

# *City of Fort Meade*



## Unified Land Development Code

Updated through August 8, 2017

# *City of Fort Meade*



## Unified Land Development Code Table of Contents

CITY OF FORT MEADE  
UNIFIED LAND DEVELOPMENT CODE

|   |       |
|---|-------|
| Table of Contents.....  | i-xvi |
| <b>ARTICLE 1, GENERAL PROVISIONS</b>                              |       |
| 1.01.00 Title.....  | 3     |
| 1.02.00 Authority.....  | 3     |
| 1.03.00 Applicability.....  | 3     |
| 1.03.01 General Applicability.....                                | 3     |
| 1.03.02 Exceptions.....   | 3     |
| 1.04.00 Repeal of Conflicting Local Laws.....                     | 4     |
| 1.05.00 Interpretation.....                                       | 4     |
| 1.06.00 Penalties for Violation.....                              | 4     |
| 1.07.00 Severability.....   | 4     |
| 1.08.00 Effective Date and Amendments.....                        | 4     |
| <b>ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS</b>              |       |
| 2.01.00 General Provisions.....                                   | 11    |
| 2.02.00 General Regulations for All Zoning Districts.....         | 11    |
| 2.02.01 Regulations for Historic Sites.....                       | 11    |
| 2.02.02 Density Bonuses for Affordable Housing.....               | 12    |
| 2.02.03 Foster Home, Group Home, and Halfway House.....           | 15    |
| 2.02.04 Assisted Living Facility and Nursing Home.....            | 15    |
| 2.02.05 Moving of Buildings.....                                  | 16    |
| 2.02.06 Requirements for Lots Divided by a Right-of-Way.....      | 16    |
| 2.02.07 Alteration of Lot Size.....                               | 16    |
| 2.02.08 Fence Height Limitations.....                             | 16    |
| 2.02.09 Agricultural Uses and Limitations.....                    | 17    |
| 2.02.10 Animal Limitations.....                                   | 17    |
| 2.03.00 General Regulations for Residential Zoning Districts..... | 19    |
| 2.03.01 Front Yard Setbacks.....                                  | 19    |

|            |   |       |
|------------|---|-------|
| 2.03.02    | Minimum Side Yard Setbacks for Small Lots.....                      | 19    |
| 2.03.03    | Corner Lots.....  | 19    |
| 2.03.04    | Minimum Lot Line Setback.....                                       | 19    |
| 2.03.05    | Off-Street Parking.....   | 19    |
| 2.03.06    | Parking of Commercial Vehicles in Residential Districts.....        | 19    |
| 2.03.07    | Parking of Boats and Recreational Vehicles.....                     | 20    |
| 2.03.08    | Canopy Trees Required.....  | 20    |
| 2.03.09    | Height Restrictions.....  | 20    |
| 2.04.00    | General Regulations for Commercial/Industrial Zoning Districts..... | 21    |
| 2.04.01    | Adult Entertainment Establishments.....                             | 21    |
| 2.04.02    | Temporary Tents.....  | 22    |
| 2.04.03    | Off-Street Parking.....   | 22    |
| 2.05.00    | Establishment of Districts.....                                     | 23    |
| 2.05.01    | Zoning District Summary Tables.....                                 | 23    |
|            | Table of Land Uses, Table 2.05.01(A).....                           | 24-29 |
|            | Table of Development Standards, Table 2.05.01(B).....               | 30-31 |
| 2.05.02    | Establishment of Zoning Districts.....                              | 32    |
| 2.05.02.01 | AG Agriculture.....   | 32    |
| 2.05.02.02 | RE Rural Estate.....  | 33    |
| 2.05.02.03 | R-1A Single Family Residential.....                                 | 35    |
| 2.05.02.04 | R-1B Single Family Residential.....                                 | 36    |
| 2.05.02.05 | R-1C Single Family Residential.....                                 | 37    |
| 2.05.02.06 | R-2 Multi-Family Residential.....                                   | 38    |
| 2.05.02.07 | MHP Mobile Home Park.....   | 40    |
| 2.05.02.08 | P-1 Professional Office District.....                               | 41    |
| 2.05.02.09 | C-1 Neighborhood Commercial District.....                           | 43    |
| 2.05.02.10 | C-2 Commercial Corridor.....  | 44    |
| 2.05.02.11 | HIS Historic Downtown District.....                                 | 45    |
| 2.05.02.12 | M-1 Local Service Industry District.....                            | 47    |
| 2.05.02.13 | M-2 Industrial Park District.....                                   | 48    |
| 2.05.02.14 | PB Public Buildings District.....                                   | 51    |
| 2.05.02.15 | PR Public Recreation District.....                                  | 53    |
| 2.05.02.16 | CON Conservation.....   | 54    |
| 2.06.00    | General Regulations for Accessory Uses.....                         | 56    |
| 2.06.01    | Swimming Pools.....   | 57    |
| 2.06.02    | Antennas and Satellite Dishes.....                                  | 58    |

ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.01.00 General Provisions.....66

    3.01.01 Purpose.....66

    3.01.02 Responsibility for Improvements.....66

    3.01.03 Principals of Development Design.....66

3.02.00 Transportation Systems.....66

    3.02.01 General Provisions.....66

    3.02.02 Right-of-Way Widths.....66

    3.02.03 Street Design Standards.....67

    3.02.04 Sidewalks and Bikeways.....71

    3.02.05 Access Points onto Streets.....71

    3.02.06 Standards for Drive-in Facilities.....73

3.03.00 Off-Street Parking and Loading.....74

    3.03.01 Applicability.....74

    3.03.02 Off- Street Parking.....74

    Table of Off-Street Parking Spaces.....75-76

    3.03.03 Off-Street Loading Requirements.....78

    3.03.04 Design Standards for Off-Street Parking and Loading Areas.....79

3.04.00 Utilities.....80

    3.04.01 Requirements for All Developments.....80

    3.04.02 Design Standards.....81

    3.04.03 Utility Easements.....81

3.05.00 Stormwater Management.....82

    3.05.01 Stormwater Management Requirements.....82

    3.05.02 Design Standards.....83

    3.05.03 Dedication or Maintenance of Stormwater Management Systems.....84

3.06.00 Performance Standards Governing Waste and Emissions.....85

    3.06.01 General Provisions.....85

    3.06.02 Specific Standards.....86

        3.06.02.01 Vibration.....86

|            |   |     |
|------------|---|-----|
| 3.06.02.02 | Smoke.....  | 86  |
| 3.06.02.03 | Noise.....  | 86  |
| 3.06.02.04 | Dust and Dirt.....  | 86  |
| 3.06.02.05 | Industrial Sewage and Waste.....  | 86  |
| 3.06.02.06 | Hazardous Waste.....  | 87  |
| 3.06.02.07 | Odors.....  | 87  |
| 3.06.02.08 | Glare.....  | 87  |
| 3.06.02.09 | Fumes, Vapors and Gases.....  | 87  |
| 3.06.02.10 | Heat, Cold, Dampness, or Movement of Air.....   | 87  |
| 3.06.02.11 | Fire and Safety Hazard.....   | 87  |
| 3.06.02.12 | Radioactive Emission.....   | 87  |
| 3.06.02.13 | Electromagnetic Radiation.....  | 87  |
| 3.07.00    | Compatibility, Landscaping and Buffering Standards.....   | 89  |
| 3.07.01    | Classification of Land Uses.....  | 90  |
| 3.07.02    | Landscaping.....  | 91  |
| 3.07.02.01 | Selection of New Trees and Shrubs.....  | 91  |
| 3.07.02.02 | Preservation of Existing Trees and Shrubs.....  | 92  |
| 3.07.03    | Canopy Trees.....   | 93  |
|            | Table of Canopy Trees.....  | 94  |
|            | Table of Small Trees.....   | 95  |
|            | Table of Shrubs.....  | 96  |
| 3.07.04    | Buffer Yard.....  | 96  |
| 3.07.04.01 | Establishment of Buffer Yards.....  | 97  |
| 3.07.04.02 | Buffer Yard Width and Landscaping Requirement.....  | 97  |
| 3.07.04.03 | Buffer Yards Between Proposed Uses and Vacant Property.....   | 99  |
| 3.07.05    | Installation, Irrigation and Maintenance.....   | 100 |
| 3.08.00    | Development Standards for Uses Requiring a Site Development Plan.....                                 | 105 |
| 3.08.01    | Mobile Home Parks.....  | 105 |
| 3.08.01.01 | Development Standards.....  | 105 |
| 3.08.01.02 | Allowable Accessory Uses.....   | 106 |
| 3.08.01.03 | Other Requirements.....   | 106 |
| 3.08.02    | Multi-Family Residential.....   | 107 |
| 3.08.02.01 | Cluster Development: Garden Homes, Town or Row Houses, Zero Lot Line Homes and Z-Lot Development..... | 107 |
| 3.08.03    | Lodging.....  | 109 |
| 3.08.03.01 | Bed and Breakfast Inn.....  | 109 |
| 3.08.03.02 | Boarding House.....   | 109 |
| 3.08.04    | Retail Commercial, No Outdoor Storage or Activities.....  | 110 |

|            |   |     |
|------------|---|-----|
| 3.08.04.01 | Mini-warehouse.....   | 110 |
| 3.08.04.02 | Recreation, Indoor, Commercial.....   | 119 |
| 3.08.04.03 | Shopping Center (150,000 SFGLA, or less).....   | 120 |
| 3.08.05    | Automotive.....   | 120 |
| 3.08.05.01 | Auto, Boat or Truck Sales, New or Used and New Sales with Repair<br>and Rental of Vehicles..... | 120 |
| 3.08.05.02 | Service Station (Minor Automotive Repair).....  | 121 |
| 3.08.05.03 | Major Auto, Boat or Truck Repairs, No Sales.....  | 123 |
| 3.05.05.04 | Auto Salvage Yard.....  | 124 |
| 3.08.06    | Retail Commercial, Outdoor Storage.....   | 124 |
| 3.08.06.01 | Recreation, Outdoor, Commercial.....  | 124 |
| 3.08.07    | Public Service Facilities.....  | 125 |
| 3.08.07.01 | Communication Antennas.....   | 125 |
| 3.08.07.02 | Communication Towers.....   | 126 |
| 3.08.08    | Educational/Cultural Facilities.....  | 131 |
| 3.08.09    | Farmworker Housing, Resident.....   | 121 |
| 3.09.00    | Development Standards for Conditional Uses.....   | 132 |
| 3.09.01    | Retail Commercial, No Outdoor Storage: Shopping Center<br>(>150,000SFGLA).....                  | 132 |
| 3.09.02    | Motor Vehicle Sales, Repairs, Rental Parts: Junkyards.....                                      | 133 |
| 3.09.30    | Light Industry: Airport or Aviation Uses.....   | 134 |
| 3.09.04    | Heavy Industry: Commercial Incinerator.....   | 134 |
| 3.09.05    | Heavy Industry: Landfill Operations.....  | 134 |
| 3.10.00    | Development Standards for Uses Permitted by Special Exception.....                              | 137 |
| 3.10.01    | Single Family Residential: Garage Apartment.....  | 137 |
| 3.10.02    | Multi-Family Residential: Boarding House.....   | 137 |
| 3.10.03    | Lodging: RV Park/Campground.....  | 138 |
| 3.10.03.01 | General Requirements.....   | 138 |
| 3.10.03.02 | Environmental Requirements.....   | 138 |
| 3.10.03.03 | Tract Requirements.....   | 139 |
| 3.10.03.04 | Vehicle Site Requirements.....  | 140 |
| 3.10.03.05 | Recreational and Open Space Requirements.....   | 140 |
| 3.10.03.06 | Street System and Off-Street Parking Requirements.....  | 140 |
| 3.10.03.07 | Service Requirements.....   | 141 |
| 3.10.03.08 | Refuse Handling.....  | 142 |
| 3.10.03.09 | Service Buildings and Facilities.....   | 143 |
| 3.10.03.10 | General Operating Requirements.....   | 144 |

|            |   |     |
|------------|---|-----|
| 3.10.03.11 | Permit Procedures and Requirements.....   | 144 |
| 3.10.04    | Motor Vehicle Sales, Repairs, Rental, Parts.....                                | 145 |
| 3.10.04.01 | Service Station (Minor Repair, No Sales).....                                   | 145 |
| 3.10.04.02 | Major Auto, Boat or Truck Repairs, No Sales.....                                | 148 |
| 3.10.05    | Retail Commercial, Outdoor Storage.....   | 148 |
| 3.10.05.01 | Recreation, Outdoor, Commercial.....  | 148 |
| 3.10.05.02 | Flea Market.....  | 149 |
| 3.10.06    | Public Service Facilities – Power Lines (High Voltage).....                     | 150 |
| 3.10.07    | Educational/Cultural Facilities: Private Kindergarten and Nursery Schools...150 |     |
| 3.10.08    | Agricultural Uses.....  | 154 |

**ARTICLE 4, SIGN REGULATIONS**

|         |   |     |
|---------|---|-----|
| 4.01.00 | Introduction.....                                 | 155 |
| 4.02.00 | Purpose.....                                      | 155 |
| 4.03.00 | General Requirements.....                         | 156 |
| 4.04.00 | Exempted Signs.....                               | 156 |
| 4.05.00 | Prohibited Signs.....                             | 159 |
| 4.06.00 | Permitted Signs.....                              | 160 |
| 4.06.01 | Signs in Residential Districts.....               | 160 |
| 4.06.02 | Signs in Professional Districts.....              | 161 |
| 4.06.03 | On-Site Commercial Signs, Including Churches..... | 161 |
| 4.06.04 | Industrial Signs.....                             | 163 |
| 4.07.00 | Special Event Signs.....                          | 163 |
| 4.08.00 | Nonconforming Signs.....                          | 164 |
| 4.09.00 | Annual Review.....                                | 165 |
| 4.10.00 | Enforcement.....                                  | 165 |

**ARTICLE 5, RESOURCE PROTECTION STANDARDS**

|         |   |     |
|---------|---|-----|
| 5.01.00 | Development in Flood-Prone Areas.....   | 169 |
| 5.01.01 | Purpose and Intent.....   | 169 |
| 5.01.02 | Standards for Reducing Flood Hazards in the Area of Special Flood Hazard.169                        |     |
| 5.01.03 | Additional Standards for Reducing Flood Hazards in Areas for Which FIRMS<br>Have Been Prepared..... | 170 |

|   |  |     |
|---|--|-----|
| 5.01.04   | Standards for Reducing Flood Hazards in Certain Zones within the Area of Special Flood Hazard..... | 172 |
| 5.01.05   | Administration and Enforcement.....  | 173 |
| 5.02.00   | Potable Water Wellhead Protection Areas.....   | 174 |
| 5.02.01   | Purpose and Intent.....  | 174 |
| 5.02.02   | Establishment of Wellhead Protection Area.....   | 174 |
| 5.02.03   | Wellhead Protection Area Land Use Restrictions.....  | 175 |
| 5.02.04   | Registration of Land Uses and Activities in Wellhead Protection Areas.....                         | 177 |
| 5.02.05   | Modification of Requirements.....  | 178 |
| 5.02.06   | Notification of Discontinuation of Land Use or Activity in a Wellhead Protection Zone.....         | 179 |
| 5.02.07   | Fee Resolution.....  | 179 |
| 5.02.08   | Location of New Wells.....   | 179 |
| 5.03.00   | Wetlands Protection.....   | 179 |
| 5.03.01   | Purpose and Intent.....  | 179 |
| 5.03.02   | Relationship to Other Requirements Relating to Wetlands Protection.....                            | 180 |
| 5.03.03   | Protection Zones Established.....  | 180 |
| 5.03.04   | Permits Required.....  | 181 |
| 5.03.05   | Exemptions.....  | 181 |
| 5.03.06   | Development Standards.....   | 182 |
| 5.03.07   | Mitigation.....  | 183 |
| 5.03.08   | Prohibited Ongoing Activities.....   | 184 |
| 5.04.00   | Erosion Control.....   | 184 |
| 5.04.01   | Required Soil Conservation Measures.....   | 184 |
| 5.05.00   | Conservation Easements.....  | 185 |
| <b>ARTICLE 6, PUBLIC FACILITY MONITORING AND PERMITTING</b> |  |     |
| 6.01.00   | Concurrency.....   | 189 |
| 6.01.01   | General Provisions.....  | 189 |
| 6.01.02   | Concurrency Management System.....   | 189 |
| 6.01.02.01  | Concurrency Test Statement.....  | 191 |
| 6.01.02.02  | Procedure.....   | 191 |

|            |  |     |
|------------|--|-----|
| 6.01.03    | Fees.....  | 193 |
| 6.01.04    | Developments to be Consistent with Concurrency Test Statement..... | 193 |
| 6.01.05    | Allocation of Municipal Services.....                              | 194 |
| 6.01.06    | Levels of Service.....   | 195 |
| 6.01.07    | Required Determinations.....                                       | 196 |
| 6.01.07.01 | Adequacy of the Road System.....                                   | 196 |
| 6.01.07.02 | Adequacy of Drainage.....  | 197 |
| 6.01.07.03 | Adequacy of Potable Water Service.....                             | 198 |
| 6.01.07.04 | Adequacy of Wastewater Treatment and Disposal Services.....        | 198 |
| 6.01.07.05 | Adequacy of Solid Waste Disposal Sites or Facilities.....          | 198 |
| 6.01.07.06 | Adequacy of Parks and Recreational Facilities.....                 | 200 |
| 6.01.08    | Monitoring.....  | 200 |
| 6.01.09    | Appealing City’s Adequacy Determination.....                       | 201 |
| 6.01.10    | Options for Achieving Compliance.....                              | 202 |
| 6.02.00    | Development Agreements.....  | 204 |
| 6.02.01    | General Provisions.....  | 204 |
| 6.02.02    | Authority.....   | 204 |
| 6.02.03    | Procedures.....  | 204 |
| 6.02.03.01 | Application for Development Agreement.....                         | 204 |
| 6.02.03.02 | Public Hearing.....  | 204 |
| 6.02.03.03 | Notice of Hearing.....   | 205 |
| 6.02.03.04 | Contents of Notice.....  | 205 |
| 6.02.04    | Contents and Duration of Development Agreement.....                | 205 |
| 6.02.04.01 | Applicability of Laws.....   | 206 |
| 6.02.05    | Review, Amendment, Termination.....                                | 207 |
| 6.02.06    | Recording and Enforcement.....                                     | 207 |
| 6.03.000   | Development Exactions and Dedications.....                         | 208 |
| 6.03.01    | Dedication of Sites for Public Uses or Fee in Lieu.....            | 208 |
| 6.03.02    | Dedication of Utility Easements.....                               | 209 |

**ARTICLE 7, DEVELOPMENT APPROVAL PROCESS**

|         |                                    |     |
|---------|------------------------------------|-----|
| 7.01.00 | Pre-Application Conference.....    | 215 |
| 7.02.00 | Comprehensive Plan Amendments..... | 215 |
| 7.02.01 | Intent and Purpose.....            | 215 |

|         |   |     |
|---------|---|-----|
| 7.02.02 | Contents of the Application for Plan Amendments.....  | 216 |
| 7.02.03 | Planning and Zoning Board Standards for Evaluation.....   | 217 |
| 7.02.04 | Public Hearings.....  | 218 |
| 7.02.05 | Findings and Recommendation to Approve a Plan Amendment.....  | 219 |
| 7.02.06 | Findings and Recommendation to Deny a Plan Amendment.....   | 219 |
| 7.02.07 | Decision by City Commission.....  | 219 |
| 7.03.00 | Rezoning.....   | 221 |
| 7.03.01 | Purpose and Intent.....   | 221 |
| 7.03.02 | Contents of the Application.....  | 221 |
| 7.03.03 | Planning and Zoning Board Standards for Evaluation.....   | 222 |
| 7.03.04 | Public Hearings.....  | 223 |
| 7.03.05 | Findings and Recommendation to Approve a Rezoning.....  | 223 |
| 7.03.06 | Findings and Recommendation to Deny a Rezoning.....   | 223 |
| 7.03.07 | Decision by City Commission.....  | 224 |
| 7.04.00 | Planned Unit Development.....   | 225 |
| 7.04.01 | Intent and Purpose.....   | 225 |
| 7.04.02 | Relationship of PUD Regulations to the Comprehensive Plan, Development<br>Code or other Applicable Regulations..... | 225 |
| 7.04.03 | General Regulations and Requirements.....   | 225 |
| 7.04.04 | Procedures for Obtaining PUD Zoning Designation.....  | 225 |
| 7.04.05 | Development Conditions.....   | 233 |
| 7.04.06 | Approval.....   | 233 |
| 7.04.07 | Development within PUDs.....  | 234 |
| 7.04.08 | General Requirements.....   | 237 |
| 7.05.00 | Site Development Plan.....  | 245 |
| 7.05.01 | Intent and Purpose.....   | 245 |
| 7.05.02 | Site Development Plan Review.....   | 245 |
| 7.05.03 | Content of the Application.....   | 246 |
| 7.05.04 | Development Site to be Unified.....   | 249 |
| 7.05.05 | Planning and Zoning Board Review and Action.....  | 249 |

|            |  |     |
|------------|--|-----|
| 7.05.06    | Approval of Site Development Plans.....            | 250 |
| 7.05.07    | Effect of Site Development Plan Approval.....      | 250 |
| 7.05.08    | Modification of Site Development Plans.....        | 251 |
| 7.05.09    | Integration of other Review Procedures.....        | 251 |
| 7.05.10    | Non-Compliance.....                                | 252 |
| 7.06.00    | Subdivision Regulations.....                       | 253 |
| 7.06.01    | General.....                                       | 253 |
| 7.06.02    | Procedure.....                                     | 254 |
| 7.06.03    | Concept Plan Review.....                           | 254 |
| 7.06.04    | Administrative Approval of Minor Subdivisions..... | 255 |
| 7.06.05    | Preliminary Subdivision Plat.....                  | 256 |
| 7.06.05.01 | Submission of Preliminary Subdivision Plat.....    | 256 |
| 7.06.05.02 | Term of Preliminary Subdivision Plat.....          | 258 |
| 7.06.06    | Construction Plans.....                            | 258 |
| 7.06.06.01 | Submission of Construction Plans.....              | 259 |
| 7.06.06.02 | Construction Prior to Platting.....                | 261 |
| 7.06.06.03 | Performance Bond.....                              | 261 |
| 7.06.06.04 | Construction Inspection.....                       | 262 |
| 7.06.06.05 | Engineering Drawings.....                          | 262 |
| 7.06.06.06 | Maintenance Guarantee.....                         | 262 |
| 7.06.07    | Final Plat.....                                    | 263 |
| 7.06.07.01 | Submission of Final Plat.....                      | 263 |
| 7.06.08    | Vacating of Plats and Re-plats.....                | 266 |
| 7.06.08.01 | Vacating of Plat by Owner.....                     | 266 |
| 7.06.08.02 | Vacating of Plat by City.....                      | 267 |
| 7.06.09    | Access to Individually Owned Parcels.....          | 267 |
| 7.07.00    | Cluster/Zero Lot Line Development.....             | 268 |
| 7.07.01    | Cluster Subdivision.....                           | 268 |
| 7.07.02    | Zero Lot Line Development.....                     | 270 |
| 7.08.00    | Conditional Use Permits.....                       | 272 |
| 7.08.01    | Purpose and Intent.....                            | 272 |
| 7.08.02    | Conditional Uses in the City of Fort Meade.....    | 272 |
| 7.08.03    | General Standards of Review.....                   | 272 |

|         |   |     |
|---------|---|-----|
| 7.08.04 | Application.....  | 273 |
| 7.08.05 | Review of Proposed Conditional Use.....                 | 274 |
| 7.09.00 | Procedure for Obtaining a Special Exception.....        | 279 |
| 7.09.01 | Application.....  | 279 |
| 7.09.02 | Review of Proposed Special Exception.....               | 280 |
| 7.09.03 | Expiration or Abandonment of Special Exception Use..... | 281 |
| 7.10.00 | Home Occupations.....                                   | 282 |
| 7.11.00 | Variances.....  | 283 |
| 7.11.01 | Criteria for Granting a Variance.....                   | 283 |
| 7.12.00 | Nonconformities.....                                    | 285 |
| 7.12.01 | Nonconforming Uses.....                                 | 285 |
| 7.12.02 | Nonconforming Lots of Record.....                       | 286 |
| 7.12.03 | Nonconforming Structures.....                           | 286 |
| 7.12.04 | Nonconforming Structures and Premises Combined.....     | 287 |
| 7.12.05 | Nonconforming Mobile Homes Parks.....                   | 288 |
| 7.12.06 | Nonconforming Mobile Homes.....                         | 288 |
| 7.12.07 | Amortization of Nonconforming Uses.....                 | 288 |
| 7.12.08 | Nonconforming Communication Towers/Antennas.....        | 290 |

