less than the minimum required front yard setback, then the development approval authority may permit construction of the proposed structure with a front yard setback less than that required by these regulations provided that the allowed setback is consistent with the average setback of the existing adjacent structure or structures.

**3.07.04 Day Nurseries and Kindergartens**

- A. Day care centers, kindergartens and day nurseries may be permitted in R-1, R-2, R-3 residential districts as a variance. The facilities are allowed in all other districts as a permitted use.
- B. Procedures for obtaining a variance as provided for in Section 2.04.00 shall be followed; provided however, that notification shall be made to all property owners within 500 feet of the property subject to the variance.
- C. Applications for a variance shall include copies of any restrictive covenants in force upon the applicant's property.
- D. Off-street parking shall be provided by the applicant and designed so as to ensure the safety of children.

- E. Any variance granted hereunder shall be granted in the name of the applicant, and should the property be sold, leased, rented or let, the permit shall become void.

### **3.07.05 Automobile Service Station Requirements**

- A. All pumps shall be set back at least 15 feet from the right-of-way line, or where a major street setback line has been established this setback shall be measured from such line. Additionally, the siting of such facilities shall comply with the requirements of applicable government agencies. A variance for pump island setback may be granted upon application for such variance, provided such variance is not in conflict with applicable regulatory requirements. The City Council may grant the variance, or any portion thereof, after review without public hearing.
- B. Each curb break for a service station shall be a minimum of 25 feet in width. Driveway separations shall be regulated as provided for in Section 5.01.07, Access Management.
- C. Where such service station abuts a residential district, it shall be separated therefrom by a solid fence or wall at least six feet high appropriately landscaped at the fence line.

### **3.07.06 Deed Restrictions and Covenants**

Nothing herein contained shall interfere with, abrogate or annul any easement, covenant or other agreement between parties; provided, however, that where these regulations impose a greater restriction upon the uses of structures, land and water, or require more open space than is required by other rules or regulations, or by easements covenants or agreements, recorded deed, plat or otherwise, the provisions of these regulations shall govern.

### **3.07.07 Temporary Structures, Including Mobile Homes and Travel Trailers**

#### **A. Permits:**

Permits for temporary structures shall be obtained from the Planning and Development Department. Such city development permit may be renewed for a period not to exceed an additional 90 days. Any subsequent application for extension of a temporary structure permit shall require a variance. Upon expiration of any permit for a temporary structure, such structure shall be removed from the premises.

**B. Temporary Structures as Construction Field Office:**

Temporary structures, including mobile homes and travel trailers, may be used as construction field offices and/or tool sheds when accessory to the development of an area and subject to the following restrictions:

1. Such structure may be utilized for a period of 12 months, or until 90 percent of the lots are sold, whichever comes first.
2. In the case of individual permanent structures being erected on the same parcel of land, such temporary use shall not exceed six months or ten days after completion of the permanent structure, whichever comes first.
3. Any permit extensions shall comply with the requirements contained in "A" above.

**C. Temporary Structures as Sales Office:**

Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district subject to the following restrictions:

1. Such structures may be utilized for a period of 12 months, or until 90 percent of the lots are sold, whichever comes first.
2. Such sales offices shall not include sales of real estate outside the subdivision
3. Any permit extensions shall comply with the requirements contained in "A" above.

**D. Temporary Structure as Dwelling in Emergency Situations:**

Temporary structures, such as mobile homes and travel trailers, may be used as temporary living quarters in any district in emergency cases under the following restrictions:

1. Application is submitted to the Planning and Development Department.
2. Emergencies shall be the result of actions beyond the applicants control such as, but not limited to, structure damage resulting from fire, tornados, hurricanes, lightning, etc. Determination of an emergency shall be made by the Mayor or his designee.
3. Use of mobile home or travel trailer as a temporary dwelling shall be limited to a maximum of six months.

4. Specifications pertaining to the temporary living quarters shall meet all local, state and federal guidelines.
5. Mobile homes and travel trailers shall be limited to a maximum of 14 feet in width and 60 feet in length.
6. Temporary structures shall not be placed within 15 feet of property lines or permanent structures and shall project no nearer to the street than the front edge of the permanent structure.

**E. Tents as Temporary Structures:**

Temporary structures such as tents may be permitted in an RR district or commercial district for a period not to exceed ten days. A temporary structure permit shall be required.

**3.07.08 Removal and Replacement of Mobile Homes in Non-Conforming Zones**

- A.** Mobile homes not conforming to the requirements contained in these regulations, may be removed and replaced with a new or improved unit for the owner's occupancy upon submittal of an application to Planning and Development Department for approval contingent upon compliance with the following requirements:
1. The applicant must comply with the requirements contained in Section 2.05.00, Non-Conforming Use, specifically Subsection 2.05.02.A.1.a, regarding replacement.
  2. The replacement unit must comply with all current local, state and federal requirements.
  3. Size and amount of utilities to residents and mobile homes in a non-conforming area may not be increased without the approval of the Mayor or his designee.

**3.07.09 Fallout Shelters**

**A. Definitions:** [Refer to Appendix B](#)

**B. Where Permitted:**

Fallout shelters shall be permitted as follows:

1. One and two-family shelters shall be permitted in any residential district.
2. Community shelters (providing more than one or two-family use)

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shall be permitted in any zoning district provided it can be demonstrated on the application for development approval or during the development review process, that any incompatibilities between existing adjacent uses or districts will properly mitigated.

3. Display shelters for commercial purposes (not to be occupied) shall be permitted in commercial districts only, not including RC.

**C. Specifications:**

All structures constructed as fallout shelters shall be those types approved by or in accordance with the plans issued by the Office of Civil Defense Mobilization (OCDM); provided however any plans of structures to be used as fallout shelters not previously approved by OCDM shall bear the signature and seal of a Florida registered architect or professional engineer.

**D. Setbacks:**

1. Above-ground fallout shelters shall be considered as an accessory structure and must meet the setback requirements for an accessory building.
2. A fallout shelter may be attached to a principal structure provided it meets the same setback requirements as the principal structure.
3. Under-ground fallout shelters may be located anywhere on the property in question; provided, the entrance to the shelter and the vent pipes are the only portions thereof which are above ground or above the normal grade level.

**E. Uses Permitted:**

All shelters constructed under these special regulations for use as a fallout shelter shall be for emergency use only and shall not be used as a habitable dwelling facility.

**F. Permits Required:**

A building permit is required to be issued for all fallout shelters, whether above-ground or under-ground, prior to initiation of construction activity.

**3.07.10 Regulation of Noise**

- A. It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud or raucous noise which term shall mean any sound which, because of its volume level, duration and/or character,

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annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City.

**B. Intent:**

The provisions of this section are intended to be construed to secure for the people freedom from unwanted loud or raucous noise as described herein without violating any of the rights secured by the Constitution to the people, and are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life.

**C.** The following acts, among others, are declared to be loud or raucous noises in violation of this section:

1. **Horns and signaling devices:** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device or any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is prohibited.
2. **Radios, phonographs and similar devices:** The using, operating or permitting to be played, used or operated, any radio receiving set, television set, musical instrument, car stereo, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or the neighborhood in general or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto.

The operating of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or if the noise source is located in or upon a public street, highway, building, sidewalk, park, thoroughfare or other public area, or is located in

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- or upon a public access area, such as a shopping mall, parking lot, etc. or on any private property and the sound can be heard more than 50 feet from its source shall be prima facie evidence of a violation of this section.
3. Yelling and shouting: Yelling, shouting, whistling or singing in a loud or raucous manner on the public streets, at any time, but particularly between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort, or repose of the persons in any office or other place of business, or in any dwelling, hotel or other type of residence.
  4. Animals and birds: The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.
  5. Exhaust: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  6. Defect in vehicle or load: The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  7. Construction or repair of buildings: The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in case of urgent necessity in the interest of public health and/or safety. If the Planning and Development Department should determine that the public health and/or safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if the Planning and Development Department further determines that loss or inconvenience would not result to any interested party, permission may be granted for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is granted or during the progress of the work.
  8. Construction equipment: The operation between the hours of 6:00 p.m. and 7 a.m. and at any time on Sundays of any pile driver, steam, or power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
  9. Schools, courthouses, churches, hospitals, medical facilities: The creation of any excessive noise on any street adjacent to any school, institution of learning, medical facility, church or

- courthouse, while such facilities are in use, or adjacent to any hospital, which unreasonably interferes with workings of the institution or which disturbs or unduly annoys patients in a hospital, provided that conspicuous signs are displayed in such streets identifying the proximity of such facility.
10. Electronic sound amplification: The use of electronic sound amplification equipment in such a manner as to produce a sound which is capable of being heard at a point in excess of 50 feet between the hours of 11:00 p.m. and 7:00 a.m. is prohibited in all residential districts, including RR and RC.
  11. Blowers and street sweepers: The operation between the hours of 8:00 p.m. and 8:00 a.m. of any noise creating blower, power fan, street sweeper or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower, fan or street sweeper is muffled and such engine is equipped with a muffler device sufficient to deaden such noise so that it cannot be heard at a point in excess of 50 feet from the device.

**D. Penalty:**

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and subject to the penalty provided by the City Code of Ordinances.