**ARTICLE 8, ADMINISTRATION AND ENFORCEMENT**

|         |   |     |
|---------|---|-----|
| 8.01.00 | Development Officials.....  | 295 |
| 8.01.01 | Development Director.....   | 295 |
| 8.01.02 | Building Official.....  | 296 |
| 8.02.00 | Administrative Approvals by the Development Director and Building Official..... | 297 |
| 8.02.01 | Building Permit.....  | 297 |
| 8.02.02 | Certificate of Occupancy.....   | 298 |
| 8.02.03 | Administrative Approval of Minor Field Adjustments.....                         | 298 |
| 8.02.04 | Major Deviation from Development Permits and Development Orders.....            | 299 |
| 8.02.05 | Revocation of Development Order.....  | 300 |
| 8.02.06 | Setback Adjustments.....  | 300 |
| 8.02.07 | Temporary Office or Construction Trailer.....                                   | 300 |

|                  |   |     |
|------------------|---|-----|
| 8.02.08          | Temporary Mobile Home for use during Construction of a Residence.....         | 301 |
| 8.03.00          | Development Boards.....   | 302 |
| 8.03.01          | Planning and Zoning Board.....  | 302 |
| 8.03.02          | Board of Adjustments and Appeals.....   | 304 |
| 8.03.03          | Code Enforcement Board.....   | 307 |
| 8.04.00          | Duties of City Commission.....  | 311 |
| 8.05.00          | Official Zoning Map.....  | 312 |
| 8.05.01          | Rules of Interpretation of District Boundaries.....                           | 312 |
| 8.06.00          | Public Hearings.....  | 314 |
| 8.06.01          | Less than 10 Contiguous Acres of City Affected.....                           | 314 |
| 8.06.02          | Advertisement of Public Hearings for Actions involving 10 Acres or More...315 |     |
| 8.07.00          | Statutory Requirements for Plan Amendments.....                               | 316 |
| 8.07.01          | Public Hearing for a Plan Amendment.....                                      | 316 |
| 8.07.02          | Transmittal of Adopted Amendment to DCA.....                                  | 317 |
| 8.07.03          | Public Hearing after Receipt of DCA Comments and Adoption.....                | 317 |
| 8.07.04          | Transmittal of Adopted Amendment to DCA.....                                  | 318 |
| 8.07.05          | Small Scale Plan Amendments Exempt from DCA Review.....                       | 318 |
| 8.08.00          | Public Records.....   | 319 |
| 8.09.00          | Fees.....   | 319 |
| DEFINITIONS..... |   | 321 |
| INDEX.....       |   | 61  |

# *City of Fort Meade*



## Unified Land Development Code Article 1

ARTICLE 1  
GENERAL PROVISIONS

1.01.00 Title

1.02.00 Authority

1.03.00 Applicability

    1.03.01 General Applicability

    1.03.02 Exceptions

1.04.00 Repeal of Conflicting Local Laws

1.05.00 Interpretation

1.06.00 Penalties for Violation

1.07.00 Severability

1.08.00 Effective Date

[RESERVED]

ARTICLE 1  
GENERAL PROVISIONS

**1.01.00 Title**

This document shall be referred to as the “Land Development Code of the City of Fort Meade” and may be referred to herein as the “Code”.

**1.02.00 Authority**

This Land Development Code is enacted pursuant to the requirements and authority of §163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and the general powers enumerated in §166, Florida Statutes (City Government).

**1.03.00 Applicability**

**1.03.01 General Applicability**

With the exceptions listed below, all development in Fort Meade shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

**1.03.02 Exceptions**

(A) *Previously Issued Development Orders.* A development project with an approved site development plan or subdivision plat may proceed under regulations in effect at the time of approval provided that:

- (1) the development order has not expired at the time of adoption of this Code or amendment thereto; and
- (2) development activity has begun or will begin according to the time limits under which the development was originally approved.

If the development order expires or is otherwise invalidated, any further development activity on the development site will conform to the requirements of this Code or amendment thereto.

(B) *Previously Issued Development Permits.* The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit provided that:

- (1) the development permit was issued prior to adoption of this Code and development activity has begun or will begin within six months of the date of issuance of the development permit; and

- (2) development activity continues without interruption until the development is complete. If the development permit expires, any further development will conform to the requirements of this Code or any amendments thereto.

#### **1.04.00 Repeal of conflicting Local Laws**

The following ordinances, as well as any and all other City ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this ordinance are hereby repealed:

*Ordinance 91-13, the Zoning Ordinance; and  
Ordinance 90-26, the Subdivision Regulations.*

#### **1.05.00 Interpretation**

The provisions of this Code will be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare and to implement the Comprehensive Plan of the City of Fort Meade.

#### **1.06.00 Penalties for Violation**

It shall be unlawful for any person to violate the provisions of this Code or to use land or structures in violation of any provision of this Code. Persons found guilty of violating this Code shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 for each day that a violation exists, or by imprisonment for a period not exceeding 60 days, or both.

#### **1.07.00 Severability**

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

#### **1.08.00 Effective Date and Amendments**

These regulations were adopted by Ordinance 97-2 on February 11, 1997.

These regulations were amended as follows:

1. Article 4, "Signs", all new sign regulations, 9-26-97;
2. Article 3, Section 3.08.07.01, "Communication Antennas" and Section 3.08.07.01, "Communication Towers", new sections added, 11-10-97, Ord. #97-12.
3. Article 7, Section 7.06.00, "Subdivision Regulations", part 7.06.07.01, paragraph (A); and part 7.06.07.01, paragraph (13); add the provision to require by State statute, that a professional surveyor or mapper employed by the city must review the final subdivision plat, 11-10-98.
4. Article 5, Section 5.02.00, "Potable Water Wellhead Protection", change the wellhead protection zone from to 400 to 500 to be in conformance with Polk County, as requested by the State; 4-11-00, Ord. #2000-10.
5. Article 6, Section 8.03.03 Code Enforcement Special Magistrate. Ord. 06-10 adopted 10-10-06
5. Article 2, Tables 2.05.01(A) and 2.05.01(B) Sections 2.05.02.13 and 2.06.00 regarding "Other Requirements" in the M-2 Industrial Park District as to landscaping, site planning, entrances and parking. Additional revisions pertain to the deletion of the 500 sq. ft. requirement for an

- accessory structure and allowance of Power Plants and Agricultural uses in M-2 Industrial Park District. Article 3, Tables 3.07D and 3.07E and Sections 3.07.00, 3.07.02.01, 3.07.03, 3.07.04.01 and 3.07.05 regarding revisions and inclusion of landscaping standards with regard to trees, shrubbery, buffers and irrigation. Ord. 12-04 adopted 6-12-12
6. Article 3, Section 3.06.02.03 regarding Maximum permissible noise levels by zone designation. Article 4, Section 4.04.00 regarding exempted signs. Article 7, Section 7.10.00 regarding home occupations. Ord. 12-09 adopted 10-9-12
  7. Article 2, Table 2.05.01(A) regarding permitted uses, conditional uses, special exceptions, and development plan review. Ord. 13-06 adopted 7-13-13
  8. Article 2, Section 2.05.01(A) regarding regulations for specific districts and all of Article 4, regarding signs. Ord. 14-13 adopted 12-9-14
  9. Article 3, Sections 3.02.06, 3.03.02, 3.03.03, and 3.03.04 regarding development design and improvement standards. Article 7, Sections 7.05.02, 7.05.03, 7.05.05, 7.05.06 7.05.07 and 7.05.09 regarding development approval process. Ord. 15-01 adopted 2-10-15
  10. Article 3, creation of new section 3.09.06 and repealing current Sections 3.08.07.01 and 3.08.07.02 regarding telecommunications towers. Ord. 17-02 adopted 2-14-17
  11. Article 2 and 3, to allow medical marijuana dispensaries as a conditional use in commercial zones. Ord. 17-07 adopted 8-8-17
  12. Article 4, Sections 4.06.03 (I) and 4.08.00(C)(4), Article 7, Sections 7.11.00,7.12.02 and 7.12.07(B), Article 8, Sections 8.01.01, 8.03.03 regarding repealing the BOAA. Ord. 18-08 adopted 8-28-18.

[RESERVED]

# *City of Fort Meade*



## Unified Land Development Code Article 2

ARTICLE 2  
REGULATIONS FOR SPECIFIC DISTRICTS

- 2.01.00 General Provisions
- 2.02.00 General Regulations for All Zoning Districts
  - 2.02.01 Regulations for Historic Sites
  - 2.02.02 Density Bonuses for Affordable Housing
  - 2.02.03 Foster Home, Group Home, and Halfway House
  - 2.02.04 Adult Congregate Living Facility and Nursing Home
  - 2.02.05 Moving of Buildings
  - 2.02.06 Requirements for Lots Divided by a Right-of-Way
  - 2.02.07 Alteration of Lot Size
  - 2.02.08 Fence Height Limitations
  - 2.02.09 Agricultural Uses and Limitations
  - 2.02.10 Animal Limitations
- 2.03.00 General Regulations for Residential Zoning Districts
  - 2.03.01 Front Yard Setbacks
  - 2.03.02 Minimum Side Yard Setback for Small Lots
  - 2.03.03 Corner Lots
  - 2.03.04 Minimum Lot Line Setback
  - 2.03.05 Off-street Parking
  - 2.03.06 Parking of Commercial Vehicles in Residential Districts
  - 2.03.07 Parking of Boats and Recreational Vehicles
  - 2.03.08 Canopy Trees Required
  - 2.03.09 Height Restrictions
- 2.04.00 General Regulations for Commercial/Industrial Zoning Districts
  - 2.04.01 Adult Entertainment Establishments
  - 2.04.02 Temporary Tents
  - 2.04.03 Off-street Parking
- 2.05.00 Establishment of Districts

- 2.05.01 Zoning District Summary Tables
- 2.05.02 Establishment of Zoning Districts
  - 2.05.02.01 AG Agriculture
  - 2.05.02.02 RE Rural Estate
  - 2.05.02.03 R-1A Single Family Residential
  - 2.05.02.04 R-1B Single Family Residential
  - 2.05.02.05 R-1C Single Family Residential
  - 2.05.02.06 R-2 Multi-Family
  - 2.05.02.07 MHP Mobile Home Park
  - 2.05.02.08 P-1 Professional Office District
  - 2.05.02.09 C-1 Neighborhood Commercial District
  - 2.05.02.10 C-2 Commercial Corridor District
  - 2.05.02.11 HIS Historic Downtown District
  - 2.05.02.12 M-1 Local Service Industry District
  - 2.05.02.13 M-2 Industrial Park District
  - 2.05.02.14 PB Public Buildings District
  - 2.05.02.15 PR Public Recreation District
  - 2.05.02.16 CON Conservation
- 2.06.00 General Regulations for Accessory Uses
  - 2.06.01 Swimming Pools
  - 2.06.02 Antennas and Satellite Dishes

[RESERVED]

## ARTICLE 2

### REGULATIONS FOR SPECIFIC DISTRICTS

#### 2.01.00 General Provisions

The purpose of this Section is to set forth the general provisions concerning land use. The provisions established herein shall regulate land use, density and intensity, establish building lot and yard requirements, establish land use districts that identify the location of land uses in the City of Fort Meade, establish standards for land use in the City, and provide for a map locating the permitted land uses in the City. All land in Fort Meade shall be subject to the provisions of this Section and shall be shown on the Official Zoning Map as provided in Section 8.05.00. More than one permitted use may be located on a single parcel of land in any zoning district within the City.

#### 2.02.00 General Regulations for All Zoning Districts

##### 2.02.01 Regulations for Historic Sites

- (A) *Criteria for Designation of Historic Sites.* The purpose of this Section is to establish criteria for identifying structures and sites of historical significance in the City of Fort Meade, and to establish procedures to preserve them. The City Commission, after receiving recommendation(s) from the Planning and Zoning Board, shall designate historic sites based on the following criteria:
- (1) The site or structure is associated with events that are significant to local, state, or national history; or the site or structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
  - (2) The property is one that, by its location, design, setting, materials, workmanship, feeling and association adds to the City's sense of time and place and historical development;
  - (3) The property's design, setting, materials, workmanship, feeling and association have not been so altered that the overall integrity of the site has been irretrievably lost; and
  - (4) The structure or site is more than 50 years old, unless there is a strong justification concerning its historical or architectural merit, or the historical attributes of the structure or site are considered to be less than 50 years old.

All properties listed in the National Register of Historic Places and/or the Florida Master Site File of Historic Places shall be presumed to meet the above criteria and shall be classified as Designated Historic Sites. Any other property may be so classified by the City Commission upon a finding that it meets the above criteria. The Building Director may issue an official certificate of historic significance to the owners of Designated Historic Sites and is authorized to issue and place official signs at such locations.

Structures and buildings classified as Designated Historic Sites shall be entitled to modified enforcement of the 1994 Standard Building Code as provided by Chapter 34, Section 3401.5 published by Southern Standard Building Code Congress International, Inc.

- (B) *Criteria for Modification of Historic Structures.* No demolition, alteration, or relocation of a historic structure shall be permitted except as provided below:
- (1) Work that does not require a construction permit and that is done to repair damage or prevent deterioration or decay of a structure or part hereof as nearly as possible to its condition prior to the damage, deterioration, or decay;
  - (2) Activity approved by the Building Director that restores the structure's original appearance, or a reasonable approximation; or
  - (3) Activity approved by the City Commission that will not preserve or recreate the structure's original appearance. The Planning and Zoning Board shall review the proposal and make a recommendation prior to the City Commission's vote.
- (C) *New Construction on Historic Sites.* All new construction within a Designated Historic Site shall be reviewed by the Planning and Zoning Board and approved by the City Commission. New structures, parking lots, drainage facilities, and other objects shall be depicted on a site development plan or sketch plan that shall be submitted to the Building Director prior to review by the Planning and Zoning Board. All site alterations shall be consistent with the approved site plan.

In approving new structures or facilities on a historic site, the City Commission shall determine that the proposal would not hinder the use or enjoyment of the historic site or surrounding historic properties. Also, the Commission shall find that the new site feature(s) would be hidden to the greatest extent possible and/or are appropriate and compatible with the balance of the site and adjacent historic sites. The Commission may place any conditions on approval that it determines necessary to protect the integrity of the historic site or area.

#### **2.02.02 Density Bonuses for Affordable Housing**

Where a developer voluntarily provides a substantial number of dwelling units which qualify as affordable housing under the definition provided in Article 9, the City of Fort Meade may authorize an increase in residential density. The purpose of this Section is to increase the supply of affordable housing resources for families of low and moderate income, and to provide incentives for private-sector developers who address this need.

- (A) Density bonuses for affordable housing shall be awarded under the following conditions:
- (1) Development site must be located in the Multi-Family Residential land use designation, as indicated on the Future Land Use Map of the City of Fort Meade Comprehensive plan;
  - (2) Density bonuses shall be considered only in R-2 zoning district;
  - (3) Development site shall include no less than 20 dwelling units. At least 25 percent of all units on the site must qualify as affordable housing;

- (4) Affordable units shall be evenly distributed throughout the site, and shall not be clustered into particular areas. Site development plan or subdivision plat shall note the location of all affordable housing units;
- (5) Affordable units shall be similar in appearance and design with surrounding units, and must be compatible with the balance of the development;
- (6) Where density bonuses are approved, single family development shall meet the following minimum standards, regardless of zoning district:

| Development Standards     |         |                       |                             |                       |                        |                               |                                |
|---------------------------|---------|-----------------------|-----------------------------|-----------------------|------------------------|-------------------------------|--------------------------------|
|                           | Density | Min. Lot<br>(in s.f.) | Min. Lot<br>Width/<br>Depth | Min. S.F.<br>Per unit | Lot<br>Coverage<br>(%) | Max.<br>Units<br>Per<br>Bldg. | Min<br>Units<br>Per<br>Project |
| Single Family<br>Detached | 9du/a   | 4,000<br>s.f.         | 40'x100'                    | 600 s.f.              | 45%                    | N/A                           | 20                             |
| Two Unit<br>Bldg.         | 15 du/a | 7,200<br>s.f.         | 72'x100'                    | 500 s.f.              | 45%                    | N/A                           | 20                             |
| 3+ Unit Bldg.             | 15 du/a | 8,500<br>s.f.         | 85'x100'                    | 500 s.f.              | 40%                    | 10                            | 20                             |

The above standards may be applied to all single-family residential units within the development site, including those not qualifying as affordable housing.

All other appropriate development standards shall apply to development authorized under a density bonus.

- (7) Application for approval of a density bonus shall include a statement indicating the number, type(s) and approximate cost of the units being represented as affordable housing. The Development Director shall determine the maximum allowable cost of units offered either for sale or rent, based on the most recent U.S. Census data or other available information. Units qualifying as affordable housing shall not be rented or sold above this maximum allowable cost for a period of two years following the issuance of certificates of occupancy;
  - (8) Density bonuses may be approved administratively upon receipt of all necessary development plans and documents meeting the standards listed above. However, at the Development Director's discretion, any application for a density bonus may be referred to the Planning and Zoning Board for review and recommendations, and to the City Commission for final approval. In such cases, the application may be denied based on potential incompatibility with surrounding development or approved with any conditions necessary to ensure compatibility.
- (B) *Single Family Attached Development.* Developments containing single family attached dwelling units, as defined in Article 9, shall be designed and approved according to the following regulations:

- (1) *Development Plans.* Single family attached developments shall be platted according to the provisions of Section 7.01.00. In addition to all other required information, plats shall show building envelopes for all structures. A Site Development Plan meeting the requirements of Section 7.02.00 shall be submitted to the city for review and approval before construction begins.
- (2) *Density.* Gross density of the development site shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.02.01(B). For purposes of calculating density, the development site shall include all platted lots, together with roads, drainage facilities, utility sites and any other common property within the perimeter of the subdivision plat, regardless of whether such facilities will ultimately be dedicated to the city.
- (3) *Non-Residential Tracts.* Unless specifically accepted by the City Commission, The City of Fort Meade shall not be responsible for maintenance and/or repair of any common facilities or properties.
  - a. Prior to approving the final plat for recording in the public records of Polk County, the Development Director shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.
  - b. Clubhouses, swimming pools, and other structures erected on common property shall be approved only after submittal of a site development plan in accordance with the requirements of Section 7.02.00. The Development Director may waive this requirement for structures under 300 s.f. in size which do not require water, sewer, or parking facilities. Such structures shall be located a minimum of 25 feet from all property lines.
- (4) *Private Streets.* Where internal streets are to be retained in private ownership, a security gate or other form of barrier to restrict access may be installed. However, the developer or homeowners' association shall be responsible for providing access to city emergency vehicles when necessary. Private streets shall be placed on right-of-way meeting width requirements applicable to a public road. The use of easements to provide access to residential lots shall be prohibited.
- (5) *Development Standards*
  - a. Setbacks
    - 1) All structures shall be located at least 25 feet from the front lot line and 20 feet from the rear lot line of the perimeter of the development. Side street setbacks on corner lots shall be 25 feet.
    - 2) Setbacks for each dwelling must conform to the R-2 district.
    - 3) All general regulations for accessory structures apply. Regulations are found in Article 2, Section 2.06.00

b. Other Requirements

- 1) Each unit shall have an individual access to the outside, both front and rear.
- 2) Where ingress/egress to residential lots is from an arterial road, driveway access points shall be limited to one per structure or one for each 50 feet of frontage, whichever is less.

**2.02.03 Foster Home, Group Home, and Halfway House**

- (A) Facility shall be licensed according to State Statute.
- (B) No staff shall be employed on a full-time or live-in basis other than the owner/operator of the facility and his/her immediate family members.
- (C) The total number of residents shall not exceed 15, including the owner/operator and family members.
- (D) No sign indicating the purpose or nature of the facility shall be permitted in residential zoning districts. In addition, only facilities that are not-for-profit may be located in residential zoning districts.
- (E) In addition to parking spaces normally required for a residential dwelling unit, one space shall be provided for each five residents, excluding staff and family members.
- (F) Any violation of applicable state regulations shall be deemed a violation of this Code and shall constitute grounds for termination of the Special Exception.

**2.02.04 Assisted Living Facility and Nursing Home**

- (A) Facility shall be licensed according to State Statute.
- (B) Facility shall provide at least two off-street parking spaces, plus one additional space for each 200 s.f. of floor area devoted to medical or therapeutic treatment activities, plus one space for each five residents, excluding staff and family members.
- (C) Any violation of applicable state regulations shall be deemed a violation of this Code and shall constitute grounds for termination of the Special Exception.
- (D) Facilities shall be not-for-profit if located in residential zoning districts. Commercial facilities must be located in commercial zoning districts.

**2.02.05 Moving of Buildings**

No structure shall be moved from one development site to another unless such structure, at the new location, shall comply with all applicable provisions of this Code and all other applicable codes.

**2.02.06 Requirements for Lots Divided by a Right-of-Way**

Where a single lot or parcel that has been recorded in the public records of Polk County under a unified legal description is divided by a public or private right-of-way, road, alley or easement, the following standards shall apply:

- (A) Where the land area on each side of the right-of-way fails to meet the minimum size requirement of the applicable zoning district, the property shall be considered two lots for the purposes of this Code.
- (B) Where the land area on each side of the right-of-way fails to meet the minimum size requirement, then the property shall be considered one lot for the purposes of this Code. The principal structure shall be located on the larger portion of the property.
- (C) No subdivision plat that includes a lot divided by a right-of-way shall be approved unless such lot meets the applicable size requirement on at least one side of the right-of-way.

#### **2.02.07 Alteration of Lot Size**

No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Code, except that when a lot is reduced in dimension or total area by 20 percent or less by the voluntary dedication and acceptance of a portion of such lot for a public use, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

#### **2.02.08 Fence Height, Location, and Materials**

A permit is required from the Building Official before erecting any fence.

- (A) *Residential Zoning Districts.* In all residential zoning districts, no fence or solid wall on any property shall exceed six feet in height. A solid fence may be added in the front yard as long as it does not exceed four feet in height and has a 10-foot minimum setback from the property line. A chain-link type fence (without slats) may be placed within the front setback area as long as it does not exceed four feet in height. Similarly, no fence shall exceed six feet in height in the side yard; and a solid fence may be added in the side yard as long as a 10-foot minimum setback from the front property line is maintained. A chain-link type fence (without slats) may be placed within the side yard setback area up to the front property line and may not exceed four feet in height for the first 10 feet from the front property line.
- (B) *Residential Subdivisions – Decorative Perimeter Fences and Walls.* Fences or walls enclosing residential subdivisions shall be of decorative fence where they front on a public right-of-way and shall maintain a minimum setback of 10 feet from the public right-of-way. The wall height shall be no greater than six feet and the poles/columns shall be no greater than eight feet in height provided all of the following criteria are met:
  - (1) The wall shall be constructed of brick, stucco. Split-face block, wrought iron, wood, or a combination thereof.
  - (2) The wall shall be designed in a manner that is residential in character.
  - (3) The wall shall be installed a minimum setback of five feet from the property line and 10 feet from the right-of-way.
  - (4) No portion of the wall shall be located within any easement.

- (5) Placement of landscape material shall comply with the City's landscape regulations.
- (6) Ground cover and irrigation shall be provided.
- (C) *Commercial and Industrial Zoning Districts.* No fence or solid wall on any property shall exceed eight feet in height in any commercial or industrial zoning districts.
- (D) *Property used for Agricultural Uses:* Wire fencing such as barbed wire is allowed for properties with a bona fide agricultural exemption or zoned as Agriculture (AG). Pre-existing agricultural type fencing in non-agricultural zoned areas can remain until replaced; however, replacement fencing must comply with this section.
- (E) *Materials.* No fences shall be installed, constructed or erected without complying with the following regulations:
  - (1) Fences must be constructed of new materials designed for the purpose of fencing or aged for proper architectural effect. Fences having a side with exposed or irregular structural components, and a more finished, uniform and aesthetically attractive side, shall be constructed and installed so that the more finished side faces outward from the fence's property toward the adjoining property.
  - (2) No fence shall contain any substance designed or reasonably likely to inflict injury to any person or animal, including, but not limited to razor or barbed wire, glass or electrically charged wire; with the exception that barbed wire and electrically charged wire may be used in the Agriculture (AG) zoning district and on properties that are with Section 2.02.10(B).
  - (3) Notwithstanding the provisions of this Section, the use of security fencing may be used at sites, such as electrical substations and communication facilities where such fencing is required by Federal, State or local law, or other sections of this Code. Further, temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a Certificate of Occupancy.
- (F) *Maintenance.* Fences and walls must be maintained in good repair and free from structural defects by the owner of the real property upon which they are located. Missing or damaged boards, pickets, posts, gates, rails, chain link, cementitious material, or other material parts of the fence or wall shall be replaced in a timely manner with material of the same type, quality, and finish as the existing fence or wall.
- (G) *Permitting.* Plans and specifications of fences and walls shall be submitted to the building official together with an application for a permit, on forms specified by the city or the building official. Said plans and specifications shall show the location of the proposed fence or wall in relation to the property boundaries and any structures located thereon, the height of the proposed fence or wall and the materials to be used in its construction.
- (H) *Locations.* No fence, wall, or hedge shall be constructed or planted in any right-of-way, except as may be placed as part of a public highway safety or beautification project.

- (I) *Clear Visibility Triangle.* No fence or other obstruction, including signs (having less than 8 feet of ground clearance), walls, hedges, or other structures shall exceed two feet in height within 50 feet minimum of a street intersection in commercial and Industrial districts and 30 feet minimum in residential districts. See Article 3, Section 3.02.03 for minimum standards for each street classification.
- (J) *Pools.* Unless the pool is entirely enclosed or screened-in with approved screen, it must be surrounded by a protective wall or chain link fence no less than four feet in height.
- (K) *Nonconforming Fences.* Fences that do not meet the requirements of Section 2.02.08 shall be considered nonconforming and shall be addressed consistent with Section 7.12.00, Nonconformities.
- (L) *Variances.* Variances from the terms of this article shall be considered pursuant to Section 7.11.00.

#### **2.02.09 Agricultural Uses and Limitations**

- (A) Agricultural products may be displayed or offered for sale from the roadside by the property residents with approval from the Development Director. The Development Director may require a sketch of the area, showing parking and access.
- (B) Property that was previously classified and zoned by Polk County for agricultural uses; and is used for a “Bona Fide Agricultural Purpose”, as certified by the Polk County Property Appraiser; and qualifies for an agricultural tax exemption by the State of Florida under F.S. 193.461; may be annexed into the City with AG Agricultural Zoning classification to allow the property owner to continue his agricultural (including farm animal) activity.
- (C) Lands that are surrounded by the city limits, and known as “enclaves”, may not be annexed in and zoned for agricultural purposes, unless such lands are currently the site of agricultural activities, such as groves, and unless the health, safety and welfare of the citizens of Fort Meade can be protected. For the health, safety and welfare of the citizens of Fort Meade, agricultural uses will only be permitted at the perimeter of the City, in areas that already support agricultural uses and have qualifying agricultural tax exemptions. At the time of development, or subdivision of the land for development, or when the agricultural tax exemption is removed, all rights to agricultural uses (including the keeping of farm animals) shall cease.

#### **2.02.10 Animal Limitations**

- (A) In connection with any residential dwelling unit, no person shall keep or maintain more than four dogs aged six months or older. No person shall keep or maintain more than two dogs in connection with any building used for commercial or industrial purposes.
- (B) In zoning districts **other than** Agriculture and Rural Estate Districts, “farm animals” as defined in this Code, are permitted with a minimum pasture size of one animal per acre, in addition to the required minimum square feet of the zoning district. Farm animals may be raised for school projects for the time period of the school project, subject to the approval of the Development Director.

- (C) Where farm animals are permitted; such animals shall be maintained in healthy condition. Where the agricultural zoning district abuts any other zoning district, pens, cages, grazing areas and other structures or facilities for such animals shall be located no less than 50 feet from any residential structure.
- (D) No person shall breed or maintain any wild animal or poisonous reptile that, in the opinion of the Development Director, poses a threat to human safety. Excluded from this restriction are animal shelters, medical or scientific facilities, pet shops, zoos or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Code.

[RESERVED]

## **2.03.00 General Regulations for Residential Zoning Districts**

### **2.03.01 Front Yard Setbacks**

- (A) The minimum front yard setback shall be that which is in the Table of Development Standards of this Article, for each zoning district.
- (B) The Board of Adjustment may, however, grant a variance where existing development on adjoining lots does not meet this front yard requirement.
- (C) All lots shall front on a dedicated public street for a minimum distance of 50 feet, except that those lots which front on the turnarounds of permanent dead-end streets shall be permitted a minimum distance of 40 feet.

### **2.03.02 Minimum Side Yard Setbacks for Small Lots**

Lots of record less than 51 feet in width and more than 25 feet in width shall have a minimum side yard setback of five feet.

### **2.03.03 Corner Lots**

- (A) On corner lots in any zoning district where front yards are required, no obstruction shall be permitted to impede visibility between a height of two feet and ten feet above the grades of the intersecting streets, within 50 feet of the intersection. See Article 3, Section 3.02.03(D) for specific details on the “clear visibility triangle.”
- (B) On corner lots abutting two intersecting streets, both yards facing both streets shall be front yards and shall maintain the front yard required setback listed in the Table of Development Standards, Table 2.05.01(B).
- (C) The side and rear lot lines for the corner lot shall be designated by the applicant at the time of his application for a building permit.

#### **2.03.04 Minimum Lot Line Setback**

Accessory buildings shall be a minimum of five feet from any lot line. See Section 2.06.00 of this Article for further regulations.

#### **2.03.05 Off-street Parking**

A minimum of one off-street parking space is required for every residential unit. Off-street parking shall be surfaced in a stable manner and shall have a vehicular access to a dedicated public street or alley. See Table in Article 3, Section 3.03.02 for required number of spaces for all other residential, group care or lodging units.

#### **2.03.06 Parking of Commercial Vehicles in Residential Districts**

For purpose of this Code, a commercial vehicle is defined as any truck or tractor utilizing an axle designed to bear weight in excess 4,000 pounds (a two-ton axle). It is unlawful to park overnight or leave unattended during the day any commercial vehicle in a residential district of this city. For further regulations regarding lawful parking areas, refer to Article 3, Section 3.03.

#### **2.03.07 Parking of Boats and Recreational Vehicles**

Within any residential district, recreational vehicles (including collapsible camp trailers), and boats on trailers may be parked for storage purposes only within the side yard area not less than five feet from the side property line; or in the designated driveway.

#### **2.03.08 Canopy Trees Required**

One canopy tree of ten feet in height and four inches in diameter at the time of planting is required for each new residential unit; and shall be planted no closer than five feet to any paved surface to keep the roots from breaking up the pavement. For a complete set of regulations regarding landscaping requirements, see Article 3, Section 3.07.00

#### **2.03.09 Height Restrictions**

No building shall exceed three stories or 45 feet in height unless one foot shall be added to the required front and side yard setbacks for each foot of building height in excess of 45 feet.

[RESERVED]

## **2.04.00 General Regulations for Commercial/Industrial Zoning Districts**

### **2.04.01 Adult Entertainment Establishments**

- (A) *New Establishments.* New adult entertainment establishments shall be permitted in M-2 district subject to the following standards:
- (1) No adult entertainment establishment shall be located within 500 feet of any property zoned Residential, or property within unincorporated Polk County zoned for agricultural or residential use;
  - (2) No adult entertainment establishment shall be located within 2,000 feet of any day care center or public recreation facility;
  - (3) No adult entertainment establishment shall be located within 2,500 feet of any church or school; and
  - (4) No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.
- (B) *Non-Conforming Establishments.* Adult entertainment establishments legally in operation prior to the effective date of this Code may continue to operate as a non-conforming use in accordance with Article 7.

Adult entertainment businesses established under paragraph (A) above shall not be rendered non-conforming by any of the following subsequent occurrences:

- (1) The rezoning of property within the City of Fort Meade or unincorporated Polk County for agricultural or residential use;
  - (2) The placement of a day care center or public recreation facility within 2,000 feet; and
  - (3) The placement of a church or school within 2,500 feet.
- (C) *Measurement of Distances.* Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
- (D) *Applicability of Other Laws and Ordinances.* Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code or other applicable law or regulation. Additionally, nothing in this Code shall be construed to authorize, allow, or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

### **2.04.02 Temporary Tents**

A permit is required from the Building Official before erecting any tent. Tents may be erected temporarily on property in a commercial district where a commercial structure is already established, and on property occupied by a church, regardless of its zoning district, subject to the following requirements:

- (A) Tents may not be erected more than two times per year, for periods not exceeding two weeks;
- (B) No more than 10 percent of the existing parking area is used, and the tent does not block any point of ingress or egress to the development site;
- (C) All electrical connections must be inspected and approved by the Building Department; and
- (D) The tent must be inspected and approved by the Fort Meade Building and Fire Department as being in compliance with all relevant Building and Fire Code regulations.

**2.04.03 Off-Street Parking**

- (A) Front setbacks of less than 25 feet in commercial and professional districts do not allow for pull-in parking. All parking must be in the rear or on the side of the building(s).
- (B) On-site, off-street parking is not required on site for historic buildings in any district in the City. Parking shall be on the street or in the rear or in designated off-site parking areas, as determined by the Development Director.

[RESERVED]

## 2.05.00 Establishment of Districts

In order to classify, regulate, and restrict the uses of land, water, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land use, all the area of the City of Fort Meade is classified into one of the following districts:

|      |                           |
|------|---------------------------|
| AG   | Agriculture               |
| RE   | Rural Estate              |
| R-1A | Single Family Residential |
| R-1B | Single Family Residential |
| R-1C | Single Family Residential |
| R-2  | Multi-Family Residential  |
| MHP  | Mobile Home Park          |
| P-1  | Professional Office       |
| C-1  | Neighborhood              |
| C-2  | Commercial Corridor       |
| HIS  | Historic Downtown         |
| M-1  | Local Service Industry    |
| M-2  | Industrial Park           |
| PB   | Public Buildings          |
| PR   | Public Recreation         |
| CON  | Conservation              |

### 2.05.01 Zoning District Summary Tables

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.05.02. The key to the table is as follows:

- P= Permitted Use.
- D= Site Development Plan required; use is permitted upon approval of site development plan by the Planning Board for all new construction, additions or renovations to sites and must be engineered plans. Uses requiring site development plans but occupying existing structures shall provide a written outline detailing the use(s) and all pertinent information to the Planning Director for approval. The Planning Director at their discretion may approve the use or request approval from the Planning Board, if necessary.
- S= Special Exception Use;
- C= Conditional Use; Planning Board and City Commission action required.



|  |   |   |   |   |   |   |   |  |  |  |  |  |  |  |  |  |  |
|--|---|---|---|---|---|---|---|--|--|--|--|--|--|--|--|--|--|
| Disabled Home or Group Home or Halfway Home (7-15 persons) |   |   |   |   |   |   | P |  |  |  |  |  |  |  |  |  |  |
| Foster Home (less than 3)                                  | P | P | P | P | P | P | P |  |  |  |  |  |  |  |  |  |  |
| Foster Home (4 + persons)                                  |   |   |   |   |   |   | P |  |  |  |  |  |  |  |  |  |  |
| Group Home or Halfway Home (15+ persons)                   |   |   |   |   |   |   | C |  |  |  |  |  |  |  |  |  |  |
| Halfway Home (less than 7)                                 |   |   |   |   |   |   | C |  |  |  |  |  |  |  |  |  |  |

**Lodging**

| Category/Use          | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1 Prof | C-1 Neighborhood | C-2 Comm. Corridor | HIS Hist. Down-Town | M-1 | M-2 | PB | PR | CON |
|-----------------------|----|----|------|------|------|-----|-----|----------|------------------|--------------------|---------------------|-----|-----|----|----|-----|
| Bed and Breakfast Inn | P  | P  | D    | D    | D    | P   |     | P        |                  |                    | P                   |     |     |    |    |     |
| Hotel/Motel           |    |    |      |      |      |     |     | D        |                  | P                  | D                   | D   |     |    |    |     |
| RV Park/Campground    |    |    |      |      |      |     | S   |          |                  |                    |                     |     |     |    | S  | C   |

**Office/Financial/Medical Facilities/Club**

| Category/Use                | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1 Prof | C-1 Neighborhood | C-2 Comm. Corridor | HIS Hist. Down-Town | M-1 | M-2 | PB | PR | CON |
|-----------------------------|----|----|------|------|------|-----|-----|----------|------------------|--------------------|---------------------|-----|-----|----|----|-----|
| Bank/Financial Institution  |    |    |      |      |      |     |     | P        | P                | P                  | P                   | P   |     |    |    |     |
| Clinic/Medical              |    |    |      |      |      |     |     | P        | P                | P                  | P                   | P   |     |    |    |     |
| Club                        | D  |    | D    | D    | D    | D   | D   | P        | P                | P                  | P                   |     |     |    |    |     |
| Hospital                    |    |    |      |      |      |     |     | D        |                  | D                  |                     | D   |     |    |    |     |
| Medical Laboratory          |    |    |      |      |      |     |     | P        |                  |                    |                     | P   | P   |    |    |     |
| Professional Office         |    |    |      |      |      |     |     | P        | P                | P                  | P                   | P   | P   |    |    |     |
| Real Estate/Business Office |    |    |      |      |      |     |     | P        | P                | S                  | P                   | P   |     |    |    |     |

**Retail Commercial, no outdoor storage or activities**

| Category/Use                      | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1 Prof | C-1 Neighborhood | C-2 Comm. Corridor | HIS Hist. Down-Town | M-1 | M-2 | PB | PR | CON |
|-----------------------------------|----|----|------|------|------|-----|-----|----------|------------------|--------------------|---------------------|-----|-----|----|----|-----|
| Adult Entertainment Establishment |    |    |      |      |      |     |     |          |                  |                    |                     |     | D   |    |    |     |
| Antique Store                     |    |    |      |      |      |     |     | P        | P                | P                  | P                   | P   |     |    |    |     |

|  |    |    |      |      |      |     |     |             |                          |                          |                       |     |     |    |    |     |
|--|----|----|------|------|------|-----|-----|-------------|--------------------------|--------------------------|-----------------------|-----|-----|----|----|-----|
| Appliance Repair                         |    |    |      |      |      |     |     |             | P                        | P                        | P                     | P   | P   |    |    |     |
| Bakery, Retail (Bakeshop)                |    |    |      |      |      |     |     |             |                          |                          | D                     |     |     |    |    |     |
| Barbershop                               |    |    |      |      |      |     |     |             |                          |                          | P                     |     |     |    |    |     |
| Beauty Salon                             |    |    |      |      |      |     |     |             |                          |                          | P                     |     |     |    |    |     |
| Convenience Store (no gas)/Supermarket   |    |    |      |      |      |     |     | D           | D                        | D                        | D                     | D   | D   |    |    |     |
| Drinking Establishment/Liquor Stores     |    |    |      |      |      |     |     |             | D                        | D                        | D                     | C   |     |    |    |     |
| Fitness Center                           |    |    |      |      |      |     |     |             |                          |                          | P                     |     |     |    |    |     |
| Funeral Home                             |    |    |      |      |      |     |     |             | P                        |                          | P                     |     | P   |    |    |     |
| General Retail                           |    |    |      |      |      |     |     |             | P                        | P                        | P                     | P   |     |    |    |     |
| Hardware Stores/Farm & Home Stores       |    |    |      |      |      |     |     |             | P                        | P                        | P                     |     | P   |    |    |     |
| Home-based Occupation                    | P  | P  | P    | P    | P    | P   | P   | P           | P                        | P                        | P                     |     |     |    |    |     |
| Laundromats, Dry cleaning drop-off       |    |    |      |      |      |     |     | P           | P                        | P                        | P                     |     | P   |    |    |     |
| Medical Marijuana Dispensary             |    |    |      |      |      |     |     |             | C                        | C                        |                       |     |     |    |    |     |
| Mini-warehouse                           |    |    |      |      |      |     |     |             |                          | D                        |                       | D   | D   |    |    |     |
| Nursing home (for profit)                |    |    |      |      |      | S   |     | D           |                          |                          | D                     |     |     |    |    |     |
| Plant Nursery, Flower Shop, Indoor       |    |    |      |      |      |     |     | P           | P                        | P                        | P                     | P   | P   |    |    |     |
| Pharmacy/Drugstore                       |    |    |      |      |      |     |     |             | C                        | C                        | D                     |     |     |    |    |     |
| Recreation, Indoor, commercial           |    |    |      |      |      |     |     |             | D                        | D                        | D                     | D   | D   |    |    |     |
| Recycling Center (indoor)                |    |    |      |      |      |     |     |             |                          |                          |                       | C   | C   |    |    |     |
| Restaurant                               |    |    |      |      |      |     |     |             | P                        | P                        | P                     | P   | P   |    |    |     |
| Restaurant with Lounge                   |    |    |      |      |      |     |     |             | P                        | P                        | P                     | D   |     |    |    |     |
| Restaurant, Drive-in                     |    |    |      |      |      |     |     |             |                          | P                        |                       | D   |     |    |    |     |
| Seamstress/Tailor                        |    |    |      |      |      |     |     |             |                          |                          | P                     |     |     |    |    |     |
| Shoe Repair                              |    |    |      |      |      |     |     |             |                          |                          | P                     |     |     |    |    |     |
| Shopping Center (less than 150,000 GLA)  |    |    |      |      |      |     |     |             | D                        |                          |                       | D   |     |    |    |     |
| Shopping Center (more than 150, 000 GLA) |    |    |      |      |      |     |     |             |                          | D                        |                       | D   |     |    |    |     |
| Veterinary Clinic/Kennel/Dog Grooming    |    |    |      |      |      |     |     |             |                          | C                        |                       | D   | D   |    |    |     |
| Category/Use                             | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1<br>Prof | C-1<br>Neigh-<br>borhood | C-2<br>Comm.<br>Corridor | HIS<br>Hist.<br>Down- | M-1 | M-2 | PB | PR | CON |

|  |    |    |      |      |      |     |     |             |                          |                          |                               |      |     |    |    |     |  |
|--|----|----|------|------|------|-----|-----|-------------|--------------------------|--------------------------|-------------------------------|------|-----|----|----|-----|--|
|  |    |    |      |      |      |     |     |             |                          |                          |                               | Town |     |    |    |     |  |
| <b>Motor Vehicle Sales, Repairs, Rental Parts (from least intensive to most intensive use)</b> |    |    |      |      |      |     |     |             |                          |                          |                               |      |     |    |    |     |  |
| New or Used Sales (Cars, Boats, RVs)   |    |    |      |      |      |     |     |             |                          |                          | D                             |      | D   | D  |    |     |  |
| New Sales w/Repair   |    |    |      |      |      |     |     |             |                          |                          | D                             |      | D   | D  |    |     |  |
| Rental of Vehicles   |    |    |      |      |      |     |     |             |                          |                          | D                             |      | D   | D  |    |     |  |
| Parts, Retail  |    |    |      |      |      |     |     |             |                          |                          | P                             | P    | P   | P  |    |     |  |
| Filling Station<br>(Convenience Store w/Gas)   |    |    |      |      |      |     |     |             | P                        | P                        | P                             |      | P   | P  |    |     |  |
| Service Station<br>(Minor Repair, No Sales)  |    |    |      |      |      |     |     |             |                          | S                        | D                             |      | D   | D  |    |     |  |
| Major Repair, No Sales   |    |    |      |      |      |     |     |             |                          |                          | S                             |      | D   | D  |    |     |  |
| Auto Salvage Yard/Wholesale parts  |    |    |      |      |      |     |     |             |                          |                          |                               |      |     | D  |    |     |  |
| Junkyard   |    |    |      |      |      |     |     |             |                          |                          |                               |      |     | C  |    |     |  |
| Category/Use   | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1<br>Prof | C-1<br>Neigh-<br>borhood | C-2<br>Comm.<br>Corridor | HIS<br>Hist.<br>Down-<br>Town | M-1  | M-2 | PB | PR | CON |  |
| <b>Retail Commercial, Outdoor Storage</b>  |    |    |      |      |      |     |     |             |                          |                          |                               |      |     |    |    |     |  |
| Agricultural Activities + Farm Animals   | P  |    |      |      |      |     |     |             |                          |                          |                               |      |     |    |    |     |  |
| Agricultural, Limited + Farm Animals   | P  | P  |      |      |      |     |     |             |                          |                          |                               |      |     |    |    |     |  |
| Building Supply Sales  |    |    |      |      |      |     |     |             |                          |                          |                               | P    | P   |    |    |     |  |
| Commercial Parking Lot   |    |    |      |      |      |     |     |             |                          | D                        |                               | P    | P   |    |    |     |  |
| Flea Market  |    |    |      |      |      |     |     |             |                          |                          |                               |      | S   |    |    |     |  |
| Mobile Home/RV Sales   |    |    |      |      |      |     |     |             |                          | D                        |                               | P    | P   |    |    |     |  |
| Plant Nursery  | P  | P  |      |      |      |     |     |             |                          | D                        |                               | P    | P   |    |    |     |  |
| Recreation, Outdoor, Commercial  |    |    |      |      |      |     |     |             |                          | D                        |                               | D    | D   |    |    |     |  |
| Recycling Center (Outdoor)   | S  |    |      |      |      |     |     |             |                          |                          |                               | C    | C   |    |    |     |  |
| Truck Stop   |    |    |      |      |      |     |     |             |                          |                          |                               | P    | P   |    |    |     |  |
| Category/Use   | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1<br>Prof | C-1<br>Neigh-            | C-2<br>Comm.             | HIS<br>Hist.                  | M-1  | M-2 | PB | PR | CON |  |