**E. Additional Remedy – Injunction:**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in an area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**3.07.11 Vehicle Parking and Storage**

**A. On-street Parking:**

No boat, camper, recreational vehicle, trailer, utility trailer, inoperative vehicle, untagged vehicle or commercial/business vehicle shall be parked on the public right-of-way in the City of Freeport.



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**B. Untagged Vehicles:**

No motor vehicle shall be kept within the City of Freeport visible from any public right-of-way unless that vehicle displays a current license tag. All inoperative or untagged vehicles must be housed under a permanent structure or stored behind a wall, fence or landscaping which is six feet in height and must be at least 50 percent opaque as viewed from the public right-of-way or abutting property.

**C. Vehicle Repair:**

The Planning and Development Department will be authorized, upon an application demonstrating that the applicant is endeavoring in good faith to repair a motor vehicle but has been unable to do so within the initial 30-day period, to grant one car repair permit allowing the applicant to maintain an inoperative vehicle in the manner prohibited above, for one additional 30-day period.

**D. Semi-Trucks and Tractor-Trailer Vehicles:**

No semi-truck, tractor trailer, bus or bus type vehicle shall be parked or housed in any way within residential zones R-1, R-2, or R-3. This includes both on-street and off-street parking. The forgoing prohibition shall not apply in cases of service or delivery vehicles performing such business functions, nor to garden tractors. No overnight parking of semi-trucks, tractors trailers, buses or bus type vehicles is allowed in any public parking lot.

**E. Recreational Vehicles and Travel Trailers:**

No recreational vehicle or travel trailer shall be used as a permanent dwelling.

**3.07.12 Communication Towers**

Communication towers shall not be placed in the front or side yard of any residence or business. F.C.C. licensed commercial and amateur radio operators and television stations shall not be included in the side yard prohibition. Security fencing of communication towers shall be required.

**3.07.13 Radio and Television Stations and Studios**

Radio and television stations and/or studios may locate in RC residential/neighborhood commercial, public, commercial and industrial districts as an allowed use.

**3.07.14 Floor Area Ratio**

- A. Generally a floor area ration is a measurement of the intensity of development on site. For purposes of this Code, floor area ratios (FAR) are provided only for non-residential development.

The appropriate ratio is provided in each relevant land use district in Section 3.05.00.

- B. Calculating FAR. The floor area ratio is the relationship between the total floor area and the gross site area.

The formula used in determining the floor area ratio is a follows:

Floor Area Ratio = (Total Floor Area of Building)/Area of the Lot

Number of Stories	Floor Area Ratio
1	0.30
2	0.60
3	0.90
4 – 6	1.00

### **3.07.15 Locating Restricted Uses**

Restricted uses are those uses identified below, which require a specific separation distance from another use, which for the purposes of this section are termed the “protected use”.

In locating a restricted use, the closest lot line of such use shall be located no closer than the distance specified below from the closest lot line of the protected use.

In the event that a protected use elects to locate at a distance less than the specified minimum from a restricted use, then such restricted use shall not be considered non-conforming and shall not be subject to the restrictions imposed on non-conformities.

### **3.07.16 Manufactured Homes**

Manufactured homes as defined for the purposes of this Article shall be a permitted use in all residential districts.

### **3.07.17 Congregate Living Facilities**

Adult congregate living facilities as defined in [Appendix B](#), shall be permitted in all residential districts.

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**3.07.18 Animal Regulation**

Domestic livestock are defined as hooved and cloven hooved animals such as horses, swine, cattle, goats, sheep, and similar species; and any domestic fowl such as chickens, geese, ducks, guinea fowl, peacocks, and similar species, and any exotic animals such as ostriches and llamas.

Household pets are defined as dogs, cats, parrots, parakeets, canaries and other such household pets and are not subject to regulations pertaining to domestic livestock when maintained in such fashion as to not constitute a business operation (commercial kennel, breeder, or aviary) or a nuisance.

The keeping of domestic livestock as a transitional use from vacant land to residential, commercial or industrial development is allowed in all land use categories with the exception of the Conservation land use category, under the following conditions:

- A. No domestic livestock is allowed within platted subdivisions other than those specifically designed with accommodations for domestic livestock or covenants and restrictions which allow domestic livestock.
- B. Domestic livestock must be kept in a fenced area and must not interfere with neighboring properties, i.e. excessive noise or offensive odors, and must not create a nuisance condition, as defined in Ordinance 96-1.
- C. The keeping of domestic livestock is subject to compliance with all local, state and federal laws and regulations pertaining to agricultural use.

**3.07.19 Minimum Lot Area Requirements****A. Requirements For All Developments**

All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside.

**B. Specific Requirements For Residential Development**

There is no minimum lot area for individual lots within a residential development that will be served by both a central water and central sewer system, provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this Code as stated in paragraph A of this Section.

2. Gross density of the area shall not exceed that specified in Appendix A, City of Freeport Future Land Use Categories/Zoning Districts Schedule of Dimensional Requirement.
3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owner’s association, or other similar provision, or may be conveyed to governmental or not-for-profit organizations. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review/

**C. Specific Requirements for Areas Without Central Utilities**

All proposed development in areas that will not be served by central water and central sewer shall have the following minimum lot areas:

<u>Type of development</u>	<u>Sewer/Water System</u>	<u>Lot Area</u>
Residential	Septic tanks Individual wells	1 acre per unit
Residential	Aerobic septic Individual wells	1 acre per unit
Residential	Septic tanks Central Water	½ acre per unit
Non-residential	Septic tanks Individual wells	1 acre

**3.07.20 Impervious Surface Coverage**

**A. Generally**

Impervious surface on a development site shall not exceed the ratios provided in the table in paragraph E of this Section.

**B. Ratio Calculation**

The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area. Water bodies are impervious and shall be included as such in the impervious surface ratio calculation.

### **C. Treatment of Cluster Development**

Because the impervious surface ratio is calculated for the gross site, cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious ratio, while other lots may be devoted entirely to open space. The Development Review Board may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

### **D. Alternative Paving Materials**

If porous paving materials are used in accord with the Technical Construction Manual, then the area covered with porous paving materials shall not be counted as impervious surface.

### **E. Table of Impervious Surface Ratios**

<b>Land Use District</b>	<b>Maximum Impervious Surface Ratio</b>
General Agricultural	N/A
Environmental/Conservation	0.20
Rural Development	0.20
Low Density Residential	0.30
Established Residential	0.50
Commercial	0.70
Public Service	0.50
Mixed Use	0.70
Urban Development	0.85
Industrial	0.70

The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to Article 3.

## **3.07.21 Building Setback Requirements**

### **A. Minimum Setbacks on side and Rear Yards**

There are no minimum setbacks required for side and rear yards (those sides of a building which do not abut a right-of-way), provided that one of the following requirements shall be met.

1. If the distance from the exterior wall to the property line is less than five (5) feet, the applicant must show evidence of a maintenance easement granted by adjacent property owners.
2. The structure may be built on the property line provided that owner shall grant an attachment easement to the adjacent property owner(s). (An attachment easement is an easement granted to allow an adjacent property owner to erect or construct a building attached to a building on the grantor's property line where such building has one wall at the common property line.)

**B. Minimum Setbacks Between Buildings**

1. The minimum distance between adjacent buildings shall be ten (10) feet, except that no setback between buildings is required where an attachment easement has been created pursuant to paragraph C of this SECTION.
2. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

**C. Minimum Setbacks for Buildings Exceeding 25 Feet In Height**

When a building exceeds twenty-five (25) feet in height, the minimum distance from an adjacent building or property line shall be increased by two (2) feet for each story above two (2).

**3.07.22 Utilities**

**A. Requirements for All Developments**

1. Generally

The following basic utilities are required for all developments subject to the criteria listed herein.

2. Electricity

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Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

3. Telephone

Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

4. Water and Sewer

Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup whenever required by the City of Freeport Comprehensive Plan and where the topography permits the connection to a city or county water or sewer line by running a connecting line no more than 200 feet from the lot to such line.

5. Illumination

All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting the standards of the Technical Construction Standards Manual contained in Appendix D of this Code.

6. Fire Hydrants

All developments served by a central water system shall include a system of fire hydrants consistent with the standards of the Technical Construction Standards Manual contained in [Appendix D](#) of this Code.

**B. Design Standards**

1. Compliance With Technical Construction Standards Manual

All utilities required by this Code shall meet or exceed the minimum standards contained in the Technical Construction Standards Manual in Appendix D of this Code.

2. Placement of Utilities Underground

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- a. All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment including but not limited to switches, meters, or capacitors which may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the specifications of the Technical Construction Standards Manual contained in [Appendix D](#) of this Code.
  - a. Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such service from the utilities' overhead facilities provided the service connection to the site or lot are placed underground.
  - b. Screening of any utility apparatus placed above ground shall be required.

### **C. Utility Easements**

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

## **3.07.23 Accessory Structures and Uses**

### **A. Purpose**

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

### **B. Accessory Structures**

#### **1. General Standards And Requirements**



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Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- a. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- b. All necessary structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- c. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area.
- d. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- e. Accessory structures shall be shown on any concept development plan with full supporting documentation as required in [ARTICLE 2](#) of this Code.