|   |    |    |      |      |      |     |     |                        |                     |                       |                        |     |     |    |    |     |
|---|----|----|------|------|------|-----|-----|------------------------|---------------------|-----------------------|------------------------|-----|-----|----|----|-----|
|   |    |    |      |      |      |     |     |                        | borhood             | Corridor              | Down-Town              |     |     |    |    |     |
| <b>Non-retail/Service Commercial</b>    |    |    |      |      |      |     |     |                        |                     |                       |                        |     |     |    |    |     |
| Contractor Storage Yard                 |    |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Repair of Heavy Equipment               |    |    |      |      |      |     |     |                        |                     |                       |                        |     | D   |    |    |     |
| Warehouse                               |    |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Wholesale Distributor                   |    |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Category/Use                            | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | <del>P-1</del><br>Prof | C-1<br>Neighborhood | C-2<br>Comm. Corridor | HIS<br>Hist. Down-Town | M-1 | M-2 | PB | PR | CON |
| <b>Light Industry</b>                   |    |    |      |      |      |     |     |                        |                     |                       |                        |     |     |    |    |     |
| Airports/Aviation Uses                  | C  |    |      |      |      |     |     |                        |                     |                       |                        |     | C   |    |    |     |
| Bottling Plant/Bakery                   | C  |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Crematorium                             |    |    |      |      |      |     |     |                        |                     |                       |                        | C   | C   |    |    |     |
| Food Processing/Packaging               | C  |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Freight/Trucking Terminal               |    |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Manufacture of Finished Products        |    |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Pest Control and Exterminating Services |    |    |      |      |      |     |     |                        |                     |                       |                        | C   | C   |    |    |     |
| Printing/Publishing                     |    |    |      |      |      |     |     |                        |                     |                       |                        | D   | D   |    |    |     |
| Recycled Materials Processing           |    |    |      |      |      |     |     |                        |                     |                       |                        |     | C   |    |    |     |
| Sales/Minor Storage of Propane          | S  |    |      |      |      |     | D   | <del>D</del>           | D                   | D                     |                        | D   | D   |    |    |     |
| Category/Use                            | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | <del>P-1</del><br>Prof | C-1<br>Neighborhood | C-2<br>Comm. Corridor | HIS<br>Hist. Down-Town | M-1 | M-2 | PB | PR | CON |
| <b>Heavy Industry</b>                   |    |    |      |      |      |     |     |                        |                     |                       |                        |     |     |    |    |     |
| Bulk Storage of Explosive Gases         |    |    |      |      |      |     |     |                        |                     |                       |                        |     | C   |    |    |     |
| Cannery                                 | S  |    |      |      |      |     |     |                        |                     |                       |                        |     |     |    |    |     |
| Citrus Processing Plant                 | S  |    |      |      |      |     |     |                        |                     |                       |                        |     | D   |    |    |     |
| Landfill Operations                     |    |    |      |      |      |     |     |                        |                     |                       |                        |     | C   |    |    |     |
| Manufacture of Building Materials       |    |    |      |      |      |     |     |                        |                     |                       |                        |     | D   |    |    |     |
| Processing of Raw Materials             | C  |    |      |      |      |     |     |                        |                     |                       |                        |     | C   |    |    |     |

|   |    |    |      |      |      |     |     |                        |                          |                          |                               |     |     |              |    |     |   |
|---|----|----|------|------|------|-----|-----|------------------------|--------------------------|--------------------------|-------------------------------|-----|-----|--------------|----|-----|---|
| Slaughterhouse                                    | C  |    |      |      |      |     |     |                        |                          |                          |                               |     |     |              |    |     |   |
| Storage of Sand/Gravel/Blocks                     | S  |    |      |      |      |     |     |                        |                          |                          |                               |     | D   |              |    |     |   |
| Power Plants                                      | P  |    |      |      |      |     |     |                        |                          |                          |                               |     | D   |              |    |     |   |
| Agriculture                                       |    |    |      |      |      |     |     |                        |                          |                          |                               |     | P*  |              |    |     |   |
| Category/Use                                      | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | <del>P-1</del><br>Prof | C-1<br>Neigh-<br>borhood | C-2<br>Comm.<br>Corridor | HIS<br>Hist.<br>Down-<br>Town | M-1 | M-2 | PB           | PR | CON |   |
| <b>Public Service Facilities</b>                  |    |    |      |      |      |     |     |                        |                          |                          |                               |     |     |              |    |     |   |
| Auto License/Tag Facility                         |    |    |      |      |      |     |     | <del>P</del>           | <del>P</del>             | <del>P</del>             | <del>P</del>                  |     |     | <del>P</del> |    |     |   |
| City Hall/Municipal Building                      |    |    |      |      |      |     |     | <del>P</del>           | <del>P</del>             | <del>P</del>             | <del>P</del>                  |     |     | <del>P</del> |    |     |   |
| Communications Antennas                           | D  |    |      |      |      |     |     |                        | D                        | D                        | D                             | D   | D   | D            | D  | D   | D |
| Communications Tower/<br>Telecommunications Tower |    |    |      |      |      |     |     |                        |                          |                          |                               | C   | C   |              |    |     |   |
| Construction & Demolition Disposal Site           | C  |    |      |      |      |     |     |                        |                          |                          |                               |     | C   | C            |    |     |   |
| Correction Facility                               |    |    |      |      |      |     |     |                        |                          |                          |                               |     | C   | C            |    |     |   |
| Electric Power Plant                              |    |    |      |      |      |     |     |                        |                          |                          |                               |     | D   | P            |    |     |   |
| Fire Station                                      | D  | D  | D    | D    | D    | D   | D   | <del>D</del>           | P                        | D                        | D                             | P   | P   | P            |    |     |   |
| Jail  |    |    |      |      |      |     |     |                        |                          |                          |                               | C   | C   | C            |    |     |   |
| Police Station                                    | D  | D  | D    | D    | D    | D   | D   | <del>D</del>           | D                        | P                        | P                             | P   |     | P            |    |     |   |
| Post Office                                       | D  | D  | D    | D    | D    | D   | D   | <del>D</del>           | P                        | P                        | P                             |     |     | P            |    |     |   |
| Power Lines (High Voltage)                        | S  |    |      |      |      |     |     |                        |                          |                          |                               | S   | S   | S            |    |     |   |
| Power Substation                                  |    |    |      |      |      |     |     | <del>P</del>           | P                        | P                        |                               | P   | P   | P            |    |     |   |
| Sewage Disposal Facility                          |    |    |      |      |      |     |     |                        |                          |                          |                               | D   | D   | P            |    |     |   |
| Sewer Lift Station                                | P  | P  | P    | P    | P    | P   | P   | <del>P</del>           | P                        | P                        |                               | P   | P   | P            |    |     |   |
| Sewer/Water Plant (on-site)                       |    |    |      |      |      |     |     |                        | P                        | P                        |                               | P   | P   | P            |    |     |   |
| Sewer/Water Plant (off-site)                      |    |    |      |      |      |     |     |                        |                          |                          |                               | P   | P   | P            |    |     |   |
| Solar Power Generation Facility                   | D  |    |      |      |      |     |     |                        |                          |                          |                               | C   | D   | C            |    |     |   |
| Telephone Switching Station                       | P  | P  | P    | P    | P    | P   | P   | <del>P</del>           | P                        | P                        |                               | P   | P   | P            |    |     |   |
| Category/Use                                      | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | <del>P-1</del><br>Prof | C-1<br>Neigh-<br>borhood | C-2<br>Comm.<br>Corridor | HIS<br>Hist.<br>Down-<br>Town | M-1 | M-2 | PB           | PR | CON |   |

| Educational/Cultural Facilities                 |    |    |      |      |      |     |     |             |                     |                          |                           |     |     |    |    |     |
|---|----|----|------|------|------|-----|-----|-------------|---------------------|--------------------------|---------------------------|-----|-----|----|----|-----|
| Church  | P  | D  | D    | D    | D    | P   | P   | P           | P                   | D                        | D                         | D   |     |    |    |     |
| Civic Center/Auditorium                         |    |    |      |      |      | D   | D   | D           | D                   | P                        | P                         |     |     | P  |    |     |
| College/University                              |    |    |      |      |      | D   | D   | D           | D                   | P                        | P                         |     |     | P  |    |     |
| Community Center                                |    |    |      |      |      | P   | P   | P           | P                   | P                        | P                         |     |     | P  |    |     |
| Public Library                                  | P  | P  |      |      |      | P   | P   | P           | P                   | P                        | P                         |     |     | P  |    |     |
| Museum  | P  | P  |      |      |      | D   | D   | P           | P                   | P                        | P                         | D   | D   | P  |    |     |
| School, Private (kindergarten, nursery schools) | S  | S  | S    | S    | S    | S   | S   | S           | S                   | S                        | S                         |     |     | S  |    |     |
| School (grades K-12)                            | D  | D  | D    | D    | D    | D   | D   | D           | D                   | D                        | D                         |     |     | P  |    |     |
| Vocational/Technical School                     |    |    |      |      |      | D   | D   | D           | D                   | D                        | D                         | D   | D   | P  |    |     |
| Category/Use                                    | AG | RE | R-1A | R-1B | R-1C | R-2 | MHP | P-1<br>Prof | C-1<br>Neighborhood | C-2<br>Comm.<br>Corridor | HIS<br>Hist.<br>Down-Town | M-1 | M-2 | PB | PR | CON |
| Recreation Uses                                 |    |    |      |      |      |     |     |             |                     |                          |                           |     |     |    |    |     |
| Golf Course-see district for more info          | P  | P  | P    | P    | P    | P   | P   |             |                     |                          |                           |     |     | P  | P  |     |
| Park  | P  | P  | P    | P    | P    | P   | P   | P           | P                   | P                        | P                         | P   | P   | P  | P  | S   |
| Recreation, Indoor, Public                      | P  | P  |      |      |      | P   | P   |             | P                   | P                        | P                         | P   |     | P  | P  | S   |
| Recreation, Outdoor, Public                     | P  | P  | P    | P    | P    | P   | P   |             |                     |                          |                           |     |     | P  | P  | S   |

\*Agriculture uses permitted in the M-2 zoning district shall be restricted to the following uses: cattle, horses, horticulture uses, silviculture, forestry, nurseries.

**Table 2.05.01(B) Table of Development Standards**

| District          | Comp Plan Density | Max Density (units/ac) | Minimum Lot Size (s.f.) | Min Lot Width (s.f.) | Minimum Floor Area (s.f.) | Floor Area Ratio | Setbacks (feet) |      |       | Maximum Lot Coverage (in %) *** | Maximum Bldg. Height (feet) |
|-------------------|-------------------|------------------------|-------------------------|----------------------|---------------------------|------------------|-----------------|------|-------|---------------------------------|-----------------------------|
|                   |                   |                        |                         |                      |                           |                  | Front           | Rear | Sides |                                 |                             |
| AG**              | 1/5 acres         | 0.2                    | 5acres                  |                      |                           |                  | 30              | 30   | 15    |                                 |                             |
| RE*               | 1/2 acres         | 0.5                    | 2 acres                 |                      |                           |                  | 30              | 30   | 15    |                                 |                             |
| R-1A              | 4.5 gross         | 4                      | 10,000                  | 100                  | 1,200                     |                  | 30              | 30   | 15    | 45                              | 35                          |
| R-1B              | 4.5 gross         | 4                      | 10,000                  | 80                   | 1,000                     |                  | 25              | 25   | 10    | 45                              | 35                          |
| R-1C              | 4.5 gross         | 7                      | 6,000                   | 60                   | 950                       |                  | 20              | 20   | 10    | 45                              | 35                          |
| R-2:              |                   |                        |                         |                      |                           |                  |                 |      |       |                                 |                             |
| Duplex            | 4.5 gross         | 5                      | 8,000                   | 80                   | 750/unit                  |                  | 25              | 20   | 10    | 45                              | 45                          |
| MF 3-4 units      | 15 net            | 5                      | 8,000                   | 80                   | 450/unit                  |                  | 25              | 20   | 20    | 45                              | 45                          |
| MF 5-15 units     | 15 net            | 4                      | 9,400                   | 100                  | 450/unit                  |                  | 20              | 20   | 20    | 45                              | 45+                         |
| MH Park**         | 10 net            | 10                     | Single-wide 4,000       | 40                   | 14x60                     |                  | 20              | 20   | 7.5   | 45                              | 35                          |
|                   |                   | 7                      | Double-wide             | 55                   | 28x60                     |                  | 20              | 20   | 7.5   | 45                              | 35                          |
| RV Park           |                   | 10                     | 5,500                   | 30                   | N/A                       |                  | 20              | 20   | 7.5   | 45                              | 35                          |
| RV Camp           |                   | 10                     | 3,000                   | 25                   | N/A                       |                  | 20              | 20   | 7.5   | 45                              | 35                          |
|                   |                   |                        | Pull-thru 2,500         |                      |                           |                  |                 |      |       |                                 |                             |
| P-1* Professional |                   |                        | None                    | None                 |                           | 0.75             | 20              | 25   | 10    | 85                              | 35                          |

|                         |  |  |      |      |  |      |    |    |    |    |    |
|-------------------------|--|--|------|------|--|------|----|----|----|----|----|
| C-1**<br>Neighborhood   |  |  | None | None |  | 0.75 | 20 | 25 | 10 | 85 | 45 |
| C-2**<br>Comm. Corridor |  |  | None | None |  | 2.0  | 20 | 25 | 10 | 85 | 35 |

Corner Lots – Double Setbacks

| District                      | Comp Plan Density | Max Density (units/ac) | Minimum Lot Size (s.f.) | Min Lot Width (s.f.) | Minimum Floor Area (s.f.) | Floor Area Ratio | Setbacks (feet) |      |       | Maximum Lot Coverage (in %) *** | Maximum Bldg. Height (feet) |
|-------------------------------|-------------------|------------------------|-------------------------|----------------------|---------------------------|------------------|-----------------|------|-------|---------------------------------|-----------------------------|
|                               |                   |                        |                         |                      |                           |                  | Front           | Rear | Sides |                                 |                             |
| HIS **<br>Historic Downtown   |                   |                        | None                    | None                 |                           |                  | 0               | 0    | 10    | 90                              | 45                          |
| M-1 Local Service Industry    |                   |                        | 5,000                   | 50' Frontage         |                           | 0.70             | 25              | 25   | 20    | 85                              | 35                          |
| M-2 Industrial Park           |                   |                        | 20,000                  | 100' Frontage        |                           | 0.70             | 30              | 20   | 30    | 85                              | 40****                      |
| PB*<br>Public Bldgs & Grounds |                   |                        | None                    |                      |                           |                  | 25              | 20   | 10    | 90                              | 45                          |
| PR*<br>Public Recreation      |                   |                        | None                    |                      |                           |                  | 25              | 20   | 10    | 5                               | 35                          |
| CON<br>Conservation           | 1/20 acres        | 0.05                   | 20 acres per unit       |                      |                           |                  | 60              | 25   | 10    | 5                               | 35                          |

\* Addition to existing code.

\*\* Change in district definition and parameters.

\*\*\* Lot Coverage: Maximum lot coverage by buildings cannot exceed 45% in any district except in HIS.

And in addition, maximum lot coverage of impervious surface cannot exceed 65% of the total lot area.

\*\*\*\*See 2.05.02.13(G)(2)(B) – Height Limitations – Industrial Park

## 2.05.02 Establishment of Zoning Districts

The following zoning designations are hereby established within the City of Fort Meade.

### 2.05.02.01 AG Agriculture

- (A) FLUM Designation: Agriculture Classification
- (B) *Purpose:* To provide for agricultural activities within the City of Fort Meade; and to provide for the continuation of Agricultural Tax Exempt status as governed by State Statute, on property that is around the perimeter of the City and the subject of annexation. In general, agricultural pursuits and single family detached dwelling units are allowed.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
  - (1) Agricultural Uses as defined herein: The use of land for producing or harvesting crops or plants; for raising livestock or fish; for dairying; for forestry, fisheries, animal specialty farms or hunting, trapping and game propagation. Intense agricultural activities such as feed lots and egg production are not allowed within the City Limits, unless they are pre-existing uses of the land prior to annexation.
  - (2) Limited Agricultural Uses as defined herein: Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses, bee keeping and raising of exotic species with the exception of venomous reptiles.
  - (3) Permitted in this district are newly annexed parcels with agricultural uses that have been previously qualified for the Agricultural Tax Exemption as defined by F.S. 193.461, “which includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee, pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod framing; and all forms of farm products and farm production.”
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulations for permitted accessory uses.

- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Minimum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:*
  - (1) Aquaculture, composting and recycling activities conducted on non-mandatory reclamation lands shall be subject to, and require evidence of, all relevant state and federal permits, and shall be appropriately buffered from existing or future adjacent residential development; and may be permitted as a Special Exception or a Conditional Use, as listed in the Table of Land Uses Section 2.05.01(A).
  - (2) *Roadside Stands:* Excess produce and other products that are agricultural in nature and harvested from orchards, vineyards, nurseries, ornamental horticulture areas, groves, noncommercial greenhouses, etc., as well as excess produce harvested from any commercial farm, may be sold on the premise to the general public by the means of a roadside stand or similar structure, by the residents of the property. All setbacks must be observed from right-of-way and property lines as required for any accessory structure.

**2.05.02.02 RE Rural Estate**

- (A) FLUM Designation: Single Family Residential.
- (B) *Purpose:* To provide for limited agricultural uses and the keeping of farm animals within the City of Fort Meade. In general, limited agricultural pursuits and single family detached dwelling units are allowed.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
  - (1) Limited Agricultural Uses as defined in this Code are permitted.
  - (2) Farm Animals as defined in this Code are permitted.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no

accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.

- (1) Garage Apartment: Accessory to the principal use and the minimum standards apply:
  - a. 2,000 s.f. minimum in addition to lot requirement for main building.
  - b. Minimum floor area: 600 s.f.
  - c. Minimum setback requirement: 7.5 feet.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:*
  - (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and maintained by a homeowners’ association. Appropriate development standards will be determined by the Development Director.
  - (2) Private golf courses are permitted in conjunction with platted subdivisions of 50 lots or more.
  - (3) Private schools offering a general curriculum in any or all of grades K-12 are permitted on property abutting a 60-foot right-of-way.

### **2.05.02.03 R-1A Single Family Residential**

- (A) FLUM Designation: Single Family Residential, Multi-Family Classification.
- (B) *Purpose:* Encourage and protect low density, single family developments.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Sited Development Plan is governed by Article 7.

- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulations for permitted accessory uses.
- (1) Repairing or refinishing of vehicles and the storage of wrecked or inoperable vehicles shall not be permitted on lots and yards in residential districts. Wrecked or inoperable vehicles may be stored in an enclosed building.
  - (2) Garage Apartment. Accessory to the principal use and the minimum standards apply:
    - a. 2,000 s.f. minimum in addition to lot requirement for main building.
    - b. Minimum floor area: 600 s.f.
    - c. Minimum setback requirement: 7.5 feet.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exceptions uses require the submission of an application and approval by the Planning and Zoning Board and Appeals prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum building Height.
- (G) *Other Requirements:*
- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and be maintained by a homeowners’ association. Appropriate development standards will be determined by the Development Director.
  - (2) Private golf courses are permitted in conjunction with platted subdivisions of 25 lots or more.
  - (3) Private schools offering a general curriculum in any or all of grades K-12 are permitted on property abutting a 60-foot right-of-way.

#### **2.05.02.04 R-1B Single Family Residential**

- (A) FLUM Designation: Single Family Residential, Multi-Family Residential Classification.

- (B) *Purpose:* Encourage and protect medium density, single family development.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses in designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structure; provided, however, that no accessory structures shall be located on property on other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulations for permitted accessory uses.
- (1) Repairing or refinishing of vehicles and the storage of wrecked or inoperable vehicles shall not be permitted on lots and yards in residential districts. Wrecked or in operable vehicles may be stored in an enclosed building.
  - (2) Garage Apartment: Accessory to the principal use and the minimum standards apply:
    - a. 2,000 s.f. minimum in addition to lot requirement for main building.
    - b. Minimum floor area: 600 s.f.
    - c. Minimum setback requirement: 7.5
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Floor Area; Floor Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:*
- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and be maintained by a homeowners’ association. Appropriate development standards will be determined by the Development Director.
  - (2) Private golf courses are permitted in conjunction with platted subdivisions of 25 lots or more.

- (3) Private schools offering a general curriculum in any or all of grades K-12 are permitted on property abutting a 60-foot right-of-way.

#### **2.05.02.05 R-1C Single Family Residential**

- (A) FLUM Designation: Single Family Residential, Multi-Family Residential Classification.
- (B) *Purpose:* Permit the development of already platted higher density single family residential areas and is not intended to be utilized for future development.
- (C) *Permitted Principal Uses & Structures:* Uses are permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinated to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulations for permitted accessory uses.
  - (1) Repairing or refinishing of vehicles and the storage of wrecked or inoperable vehicles shall not be permitted on lots and yards in residential districts. Wrecked or inoperable vehicles may be stored in an enclosed building.
  - (2) Garage Apartment: Accessory to the principal use and the minimum standards apply:
    - a. 2,000 s.f. minimum in addition to lot requirement for main building.
    - b. Minimum floor area: 600 s.f.
    - c. Minimum setback requirement: 7.5 feet.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(G) *Other Requirements:*

- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and be maintained by a homeowners' association. Appropriate development standards will be determined by the Development Director.
- (2) Private golf courses are permitted in conjunction with platted subdivisions of 25 lots or more.
- (3) Private schools offering a general curriculum in any or all of grades K-12 are permitted on property abutting a 60-foot right-of-way.

**2.05.02.06 R-2 Multi-Family Residential**

- (A) FLUM Designation: Single Family Residential, Multi-Family Residential and downtown Mixed Use.
- (B) *Purpose:* Permit higher-density, single-lot, principal-building residential development consisting of single family, duplex and multi-family dwellings. In no case shall a density be permitted in any R-2 parcel that exceeds the rate of 15 dwelling units per net acre.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted but require submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulations for permitted accessory uses.
  - (1) Repairing or refinishing of vehicles and the storage of wrecked or inoperable vehicles shall not be permitted on lots and yards in residential districts. Wrecked or inoperable vehicles may be stored in an enclosed building.
  - (2) On Multi-family parcels only: Provided that setback and other requirements are satisfied, more than one principal building or permitted accessory structure can be erected on any lot of record.
  - (3) Garage Apartment: Accessory to the principal use and the minimum standards apply:
    - a. 2,000 s.f. minimum in addition to lot requirements for main building.
    - b. Minimum floor area: 600 s.f.

c. Minimum setback requirement: 7.5 feet

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
  - (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and be maintained by a homeowners’ association. Appropriate development standards will be determined by the Development Director.
  - (2) Private schools offering a general curriculum in any or all of grades K-12 are permitted on property abutting a 60-foot right-of-way.

**2.05.02.07 MHP Mobile Home Park**

- (A) FLUM Designation: Multi-Family Residential Classification.
- (B) Encourage and facilitate mobile home parks, RV parks and RV campgrounds on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities which are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a mobile home park setting. In no case shall a maximum net density exceed 10 dwelling units per acre.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) Repairing or refinishing of vehicles and the storage of wrecked or inoperable vehicles shall not be permitted on lots and yards in residential

districts. Wrecked or inoperable vehicles may be stored in an enclosed building.

- (2) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development are permitted.
  - (3) No more than one conventional single-family home, at least 600 s.f. in size, for the use of a resident manager, is permitted.
  - (4) Carports, porches, and awnings that are physically attached to mobile homes are permitted. Freestanding cabanas, storage sheds, and other detached structures for private use are prohibited.
  - (5) Storage area for boats, recreational vehicles, and other types of vehicles which exceed 30 feet in length. Storage area is for the use of park residents only and shall be fenced and landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:*
- (1) Site Development Plan. No mobile homes, structures or facilities shall be installed or constructed until a Site Development Plan meeting the requirements of Section 7.02.00 of this Code has been submitted to and approved by the City of Fort Meade. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved Site Development Plan. See Article 3, Section 3.08, for comprehensive mobile home requirements. Where an existing mobile home park in a MHP district has no Site Development Plan, such a plan shall be prepared and submitted to the city prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.

#### **2.05.02.08 P-1 Professional Office District**

- (A) FLUM Designation: Commercial Classification, Downtown Mixed Use.
- (B) *Purpose:* The P-1 Professional Office district is intended to encourage the compatible development of professional and related office complexes in

predominantly developed areas which are suitable for such development. P-1 also serves as a buffer zone between residential and dense commercial development. Transitional uses and historic buildings with commercial uses, such as bed and breakfast inns, antique stores, tea rooms and professional offices, are traditionally located within this zoning classification.

- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) *Garage Apartment:* Accessory to the principal use and the minimum standards apply:
    - a. 2,000 s.f. minimum in addition to lot requirement for main building.
    - b. Minimum floor area: 600 s.f.
    - c. Minimum setback requirement: 7.5 feet.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
  - (1) *Minimum Lot Requirements:* Development sites shall be large enough to accommodate all required parking, stormwater management and other standards and facilities.
  - (2) *Off-street Parking:* Off-street parking requirements may be waived by the administrative official if the commercial activity is located in a predominately residential neighborhood where off-street parking would detract from the appearance of the neighborhood.