2. Satellite Dish Antenna

- a. Standards
  - (1) All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:
    - (a.) The satellite dish antenna shall be considered a structure requiring a building permit to be issued prior to installation. Subsequent to installation, the antenna shall be maintained in compliance with all applicable building and electrical codes.
    - (b.) The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the National Electric Safety Code.
    - (c.) The satellite dish antenna installation shall meet all FCC and manufacture specifications, rules, and requirements.

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- (d.) The satellite dish antenna shall be of a non-reflective surface material and shall be made, to the maximum extent possible, to conform and blend, taking into consideration color and location, with the surrounding area and structures.
  - (e.) The satellite dish antenna shall contain no advertising or signage of any type.
  - (f.) The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a professional engineer.
  - (g.) The satellite dish antenna installation shall be permitted to be placed in side and rear areas of the main dwelling or commercial structure only.
  - (h.) The satellite dish antenna shall, to the maximum extent possible, be screened from view from a public right-of-way.
- (2) The following standards are for installations in developments:
- (a.) A satellite dish antenna shall be considered an accessory structure to the main dwelling structure and shall not constitute the principal use of the property.
  - (b.) The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.
  - (c.) Satellite dish antenna installations shall be limited to one installation per residential lot.
  - (d.) The maximum size of the satellite dish antenna, whether ground or pole-mounted, shall be limited to twelve (12) feet in diameter.
  - (e.) The maximum height of a ground-mounted satellite dish antenna installation shall be fifteen (15) feet.

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- (f.) The maximum height of a pole-mounted satellite antenna installation shall be thirteen and one-half (13 ½) feet above the eaves of the roof.
  - (g.) A satellite dish antenna shall not be permitted to be installed on the roof of any main dwelling structure.
  - (h.) The satellite dish antenna installation, whether ground or pole, shall be mounted at a fixed point and shall not be portable.

b. Non-conforming Antenna

Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain, until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be met.

**3. Storage Building, Utility Buildings, Greenhouses**

- a. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line.
- b. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.
- c. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.
- d. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- e. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

**4. Swimming Pools, Hot Tubs, and Similar Structures**

- a. Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback.
- b. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirement of this Code.
- c. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
- d. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
- e. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

**5. Fences**

- a. All fences to be built shall comply with the Standard Building Code. The posts of each fence must be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.
- b. Fences or hedges may be located in all front, side and rear yard setback areas. No fences or hedges shall exceed four (4) feet in height when placed in the front yard (the yard abutting a road or public right-of-way). Each fence located in the side and rear yard setbacks shall not exceed the height of eight (8) feet.

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- c. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle.
  - d. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
  - e. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Director of Development Review upon receipt of satisfactory evidence of the need to exceed height standards.
  - f. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

### **C. Accessory Uses**

#### **1. Accessory Apartments**

##### **a. Purpose**

The purpose of this section is to provide for inexpensive housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.

##### **b. Standards**

Accessory apartments may be allowed in single-family homes provided that all of the following requirements shall be met:

- (1) No more than one (1) accessory apartment shall be permitted on any residential lot.
- (2) Any accessory apartment shall be located within the principal structure. (Note: The principal structure shall be construed to mean the dwelling unit or house located on the lot, and not any other

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accessory structure.) An accessory apartment shall not be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.

- (3) An accessory apartment shall not exceed 25 percent of the gross floor area of the principal structure within which it is located.
- (4) The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.
- (5) No variation, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory apartment.

## **2. Home Occupations**

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements.

- a. No person other than members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance of the residence.
- d. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.

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- e. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
  - f. No equipment, tools or process shall be used in such a home occupation which created interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
  - g. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the terms and conditions of this definition, and providing no retail sales are made at the home.
  - h. Outdoor storage of materials shall not be permitted.
  - i. The following shall not be considered home occupations: beauty shops, barbershops, band instrument or dance instructors, swimming instructor, studio for group instruction, public dining facility or tea room, antique or gift shops, photographic studio, fortune telling or similar activity, outdoor repair, food processing, retail sales, nursery school, or kindergarten. (Others may be added based on local preference.)
  - j. The giving of individual instruction to one person at a time such as an art or piano teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed in paragraph I above shall be prohibited.
  - k. A home occupation shall be subject to all applicable city/county occupational licensing requirements, fees, and other business taxes.

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### 3. Dining Rooms, Recreation Centers, And Other Amenities

#### a. Generally

Residential and non-residential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided below.

#### b. Dining Rooms/Cafeterias/Snack Shops, Etc.

A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:

- (1) The facility shall not be open to the general public.
- (2) There shall be no off-site signs advertising the presence of the facility.

#### c. Community Centers/Recreation Centers

Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

- (1) Such facilities shall not include health clubs, gyms, and the like offering services to the general public.
- (2) Parking to serve the building shall be provided as required by Article 5 of this Code.
- (3) There shall be no identification signs, other than directional signs pursuant to Article 5 of this Code.

#### d. Employee Fitness Centers

Non-residential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:



- (1) Such facilities shall not be open to the general public.
- (2) There shall be no signs, other than directional or occupant signs, identifying the facility.

### **3.07.24 Junkyards**

#### **A. Storage Of Materials**

1. Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
2. In no case shall material that is not salvageable be buried or used as fill.
3. Any items which can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
4. Recyclable material which cannot be stored in bins or containers may be stored in the open.
5. Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site, except with the express approval of the Florida Department of Environmental Regulation.
6. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1-1/2 cubic feet or more from which the door has not be removed.

#### **B. Screening**

All junkyards shall comply with the following screening requirements:

1. All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wooden or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight (8) feet in height without openings of any type except for one

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entrance and/or one exit which shall not exceed twenty-five (25) feet in width.

2. Gates at entrance or exit shall be of a material without opening.
3. The screen shall be constructed of the same type of material throughout.
4. Screens shall be at least twenty-five (25) feet from any street line or setback, and no storage or dismantling shall be permitted outside the required screen.
5. No screen shall be constructed of metal that will rust.
6. Screens shall be maintained and in good repair at all times.

#### **C. Buffer In Lieu Of Screening**

Where an outdoor storage facility does not abut a public street or highway, a vegetable buffer may be permitted in lieu screening. A buffer "D" as described in Section 5.05.00 of this code shall be required.

### **3.08.00 PLANNED DEVELOPMENT PROJECTS**

#### **3.08.01 Intent and Purpose**

The intent of this section is to encourage the unified development of tracts of land by permitting, within the confines of an overall density limitation, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of district requirements established in these regulations. Where such flexibility is permitted, planned development project (PDP) design and construction shall follow a carefully devised plan of development which shall be prepared in accordance with the requirements and procedures herein prescribed.

#### **3.08.02 Definition**

For the purpose of these regulations, a planned development project contains: (1) land under unified control, planned and developed as a whole in a single development operation or programmed series of development operations; (2) principal and accessory uses and structures substantially related to the character of the development in the context of the district of which it is a part; (3) comprehensive and detailed plans which include streets, utilities, lots or building sites, site plans, structures and their relationship to each

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and to other uses and improvements, as well as to open spaces; and, (4) a program for provision, maintenance and operation of all areas, improvements, facilities and services which will be for common use by some or all of the occupants of the development, specifying those to be operated or maintained by the developer, and any proposed for public acceptance.

### **3.08.03      General Regulations**

The general regulations for all planned development projects shall be as follows:

- A. Construction of all PDP's shall be initiated within one year after approval of the final plan.
- B. The owner of a PDP shall provide and permanently maintain the areas required for landscaping purposes.
- C. The applicant of a PDP shall be required to provide a detailed statement of assurances including covenants, agreements or other specific documents, showing ownership and method of providing perpetual maintenance to be applied to those areas within the project that are to be used for open space, recreational or other common or quasi-public purposes. Such a statement, if required shall be attached to the preliminary and final plants as special conditions.
- D. Approval of a development order for a PDP shall be conditioned upon the applicant providing an instrument of financial security acceptable to the City Manager, such as an open-end letter of credit or a bond in the amount of 110 percent, of the improvements required, including streets, utilities, landscaping, etc. If the PDP is to be developed in separate phases, an instrument of financial security shall be required for each separate phase.
- E. An applicant for a PDP may include a proposed division of the tract of land within the project property lines into one or more separately owned and operated units. Such proposed divisions, if approved along with the proposed planned development project and if in compliance with the subdivision regulations shall be permissible without further proposed subdivision regulation approval. All projects which include a proposed subdivision of the total tract of land within the property lines into one or more separately owned and operated units shall, if approved, be subject to all attached special conditions and all existing subdivision regulations.
- F. There shall be no subdivision of an approved planned development project

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unless such subdivision is in conformance with the originally approved and recorded final plat or an amended final plat of the planned development project has been approved and recorded.

- G. There shall be no change, alteration, amendment or extension of any approved planned development project final plan unless such change, alteration, amendment or extension is approved in conformance with the procedures for filing a PDP.
- H. Construction of all PDP's shall be completed within a designated period after approval of the final plan. The City Council may grant an extension of completion time when such extension is deemed reasonable and necessary by the City Council.

### **3.08.04 General Standards**

In any planned development project, although it is permissible to depart from conformance with the principal building and single-lot diminution of the regulations and standards set forth for planned development projects.