### **2.05.02.09 C-1 Neighborhood Commercial District**

- (A) FLUM Designation: Commercial Classification, Downtown Mixed Use.
- (B) *Purpose:* The C-1 neighborhood commercial district is intended primarily to meet the limited shopping and service needs of surrounding neighborhoods. The uses are generally for convenience; and are generally retail commercial and neighborhood services, such as dry cleaning drop off, laundromat, general store, flower shop, and sometimes include gas stations. Considerations for allowing businesses in the neighborhoods should be: distance from other services, amount of foot traffic in the area, and the general compatibility of the use with the neighborhood.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) Where commercial and residential uses share a development site, no residential accessory uses shall be permitted.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* None.

### **2.05.02.10 C-2 Commercial Corridor District**

- (A) FLUM Designation: Commercial Classification.
- (B) *Purpose:* This district includes all the commercial uses along US 17 and, may in the future; include some portions of East and West Broadway. Both roadways serve as transportation corridors for the city and the commercial activity centers

in the city. At the time of adoption of this Code, in general, West Broadway is zoned HIS because of limitations of the historic downtown; and East Broadway is zoned C-1 where there is only neighborhood commercial activity.

- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) On Commercial Parcels: Provided that setback and other requirements are satisfied, more than one principal building or permitted accessory structure can be erected on any lot of record.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
  - (1) Multi-Family Residential development is permitted and is encouraged.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
  - (1) Minimum Lot Requirements: Development site shall be large enough to accommodate all required setbacks, parking, stormwater management and other standards and facilities.
  - (2) Parking: In general, parking is not allowed within the front setback if the setback is less than 25 feet. In this case, parking shall be accommodated by site design on the side or in the rear of the building.
  - (3) Minimum Yard Requirements:
    - a. Corner Lot: The side street setback requirement on a corner lot shall be 25 feet.
- (G) *Other Requirements:* None.

### **2.05.02.11 HIS Historic Downtown District**

- (A) FLUM Designation: Commercial Classification, Downtown Mixed Use.
- (B) *Purpose:* To provide setback, parking and landscaping regulations for those blocks on West Broadway that contain the historic commercial buildings of the City. Vacant lots are to be developed with compatible architectural design to the historic structures, and at the same setbacks as adjacent structures. Parking is to be encouraged along the street or in the rear.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
  - (1) Residential units located on the second or third floors of commercial buildings are permitted.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) On Commercial Parcels: Provided that setback and other requirements are satisfied, more than one principal building or permitted accessory structure can be erected on any lot of record.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
  - (1) Vacant lots are to be developed with the same setbacks as adjacent structures. Building designs must be architecturally integrated with the historic buildings within this zoning district.
- (G) *Other Requirements:*
  - (1) Signs for Home-based Occupations: Home-based Occupations in historic districts, such as inns or tearooms or antique stores, may have a

pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after 11:00 p.m. in residential zoning districts.

- (2) Pedestrian Signs: If any part of the building overhangs a public sidewalk, a business shall be entitled to an additional sign to be hung from the overhang which shall not be lower than eight feet from the sidewalk.
- (3) Exception to Off-street Parking Spaces Required for uses in Historic Structures: Upon approval of a site plan by the Development Director, off-street parking may be waived or reduced, provided the following determinations are made:
  - a. Construction of the required spaces on-site would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area.
  - b. The required spaces cannot be reasonably provided. In residential zoning districts and in conjunction with historic structures, parking may be allowed on the street, if the character of the neighborhood is not altered.
  - c. The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in vehicles.
  - d. Construction of the required space would detract from the overall shopping desirability of the adjoining buildings and premises and would result in the incompatible mixing of vehicles, buildings and pedestrian shoppers.
- (4) Criteria for Designation of Historic Sites, Criteria for Modification of Historic Structures and New Construction of Historic Sites: For regulations regarding these topics see Article 2, Section 2.02.01, and “Regulations for Historic Sites”.

#### **2.05.02.12 M-1 Local Service Industry District**

- (A) FLUM Designation: Industrial Classification.
- (B) *Purpose:* It is the intent to permit all uses allowed in Commercial districts, lumber and building supplies, heating and air conditioning, sheet metal, welding, plumbing, electrical, laundry and dry cleaning, bakeries, bottling plants, printing, light manufacturing and processing, and similar uses.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to

application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) On Industrial Parcels: Provided that setback and other requirements are satisfied, more than one principal building or permitted accessory structure can be erected on any lot of record.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
  - (1) Residential development may be permitted as accessory to the principal use, to accommodate caretakers and essential personnel to maintain business operations.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* None.

#### **2.05.02.13 M-2 Industrial Classification**

- (A) FLUM Designation: Industrial Classification.
- (B) *Purpose:* It is the intent to encourage and promote the development of a coordinated and related industrial complex located in areas where there are sufficiently large enough to meet the needs of limited types and varieties of industrial activities.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

Agriculture uses permitted under the M-2 zoning shall be restricted to the cattle, horses, horticulture uses and nurseries.

- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
- (1) On Industrial Parcels: Provided that setback and other requirements are satisfied, more than one principal building or permitted accessory structure can be erected on any lot of record.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
- (1) Vacant lots are to be developed with the same setbacks as adjacent structures. Building designs must be architecturally integrated with the historic buildings within this zoning district.
- (G) *Other Requirements:*
- (1) Site Planning, External Relationships. Site planning within the district shall provide for protection of individual lots from adverse surrounding influences, and for protection of surrounding areas from adverse influences existing within the district. In particular:
- A. *Orientation of permitted uses and structures.* Industrial and service uses and structures and their parking areas shall be oriented toward arterial or collector thoroughfares, and away from adjacent minor streets in residential neighborhoods or from adjacent residential neighborhoods not separated from the Industrial district by streets.
- B. *Vehicular and pedestrian entrance and exits.* Principal vehicular access for the general public shall be only from arterial or collector thoroughfares. Vehicular access from minor streets through residential neighborhoods shall be avoided.

At principal vehicular access points, ingress and egress lanes may be required, with length and width as appropriate to the anticipated flow of traffic, and traffic separation devices may be required at

such entrances and exits and along ingress and egress lanes. Whether required or provided voluntarily, such lanes may be included as part of the required yard adjacent to the arterial or collector thoroughfare.

C. *Yards, fences, walls or vegetative screening.* Yards, fences, walls or vegetative screening shall be provided where needed to protect adjacent Residential or Institutional districts or public streets from undesirable view, lighting, noise or other on-site activities. In particular, outdoor storage, extensive off-street parking areas and service areas for loading and unloading delivery vehicles and for storage and collection of refuse and garbage shall be screened from Residential or Institutional districts.

a. Except where the district adjoins a Commercial or another Industrial district or use, a minimum yard width of 50 feet shall be provided along all property lines at edges of the adjacent district. Landscaping and use of such yards shall be as required below. Where the district adjoins a Commercial or Industrial district, yards with a minimum width of 25 feet shall be provided along all property lines at edges of the adjacent district.

i. Along arterial, or collector streets, the nearest 20 feet to the right-of-way shall be maintained in landscaping except for turnout or merging lanes that are provided as indicated in 2.05.02.13(G)(C)(a) above, in which case the nearest 20 feet to the turn-out or merging land shall be landscaped. The remainder of such yard may be used for off-street parking.

ii. Where lots in residential or institutional districts front on minor streets at the edges of an Industrial district, the nearest 25 feet to the right-of-way within the Industrial district shall be maintained in landscaping and no off-street parking shall be permitted in such areas.

In general, landscaping as required above shall be of a nature which conceals extensive parking areas, service areas within the district, and other undesirable views into the district, wherever such concealment is reasonably practicable, but shall not create hazards to vehicular traffic or pedestrians at intersections within or adjoining the district.

All landscaping installed according to the requirements above shall also meet the requirements of Article 3, Section 3.07.00 – Compatibility, Landscaping and

Buffering Standards of the Land Development Code and the visibility at intersections and the provisions of the Land Development Code.

(2) Site Planning, Internal Relationships. In general, the site plan shall provide a unified and organized arrangement of buildings, service areas, parking, and loading, and landscaped open space providing for maximum buffers to adjoining properties. Facilities and access routes for industrial deliveries, shipping, service and maintenance shall, so far as reasonably practicable, be separated from customer and employee automobile parking areas.

- A. *Minimum area requirements for Industrial districts.* See Table 2.05.01(B) Development Standards.
- B. *Maximum height of structures.* There is a height limit of 40 feet. Structures exceeding 40 feet shall be set back 2 horizontal feet for each 1 vertical foot in height in excess of 40 feet from all setbacks.
- C. *Minimum off-street parking requirements.* 1.25 off-street parking spaces shall be provided for each employee per work shift.

Office buildings shall provide off-street parking in accordance with the following: one off-street parking space shall be provided for each 150 square feet of floor area within buildings, excluding space within buildings used only for storage or for parking and loading, or for major heating or air conditioning equipment.

Such off-street parking spaces shall be within 500 feet, by normal pedestrian routes of entrances to the buildings they are intended to serve or of covered walkways leading to such entrances. Spaces need not be on the building site or lot of said building but shall be within the distance indicated above.

- D. *Minimum off-street loading space requirement.* Spaces for truck loading/unloading and for parking of owned or leased trucks used by operator of principal uses shall be provided on the basis of anticipated traffic and vehicle types. Spaces for such truck parking shall be separated and distinct from required off-street parking for employees and visitors and shall be so arranged as not to interfere with internal or external traffic circulation related to the district or building site or lot.

(3) Additional materials required. In addition to other materials as may be required, the below information shall accompany an Industrial zoning amendment petition.

- A. Calculations of land area, floor area, land coverage by structures and impervious surface areas shall be submitted as part of the initial petition and as the petition may be revised to final plans.

The development plan shall be accompanied by information showing existing conditions and present development of an additional area within at least 300 feet of the tract boundaries; such information shall include, but not limited to, a sketch, not necessarily to scale, showing existing land use within the 300 foot area. Aerial

photographs at a minimum scale of 100 feet to the inch shall be submitted to illustrate and substantiate the site plans and other information as required above

#### **2.05.02.14 PB Public Buildings District**

- (A) **FLUM Designation:** Public Facilities, Single Family Residential, Multi-family Residential, Commercial, Downtown Mixed Use & Industrial.
- (B) *Purpose:* To mark the locations of all properties and/or facilities owned by local, county and state government and used for purposes related to the public health, safety and welfare.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
  - (1) Buildings, facilities or activities owned or operated by governments or other public agencies and having public purpose.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.
  - (1) **On Industrial Parcels:** Provided that setback and other requirements are satisfied, more than one principal building or permitted accessory structure can be erected on any lot of record.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Such uses are designated by the letter “S”. Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.
  - (1) Each application for a Building Permit for PB zoning designation shall be accompanied by a site development plan or sketch plan which accurately depicts the following: lot lines, easements, adjacent rights-of-way and existing structures; proposed use of the property; all propose

new structures, including floor area of buildings and setback distances from property lines; building heights; parking areas, roads and driveways; and tracks, play equipment or other site improvements not qualifying as structures.

- (2) Approval of the PB zoning designation shall be granted in reliance upon the submitted plan, and all construction and improvements shall be substantially consistent with the plan, as determined by the Development Director.

(G) *Other Requirements:* None.

#### **2.05.02.15 PR Public Recreation District**

(A) FLUM Designation: Recreation & Open Space Classification.

(B) *Purpose:* To mark the locations of publicly-owned recreation facilities and properties reserved for open space.

(C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

- (1) Lands, structures, and facilities owned and/or operated by government or other public agencies for recreational or open space uses.

(D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.

(E) *Special Exception Uses:* None.

(F) *Development Standards:* Development Standards for uses in this district are detailed in the Table of Development Standards in Section 2.05.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setback; Maximum Lot Coverage; and Maximum Building Height.

- (1) Each application for a Building Permit for PB zoning designation shall be accompanied by a site development plan or sketch plan which accurately depicts the following: lot lines, easements, adjacent rights-of-way and existing structures; proposed use of the property; all proposed new structures, including floor area of buildings and setback distances from property lines; building heights; parking areas, roads and driveways; and tracks, play equipment or other site improvements not qualifying as structures.

(2) Approval of the PB zoning designation shall be granted in reliance upon the submitted plan, and all construction and improvements shall be substantially consistent with the plan, as determined by the Development Director.

(G) *Other Requirements:* None

**2.05.02.16 CON Conservation**

(A) FLUM Designation: Conservation Classification.

(B) *Purpose:* To preserve the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas. These marked areas on the Future Land Use Map of the Comprehensive Plan.

(C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.05.01(A). Permitted uses are designated by the letter “P”. Uses designated by the letter “D” are also permitted but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

(D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.06.00 contains detailed guidance and regulation for permitted accessory uses.

(E) *Other Requirements:* None

[RESERVED]

## 2.06.00 General Regulations for Accessory Uses

Accessory uses, as defined in Article 9, are those that are incidental and secondary to a principal use that is permitted within a given zoning district. It is the purpose of this Section to regulate the construction, placement, and use of accessory structures, in order to ensure that they do not adversely affect nearby residents and/or surrounding properties. In addition to the standards provided below, accessory structures shall meet all requirements set forth in individual zoning districts, including setbacks and maximum lot coverage percentage, and other applicable provisions of this Code. Accessory structures must comply with the following regulations, except where the regulations are noted for specific zoning districts.

- (A) Residential Zoning Districts: No more than two accessory structures may be located on any residential lot of record; and, are permitted only in the rear yard. Detached garages or carports are not considered an accessory structure in residential districts.
- (B) In all residential districts, accessory structures shall not be located forward of the front building line or, on a corner lot, within either front yard setback area.
- (C) One or more accessory structures may be permitted on commercial or industrial development sites.
- (D) Accessory structures shall not be constructed prior to the principal structure, unless approval is granted by the Planning and Zoning Board.
- (E) All Accessory structures shall comply with the Standard Building Code and all standards of this Code pertaining to the principal use.
- (F) Accessory structures shall not be located in a required landscape buffer; or within a public utility easement.
- (G) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- (H) All accessory structures shall be shown on a site development plan when required under Section 7.05.00 of this Code.
- (I) Except where otherwise provided, accessory structures shall be set back no less than (5) five feet from side and rear lot lines.
- (J) Except where otherwise provided, accessory structures shall be separated from each other and from the principal structure by no less than five feet in all residential zoning districts and 15 feet in all commercial, professional and industrial zoning districts.
- (K) No mobile home, trailer, or vehicle of any kind shall be permitted as an accessory structure on any development site.
- (L) In all Residential districts, existing guesthouses, garage apartments, and the like, and accessory buildings of any kind, shall not be used as a business, unless such business has been approved as a home occupation use, by the City. See Article 7, Section 7.10.00, "Home Occupations."

(M) Guest Houses and Garage Apartments: In Single Family Residential zoning districts. An accessory structure that is permitted as a detached garage, a shed or a workshop, or the like, shall not be inhabited, and shall not be served by an electrical meter billed separate from the principal building.

- (1) In all Single-Family Residential districts, guest houses, mother-in-law units, and the like, are intended to be occupied by family members and shall not be rented out as an apartment, in a typical landlord-tenant fashion, in order to preserve the character of the single family neighborhood.
- (2) Accessory structures, such as garage apartments, can be served by an electrical meter separate from that of the principal use and can be used for residential purposes in R2 Multi-Family Residential district only; and, in all instances, the principal building must be owner-occupied.
- (3) Garage apartments and guest houses that are constructed or remodeled after the adoption of this Code must meet the City standards:
  - a. Minimum lot requirement: 2,000 s.f. in addition to lot requirements for principal building.
  - b. Minimum Floor Area: 600 s.f.
- (4) In all Residential districts, new construction of guest houses, garage apartments, and the like, shall be reviewed and approved by the Planning and Zoning Board before construction can begin.
- (5) In Single Family Residential districts, existing guest houses, garage apartments, and the like, which are rented out at the time of adoption of this Code in a typical landlord-tenant arrangement, are nonconforming uses.

#### **2.06.01 Swimming Pools**

Swimming Pools are permitted in all Residential districts as an accessory and must comply with all applicable regulations. Pools located in any residential district shall meet the following requirements:

- (A) Swimming pools shall be permitted accessory to a residential use only and shall be at least ten feet from any lot line, as measured from the edge of the water.
- (B) Swimming pools, including all decking and screen enclosures, shall be located to the rear of the front building line.
- (C) Screen enclosures over and around swimming pools shall be erected so as to conform to setback requirements as set forth in 2.06.01(A) above; however, such enclosures may be attached to the principal building. Lighting for pools shall be located and installed such that no direct light or reflected light is visible on adjoining property.
- (D) Swimming pools shall not be located within public utility or drainage easements alongside and rear lot lines. For purposes of setback measurement, the term

“swimming pool” shall include all surrounding decking and vertical supports for screen enclosures.

- (E) The total ground coverage of the house and swimming pool shall not exceed 65 percent coverage of the lot.

#### **2.06.02 Antennas and Satellite Dishes**

- (A) Antennas and satellite dish antennas shall be considered accessory structures and shall be installed in accordance with all applicable provisions of this Code and any other relevant regulations. No dish shall exceed 12 feet in diameter. No antenna shall exceed 30 feet in height, as measured from the ground to the highest projection of the antenna or supporting structure.
- (B) No antenna or dish shall be placed forward of the front building line. Antennas shall be set back from all property lines a distance at least equal to their height. Setbacks shall be measured from the outermost projection of the antenna or supporting structure.
- (C) Where mounted on a building, the combined height of the building and the antenna shall not exceed the maximum permitted building height in the applicable zoning district.
- (D) An antenna/dish installation permit shall be required for all antennas/dishes exceeding 25 feet in height and four feet in diameter. Applications for this permit shall include a site plan, sketch plan or other scaled drawing showing all structures on the property, and the location, height and size of the proposed antenna.
- (E) The following regulations apply to antennas and satellite dish antennas in specific districts:
  - (1) Residential Districts, except R-2
    - a. An antenna shall be permitted only as an accessory use to a single family detached dwelling unit.
    - b. Roof-mounted antennas shall be prohibited.
    - c. No more than one antenna and one dish shall be placed on any one lot or development site.
  - (2) R-2 District
    - a. An antenna shall be permitted as an accessory use to a single family detached dwelling unit, or for the common use of the resident of a multiple-family structure or a mobile home park, RV park or campground.
    - b. Roof-mounted antennas shall be permitted for multi-family developments, mobile home parks, RV parks and RV campgrounds only. Roof-mounted dish antennas in mobile home parks, RV parks and RV campgrounds shall be affixed only to the buildings of conventional construction.

- c. No more than one antenna and one dish antenna shall be placed on any one lot or development site.

(3) Commercial, Industrial and Professional Districts

- a. An antenna shall be permitted either as an accessory use or, if permissible in the zoning district, a principal use.
- b. No more than two dish antennas shall be placed on any one lot or development site, except at sports bars/restaurants, schools, colleges and broadcast studios. Roof mounted satellite dishes are permitted in these districts.

[RESERVED]

# *City of Fort Meade*



## Unified Land Development Code Article 3

## ARTICLE 3

### DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

#### 3.01.00 General Provisions

3.01.01 Purpose

3.01.02 Responsibility for Improvements

3.01.03 Principals of Development Design

#### 3.02.00 Transportation Systems

3.02.01 General Provisions

3.02.02 Right-of-Way Widths

3.02.03 Street Design Standards

3.02.04 Sidewalks and Bikeways

3.02.05 Access Points Onto Streets

3.02.06 Standards for Drive-In Facilities

#### 3.03.00 Off-Street Parking and Loading

3.03.01 Applicability

3.03.02 Off-Street Parking

3.03.03 Off-Street Loading Requirements

3.03.04 Design Standards for Off-Street Parking and Loading Areas

#### 3.04.00 Utilities

3.04.01 Requirements for All Developments

3.04.02 Design Standards

3.04.03 Utility Easements

#### 3.05.00 Stormwater Management

3.05.01 Stormwater Management Requirements

3.05.02 Design Standards

3.05.03 Dedication or Maintenance of Stormwater Management Systems

#### 3.06.00 Performance Standards Governing Waste and Emissions

3.06.01 General Provisions

3.06.02 Specific Standards

- 3.06.02.01 Vibration
- 3.06.02.02 Smoke
- 3.06.02.03 Noise
- 3.06.02.04 Dust and Dirt
- 3.06.02.05 Industrial Sewage and Waste
- 3.06.02.06 Hazardous Wastes
- 3.06.02.07 Odors
- 3.06.02.08 Glare
- 3.06.02.09 Fumes, Vapors and Gases
- 3.06.02.10 Heat, Cold, Dampness, or Movement of Air
- 3.06.02.11 Fire and Safety Hazard
- 3.06.02.12 Radioactive Emission
- 3.06.02.13 Electromagnetic Radiation

3.07.00 Compatibility, Landscaping and Buffering Standards

3.07.01 Classification of Land Uses

3.07.02 Landscaping

- 3.07.02.01 Selection of New Trees and Shrubs
- 3.07.02.02 Preservation of Existing Trees and Shrubs

3.07.03 Canopy Trees

3.07.04 Buffer Yards

- 3.07.04.01 Establishment of Buffer Yards
- 3.07.04.02 Buffer Yard Width and Landscaping Requirements
- 3.07.04.03 Buffer Yards Between Proposed Uses and Vacant Property

3.07.05 Installation, Irrigation and Maintenance

3.08.00 Development Standards for Uses Requiring a Sited Development Plan

3.08.01 Mobile Home Parks

- 3.08.01.01 Development Standards
- 3.08.01.02 Allowable Accessory Uses
- 3.08.01.03 Other Requirements

3.08.02 Multi-Family Residential

- 3.08.02.01 Cluster Development: Garden Homes, Town or Row Houses, Zero Lot Line Homes and Z-Lot Development

3.08.03 Lodging

- 3.08.03.01 Bed and Breakfast Inn
- 3.08.03.02 Boarding House

3.08.04 Retail Commercial, No Outdoor Storage or Activities

- 3.08.04.01 Mini-warehouse
- 3.08.04.02 Recreation, Indoor, Commercial

- 3.08.04.03 Shopping Center (150,000 SFGLA, or less)
- 3.08.05 Automotive
  - 3.08.05.01 Auto, Boat or Truck Sales, New or Used and/New Sales with Repair and Rental of Vehicles
  - 3.08.05.02 Service Station (Minor Automotive Repair)
  - 3.08.05.03 Major Auto, Boat or Truck Repairs, No Sales
  - 3.08.05.04 Auto Salvage Yard
- 3.08.06 Retail commercial, Outdoor, Commercial
  - 3.08.06.01 Recreation, Outdoor, Commercial
- 3.08.07 Public Service Facilities
- 3.08.08 Educational/Cultural Facilities
- 3.08.09 Farmworker Housing, Resident
- 3.09.00 Development Standards for Conditional Uses
  - 3.09.01 Retail Commercial, No Outdoor Storage: Shopping Center (>150,000 SFGLA)
  - 3.09.02 Motor Vehicle Sales, Repairs, and Rental Parts: Junkyards
  - 3.09.03 Light Industry: Airport or Aviation Uses
  - 3.09.04 Heavy Industry: Commercial Incinerator
  - 3.09.05 Heavy Industry: Landfill Operations
  - 3.09.06 Wireless Telecommunications, Data, and Antenna Facilities Siting Regulations
  - 3.09.07 Medical Marijuana Dispensaries/Pharmacies
- 3.10.00 Development Standards for Uses Permitted by Special Exception
  - 3.10.01 Single Family Residential: Garage Apartment
  - 3.10.02 Multi-Family Residential: Boarding House
  - 3.10.03 Lodging: RV Park/Campground
    - 3.10.03.01 General Requirements
    - 3.10.03.02 Environmental Requirements
    - 3.10.03.03 Tract Requirements
    - 3.10.03.04 Vehicle Site Requirements
    - 3.10.03.05 Recreational and Open Space Requirements
    - 3.10.03.06 Street System and Off-Street Parking Requirements
    - 3.10.03.07 Service Requirements
    - 3.10.03.08 Refuse Handling
    - 3.10.03.09 Service Buildings and Facilities
    - 3.10.03.10 General Operating Requirements
    - 3.10.03.11 Permit Procedures and Requirements
  - 3.10.04 Motor Vehicles Sales, Repairs, Rental Parts

- 3.10.04.01 Service Station (Minor Repair, No Sales)
- 3.10.04.02 Major Auto, Boat or Truck Repairs, No Sales
- 3.10.05 Retail Commercial, Outdoor Storage
  - 3.10.05.01 Recreation, Outdoor, Commercial
  - 3.10.05.02 Flea Market
- 3.10.06 Public Service Facilities – Power Lines (High Voltage)
- 3.10.07 Educational/Cultural Facilities: Private Kindergarten and Nursery Schools
- 3.10.08 Agricultural Uses

[RESERVED]

## ARTICLE 3

### DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

#### **3.01.00 General Provisions**

##### **3.01.01 Purpose**

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

##### **3.01.02 Responsibility for Improvements**

Unless otherwise specifically provided, all improvements required by this Article shall be designed, installed, and paid for by the Developer.

##### **3.01.03 Principals of Development Design**

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article 5 of this Code. All development shall be designed to avoid unnecessary imperious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

Further, the Administrative Official and/or their designee, in order to promote pedestrian and vehicular safety, minimize congestion, promote roadway aesthetics and maintain the functional capacity of the roads in the City of Fort Meade, shall have the authority to regulate the location of a structure regarding the building frontage on a lot or parcels of land which abut an arterial roadway and a collector, local or private street(s). This shall apply to all other corner lots within the City of Fort Meade that do not abut an arterial roadway.

#### **3.02.00 Transportation Systems**

##### **3.02.01 General Provision**

- (A) *Purpose.* This Section establishes minimum requirements applicable to the development of the transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to ensure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.
- (B) *Compliance with Technical Construction Standards.* All required elements of the transportation system shall be provided in compliance with engineering design and construction standards adopted by the City of Fort Meade.

##### **3.02.02 Right-of-Way Widths**

Right-of-way widths shall be consistent with the Comprehensive Plan, Transportation Element, and Policy 2.1 and shall be as follows:

|           | R/W Width   | Base Building Line |
|-----------|---|--------------------|
| Arterials | 150 feet  | 75 feet            |
| Collector | 100 feet  | 50 feet            |
| Local     | 70 feet (swale drainage)<br>40 feet (curb & gutter) | 35 feet<br>20 feet |

### 3.02.03 Street Design Standards

#### (A) General Design Standards

- (1) All streets in a new development shall be designated and constructed pursuant to all engineering design standards adopted by the City of Fort Meade. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.
- (2) The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
- (3) Streets shall be laid out to avoid environmentally sensitive areas.
- (4) No public streets shall be dedicated within 49 feet of the high-water elevation of any lake, except where public access to the lake is to be provided.
- (5) Private streets may be allowed within any development, provided they are designed and constructed pursuant to all engineering standards applicable to public roads of the same functional classification.
- (6) Private ownership of streets may be permitted with approval by the City Commission, if the developer, in writing, assures the City that these private improvements shall be kept in a satisfactory state of repair and maintenance by the developer or by legally established homeowners association, which shall be clearly stated on the face of the final plat.
- (7) The street lay out in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
- (8) Streets in proposed subdivisions shall be connected to the rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are un-platted, stub-outs in the new development shall be provided for future connection to the adjacent land.
- (9) Residential streets shall be arranged to discourage through traffic, but not eliminate it.
- (10) Streets shall intersect as nearly as possible at right angles and in no case shall be less than 80 degrees.

- (B) *Pavement Widths.* Pavement widths for each street classification shall be as provided in the following table:

| Type of Street | Curb and Gutter | No Curb and Gutter |
|----------------|-----------------|--------------------|
| Arterial       | 48 feet         | 44 feet            |
| Collector      | 31 feet         | 28 feet            |
| Local Road     | 25 feet         | 22 feet            |

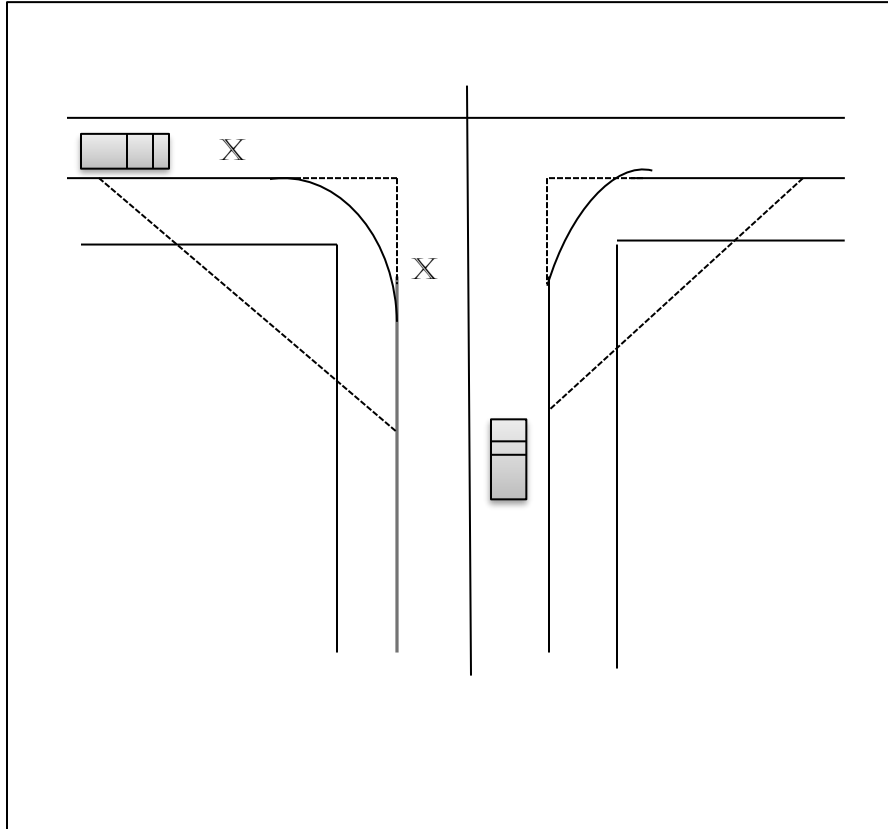
- (C) *Cul-de-sac Turnarounds and Alleys*

- (1) Cul-de-sacs. Permanent dead-end streets extending more than two lots or more than 125 feet shall provide a cul-de-sac turnaround, the location and specification of which shall be established by the Consulting City Engineer and the Fire Department.
- (2) An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 0 feet shall be provided at the terminus of every permanent cul-de-sac. Each cul-de-sac shall not exceed 250 feet in length.
- (3) Alleys. Alleys shall be provided in commercial and industrial districts or areas except that the Planning and Zoning Board may waive requirement where other definite and positive provisions are made for service access, off-street loading, unloading or parking.
  - a. Width. The width of any alley shall not be less than 10 feet and not more than 30 feet.
  - b. Intersections, direction changes. Alley intersections and sharp changes of direction shall be avoided. When necessary, all corners shall be rounded to a minimum radius of 20 feet to facilitate safe vehicular movement.
  - c. Dead ends. Dead end alleys shall be prohibited unless provided with a turnaround or cul-de-sac.

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

- (1) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and 10 feet above the grade, in the visibility triangle.
- (2) The clear visibility triangle shall be formed by extending a line from the back of the curb or the edge of pavement of two intersecting roadways to a point of

intersection; measuring a prescribed distance from the point in both directions and drawing the hypotenuse of the triangle (see the following drawing).



edge of the  
as (shown as

“X” in the diagram) shall be as follows:

| Type of Street | Distance from Center Line Intersection |
|----------------|--|
| Arterial       | 60 feet                                |
| Collector      | 50 feet                                |
| Local          | 50 feet                                |
| Driveway       | 50 feet                                |

- (4) Where roads of different functional classifications intersect, the distance for each street shall be used. For example, when a principal arterial and an urban collector intersect, there shall be no obstructions 60 feet along the principal arterial and 50 feet along the urban collector, from the intersection of the two streets.
- (E) *Signage and Signalization.* The developer shall deposit with the City sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City, based upon City or State traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each “T” intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street

name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

(F) *Blocks*

- (1) Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two tiers of lots of appropriate depths.
- (2) The lengths, widths, and shapes of blocks shall be consistent with adjacent areas.
- (3) Block lengths shall not exceed 1,000 feet in length or be less than 440 feet in length, except as may be approved by the Planning and Zoning Board.

(G) *Yards and Lots*

- (1) Clear Visibility Triangle. Obstructions to vision at street intersections shall not be allowed. See Section 3.02.03 (D), "Clear Visibility Triangle".
- (2) Front Yard Regulations for Double Frontage Lots. Double frontage lots shall, on both of the adjacent streets, meet the front yard regulations of the district in which they are located.
- (3) Yard Regulations for Corner Lots. Residential Corner Lot Setbacks can be found in Article 2, Section 2.03.03. Corner lots have two front yards and must meet the front yard setback for both.
- (4) Application of yards to one building only. No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.
- (5) Use of yards for accessory buildings. No accessory buildings are permitted in front yards. They are permitted in the rear or side yards according to the dimension and area regulations.
- (6) Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduce in area so that lot area, yard, width or other dimension and area regulations of this Code are not maintained. This Section shall not apply when a portion of a lot is acquired for a public purpose.

**3.02.04 Sidewalks and Bikeways**

*Design and Construction Standards.* Design and construction of sidewalks and bikeways shall conform to all applicable engineering requirements adopted by the City of Fort Meade, including provisions for access by physically handicapped persons.

- (A) Projects abutting collector or arterial facilities shall provide sidewalks adjacent to such roadways. Location of sidewalks shall be consistent with planned roadway improvements.
- (B) Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is 60 feet or less.
- (C) Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than 60 feet.

- (D) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
- (E) Residential projects adjacent to or in the immediate vicinity of commercial, office, service, schools or recreation activities shall provide sidewalks from the development to the activity center.
- (F) Pedestrian-ways or crosswalks, not less than 10 feet wide with a sidewalk meeting the requirements of this Section, may be required to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

**3.02.05 Access Points onto Streets**

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

(A) *Number of Access Points*

- (1) The maximum number of points of access permitted onto any one road shall be as follows:

| Lot Width Abutting Road | Number of Points of Access             |
|-------------------------|--|
| Less than 65 feet       | 1                                      |
| 65 feet to 200 feet     | 2                                      |
| Over 200 feet           | 2, plus 1 for each additional 200 feet |

- (2) In lieu of any two openings onto any one road, there may be permitted a single point of access up to a maximum width of 48 feet. When this alternative is elected, there shall be a permanent median at the center of the opening.
- (3) Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

(B) *Separation of Access Points*

- (1) There shall be a minimum distance of 12 feet, measured at the property line, between any two openings onto the same street.
- (2) No point of access shall be allowed within 40 feet of the intersection of the Right-of-way lines of any public road.
- (3) The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent driveway or roadway, at the property line.

(C) *Access to Residential Lots*

- (1) No residential lots having a width less than 125 feet shall abut an arterial without also directly abutting a local or collector street.
  - (2) No lot in a subdivision shall be approved with less than 40 feet of frontage on a public street right-of-way.
  - (3) All vehicular access points shall be at least five feet from all side or rear property lines.
- (D) *Access to Off-street Parking Spaces*
- (1) There shall be only one access point, not to exceed 48 feet in width; or, two access points, not to exceed 24 feet in width each, permitted on the street on which the off-street parking space is located. Requests for additional access points must go before the Board of Adjustment and Appeals.
  - (2) All off-street parking space access points on a street shall be located at least 50 feet, or two-thirds the distance of the lot frontage on the street, whichever is less, from the intersection of any right-of-way lines of streets or a street and a railroad and at least two and one-half feet from all side or rear property lines. There shall also be a minimum distance of 20 feet between any two access points serving the property.

**3.02.06 Standards for Queuing Lanes for Drive-in Facilities**

In addition to the number of parking spaces required, developments that provide drive-thru services shall provide queuing lanes to accommodate the stacking of vehicles. An area eight (8) feet in width by sixteen (16) feet in length shall be reserved for each car length required below.

**Queuing Lane Requirements**

| <b><u>Spaces in Queuing Lanes</u></b> |  |
|---------------------------------------|--|
| Use                                   | Number of Car Lengths                        |
| Restaurant                            | 6 car lengths                                |
| Financial Institution                 | 4 car lengths per window or automated teller |
| Dry Cleaner                           | 4 car lengths per window                     |
| Car Wash                              | 3 car lengths per wash bay                   |
| Retail Establishment                  | 4 car lengths per window                     |

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

- (A) The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to driveway access to streets and intersections.
- (B) The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
- (C) A by-pass lane shall be provided.

- (D) Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
- (E) Minimum stacking lane distance shall be as follows:
  - a. Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided that together total 200 feet.
  - b. All other uses shall have a minimum distance of 120 feet.
- (F) Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-in facilities.
- (G) Where turns are required in the exit lane, the minimum distance from any drive-in station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.
- (H) Construction of stacking lanes shall conform to all engineering design standards adopted by the City of Fort Meade.

[RESERVED]

### 3.03.00 Off-Street Parking and Loading

#### 3.03.01 Applicability

This Section shall apply to all new construction requiring off-street parking, and existing nonconforming parking facilities, if on-site renovation, construction or repair exceeds 50 percent of the addressed value of the property.

#### 3.03.02 Off-Street Parking

- (A) *Number of Required Spaces.* In all districts, off-street parking shall be provided as set forth in the following Table of Required Parking Spaces.
- (B) *Off-street Parking for the Physically Disabled.* This section shall apply to all new construction requiring off-street parking, and existing development with non-conforming parking facilities, if the change of use triggers a change in occupancy or square footage by ten 10% or more. All zoning districts, with the exception of residential properties requiring 25 or fewer parking spaces, shall comply with the requirements of the following:

| Off-Street Parking Requirements for the Physically Disabled |  |
|---|--|
| Total Parking Spaces in Lot                                 | Required Minimum Number of Accessible Spaces |
| 1 to 25   | 1  |
| 26 to 50  | 2  |
| 51 to 75  | 3  |
| 76 to 100   | 4  |
| 101 to 150  | 5  |
| 151 to 200  | 6  |

- (1) Parking spaces for persons with disabilities shall comply with Florida Statutes
  - (2) Each parking space shall be no less than twelve (12) feet wide.
  - (3) Parking access aisles shall be no less than five (5) feet wide and must be part of an accessible route to the building or facility. In accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), access aisles shall be placed adjacent to the accessible parking spaces; however, two (2) accessible parking spaces may share a common access aisle. The access aisle shall be striped diagonally to designate it as a no-parking zone.
  - (4) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to entrances. Curbs adjacent to such spaces shall be a height which will not interfere with the opening and closing of motor vehicles.
  - (5) Curb ramps shall be located outside of the disabled parking spaces and access aisles.
- (C) *Exceptions to Off-street Parking Spaces Required for uses in Historic Structures.* Upon approval of a site plan by the Development Director, off-street parking may be waived or reduced, provided the following determinations are made:

- (1) Construction of the required spaces on-site would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area;
- (2) The required spaces cannot be reasonably provided. In residential zoning districts and in conjunction with historic structures, parking may be allowed on the street, if the character of the neighborhood is not altered;
- (3) The principle building and use proposed is not designed or oriented to providing sales or services to persons remaining in vehicles;
- (4) Construction of the required space would detract from the overall shopping desirability of the adjoining buildings and premises and would result in the incompatible mixing of vehicles, buildings and pedestrian shoppers;

| Land Use and/or Building Type  | Per Unit          | Per 1,000 SFGFA* Or SFGLA* | Per Student/Member Seat/Employee/Etc. |
|--|-------------------|----------------------------|---------------------------------------|
| <b>Residential, Group Care and Lodging</b>   |                   |                            |                                       |
| Single family dwelling unit  | 1.0               |                            |                                       |
| Duplexes   | 1.0               |                            |                                       |
| Multi-family units   | 1.5               |                            |                                       |
| Adult congregate living facility   | 0.7               |                            |                                       |
| Bed and Breakfast inn, per room rented<br>Plus, one space for owner                        |                   |                            | 1.0<br>1.0                            |
| Boarding house, per room rented<br>Plus, one space for Resident Manager                    |                   |                            | 1.0<br>1.0                            |
| Hospital, per bed  |                   |                            | 2.0                                   |
| Hotel and motel<br>Plus, per Resident Manager<br>Plus, per Restaurant Seat                 | 1.1<br>1.0<br>0.2 |                            |                                       |
| Nursing home, per bed  |                   |                            | 0.7                                   |
| <b>Commercial, Professional and Office Uses</b>  |                   |                            |                                       |
| Antique store, per 100 s.f. of building  |                   | 0.8                        |                                       |
| Auto, Boat or Truck establishments, per 100 s.f. of building<br>Plus, per regular employee |                   |                            | 0.5<br>1.5                            |
| Bank with drive-through  |                   | 3.0                        |                                       |
| Banks without drive-through  |                   | 2.5                        |                                       |
| Bowling alley, per lane  |                   |                            | 4.5                                   |
| Building materials establishments, per 100 s.f. of building<br>Plus, per regular employee  |                   |                            | 0.6<br>1.5                            |
| Fast food restaurant with drive-in, per seat   |                   |                            | 0.5                                   |

|   |  |     |     |
|---|--|-----|-----|
| Furniture store                                     |  | 1.5 |     |
| Convenience store, per 100 s.f. of building         |  |     | 0.8 |
| General retail sales                                |  | 4.0 |     |
| Laundry & dry-cleaning plants, per regular Employee |  |     | 2.0 |
| Medical, dental, optical, chiropractor Office       |  | 3.0 |     |
| Medical clinic and professional buildings           |  | 4.5 |     |
| Office (less than 3,000 SFGFA)                      |  | 3.0 |     |
| Office (more than 3,000 SFGFA)                      |  | 2.5 |     |
| Putt-putt golf, per hole                            |  |     | 1.0 |

| Land Use and/or Building Type                                      | Per Unit | Per 1,000 SFGFA* Or SFGLA** | Per Student/Member Seat/Employee/Etc. |
|--|----------|-----------------------------|---------------------------------------|
| Restaurant, per seat   |          |                             | 0.4                                   |
| Restaurant with lounge, per seat                                   |          |                             | 0.5                                   |
| Shopping Center  |          | 4.0                         |                                       |
| Supermarket and discount store                                     |          | 3.5                         |                                       |
| Theaters, freestanding, per seat                                   |          |                             | 0.3                                   |
| <b>Day Care and Schools</b>  |          |                             |                                       |
| Day care center/school, per employee                               |          |                             | 1.3                                   |
| Elementary and junior high school, per Teacher                     |          |                             | 1.2                                   |
| Senior high school, per student                                    |          |                             | 0.4                                   |
| University or college, per daytime student                         |          |                             | 1.0                                   |
| <b>Industrial Uses</b>   |          |                             |                                       |
| Industrial park with offices                                       |          | 1.8                         |                                       |
| Light industry   |          | 1.8                         |                                       |
| Manufacturing  |          | 1.0                         |                                       |
| Warehousing and distribution centers                               |          |                             | 1.0                                   |
| <b>Other Uses</b>  |          |                             |                                       |
| Cultural facility; or Land area devoted to assembly or visitor use |          | 0.03<br>0.1                 |                                       |
| Church, per seat in sanctuary                                      |          |                             | 0.3                                   |
| Recreation clubs (golf, yacht, etc.), per Member                   |          |                             | 0.2                                   |

\*Square Feet, Gross Floor Area (SFGFA) is defined as the total floor area of a building from its outside dimensions.

\*\* Square Feet, Gross Leasable Area (SFGLA) is defined as the floor area of a building, less administrative, public and similar areas.

(D) Special Parking Restrictions in Residential and Commercial Districts

- (1) *Parking of Commercial Vehicles.* Parking of commercial vehicles (truck, tractor trailer or the like) that exceed 4,000 pounds (a two-ton axle) is prohibited in all residential districts and overnight parking is prohibited on all commercial property that is vacant and/or unoccupied unless specifically designated for that commercial parking.

Parking of vehicles that are for hire or lease are prohibited in all districts unless a site plan has been approved by the Planning and Zoning Board in the appropriated zoning district and a Business Tax Receipt has been applied for and approved.

The City Commission may designate a city parking lot that can be used for the overnight and weekend parking of commercial vehicles. The City assumes no liability for the safety of any vehicle or its contents; and no commercial vehicle shall be abandoned at the designated lot.

- (2) *Parking of Boats and Recreational Vehicles.* Within any residential district, recreational vehicles (including collapsible camper trailers), utility trailers, boats on trailers and/or any other trailers may be parked for storage purposes only within the side yard area not less than five feet from the rear property line. No recreational vehicle or boat may be parked between any public street and the living area of the principle building, except on the designated paved driveway.

Parking of boats, recreational vehicles and trailers including but not limited to utility or any other trailers are prohibited in commercial districts unless otherwise specifically designated for said use.

- (3) Parking of any vehicle for sale on vacant and/or unoccupied commercial property now owned by seller of vehicle shall require written, notarized permission from property owner and shall be provided to the Planning Office before placement of vehicle on the property. Only one (1) vehicle may be displayed for sale at any one given time on commercial and/or residential property unless specifically designated for the sale of vehicles.

(E) Bicycle Parking

- (1) One bicycle space shall be provided for every 10 automobile parking spaces, or fraction thereof, required for the use, except as provided below:

| Use                        | Required Bicycle Spaces     |
|----------------------------|-----------------------------|
| <b>Educational</b>         |                             |
| Elementary and Junior High | 5.0 per required auto space |
| Senior High Schools        | 1.0 per required auto space |
| Colleges                   | .5 per required auto space  |

| <b>Entertainment and Recreation</b>                                   |                             |
|---|-----------------------------|
| Arcades, games, skating, tennis, handball, racquetball, swimming pool | .25 per required auto space |

(2) Design Standards

- a. The Development Director shall maintain a list of approved bicycle parking facilities.
- b. Other bicycle parking devices may be used if it is established to the satisfaction of the Department that the standards below are met.
- c. The rack or other facility shall:
  - 1) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
  - 2) Be designed to avoid damage to the bicycles.
  - 3) Be anchored to resist removal and solidly constructed to resist damage by corrosion and vandalism.
  - 4) Be located to prevent damage to bicycles by cars,
  - 5) Be located so as not to interfere with pedestrian movements.

(F) *Location of Parking Spaces.* Parking spaces required by this Section shall be located as follows:

- (1) Parking spaces required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of single-family residences, except as normally exists in driveways.
- (2) Parking spaces for all other dwellings shall be located on the same development site as the main building.
- (3) Parking requirements for two or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.

(G) *Required Parking Lot Improvements.* Any off-street parking lot serving any use other than dwellings of two units per building or less shall meet the following requirements for off-street parking lot improvements:

- (1) The parking area will be buffered and canopy provided pursuant to Section 3.07.00.
- (2) For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be provided with a stabilized surface and shall be so graded and drained as to provide for the adequate runoff and disposal of surface

water, and shall be constructed in accordance with standards of the City Engineer.

- (3) Where lighting facilities are provided for the parking area, they shall be designed and installed so as to direct the light away from any contiguous residential property.
- (4) All automobile and truck parking, loading and unloading spaces and access thereto shall be surfaced in a stable manner.