- A. Applications for approval of planned developments projects shall be reviewed by the Technical Review Committee (TRC) and the Planning Board. The Planning Board will forward a recommendation to the City Council which shall make a determination regarding development order approval. The Technical Review Committee and Planning Board shall examine the proposed PDP with particular attention to the following criteria:
  - 1. The influence the proposed project may be expected to have on existing or future development in surrounding areas and the achievement of a desirable spatial relationship between the buildings and the land, and between the buildings themselves.
  - 2. To insure that the roads, thoroughfares, streets and accompanying access points proposed are suitable and adequate to carry anticipated traffic and increased land use intensity will not generate traffic in such amounts as to overload the existing or proposed street network.
  - 3. To insure that existing or proposed utility services are adequate for the population densities or land use intensities proposed.
  - 4. To insure that the proposed project reflects the overall location standards and principles of land use arrangement and design as set forth in the comprehensive plan and especially the land use plan for the area.

- B. Off-street parking space shall be provided on the site so that there will be no generation of automobile parking on any street or access road.
- C. All off-street parking facilities proposed to be located either below or above ground level shall be designed and constructed so that entrance and exit ramps do not result in direct or indirect traffic congestion on the site or on adjacent streets.
- D. Areas shall be provided for the parking, loading and unloading of delivery trucks and other vehicles and for the servicing of buildings by refuse collection, fuel and other service vehicles in addition to the required automobile parking spaces. Such areas shall be adequate in size and so arranged that they may be used without blockage or interference with the use and access ways of automobile parking facilities.
- E. A landscaped separation strip at least five feet in width shall be provided and maintained by the developer along all access roads on which off-street parking space is located.
- F. Access points on all collector or arterial streets serving a PDP shall be properly located and spaced as provided for in Subsection 5.01.07, Access Management. The development approval authority may approve the use of temporary access points that shall be eliminated by the developer when access roads or other streets are extended to the permanent access points.
- G. No planned development project shall be permitted vehicular access to a minor residential street unless specifically approved by the development approval authority (City Council).
- H. Lighting facilities shall be arranged in such a manner so as to prevent direct glare or hazardous interference of any kind to adjoining street and properties.
- I. All planned development projects shall consider the need for pedestrian and bicycle circulation facilities.
- J. All planned development project building construction shall conform to all local, state and federal regulations pertaining to the particular type of building or buildings proposed. The developer shall provide assurance of such compliance upon submittal of detailed construction plans for review.

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- K. The Technical Review Committee or Planning Board may recommend and City Council may require any reasonable special condition necessary to ensure that there shall be no departure from the intent of these regulations. Because a PDP is inherently more complex than a single lot development and because each project must be tailored to the topography and neighboring uses, the standards and special conditions for such projects cannot be inflexible.

### **3.08.05 Development Standards**

All planned development projects shall be subject to the following regulations for the specific type of development to allow City Council to grant variances and allow for flexibility.

#### **A. Residential Planned Development Project:**

1. Intent:

The intent is to permit and encourage the development of single family and multi-family developments with a common open area of green space and to provide the necessary commercial development to service the residents within the planned development project.

2. Permitted Districts:

A residential planned development project shall be permitted in any residential district, including RC, upon approval by the City Council.

3. Permitted Uses:

Uses permitted in a residential PDP shall be as follows:

- a. Single family detached residence, two-family and multiple family dwelling units (including townhouses, row houses, garden apartments, and condominiums).
- b. Parks and playgrounds, landscaped areas and greenbelts.
- c. Uses such as schools, hospitals, clinics, restoriums, government offices and similar uses.
- d. Professional and business offices, clinics and studios.
- e. Financial institutions.
  
- f. Recreation and amusement establishments, providing that

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- all business activity, both indoor and outdoor, shall be conducted in accordance with applicable City Ordinances.
- g. Clubs, lodges, golf course and club house.
  - h. Docks and marinas.
  - i. Commercial areas limited to establishments intended to primarily serve the residential uses, provided that all merchandise shall be stored and displayed within fully enclosed buildings. Such commercial uses shall not occupy more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way.
  - j. Airparks developed in accordance with these regulations and FDOT and FAA requirements.

4. Compatibility:

The tract of land must be suitable for residential PDP by virtue of its location, shape, topography and the nature of surrounding development

5. Standards:

The following standards shall be met in the development of a residential PDP:

- a. Every structure containing dwelling units shall have access to a public street directly or via a city walkway or other area dedicated to public use or owned and maintained by a home association. Dwelling units need not front a road.
- b. No minimum lot size or setback shall be required for residential structures within the PDP, except that the total acreage of commercial space or non-residential uses shall be not more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way.
- c. The standards for maximum floor space, and for minimum recreational space, outdoor living space, open space and parking space shall be related to the land use intensity ratings and standards as established in FHA's Minimum Property Standards for Multi-Family Housing. Density of development shall be determined by the development approval authority.

6. Minimum Area:

Any tract of land for which a residential PDP application is made shall contain a minimum amount of land as specified for by the following types of development:

<u>Major Type of Use</u>	<u>Minimum Area Required</u>
Single Family Residential Use	5 acres
Multiple Family Residential Use	2.5 acres
Mixed Single and Multiple Family Residential Use (Over 50% Multiple Family)	4 acres
Residential With Accessory Commercial, Public, or Recreational Use	5 acres

## **B. Mobile Home Planned Development Project**

### 1. Intent:

The intent of a mobile home planned development project is to develop a mobile home park or subdivision that is created in a manner that is suitable for location among other residential uses.

### 2. Permitted Districts

A mobile home PDP shall be permitted in any R-3 and RR residential district upon approval by the City Council.

### 3. Permitted Uses:

Uses in a mobile home PDP shall be as follows:

- a. Mobile homes.
- b. Parks and playgrounds, landscaped areas and greenbelts.
- c. Uses such as schools, churches, hospitals, clinics, restoriums, government offices and similar uses.
- d. Recreation and amusement establishments, providing that all business activity, both indoor and outdoor, shall be conducted in accordance with applicable City Ordinances.
- e. Clubs and lodges, golf course and club house.
- f. Docks and marinas.
- g. Commercial areas limited to establishments intended to primarily serve adjacent residential area, provided that all merchandise shall be stored and displayed within fully



enclosed buildings. Such commercial uses shall not occupy more than five percent of the total acreage devoted to residential uses, excluding street rights-of-way.

4. Compatibility:

The tract of land must be suitable for a mobile home planned unit development project by virtue of its location, shape, topography and the nature of surrounding development.

5. Standards:

All mobile home planned development projects shall conform with the following minimum standards of development.

- a. Every mobile home unit shall have to abut a public street directly or via a city sidewalk or other area dedicated to public use or owned and maintained by a home association.
- b. Mobile homes need not front a road.
- c. No minimum lot size or setback shall be required for mobile home dwellings within the PDP, except mobile home dwellings on the perimeter shall provide a 25 foot minimum greenbelt separation from adjoining developments.
- d. No minimum lot size or setback shall be required for commercial or non-residential uses except that the total acreage of commercial or non-residential uses shall not be more than five percent of the total acreage devoted to residential uses excluding street rights-of-way.
- e. The standards for maximum floor space and for minimum recreation space, outdoor living space, open space and parking space shall be related to the land use intensity ratings and standards as established in FHA's Minimum Property Standard for Multi-Family Housing.

6. Minimum Area:

The minimum area for a mobile home PDP shall be as follows:

<u>Major type uses</u>	<u>Minimum Area Required</u>
Mobile Home Residential Only	3.5 acres
Mobile Home with Commercial Uses, Public, or Recreational Uses	5 acres

**C. Commercial Planned Development Project**

## 1. Intent:

The intent of a commercial planned development project is to provide for creativity and quality of design in the development of commercial facilities either separately or in connection with residential or other uses.

## 2. Permitted Districts:

A commercial PDP shall be permitted in all commercial and industrial districts and in R-3 districts.

## 3. Permitted Uses:

The following uses shall be permitted in a commercial PDP:

- a. Comparison goods store
- b. Convenience goods store
- c. Antique stores
- d. Personal service establishments
- e. Business, professional and non-profit organization offices
- f. Public Offices
- g. Restaurants
- h. Indoor motion picture theatres
- i. Helicopter landing facilities and airfields developed in accordance with these regulations and FDOT and FAA requirements.
- j. Other substantially similar uses upon approval of the City Council.

## 4. Compatibility:

The tract of land must be suitable for a planned commercial development by virtue of its location, shape, topography and the nature of the surrounding development.

## 5. Standards:

The following standards shall be adhered to in the development of a commercial PDP.

- a. All drives permitting ingress and egress into and off the site shall be designed in a manner that is safe and will minimize the amount of traffic congestion.
- b. Marginal access roads with pavement of sufficient width to accommodate projected traffic volume shall be provided along any thoroughfare frontage. However, alternate access designs sufficient to accommodate projected traffic volumes may be provided where applicable or more appropriate to the design or location of the site or of the abutting thoroughfare.
- c. A visual screen shall be provided wherever the commercial PDP abuts a residential district or residential use. Such screening shall be in the form of walls, fences or landscaping, shall be at least six feet in height, and shall be at least 50 percent opaque as viewed from any point along said residential lot line. When landscaping is used for screening, the height and opacity requirements shall be attained within 18 months after planting.
- d. The City Council, if deemed necessary, may place any other requirements or restrictions on the developer of the commercial PDP.

6. Minimum Area:

The minimum area for a commercial PDP shall be as follows:

<u>Major type of use</u>	<u>Minimum Area Required</u>
Commercial	2.5 acres
Commercial and Residential	5 acres

**D. Industrial Planned Development Project:**

1. Intent:

The intent of an industrial planned development project is to provide for creativity and quality of design in development of industrial facilities either separately or in connection with residential, commercial or other uses.

2. Permitted Districts:

An industrial PDP shall be permitted in the following Districts: C-1, C-2, I-1 and I-2.

3. Permitted Uses:

The following uses shall be permitted in an industrial PDP:

- a. Light manufacturing
- b. Non-hazardous research, development and testing laboratories.
- c. Heavy manufacturing.
- d. Heavy research, development and testing laboratories.
- e. Light and/or heavy wholesale and storage establishments.
- f. Helicopter landing facilities, and airfield developed in accordance with these regulations FDOT and FAA criteria.
- g. Other substantially similar uses upon approval of the City Council.

4. Compatibility:

The tract of land must be suitable for an industrial PDP by virtue of its location, shape, topography, and the nature of surrounding development

5. Standards:

- a. Any industry located in or adjacent to residential development shall be free of any form of pollution (noise, air, water and visual). The industry shall be developed in accordance with performance standards established in this Article.
- b. All access and egress roads and internal circulation shall be designed in a manner that is non-hazardous and will minimize the amount of traffic congestion.
- c. All buildings shall be located at least 75 feet from all property lines (200 feet when abutting residential uses or districts) and at least 75 feet from the right-of-way line of any street serving the project. The City Council may reduce or increase the requirements based on the type of industry developed in the project.
- d. A landscaped separation, strip, at least 25 feet in width shall be provided along all property lines and at least ten feet in width along all streets serving the project. More or less screening may be required at the discretion of the City Council.

- e. No sign shall extend or project more than two feet above or beyond the building or the building walls. All signs must relate only to the name and use of the establishment and premises or to the products manufactured herein. Two freestanding signs to identify the planned industrial project shall be permitted after their design have been approved as shown on the industrial PDP detailed and final plan.

6. Minimum Area:

The minimum area for an industrial PDP is as follows:

<u>Major type of use</u>	<u>Minimum Area Required</u>
Industrial Only	5 acres
Industrial and Commercial	10 acres
Industrial and Residential	15 acres
Industrial, Residential and Commercial	20 acres

**E. Mixed Use Planned Development Project.**

1. Intent:

The intent of a mixed use planned development project is to provide for the combining of uses in a planned and controlled manner so as to create an environment suitable for all phases of life. The preserving of open space and the development of ample recreation facilities are of the utmost concern in the development of the project.

2. Permitted Districts:

Mixed use PDP's, shall be permitted in all commercial and industrial districts, and in R-3 districts.

3. Permitted Use:

A mixed use planned development project may include any two or more of the planned development projects. The premises of a combined planned development project shall be used for only those uses designated in the respective planned development project regulations of this ordinance. The development projects include the following:

- a. Residential planned development project
- b. Mobile home planned development project

- c. Planned commercial development project
- d. Planned industrial development project

4. Compatibility:

The tract of land must be suitable for a mixed use planned development project by virtue of its location, shape, topography and nature of surrounding development.

5. Standards:

In any mixed use planned development project, although it is permissible to provide a mixed and integrated development, there shall be no diminution of the required land area, parking and circulation area, open space dimensions, standards and regulations that would be required for each type of building and use if it were submitted as a separate planned development project. For the purpose of computing the total requirements, it shall therefore be necessary to submit a breakdown and justification for each type of building and the use by its specific category, i.e. residential, mobile home, commercial and industrial and the manner in which each meets the requirements for such buildings and uses as set forth in the respective planned development project regulations.

6. Minimum Area:

The minimum area for combined planned development projects shall be as follows:

<u>Major type of uses</u>	<u>Minimum Area Required</u>
Residential and Commercial	5 acres
Commercial and Industrial	10 acres
Residential and Industrial	15 acres
Residential, Commercial & Industrial	20 acres

### **3.08.06 Procedure for Filing a Planned Development Project**

#### **A. Pre-Application Conference (optional).**

1. Conference:

A pre-application conference with the technical Review Committee may be requested at the option of the developer. This conference provides the developer an opportunity to gather information and obtain guidance as to

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general conformity of the planned development project with the area in which it is proposed, and with the provisions of these regulations prior to entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.

2. Points:

During a pre-application conference, particular attention should be given to:

- a. The present uses and character of the area,
- b. The road and street system, especially:
  1. interior neighborhood through routes,
  2. collector and arterial streets both existing and proposed,
  3. The rights-of-way widths for all roads and streets,
- c. Public and private open space parks, and trails,
- d. Public utilities and services or their counterpart:
  1. water,
  2. sewer,
  3. fire protection
  4. stormwater management
  5. school facilities
- e. Type structures to be built,
- f. Proposed uses to be developed

**B. Conceptual Development Plan (optional):**

The developer shall make application for approval of a planned development project to the Planning and Development Department as provided for under Article 2, Administration. The application may be filed on the basis of a conceptual plan as contained in this section or the developer may, at this option, omit this step and file his application based on a detailed plan as contained in this Article.

1. Purpose:

The purpose of a conceptual plan is to provide an opportunity for a plan to be submitted to the Technical Review Committee and Planning Board showing the intent of the developer and the nature of development with as little expense as possible. This conceptual plan may serve, at the option of the developer, as the basis for the required public hearing, which, thus, can be held in the early stages of the proposal.

## 2. Maps and Written Statements:

The conceptual plan shall include required maps and the written statement setting forth the details of the proposed development. Maps must depict the area surrounding the proposed development and demonstrate the relationship of the PDP to the adjoining uses; both existing and those proposed by the developer.

The maps shall be in a general schematic form and shall contain the following information:

- a. the approximate topography,
- b. proposed land uses and the approximate location of existing and proposed buildings and other structures on the site and existing buildings, structures and uses adjacent to the site;
- c. the proposed character and approximate density of dwellings;
- d. the approximate location of all streets and rights-of-way, walkways, and parking facilities;
- e. public uses including schools, parks, playgrounds and other open spaces;
- f. maps shall indicate which facilities are to be public or private.

## 3. The written statement shall contain an explanation of:

- a. the character of the proposed development and the manner in which it has been designed to take advantage of the PDP concept;
- b. the proposed sewage disposal facilities, water supply and stormwater drainage provisions;
- c. the manner of financing proposed;
- d. the present ownership of all of the land included within the planned development project;
- e. the method proposed to maintain private common open areas, buildings and other facilities; and
- f. the general indication of the expected schedule of development.

## 4. Public Hearing:



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A public hearing is required for approval of all PDP's and may be held based on the conceptual plan or on the detailed plan at the option of the developer. All property owners within 500 feet of the boundaries of the proposed PDP will receive notification of the public hearing. Costs of such notification shall be paid by the developer prior to advertisement of the hearing.

5. Conceptual Plan Approval:

- a. If, after a public hearing, the planned development project is approved by the City Council, then a resolution shall be passed by the City Council stating that they will designate the specified area as a PDP, provided that the City Council approves the detailed plan, or final plan, as is appropriate.
- b. In the event the City Council has conditioned its approval upon required modifications to the plan, then such conceptual plan approval shall not be effective until the developer has filed, with the Planning and Development Department written agreement to modify the plan as required.
- c. If a detailed plan covering the area in the conceptual plan has not been filed within six months from the date of approval of the conceptual plan, the approval shall expire. The City Council at its discretion, may extend for additional periods not in excess of six months each, the filing of the detailed plan when, good cause for such extension is shown.

**C. Detailed Plan:**

1. Purpose:

The purpose of the detailed plan is to provide a specific and particular plan upon which the City Council will base its decision. Substantial compliance with the detailed plan is necessary for the preparation of the final plan. When seeking approval of a planned development project, the detailed plan should be filed as follows:

- a. as the initial plan if no conceptual plan has been approved at the time application is made, or
- b. as the second step plan when a conceptual plan has been approved. The detailed plan may be submitted in stages or in its entirety, within six months following its approval,

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unless an extension has been granted.

2. Maps and Written Statement:

If a conceptual plan has not been filed and approved, than the detailed plan must include the following information in addition to that required for the conceptual plan and written statement.