### **3.03.03 Off-Street Loading Requirements**

Off-street loading spaces shall be provided in accordance with the following standards:

- (A) Every hotel, hospital, institution, commercial or industrial building or similar use shall be provided with one loading space for each 10,000 s.f. or more of floor area, and requiring the receipt or distribution by vehicles of materials or merchandise shall have at least one permanent off-street loading space for each 10,000 s.f. of gross floor area, or fraction thereof, immediately adjacent to the principle building. The free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- (B) Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than 10,000 s.f. shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- (C) Every off-street loading and unloading space shall have a direct access to a public street or alley, and shall have the following minimum dimensions:
  - a. Depth: 40 feet;
  - b. Width: 12 feet;
  - c. Overhead Clearance: 14 feet.
- (D) Manufactured home and recreational vehicle sales establishments shall provide adequate space off the public right-of-way for the maneuvering of manufactured homes and recreational vehicles into position on the property without blocking traffic on the abutting street or road.

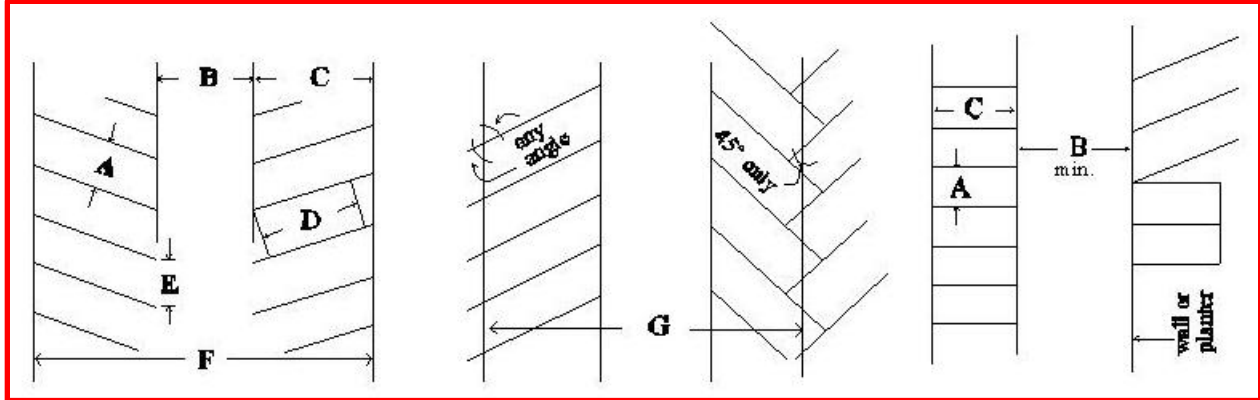
### **3.03.04 Design Standards for Off-Street Parking and Loading Areas**

- (A) *Location.* All required off-street parking spaces shall be located on the same parcel as the use which they serve. If required vehicle parking or storage space cannot be reasonable provided on the same lot with the principal use, such space may be provided on other off-street property provided this property is within four hundred (400) feet of the principal use and greater than thirty (30) feet in length and provided that such property is under the same ownership or control as the principal use. No curb cut may be constructed closer than twenty (20) feet to another curb cut. Where curbs do not exist, these limitations shall be observed at such time as curbs may be installed.

- (1) Parking spaces required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley or walkway.
  - (2) There shall be no off-street parking in the front yards of single-family residences and duplexes, except as normally exists in driveways.
  - (3) Parking spaces for all dwellings, including apartments, townhouses, and condominiums shall be located on the same lot with the main building.
  - (4) Parking requirements for two (2) or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.
- (B) *Size.* Standard and compact parking spaces for varying parking lot designs shall be sized according to Figure A below.
- (1) Parallel parking spaces shall be a minimum of eight feet wide and 22 feet long. If a parallel space abuts no more than one other parallel space, and adequate access room is available, then the length may be reduced to 20 feet.
  - (2) Tandem parking spaces must be a minimum of nine feet wide and 20 feet long.
  - (3) A standard motorcycle parking space shall be four feet wide and nine feet long.
  - (4) The length of one or more of the loading spaces shall be increased up to 55 feet, if full-length tractor-trailers must be accommodated.

Figure A

| Angle   | Stall Width<br>(A,E) | Stall Depth<br>(C) | Stall Depth<br>to Interlock<br>(D) | Aisle Width<br>(B) | Modules -<br>Interlock to<br>Interlock<br>(G) | Modules –<br>Wall to<br>Wall<br>(F) |
|---|----------------------|--------------------|------------------------------------|--------------------|---|-------------------------------------|
| 45  | 9.0/9.5              | 19.5               | 16.5                               | 12                 | 45  | 51                                  |
| 60  | 9.0/9.5              | 20.5               | 18.5                               | 16                 | 53  | 57                                  |
| 75  | 9.0/9.5              | 20                 | 19                                 | 20                 | 58  | 60                                  |
| 90  | 9.0/9.5/10           | 18.5               | 18.5                               | 58/23.5/22         | 62/62.5/59                                    | 62/60.5/59                          |
| A minimum aisle width of 22 feet is required for two-way traffic; twelve (12) feet is required for one-way traffic. Parking stalls shall be measured from the edge of pavement to the top of the stall on the same angle as the stripe. The width of the stalls shall be measured from the center of a stripe to the center of the next strip. The measurement shall be taken perpendicular to the stripes. |                      |                    |                                    |                    |   |                                     |
| (A) depicts how minimum stall width is measured<br>(B) depicts how minimum aisle width is measured<br>(C) depicts how minimum corridor space depth is measured<br>(D) depicts how minimum stall depth is measured<br>(E) depicts how minimum stall width at aisle is measured<br>(F) depicts how a minimum wall to wall module is measured<br>(G) depicts how a minimum interlocking module is measured     |                      |                    |                                    |                    |   |                                     |



- (C) *Layout.* Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
- (1) Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
  - (2) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence may be counted as meeting the parking space requirements for the dwelling unit, provided it is at least 20 feet in length.
  - (3) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces.
  - (4) Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
  - (5) No parking space shall be located so as to block access by emergency vehicles.

### 3.04.00 Utilities

#### 3.04.01 Requirements for All Developments

Utility easements shall not be less than 15 feet wide or 7.5 feet on each side of a lot. The following basic utilities are required for all developments subject to the criteria listed herein:

- (A) *Water and Sewer.* Every principal use and every lot within a newly platted subdivision shall have central potable water and wastewater hookup whenever required by the Comprehensive Plan and where the topography permits the connection to a public water or sewer line by running a connecting line no more than 200 feet from the lot to such line.
- (B) *Stormwater and Drainage.* Where a lot is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and width adequate for its purpose, access and maintenance. Parallel streets or parkways may be required in connection therein.
- (C) *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with design standards adopted by the City of Fort Meade.

- (D) *Electricity, Communication and Cable Television.* Every principal use and every lot within a subdivision shall have available to it a source of electric power, telephone and cable television adequate to accommodate the reasonable needs of such use and every lot within such subdivision, and shall be placed underground, except as follows:
- (1) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets; and
  - (2) Poles supporting only street lights.
  - (3) Upon written application of the owner or sub divider, the City Commission may, by resolution, waive or modify any provisions for underground requirements.
- (E) *Illumination.* All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting design standards adopted by the City of Fort Meade.

#### **3.04.02 Design Standards**

- (A) *Compliance with Technical Construction Standards.* All utilities required by this Chapter shall meet or exceed minimum design standards adopted by the City of Fort Meade.
- (B) *Placement of Utilities Underground*
- (1) All electric, telephone, cable television, and other communication lines (exclusive for transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that 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 City's adopted design standards.
  - (2) At the discretion of the Development Director, 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 services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.
  - (3) Screening of any utility apparatus placed above ground shall be required.

#### **3.04.03 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.

#### **3.05.00 Stormwater Management**

Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas. The stormwater treatment system or systems can be project specific, or serve sub-areas within the County. The design and performance of all stormwater

management systems shall comply with applicable State Regulations (Chapter 17-25 and Chapter 17-302, Florida Administrative Code) and the rules of the SWFWMD stated in Chapter 40D-4, F.A.C. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C. Steps to control erosion and sedimentation shall be taken for all development.

### **3.05.01 Stormwater Management Requirements**

(A) *Performance Standards.* All development must be designed, constructed and maintained to meet the following performance standards:

- (1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one inch of stormwater runoff shall be treated in an off-line retention system or according to FDEP's Best Management Practices.
- (2) Maintenance activity may be undertaken so long as it does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- (3) Actions may be undertaken during emergency conditions that violate these regulations to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes or other hazards. Upon cessation of the emergency, all activities shall conform to this Section.
- (4) Agriculture activity may be engaged in, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service Conservation Plan. If the Conservation Plan is not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.

(B) *Residential Performance Standards.* It is intended that all of the standards in the citations from the Florida Administrative Code are to apply to all development and redevelopment and that exemptions based on project size thresholds and individual structures do not apply for concurrency determinations. All development must meet F.A.C. and subsequently meet the following performance standards.

- (1) **New Construction.** For the purposes of determining whether residential development of 1-4 units on an individual lot requires retention, all the following standards must be met.
  - a. Structure and all impervious surface can be placed less than 100 feet from the receiving water body; and,
  - b. the topography of the lot is greater than a 6% slope; and,
  - c. the total of all impervious surface is 25 % or more for buildings and paved areas of the total lot area.

- (2) Infill development. Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when the following condition has been met:
  - a. Infill residential development shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

### **3.05.02 Design Standards**

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

- (A) Detention and retention systems shall be designed to comply with the FDEP's Best Management Practices.
- (B) To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
- (C) The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
- (D) The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.
- (E) The design and construction of the proposed stormwater management system shall be certified as meeting applicable requirements, by a professional engineer registered in the State of Florida.
- (F) No surface water may be channeled or directed into a sanitary sewer.
- (G) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
- (H) The banks of detention and retention areas shall be sloped at no less than a 3:1 ratio and shall be planted with appropriate vegetation.
- (I) Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
- (J) Natural surface waters shall not be used as sediment traps during or after development.
- (K) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
- (L) Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
- (M) In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.

- (N) All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

### **3.05.03 Dedication or Maintenance of Stormwater Management Systems**

If stormwater management system approved under this Code will function as an integral part of a City-maintained drainage system, as determined by the City Engineer, the facilities may be dedicated to the City of Fort Meade. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity. All stormwater management systems that are not dedicated to the City shall be operated and maintained by one of the following entities:

- (A) The property owner or developer if:
  - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs A-D above will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future; or
  - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted;
- (B) For-profit or non-profit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:
  - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility; or
  - (2) The association has sufficient powers reflected in its organizational or operations documents to operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above;
- (C) An active water control district created pursuant to Chapter 298, Florida Statutes, or drainage district created by special act, or Community Development District created pursuant to Chapter 190, Florida Statutes, or Special Assessment District created pursuant to Chapter 170, Florida Statutes;
- (D) A State or Federal agency;
- (E) An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility; or
- (F) Polk County.

If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation and maintenance entity shall

have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project. In phased developments that have an integrated stormwater management system, but employ independent operation and maintenance entities for different phases, such entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

### **3.06.00 Performance Standards Governing Waste and Emissions**

#### **3.06.01 General Provisions**

All uses shall conform to the standards of performance described in this Section and shall be constructed, maintained and operate so 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 100 feet of a residential district, all processes and storage, except for vehicle parking, shall be in completely closed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least six feet in height. Where other ordinances or regulations (whether federal, state, or local) that may be adopted hereinafter impose greater restrictions than those specified herein, compliance with such other ordinances and regulations is mandatory.

#### **3.06.02 Specific Standards**

##### **3.06.02.01 Vibration**

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 U.S Bureau of Mines Bulletin No. 442. The equations of such bulletin shall be used to determine the values of enforcement.

##### **3.06.02.02 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 Ringelmann Smoke Chart; provided, however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann 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 Ringelmann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, shall be standard. All measurements shall be at the point of emission. Smoke emission must comply with applicable rules of the FDEP.

##### **3.06.02.03 Noise**

No relative increase of 5dBA or greater is allowed as determined by the existing noise background level.

#### **3.06.02.04 Dust and Dirt**

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter that may cause damage to property and health of persons or animals at or beyond the lot line of the property on which the use is located. Emissions must comply with applicable FDEP rules.

#### **3.06.02.05 Industrial Sewage and Waste**

Every use shall be so operated as to prevent the discharge into any stream, lake or the ground of any waste that will be dangerous or discomforting to persons or animals or that will damage plants or crops beyond the lot line of the property on which the use is located. Industries shall comply with applicable FDEP rules.

#### **3.06.02.06 Hazardous Wastes**

The handling and discharge of all hazardous waste shall follow all applicable standards established by the County health department, State Legislature and the U.S. Congress. Appropriate City officials shall review all procedures involving the handling and discharge of all hazardous waste to ensure that it does not create any safety or health problems.

#### **3.06.02.07 Odors**

Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. There is hereby established, as a guide in determining the quantities of offensive odors, Table III, Chapter 5, Air Pollution Abatement Manual of the Manufacturing Chemists Association, Inc., Washington, DC.

#### **3.06.02.08 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 line of the property on which the use is located. Buffering may provide a means of meeting this standard.

#### **3.06.02.09 Fumes, Vapors and Gases**

There shall be no emission of fumes, vapors, or gases of a noxious, toxic or corrosive nature that can cause any danger or irritation to health, animals, vegetation, or to any form of property.

#### **3.06.02.10 Heat, Cold, Dampness, or Movement of Air**

Activities that shall produce any adverse effects on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

#### **3.06.02.11 Fire and Safety Hazard**

Each use shall be operated so as to minimize the danger from fire and explosion. The specific regulations to be met are set forth in the building code and the fire prevention code of the City.

#### **3.06.02.12 Radioactive Emission**

There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S Bureau of Standards.

### **3.06.02.13 Electromagnetic Radiation**

- (A) *Compliance with FCC Regulations.* No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, such operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or radiators of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content.
- (B) *Evaluation of Performance.* The determination of abnormal degradation in performance and good quality and proper design shall be made in accordance with good engineering practices as defined in the principals and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturer's Association. In case of any conflict between the latest standards and principals of the above groups, the following precedence in the interpretation of the standards and principals shall apply: (1) American Institute of Electrical Engineers; (2) Institute of Radio Engineers; (3) Radio Manufacturer's Association.

Recognizing the special nature of many of the operation that may be conducted in connection with research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1000 watts.

[RESERVED]

### **3.07.00 Compatibility, Landscaping and Buffering Standards**

The City Commission finds that landscaping makes important contributions to the public safety and the general welfare of the City. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees, buffer yards, the conservation of native plants and trees and the conservation of water resources in the City. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land uses on adjacent land.

It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally, in protecting the health, safety and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the City of Fort Meade shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses.

#### ***The requirements of this Section shall apply to:***

- (A) The construction of any new building or improvements that require off-street parking and other impervious surfaces to be constructed on the site, other than a single-family, detached residence where the alteration adds usable floor area that requires additional off-street parking and other impervious surfaces to be constructed on the site.
- (B) The alteration of existing structures or improvements, other than a single-family, detached residence where the alteration adds usable floor area that requires additional off-street parking and other impervious surfaces to be constructed on the site.
- (C) The construction or expansion of off-street parking and/or loading areas.
- (D) The paving of any existing unpaved off-street parking and/or loading areas.

#### ***Exemptions:***

- (A) A single-family, detached residence that is exempt from all provisions of this Section, except the requirement of one canopy tree per lot. One canopy tree of 8 to 10 feet in height and 3 inches in diameter at the time of planting is required for each new residential unit; and shall be planted no closer than five feet to any paved surface to keep the roots of the tree from breaking up the pavement.
- (B) The Historic Zoning District is exempt from all provisions of this Section. See regulations for this District in Article 2, Section 2.05.02.11

#### ***Installation of Plants:***

- (A) Prior to the issuance of any Certificate of Occupancy, **all landscaping must be in place.**
- (B) ***Landscape Plan Required.*** For development requiring a landscape plan: Prior to issuance of any Development Permit, the Landscape Plan shall be submitted and approved, showing tree canopy and buffer yard information required by this Section. The Landscape Plan shall be drawn to a scale with sufficient clarity and detail to indicate the type, nature and character of the improvements on the site, and the relative location of all landscaping in relation to said improvements. The Landscape Plan may be submitted separately, but shall be a part of the Site Development Plan, when a Site Development Plan is required under Section 7.05.00.

- (C) At the discretion of the Development Director, installation of plants may be postponed to the period of the year most appropriate for planting the particular species. If this requirement results in the planting of some or all of the landscaping subsequent to development approval, **a performance bond shall be posted** prior to the issuance of a Certificate of Occupancy, in an amount sufficient to ensure that the required landscaping is installed.

**3.07.01 Classification of Land Uses**

For the purposes of this Section, all land uses are classified in accordance with the following list. Classifications are based upon the incompatibilities present between various types of land uses. Uses with similar density, intensity, off-street parking, paved areas, and traffic generation make up Classifications I through IX.

| LAND USE CLASSIFICATIONS |  |
|--------------------------|--|
| Class                    | Land Use   |
| I                        | Single-family detached dwellings, including mobile homes on platted lots.  |
| II                       | Duplex, single family attached mobile home parks and multi-family residential developments not exceeding 4 units per acre; outdoor recreation facilities; and cemeteries.  |
| III                      | Professional offices with no more than 8 off-street parking spaces; and child care centers in converted residential structures.  |
| IV                       | Duplex, single-family attached mobile home parks and multi-family residential developments at a density of more than 8 units per acre; substations, switching stations, or transfer facilities for electric power, natural gas, telephone and cable television service.                          |
| V                        | Mobile home parks, single family attached, and multi-family residential developments at a density of more than 8 units per acre; substations, switching stations, or transfer facilities for electric power, natural gas, telephone and cable television service.                                |
| VI                       | Professional offices with 9 or more off-street parking spaces; churches; schools; government buildings and facilities (excluding water and sewer treatment and public works storage and equipment facilities); and commercial development sites with not more than 10 off-street parking spaces. |
| VII                      | All retail, wholesale, service, and supporting business uses not already classified; full-service automobile service stations; shopping centers; motels and hotels; and hospitals.   |
| VIII                     | Light industrial uses; governmental public works storage and equipment facilities.   |
| IX                       | Heavy industrial uses; electric and solar power generation facilities, water and sewer treatment facilities.   |
| X                        | US 17, US 98   |

**3.07.02.01 Selection of New Trees and Shrubs**

Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the City are listed in Tables 3.07A through 3.07C. Canopy areas shown in Table 3.07A are for the mature growth canopy of each tree that shall be the credit for

canopy at the time of planting. In order to satisfy the requirements of this Section, trees and shrubs from these lists must be selected for new landscape installations. In addition:

- (A) All plants shall be “Florida No. 1” or better, shall be healthy and free of diseases and pests, and shall be selected from Tables 3.07A through 3.07C.
- (B) Canopy trees shall not be less than 8 to 10 feet in height and 3 inches in diameter at the time of planting. Small trees shall be a minimum of 4 to 6 feet in height and 1.5 inches in diameter at the time of planting;
- (C) Palm trees may not be counted as canopy trees, as they provide little or no shade, but they may be counted as shrubs in buffer strips;
- (D) Canopy trees must reach a minimum of 25 feet at maturity;
- (E) Shrubs shall not be less than 24 inches at planting, with the capability of reaching maturity within two years;
- (F) Vines, when used in conjunction with fences, screens or walls, shall cover a minimum of 30 square inches and maintain a minimum of 2.5 feet in height one year after planting;
- (G) Ground covers used in lieu of grass shall provide full coverage within one year from planting; and
- (H) Mulch shall consist of a minimum of three inches of chipped material or two inches of rock and shall be required in all landscaped areas. A pre-emergent herbicide or weed barrier cloth shall be incorporated at the time of planting; and
- (I) Grass seed shall be sown for immediate effect and solid sod shall be used in areas subject to erosion (slopes of 6:1 or greater).

**3.07.02.02 Preservation of Existing Trees and Shrubs**

An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 3.07A, whichever is greater. When a buffer is to be provided by preserving existing trees and shrubs, all healthy species growing in the location shall be acceptable to the City, and shall be maintained in their natural setting.

- (A) Unless otherwise provided in this section, the minimum number of trees, exclusive of buffers, to be planted or preserved upon each lot is as follows:

|   |                       |
|---|-----------------------|
| Residential zoning districts            | 1 tree per 5,000 s.f. |
| Mobile Home Parks, RV Parks/Campgrounds | 8 per acre            |
| Commercial zoning districts             | 6 per acre            |
| Industrial zoning districts             | 4 per acre            |

- (B) Credits for Existing Trees. Where trees are required under this Section, credit for the use of existing trees shall be given according to the tree size as provided in the following table:

| Crown Spread<br>(in Feet) | Avg. Diameter at 4.5 feet above the<br>Ground (in Inches) | Number of Credits |
|---------------------------|---|-------------------|
| 90 or more                | 35 or more  | 7                 |
| 60-89                     | 30 to 34  | 6                 |
| 50-59                     | 25 to 29  | 5                 |
| 40-49                     | 20 to 24  | 4                 |
| 30-39                     | 15 to 19  | 3                 |
| 20-29                     | 10 to 14  | 2                 |
| 5-19                      | 2 to 9  | 1                 |

### 3.07.03 Canopy Trees

- (A) Canopy trees shall be required for the purpose of shading impervious surfaces associated with all new development in the City. One canopy tree of 8 to 10 feet in height and 3 inches in caliper at the time of planting is required for each new residential unit; and shall be planted no closer than five feet to any paved surface. One canopy tree of 6 to 8 feet in height and 3 inches in caliper at the time of planting is required for each new commercial and/or industrial development ever 100' with spacing every 25' on center as part of the required buffer.
- (B) This subsection requires the calculation of the total impervious surface on a given site, including structures, parking areas, loading zones, sidewalks and other paved surfaces, with the exception of swimming pool decks and aprons and the shading of **one-third of that total** impervious surface.
- (C) To standardize the calculation, each paved parking space shall be considered to be 20 feet by 10 feet. Therefore, to shade an entire space, a tree with a canopy of at least 200 s.f. is required.
- (D) Canopy trees shall be selected from Table 3.07A and planted no closer the **five feet** to any paved surface, to minimize root damage to the paved surface.
- (E) Planting areas for canopy trees shall be no less than **100 s.f.** in area, to provide adequate room for the tree to reach maturity.
- (F) Planting areas under canopy trees shall be planted in compatible shrubs from Table 3.07C or ground cover, **but not planted grass.**

**Table 3.07A, Canopy Trees**

| Species             | Common Name            | Height<br>(feet) | Canopy<br>(s.f.) |
|---------------------|------------------------|------------------|------------------|
| Acer rubrum         | Red maple              | 35-50            | 500              |
| Carya glabra        | Pignut hickory         | 80-100           | 700              |
| Carya illinoensis   | Pecan                  | 60-100           | 700              |
| Carya tomentosa     | Mockernut hickory      | 80-100           | 700              |
| Celtis laevigata    | Sugarberry (hackberry) | 40-60            | 1,300            |
| Cinnamomum camphora | Camphor                | 40-50            | 700              |

|  |                    |        |       |
|--|--------------------|--------|-------|
| <i>Fraxinus caroliniana</i>              | Pop ash            | 40-60  | 500   |
| <i>Liquidambar styraciflua</i>           | Sweetgum           | 60-100 | 500   |
| <i>Magnolia grandiflora</i>              | Southern magnolia  | 50-100 | 500   |
| <i>Pinus clausa</i>                      | Sand pine          | 60-80  | 500   |
| <i>Pinus elliottii</i>                   | Slash pine         | 80-100 | 500   |
| <i>Pinus elliottii</i> var. <i>densa</i> | South florida pine | 80-100 | 500   |
| <i>Pinus palustris</i>                   | Longleaf pine      | 80-100 | 500   |
| <i>Platanus occidentalis</i>             | Sycamore           | 50-80  | 700   |
| <i>Quercus laurifolia</i>                | Laurel oak         | 60-100 | 970   |
| <i>Quercus nigra</i>                     | Water oak          | 60-100 | 700   |
| <i>Quercus virginiana</i>                | Live oak           | 50-60  | 2,000 |
| <i>Tilia caroliniana</i>                 | Carolina basswood  | 50-60  | 500   |
| <i>Ulmus slata</i>                       | Winged elm         | 20-25  | 500   |
| <i>Ulmus americana</i>                   | Florida elm        | 80-10  | 700   |