- a. A map showing
  - (1) street location and nature of improvements;
  - (2) lot lines and lot design;
  - (3) the landscaping and tree planting plan; and
  - (4) stormwater drainage system.
- b. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar uses.
- c. A site plan for each building, except single-family lots, and the common areas, showing the approximate location of all buildings, structures, and improvements, and indicating the open spaces around the buildings and structures.
- d. Elevation and perspective drawings of all typical proposed structures and improvements except single-family residences and their accessory buildings. The drawings need not be the result of final architectural designs and need not be in construction detail.
- e. A development schedule indicating:
  - (1) The approximate date when construction of the project can be expected to begin;
  - (2) The phases in which the project will be built and the approximate date when construction of each phase can be expected to begin;
  - (3) The approximate dates when the development of each of the phases in the development will be completed; and
  - (4) The area and location of common open space that will be provided for each phase.
- f. Agreements, provisions, declarations or covenants which govern the use, maintenance and continued protection of the planned development project and any of its common open areas.
- g. The following plans and diagrams will be provided when

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the Technical Review Committee or Planning Board finds that the PDP creates special problems for traffic or parking:

- (1) An off-street parking and loading plan;
- (2) A circulation plan indicating the proposed movement of vehicles, goods and pedestrians, within the PDP and to and from existing thoroughfares.
- (3) Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.

3. Detailed Plan Approval:

- a. If a conceptual development plan was not submitted and approved, the detailed plan shall be considered in the same manner as provided for in the conceptual plan.
- b. If a conceptual plan was submitted, the public hearing was held and the conceptual plan was approved, then the Technical Review Committee and the Planning Board shall compare the detailed plan with the conceptual plan and with the standards set forth in these regulations. If the detailed plan conforms substantially to the conceptual plan and to the standards set forth in these regulations, the city Council shall grant approval of the detailed plan. The City Council may place conditions upon its approval to ensure conformance to the plan as approved.
- c. Duration of Approval:  
City Council approval of the detailed plan shall be valid for a six-month period following the date of such approval. At its discretion the City Council may extend detailed plan approval for additional six-month periods.

4. Disapproval of Detailed Plan:

In the event the City Council is unable to find the detailed plan in substantial conformance to the purpose and intent of the conceptual plan, the City Council shall not grant approval of the plan as submitted.

5. Site Improvements:

The developer, at his option, may construct street improvements, sidewalks, utilities and other permanent site improvements after detailed plan approval. The location of the buildings may be staked and

applications for building permits may be submitted. Under no circumstances, however, will any building permit be issued until final plan approval has been granted and the necessary portions of the final plan recorded. The construction of improvements must be in accordance with the detailed plan and the provisions of these regulations, to obtained final plan approval.

**D. Final Plan**

1. Public Record:

The final plan is the permanent public record of the PDP and will be the manner in which the development is constructed as provided herein.

2. Contents:

The final plan shall be filed within six months of the date of approval of the detailed plan and shall contain, in final form, the information required for the detailed plan. In addition, the following will apply:

- a. If parcels of land are to be sold, then a subdivision plat in the form prescribed by the City Council shall be filed for approval in the appropriate manner.
- b. If land within the planned development project is not to be sold in individual parcels, then a site plan shall be prepared and filed with the City Council which is suitable for inclusion in the deed records of the county. A permanent reproducible transparency of the final plan shall be filed with the Planning and Development Department.
- c. Condominium plats do not need to be filed with, or approved by city Council. They are to be recorded as a distinct and separate act from the documents noted in items “a” and “b”.

3. Final Plan Approval:

The City Council shall review the final plan and shall approve the final plan if it is in substantial conformance with the approved detailed plan.

- a. The City Council shall require, as a condition of approval, the submission of satisfactory evidence that the improvements will be constructed, such as an instrument of financial security referenced in Subsection 2.01.04.M.
- b. The City Council shall not approve the final plan or any phase of the planned development project if the average of

the allowable dwelling units per acre, up to and including the phase which is to be approved, exceeds by more than ten percent the average number of dwelling units per acre which is allowable for the entire PDP.

- c. Upon final approval and after all conditions have been met, the City Council shall approve the recording of the final plan in the deed records when parcels are to be sold. In the instance where parcels are to be sold, the developer will process and have recorded the subdivision plat in the manner designated by Walton County.

#### **E. Substantial Conformance:**

The determination of substantial conformance between the detailed plan and the final plan shall be at the discretion of the City Council. Variation in conformance is intended solely to facilitate the minor adjustments which may be necessary as the plans approach a final construction stage. The City Council may refuse to grant approval of substantial conformance if, in their opinion, the adjustments are being used to significantly modify the approved plan.

### **3.08.07 Manner of Designation**

Any land for which an application for a planned development project has been approved shall be designated on the official zoning map by the letters "PDP" – "Number". The "Number" shall be progressive as the projects are approved. The PDP designation shall not constitute a change in the district boundary, but shall serve as an overlay district. As such, approval of a PDP shall not require an amendment to the city's Future Land Use or Zoning Map, if the PDP is allowed within the district in which it is approved.

### **3.09.00 MOBILE HOME PARKS AND SUBDIVISIONS**

#### **3.09.01 Generally**

Mobile homes shall not be located in flood hazard areas defined as FEMA A and V zones in Article 4, Flood Damage Prevention.

Skirting for mobile homes shall be required to cover the open area from grade to the exterior floor of the mobile home unit. Such skirting shall be at least 50 percent opaque and shall be composed of materials such as brick, wood, lattice, or fencing. When fencing is utilized for skirting, landscaping must be used to provide for the required opacity.

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**3.09.02 Mobile Home Subdivision****A. Intent and Purpose:**

1. mobile home subdivision is composed of certain lands where it is desirable to attain a medium density residential area consisting of mobile homes on single lots under individual ownership.
2. A mobile home subdivision shall be permitted only in an RR district.
3. Mobile home subdivisions shall comply with all provisions of this section and shall be permitted only on recorded plats conforming to Subsection 2.01.05.L, Platting Regulations.

**3.09.03 Mobile Home Planned Development Projects**

- A. Mobile home planned development projects are permitted in R-2, R-3, and RR districts as provided for in this Article.

**3.10.00 AIRPORT REGULATIONS****3.10.01 Definitions**

[Refer to Appendix B.](#)

**3.10.02 Height Limitations Near Airports**

- A. No existing use, structure or tree may be extended, expanded or enlarged so as to encroach into any portion of the approach zones, horizontal zones, or conical zones, nor shall any existing use, structure or tree be permitted to encroach into any of the aforesaid zones.
- B. Any use, structure or street existing at the date of the adoption of these regulations and which extends into any approach zone, horizontal zone or conical zone of an existing airport shall be considered non-conforming and may not further encroach into any of the aforesaid zones.
- C. Where any use, structure or tree which shall be in existence on the date of which a proposed airfield or airport shall be approved and where such use; structure or tree extends into the approach zones, horizontal zones or conical zones of such an airport, such use, structure or tree shall be

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considered non-conforming as of the date specified above and shall be in no way expanded to further encroach into the aforesaid zones.

### **3.10.03 Airport Hazards**

- A. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, the obstruction type, in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared:
1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question.
  2. That it is therefore necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented.
  3. That this should be accomplished, to the extent legally possibly, by the exercise of the police power, without compensation.
  4. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.

### **3.10.04 Other Hazards**

- A. Uses within two miles of any airfield runway shall conform to the performance standards established herein.
- B. No electrical use or operation shall be permitted that interferes with instrument control or landing operations of planes or of radar, radio or ground control approach systems for said airport.

## **3.11.00 PERFORMANCE STANDARDS**

### **3.11.01 Intent and Purpose of Section**

The purpose of this section is to permit a broad range of uses in certain commercial and industrial districts by establishing standards of performance for commercial and

industrial activities, to protect residential districts from adverse effects of commercial and industrial activities and to promote a safe and healthful environment in and near commercial and industrial districts. Performance standards are subject to change based on revised state and/or federal regulations. Minimum standards must be met based on state or federal law regulating noise, vibration, smoke, dust, dirt, odors, fumes, sewage, waste, glare, fire, etc.

### **3.11.02 General Restrictions**

All uses in districts where reference is made to this section shall conform to the standards of performance described herein and shall be so constructed, maintained and operated as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. Within 300 feet of a residential district, all processes shall be in completely closed buildings. Processes located at a greater distance from residential districts shall be effectively screened by a solid wall or fence at least six feet in height, but in no case lower in height than the enclosed process.

### **3.11.03 Smoke**

Every use shall be so operated as to prevent the emission of smoke from any source whatever to a density greater than described as Number 1 on the Ringlemann Chart; provided however that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringlemann Chart may be emitted for a period or periods totaling four minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, and which is hereby made, by reference, a part of these regulations, shall be the standard. All measurements shall be at the point of emission.

### **3.11.04 Dust, Dirt and Fumes**

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter or fumes in amounts which exceed the maximum standards of the Florida State Board of Health. Each facility in C-2, I-1 and I-2 Districts shall be so operated that the maximum concentration of particles taken at a 20 foot elevation at the building site, using the Millipore Particle Counting Filter, shall be no more than a reading taken at the same elevation on an adjacent parcel of land or lot.

### **3.11.05 Industrial Sewage and Waste**

Every use shall be so operated as to prevent the discharge into any stream, lake or the ground of waste or other matter in amounts which will exceed the maximum standards of



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the Florida Department of Environmental Protection and Department of Children and Families Services.

### **3.11.06 Glare**

Every use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible at any point on the lot or parcel line of the property on which the use is located.

## **3.12.00 OPERATIONAL PERFORMANCE STANDARDS**

### **3.12.01 GENERALLY**

#### **A Purpose and Intent**

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout the City of Freeport. Such operations may create or maintain such excessive noise, vibration, air pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are there provided to protect the public interest, and promote the public health and welfare.

#### **B. Applicability**

These standards shall apply to all lands within the City of Freeport zoning jurisdiction.

#### **C. Standard Manuals**

##### **1. References**

The following references are cited in this Article:

40CFR Code of Federal Regulations, Title 40, "Protection of Environment"

FAC17-2 Chapter 17-2, Florida Administrative Code, "Air Pollution"

APAM "Air Pollution Abatement Manual" of the Manufacturing Chemist Association

PHR47U.S. Public Health Report 47, No. 12, "Measurement of Density Mineral Dust"

ICR12 Industrial Cost Rule No. 12 adopted by the Board of Standards and Appeals of the new York State Department of Labor

CFR10 Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation"

ANSI American national Standards Institute – Applicable Standards

### **3.12.02 NOISE**

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

#### **A. Maximum possible Sound Levels By Receiving Land Use**

##### **1. Maximum Sustained Sound**

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below.

#### SOUND LEVELS BY RECEIVING LAND USE

<b>Receiving Land Use Category</b>	<b>Time</b>	<b>Sound Level Limit dBA</b>
Residential	7 a.m. – 10 p.m.	60
	10 p.m. – 7 a.m.	55
Commercial	7 a.m. – 10 p.m.	65
	10 p.m. – 7 a.m.	60
Manufacturing Industrial or Agricultural	At All Times	75

#### **B. Exemptions**

The following activities or sources are exempt from these noise standards:

1. Activities covered by the following: stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.
2. The unamplified human voice.
3. Railway locomotives and cars.
4. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.
5. Aircraft operations.
6. Construction or routine maintenance of public service utilities.
7. Houses of worship bells or chimes.
8. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work

**C. Notice of Violation**

Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this Code shall be cause for a notice of violation to be issued by the Code Enforcement Officer.

**D. Pre-Existing Uses Not in Conformance**

Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

**3.12.03 Vibration****A. Standards**

## 1. Industrial

In industrial districts, impact vibrations from any use, at any point beyond district boundaries, shall not exceed the levels set forth in Paragraph 3 below.

## 2. All Other Districts

In all other districts, impact vibrations from any use shall not exceed, at any point beyond the property lines of the use, the levels set for in Paragraph 3 below.

## 3. Maximum Permissible Vibration

Maximum permissible vibration shall be in accordance with ANSI standards.

**3.12.04 Air Pollution****A. Standards**

To protect and enhance the air quality of the City of Freeport, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulations (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation.

**B. Testing**

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

**3.12.05 Odor**

No offensive odor shall be emitted in any degree which shall be detectable beyond the boundaries of the property on which it is generated.

### **3.12.06 Fire And Explosive Hazards**

#### **A. Standards**

In all districts in which the storage, use, or manufacture of flammable or explosive materials is permitted, the following standards shall apply:

1. Storage and utilization of solid materials or products which are incombustible, or which in themselves support combustion and are consumed slowly as they burn, is permitted.
2. Storage, utilization, or manufacture of solid materials or products including free burning and intense burning is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having noncombustible and protected throughout by an automatic fire extinguishing system. The requirements for an automatic fire extinguishing system may be waived by the Code Enforcement Officer in those cases where the introduction of water to a burning substance would cause additional hazard.
3. Outdoor storage of coal and other solid fuels is permitted provided storage is in conformance with the "Fire Protection Handbook" 1986 Edition, printed by the National Fire Protection Association.
4. Storage, utilization or manufacture of flammable and combustible liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with national Fire Code #30, exclusive of storage of finished products in original sealed containers which shall be unrestricted.
5. The following classifications of liquids are unrestricted, provided that storage, handling, and use shall be in accordance with National Fire Protection Association, "Flammable and Combustible Liquids" Code #30.

#### **CLASSIFICATION OF LIQUIDS**

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Class I	Shall include those having flash points below 100 degrees Fahrenheit (37.8 degrees Celsius) and may be subdivided as follows:
Class I-A	Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point below 100 degrees Fahrenheit (37.8 degrees Celsius).
Class I-B	Shall include those having flash points below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point at or above 100 degree Fahrenheit (36.8 degrees Celsius).
Class I-C	Shall include those having flash points at or above 73 degrees Fahrenheit (22.8 degrees Celsius) and below 100 degrees Fahrenheit (37.8 degrees Celsius).
Class II	Shall include those having flash points at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius).
Class III	Shall include those having flash pints at or above 140 degrees Fahrenheit (60 degrees Celsius) and may be subdivided at follows:
Class III-A	Shall include those having flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and below 200 degrees Fahrenheit (93.4 degrees Celsius).
Class III-B	Shall include those having flash points at or above 200 degrees Fahrenheit (93.4 degrees Celsius).

### **3.12.07 Electromagnetic Interference**

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In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

### **3.13.00 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

#### **3.13.01 Regulations for Campgrounds**

##### **A. Area:**

Campgrounds shall contain at least ten acres in area.

##### **B. Buffers:**

A buffer of 25 feet in width shall be provided and maintained around the perimeter of campgrounds except where walks and drives penetrate the yard. Such buffer shall not be considered to be part of an abutting space.

##### **C. Roadways:**

Each space in a campground shall abut at least 15 feet on a roadway within the boundary of the campground which shall have unobstructed access to a public street. Such roadways shall have unobstructed right-of-way of at least 30 feet in width for two-way drives and at least 20 feet in width for one-way drives.

##### **D. Recreational Area:**

A recreational area shall be provided equivalent to 1000 square feet per space. Such recreation space shall be maintained in a clean and presentable condition. In some cases, the development approval authority may consider allowable commercial outdoor recreation facilities to meet part of this requirement.

##### **E. Density:**

Campgrounds shall contain a maximum of ten recreational vehicle spaces, tent spaces or cottages per gross acre.

##### **F. Setbacks:**

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No part of any recreational vehicle, tent or cottage or addition thereto shall be placed within seven and one-half feet of any space line nor shall same be located within 15 feet of any accessory or service building.

**G. Space Markers:**

Each recreational vehicle space or tent space shall be clearly identified by steel corner markers to be flush with the ground and visible.

**H. Permanent Additions:**

Permanent additions to recreational vehicles, or tents, such as Florida rooms, shall not be permitted.

**I. Driveways:**

Driveways shall be provided to each space; such driveways shall be at least 12 feet wide.

**J. Fire Fighting System:**

Fire fighting systems are required in campgrounds and must be approved by the Fire Department if located within a fire district. When a campground is not located with a fire district, such fire fighting systems must be approved by the Life Safety Code Officer.

**K. Water and Sewer:**

Each campground shall provide an adequate and safe water supply and an adequate and safe method of sewage collection, treatment and disposal as required by the local development approval authority, county and State Department of Children and Families Services. Whenever municipal or public water or sewer systems are available to the campground such systems shall be used.

**L. Occupancy:**

No operator or owner of a campground shall permit permanent occupancy by patrons in such campground. Permanent occupancy shall be construed as continuous usage of the campground for more than six months. Nothing in this provision shall be construed as to prohibit permanent occupancy by a resident caretaker/operator of the facility.



**3.13.02 Recreational Vehicle Parks****A. Intent**

It is the intent in this section to provide standards for the location and development of parks for recreation vehicles.

**B. Definition****Recreational Vehicle Park**

A development designed specifically to allow temporary living accommodations for recreation, camping, or travel use.

**C. General Requirements**

A recreational vehicle park shall meet the following general requirements:

1. It shall be primarily for recreational use by persons with transportable recreational housing, with appropriate accessory uses and structures.
2. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
3. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which is a part.
4. The park shall be developed according to comprehensive and detailed plans that include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the building.

5. The park shall have a program for provision, maintenance, and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated, or maintained at general public expense.

#### **D. Allowable Uses**

The following uses in a recreational vehicle park include the following:

1. Recreational vehicles.
2. Park trailers (park models) as defined by Florida law, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than one hundred and eighty (180) consecutive days, or for more than forty-five (45) consecutive days in areas of special flood hazard unless elevated and anchored to comply with the flood plain protected standards of this Code.
3. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than 5% of the area of the park, and shall not be so located as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.
4. Marinas or launching ramps may be permitted where allowed in the land use/zoning district, subject to either minimum requirements or supplemental standards, within the district. Marinas or launching ramps shall not include facilities for storage of boats other than those rented in connection with the park operation. There shall be no facilities for the repair or overhaul of boats.

#### **E. Site Design Requirements**

The following site design requirements shall be met:

1. The minimum land area for a recreational vehicle park shall be eight (8) acres.
2. The maximum density for a recreational vehicle park shall be eighteen (18) spaces per gross acre. Storage spaces shall be included in the density calculation.
3. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.
4. Access to the recreational vehicle park shall be from a collector or arterial roadway.
5. Internal street shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained and dust-free surface that is of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements.

One-Way, No Parking 12 Feet

Two-Way, No Parking 20 Feet

6. Streets serving less than fifty (50) spaces may be used as part of the pedestrian circulation system. Elsewhere, if the relation of space locations to facilities within the park calls for establishment of pedestrian ways, they shall be provided, preferably as part of a common open space system away from streets, but otherwise sidewalks. No common access to the pedestrian ways, or to facilities within the park, shall be through a campground space.
7. Not less than eight percent (8%) of the area of the district shall be devoted to recreation area. The recreation area may include space for common walkways and related landscaping in block interiors, provided that the common open space is at least twenty (20) feet in width as passive recreation space. At least half of the total required recreation area shall be comprised of facilities for active recreation, such as swimming pools or beaches, ball fields, shuffleboard courts, or play lots for small children. These facilities shall be so located as to be readily available from all spaces, and free from traffic hazards.

8. Camping spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended to use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space.
9. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within one hundred (100) feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.
10. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
11. No minimum dimensions are specified for spaces, but each shall provide a stand and the clearances and open spaces specified herein, and the boundaries of each stand and space shall be clearly indicated.
12. Spaces for dependent units shall be located within two hundred (200) feet by normal pedestrian routes of toilet, washroom, and bath facilities.
13. Spaces for self-contained units, operating as such, may not be located more than four hundred (400) feet by normal pedestrian routes from toilet, washroom, and bath facilities.
14. Stands shall be of such size, location and design to provide for the type of units that will use them. Thus where use by wheeled units is intended, vehicular access to the stand itself is essential. If use is to be restricted to tents to be erected on the ground, vehicular access to the stand itself is not essential, but the dimensions required may be different and it will be of primary importance that the stand have a level surface suitable for erection of a tent, composed of material suitable for driving and holding tent pegs, free of rocks, roots or other impediments to the driving of pegs to the depth of at least eight (8) inches, and graded and drained to prevent flow of surface water into or under tents erected on it.

15. Stands shall be so located that when used, clearance from units, including attached awnings and the like, shall be as follows:
  - (a) From units on adjoining stands: 10 feet
  - (b) From internal streets of common parking area: 10 feet
  - (c) From portions of building not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space: 25 feet
  - (d) From any other use or fueling facility: 50 feet
16. Within each space, there shall be an area suitably located and improved for outdoor use by occupants of units and not to be occupied by units or towing vehicles except during maneuvering incidental to location or removal. This space shall be at least eight (8) feet in minimum dimensions and one hundred and sixty (160) square feet in area in route parks, ten (10) feet in minimum dimension and two hundred (200) square feet in area in destination parks, and shall be so located as to be easily accessible from the entry side of units as normally parked and oriented on stands.
17. Where fireplaces, cooking shelters, or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.
18. Design and construction of improvements shall comply with standards and specifications in the Appendices.

### **3.14.00 DENSITY AND INTENSITY BONUSES**

#### **3.14.01 Purpose**

It is the purpose of this part to encourage new development and redevelopment that is designed and constructed at a level of quality in excess of the minimum. Where a proposed development is designed to exceed minimum requirements, additional development rights may be allowed in locations where added density or intensity can be accommodated while still providing appropriate protection to neighboring properties and general public.

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**3.14.02 Compliance Procedures****A. Submittals**

All proposed development requesting additional intensity or density shall provide the following information on the application for development approval:

1. The application for approval of a proposed development shall indicate that the development approval is requested through compliance with the bonus standards.
2. The application shall clearly show the design features and calculations showing the basis for the requested density or intensity bonus.

**B. Points Required**

Each of the bonus standards provided in SECTION 3.14.03 is assigned a point value. Compliance with the standards “earns” points. A proposed development may provide additional features chosen from the types of standards described in SECTION 3.14.03. Credit, in the form of points, will be given based upon the compliance of the proposed project with the standards. The number of points needed to satisfy the requirement for bonus standards and subsequently allow development of a site subject to the bonus standards is as follows:

1. Residential development: six (6) points for each two (2) percent increase in density beyond the maximum shown in Appendix A.
2. Non-residential development: five (5) points for each additional 1.10 FAR beyond the maximum shown in SECTION 3.14.03 of this Code.

**3.14.03 Available Density/Intensity Bonuses****A. Where Bonuses May Be Used.**

Density and intensity bonuses may be used in the following use districts:

1. Mixed Use
2. Urban Development

**B. Environmentally Sensitive Lands And Habitat**

1. Environmentally Sensitive Lands as defined in ARTICLE 4, or land containing qualifying habitat (wetlands or uplands) known to be significant to one or more endangered or threatened plant and animal species or species of special concern, as designated by the United States Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission, or the Department of Agriculture and Consumer Services, shall be donated to the city/county or city/county-approved agency, or at the city/county's option, the property owner shall provide a perpetual conservation easement. The deed for the donated property shall contain a conservation easement to guarantee the preservation of the property in perpetuity.
2. If by donation, the donation shall be of a fee simple interest, or by binding agreement at the time of application for development approval.
3. If by conservation easement, a copy of a recordable document shall be provided with the application.
4. A minimum of five (5) acres shall be required to qualify for credit, unless the proposed environmentally sensitive area is located immediately adjacent to and contiguous with an existing environmentally sensitive area. However, in such cases, donation or dedication of an easement for less than five (5) acres shall include the entire environmentally sensitive area on the property to be developed. Donation of the minimum shall qualify for one (1) point.
5. For each one (1) acre in excess of the minimum one fifth (0.2) additional points shall be earned, up to a maximum of 12 points.
6. If the proposed development includes no dredge and fill activity affecting Environmentally Sensitive Lands it shall qualify for one (1) point.
7. If the proposed development includes no discharge of stormwater into waters designated as aquatic preserves, or Outstanding Florida Water, the project shall qualify for one (1) point.

**C. Public Access to Water Bodies**

1. Public access ways to natural reservations or public water bodies shall be donated to city/county or a city/county-approved agency. The Development Review Board shall find that there exists a demonstrated need for public access in the proposed location and that the proposal is consistent with public shoreline access plans. Donation shall qualify for up to five (5) points, based upon the size, demonstrated need, relationship to the Comprehensive Plan, and condition of the donated property.
2. As an alternative to donation of public access ways, irrevocable easements may be established to provide public access the natural reservations and public water bodies. Establishment of easements, where ownership and maintenance responsibility remain with the property owner(s) shall qualify for up to two (2) points, based upon the size, demonstrated need, improvements proposed, and condition of the property.

**D. Water Conservation**

1. The appropriate use of only xeric landscaping or low-water demanding plants in all required buffers or landscaped areas shall qualify for up to five (5) points, based upon the size of the buffering relation to the property. (Note: Use of xeric landscaping in any required landscaped area also allows the Development Review Board to waive the requirement for an irrigation system, regardless of whether the proposed development is qualifying for bonus credit. However, there shall be provision for watering during establishment of the plant materials.)
2. The use of drip irrigation, fertigation, or other low-water methods shall qualify for one (1) point.
3. The appropriate reuse of treated effluent and/or grey water within a development project shall qualify for one (1) point per acre if used for irrigation, or two (2) points per acre if used for irrigation and other appropriate purposes, up to a maximum of fourteen (14) points.

**E. Proximity To Service And Facilities**

Proximity of the proposed development to the following community services and facilities shall be eligible for points as indicated in the table below:



<u>Facility/Service</u>	<u>Distance</u>	<u>Points</u>
Public school	one (1) mile or less	2
Public school	over one (1) mile to two (2) miles	1
Hospital	five (5) miles or less	1
Multiple-use, designated activity center	three (3) miles or less	1
Shopping Center (150,000+ sq.ft.)	three (3) miles or less	1
Fire Station	five (5) miles or less	1
Mass Transit Stop	¼ mile or less	2
Mast Transit Stop With Park-n-Ride Lot	over ¼ mile to three (3) miles	1
Community Recreation Facility	one (1) mile or less	2
Community Recreation Facility	over one (1) mile to three (3) miles	1

#### **F. Special Housing Needs**

1. Provision of low-and moderate-income housing shall qualify for credit based upon the following schedule:

<u>Portion of Project Set Aside</u>	<u>Points</u>
10% of units	3
20% of units	6

2. Provision of housing to serve the special needs of the elderly shall qualify for one (1) point per ten (10) units, to a maximum of six (6) points.

3. Provision of housing to serve physically or mentally handicapped persons shall qualify for one (1) point per ten (10) units, to a maximum of six (6) points.
4. No more than 20% of a conventional housing development shall be devoted to special housing needs.

**G. Access To Transportation Facilities**

1. Provision of separate pedestrian or bicycle access ways from a residential development to designated activity centers containing commercial, office, service, and/or recreation activities, and located within one-half (1/2) mile of the development shall qualify for one (1) point.
2. Where two adjacent non-residential developments share a common access driveway, thereby reducing the number of access points to an arterial or collector facility, the project under development review may be granted up to four (4) points.
3. Provision of parallel frontage and/or service roads on major collector roads shall be eligible for up to ten (10) points, based upon one (1) point per 100 linear feet of frontage.
4. Provision of a bus shelter or other sheltered transit collection point in a non-residential development shall be eligible for up to three (3) points.

**H. Maximum Points Available**

	<u>Residential</u>	<u>Non-residential</u>
Environmentally Sensitive/ Habitat	23	23
Water body access	5	5
Water conservation	20	20
Location	10	10
Special housing	6	0

Transportation access	<u>11</u>	<u>17</u>
TOTAL POINTS AVAILABLE	75	75