**Table 3.07B, Small Trees for Buffer Yards**

| Species                       | Common Name              | Height (feet) | Canopy (s.f.) |
|-------------------------------|--------------------------|---------------|---------------|
| <i>Baccharis halimifolia</i>  | Grounseel tree salt bush | 7-12          | 50            |
| <i>Betula nigra</i>           | River birch              | 45-65         | 200           |
| <i>Callestemon viminalis</i>  | Weeping bottlebrush      | 15-20         | 80            |
| <i>Carpinus caroliniana</i>   | American hornbeam        | 25-35         | 120           |
| <i>Carya folridana</i>        | Scrub hickory            | 10-20         | 120           |
| <i>Chionanthus virginicus</i> | Fringe tree              | 15-25         | 80            |
| <i>Cornus florida</i>         | Flowering dogwood        | 20-30         | 200           |
| <i>Crataegus</i>              | Hawthorne                | 15-20         | 120           |
| <i>Eriobotrya japonica</i>    | Loquat, japanese plum    | 15-20         | 80            |
| <i>Eucalyptus cinerea</i>     | Silver dollar eucalyptus | 15-25         | 120           |
| <i>Gleditsia aquatic</i>      | Water locust             | 40-60         | 180           |
| <i>Gordonia lasianthus</i>    | Loblolly bay             | 30-40         | 200           |
| <i>Ilex attenuata</i>         | East palatka holly       | 25-30         | 200           |
| <i>Ilex cassine</i>           | Dahoon holly             | 25-30         | 200           |
| <i>Ilex opaca</i>             | American holly           | 30-45         | 200           |
| <i>Juniperus silicicola</i>   | Southern red cedar       | 25-30         | 120           |
| <i>Koelreuteria elegans</i>   | Golden rain tree         | 30-50         | 320           |
| <i>Lagerstroemia indica</i>   | Crepe myrtle             | 15-25         | 120           |
| <i>Magnolia viginiana</i>     | Sweetbay myrtle          | 30-60         | 200           |
| <i>Osmanthus americana</i>    | Wild Olive, devilwood    | 15-30         | 50            |
| <i>Osmanthus megacarpa</i>    | Scrub olive              | 12-15         | 80            |

|                      |                        |        |     |
|----------------------|------------------------|--------|-----|
| Parkinsonia aculeata | Jerusalem thorn        | 20-30  | 200 |
| Persea borbonia      | Red bay                | 20-60  | 120 |
| Prunus caroliniana   | Cherry laurel          | 30-40  | 120 |
| Prunus serotina      | Wild black cherry      | 50-65  | 320 |
| Quercus chapmanii    | Chapman oak            | 15-20  | 180 |
| Quercus geminata     | Sand Live oak          | 15-30  | 120 |
| Quercus incana       | Bluejack oak           | 20-30  | 120 |
| Quercus laevis       | Turkey oak             | 40-50  | 180 |
| Quercus myrtifolia   | Myrtle oak             | 15-20  | 80  |
| Taxodium distichum   | Bald cypress           | 60-100 | 320 |
| Ulmus parvifolia     | Drake elm, chinese elm | 30-40  | 320 |

**Table 3.07C, Shrubs**

| Species                      | Common Name             | Species                        | Common Name               |
|------------------------------|-------------------------|--------------------------------|---------------------------|
| Abelia grandiflora           | Glossy abelia           | Jasminum pubescens             | Downy jasmine             |
| Baccharis halimifolia        | Groundsel tree/saltbush | Juniperus "pfitzeriana"        | Pfitzer juniper           |
| Befaria racemosa             | Tarflower               | Juniperus conferta "compacta"  | Dwarf shore juniper       |
| Bumelia tenax                | Silver buckthorn        | Junipera squamata 'expansa'    |                           |
| Camellia japonica            | Camellia                | Leucophyllum frutescens        | Texas sage                |
| Carissa                      | Boxwood beauty          | Ligustrum japonicum            | Ligustrum                 |
| Cortaderia selloana          | Pampas grass            | Lyonia ferruginea              | Rusty lyonia              |
| Cycas revoluta               | King sago               | Lyonia lucida                  | Shiny lyonia/fetterbush   |
| Duranta repens               | Golden dewdrop          | Myrica cerifera                | Wax myrtle                |
| Garberia heterophylla        | Garberia                | Persea humilis                 | Silk bay                  |
| Gardenia jasminoides         | Gardenia                | Phoinia glabra                 | Red tip                   |
| Hydrangea macrophylla        | Hydrangea               | Pittosporum tobira             | Green pittosporum         |
| Hypericum hypericoides       | St. Andrew's cross      | Pittosporum tobira "compacta"  | Compact pittosporum       |
| Hypericum reductum           | St. John's wort         | Pittosporum tobira "variegata" | Variegated pittosporum    |
| Ilex cornuta "Bufordi"       | Buford holly            | Raphiolepis indica             | India hawthorn            |
| Ilex cornuta "Dwarf Bufordi" | Dwarf Buford holly      | Rhododendron "Duc de Rohan"    | Azalea, "Duc de Rohan"    |
| Ilex cornuta "rotunda"       | Rotunda holly           | Rhododendron simsii            | Indian azalea             |
| Ilex glabra                  | Gallberry               | Rhododendron serrulatum        | Swamp azalea              |
| Ilex opaca arenicola         | Scrub holly             | Serenoa repens                 | Saw palmetto              |
| Ilex vomitoria "nana"        | Shillings holly         | Thryallis glauca               | Thryallis, Shower-of-gold |
| Ilex vomitoria "Pendula"     | Weeping yaupon holly    | Vaccinum darrowi               | Little blueberry          |
| Illicium anisatum            | Japanese anise          | Viburnum obovatum              | Blackhaw                  |
| Illicium floridanum          | Star anise              | Viburnum odoratissimum         | Sweet viburnum            |
| Illicium parviflorum         | Florida anise           | Viburnum suspensum             | Sandankwa viburnum        |
| Itea virginica               | Virginia willow         | Zamia floridana                | Coontie                   |
| Jasminum natidum             | Shining jasmine         |                                |                           |

**3.07.04 Buffer Yards**

A buffer yard is a landscaped strip along parcel boundaries that serves as buffer between incompatible or potentially incompatible uses and zoning districts. The purpose of this subsection is to establish minimum buffer yard widths and landscaping requirements, in order to ensure compatibility between adjacent properties and land uses. The minimum required width of the buffer yard is therefore based on the **potential degree of incompatibility between two abutting land uses**. In no case shall the buffer yard width **be less than** the minimum setback required by the zoning district.

**3.07.04.01 Establishment of Buffer Yards**

Table 3.07D establishes the buffer yard between a proposed and an existing land use. Table 3.07E establishes the buffer yard between a proposed land use and a vacant property. A buffer is required for vacant property based on its zoning district classification at the time of the proposal to develop the abutting property. Buffer yards are intended as landscaped open space; therefore, they shall be free of pavement and permanent structures other than fences, play equipment, unpaved pedestrian paths, and drainage and retention facilities.

**3.07.04.02 Buffer Yard Width and Landscaping Requirements**

- (A) The number of trees and shrubs required in a buffer yard depends on the nature of the adjoining land uses.
- (B) The standards for buffer yard width and the associated number of trees and shrubs are set forth in Figures A, B, C, and D that specify the number of each type of plant required per 100 linear feet.
- (C) For each buffer yard standard, as seen in Figures A-D, several options for the developer as to the width are offered, and different numbers of each type of plant are specified, depending on the width. **Any option** fulfills the buffer yard requirement; therefore, the developer **is free to choose the option that best fits** the site constraints and the features of the site design unless otherwise regulated in the Land Development Code.
- (D) When natural plant material is present, it counts toward fulfilling the total requirement for trees and shrubs. See the table under Section 3.07.02.02 for amount of credit calculation for trees preserved on a site.

**Table 3.07D**

**Landscape Requirements between Proposed and Existing Land Uses**

| Class |   | Existing |    |     |    |   |    |     |      |    |
|-------|---|----------|----|-----|----|---|----|-----|------|----|
|       |   | I        | II | III | IV | V | VI | VII | VIII | IX |
| I.    | Single family detached dwellings  | N        | A  | B   | B  | C | C  | C   | D    | D  |
| II.   | Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries. | A        | A  | A   | B  | B | C  | C   | D    | D  |
| III.  | Prof. offices with up to 8 parking spaces;  | B        | A  | A   | A  | B | B  | C   | C    | D  |

|       |   |   |   |   |   |   |   |   |   |   |
|-------|---|---|---|---|---|---|---|---|---|---|
|       | and child care centers in converted residential structures.   |   |   |   |   |   |   |   |   |   |
| IV.   | Duplex, s.f. attached, mobile home parks and m.f. developments at 4-8 units/acre.   | B | B | A | A | A | B | C | C | D |
| V.    | Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.                                   | C | B | B | A | A | A | B | C | C |
| VI.   | Prof. offices with 9+ off-street parking spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces. | C | C | B | B | A | A | A | C | C |
| VII.  | Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.                                     | C | C | C | C | B | A | A | B | C |
| VIII. | Light industry; governmental public works storage/equipment facilities.   | D | D | C | C | C | C | B | A | B |
| IX.   | Heavy industry; electric and solar power generation facilities; water and sewer treatment facilities. Power Plants.                                       | D | D | D | D | C | C | C | B | B |
| X.    | US 17, US 98  | N | A | B | B | C | C | C | D | D |

N = No buffer required

### 3.07.04.03 Buffer Yards Between Proposed Uses and Vacant Property

When the property adjacent to a proposed development is vacant, the need for a buffer yard is determined by the zoning classification of the vacant site. If the zoning will permit the development of a land use that requires a buffer, the buffer standard that applies will be found in Table 3.07E. Generally, the buffer yards for vacant property are only about half of those required next to an existing land use.

**Table 3.07E**

### Landscape Requirements between Proposed Land Uses and Vacant Property

| Class  | Principal Use Permitted by Zoning District on Vacant Adjoining Property |    |     |    |   |    |     |      |    |
|--|---|----|-----|----|---|----|-----|------|----|
|  | I   | II | III | IV | V | VI | VII | VIII | IX |
| I. Single family detached dwellings.   | N   | A  | A   | A  | B | B  | B   | C    | C  |
| II. Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.              | A   | A  | A   | A  | A | B  | B   | C    | C  |
| III. Prof. offices with up to 8 parking spaces; and child care center in converted residential structures.                 | A   | A  | A   | A  | A | B  | B   | B    | C  |
| IV. Duplex, s.f. attached, mobile home parks and m.f. developments at 4-8 units/acre.                                      | A   | A  | A   | A  | A | A  | B   | B    | C  |
| V. Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc. | B   | A  | A   | A  | A | A  | A   | B    | B  |
| VI. Prof. offices with 9+ off-street parking   | B   | B  | B   | A  | A | A  | A   | B    | B  |

|       |   |   |   |   |   |   |   |   |   |   |
|-------|---|---|---|---|---|---|---|---|---|---|
|       | spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces.      |   |   |   |   |   |   |   |   |   |
| VII.  | Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals. | B | B | B | B | A | A | A | B | B |
| VIII. | Light industry; governmental public works storage/equipment facilities.   | C | C | B | B | B | B | B | A | A |
| IX.   | Heavy industry; electric and solar power generation facilities; water and sewer treatment facilities. Power Plants.   | C | C | C | C | B | B | B | A | A |
| X.    | US 17, US 98  | N | A | B | B | C | C | C | D | D |

N = No buffer required

### 3.07.05 Installation, Irrigation and Maintenance

- (A) At the discretion of the Development Director, installation of plants may be postponed to the period of the year most appropriate for planting the particular species. If this requirement results in the planting of some or all of the landscaping subsequent to development approval, a performance bond shall be posted prior to the issuance of a certificate of occupancy, in an amount sufficient to ensure that the required landscaping is installed.
- (B) Landscape plants shall not interfere at maturity with power, cable television, or telephone lines, storm sewer or water pipes, or any other existing or proposed overhead or underground utility service.
- (C) The developer shall provide an appropriate planting soil medium for required plants and shall irrigate plant materials to sustain healthy growth of all plants to maturity. Required plants that die shall be replaced before the next growing season.
- (D) All landscaped areas shall be provided with an appropriate irrigation system that uses sound water conservation principles, consistent with the needs of the plants contained therein. Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action by the City.

[RESERVED]

# Buffer Yard

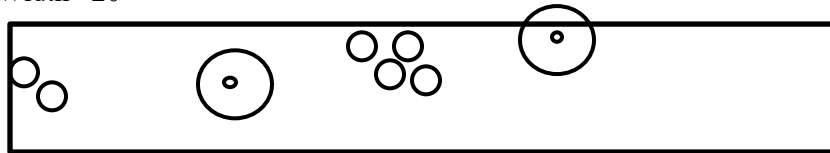
A

Plant Material / 100'

Width 20'

2 Small Trees

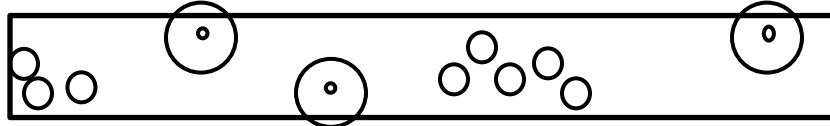
6 Shrubs



Width 15'

3 Small Trees

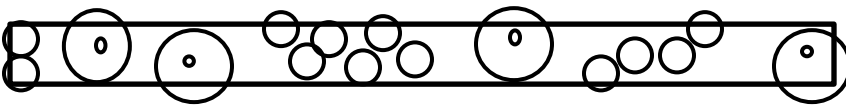
8 Shrubs





Width 10'

4 Small Trees

12 Shrubs



 = Small Tree

 = Shrub

# Buffer Yard

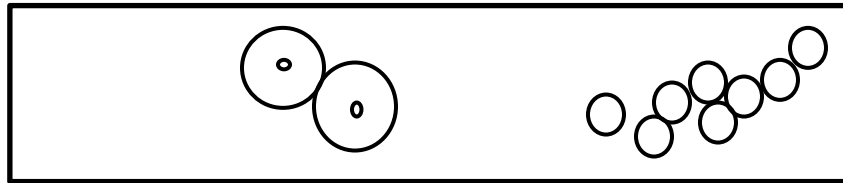
B

Plant Material / 100'

Width 25'

2 Small Trees

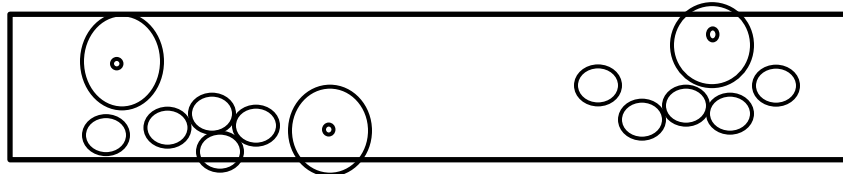
8 Shrubs



Width 20'

3 Small Trees

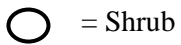
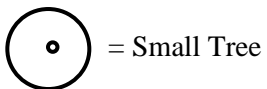
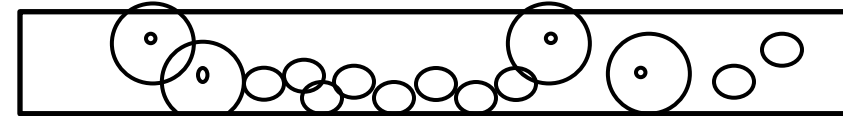
10 Shrubs



Width 15'

4 Small Trees

10 Shrubs



# Buffer Yard

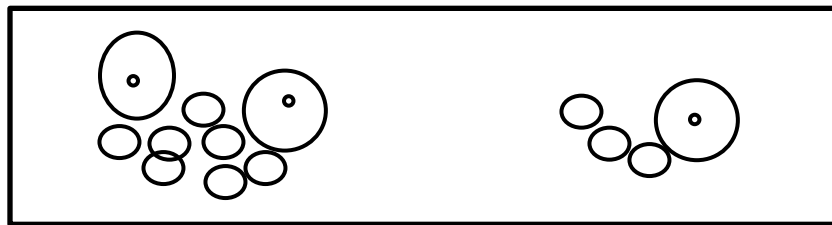
C

Plant Material / 100'

Width 30'

3 Small Trees

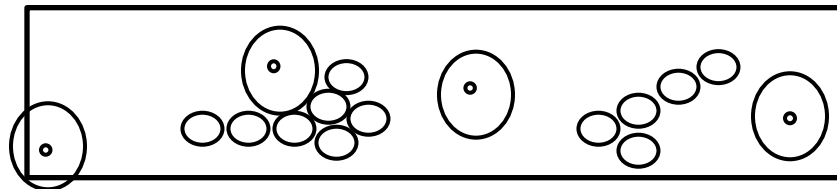
10 Shrubs



Width 20'

4 Small Trees

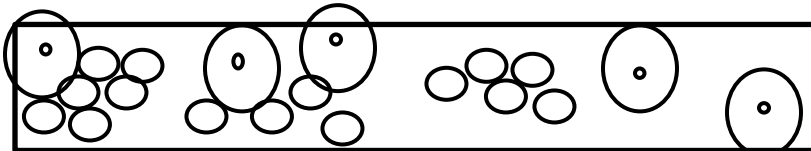
12 Shrubs





Width 15'

5 Small Trees

15 Shrubs



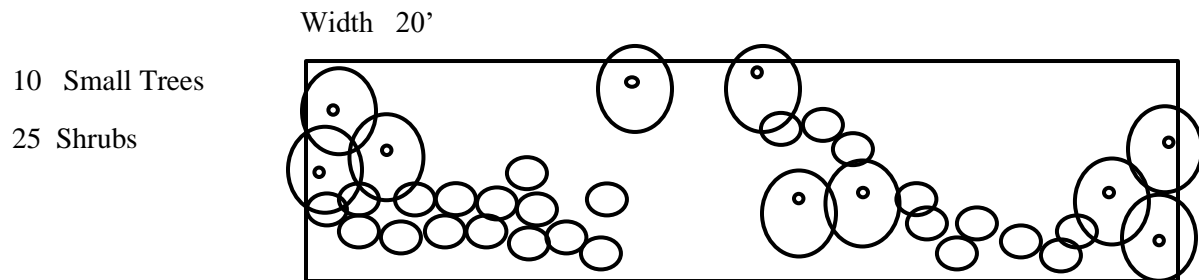
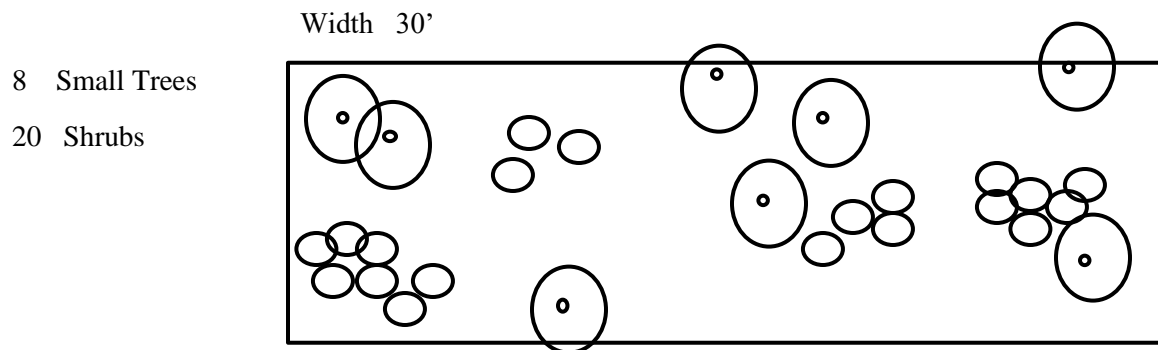
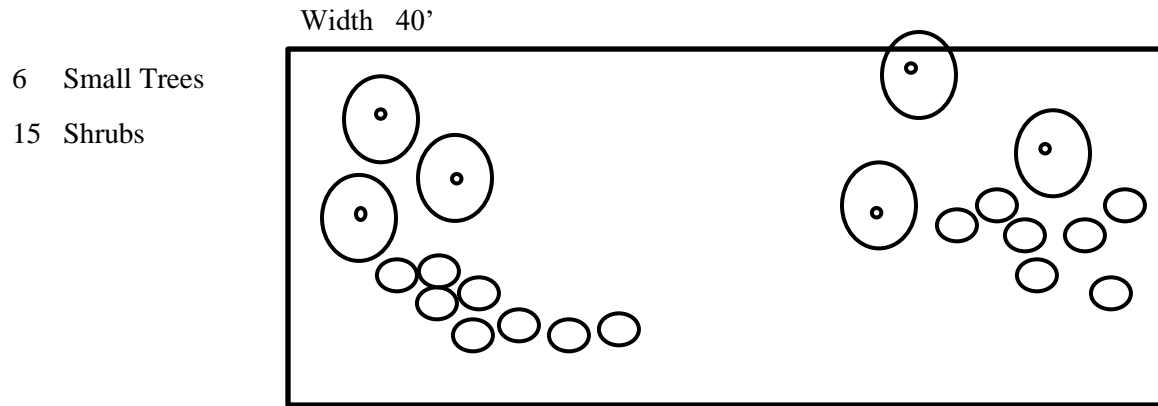
 = Small Tree

 = Shrub

# Buffer Yard

D

Plant Material / 100'



### **3.08.00 Development Standards for Uses Requiring a Site Development Plan**

The purpose of this Section is to set the standards and requirements for **Site Development Plan** review. The intent of this Section is to ensure that certain uses are compatible with surrounding properties and are designed to safeguard the public health, safety, and welfare. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

#### **3.08.01 Mobile Home Parks**

1 The purpose of this Section is to establish locations suitable for mobile home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a mobile home park setting.

Mobile home parks are a permitted use in an MHP district. However, the development standards set forth in this Section shall supersede normal development standards applicable in MHP. Development standards can be found in Article 2, Table of Development Standards, 2.05.01(B), under MHP zoning district.

##### **3.08.01.01 Development Standards**

(A) *Minimum Lot Requirements for the Park:*

- (1) Minimum size for development site: 10 acres with a minimum of 25 units. The maximum allowable density for a mobile home park is 10 units per acre as per the Comprehensive Plan of the City of Fort Meade.

(B) *Minimum Yard Requirements for the Park:*

- (1) No mobile home or structure shall be placed less than 25 feet **from the perimeter lot line** and said 25-foot setback shall be landscaped as a buffer area. The premises shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge or other approved enclosure and shall have a minimum height of five feet and maximum height of eight feet.
- (2) Mobile homes and structures shall be placed at least 20 feet from the pavement edge of private park roads, which shall also be landscaped.

##### **3.08.01.02 Allowable Accessory Uses**

- (A) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development are allowed.

- (B) No more than one conventionally constructed single family home may be located in each park, and of at least 600 s.f. in size, for the use of a resident manager.
- (C) Carports, porches, and awnings that are physically attached to mobile homes are allowed. Freestanding cabanas, storage sheds, and other detached structures for private use are prohibited.
- (D) At least one storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length is required. This storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.

### **3.08.01.03 Other Requirements**

- (A) *Parking.* For each mobile home site, one paved off-street parking space of 10 feet by 29 feet, and surfaced in a stable manner, shall be provided. In addition, for every three mobile home units, one visitor parking space must be provided.
- (B) *Hurricane Shelter.* Each mobile home park shall provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person. In addition, the following shall be provided and maintained: alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate form of fresh water (i.e. water stored in drums or a well serving the shelter separate from the well system in place for the park). Each building shall be built to conform with the Standard Building Code for hurricane shelters.

To calculate the number of persons per park that would require shelter, each mobile home unit will be counted at a minimum of two persons per unit. Shelter space shall be provided for 100% of the total park population figured at that rate.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building Code regulations for hurricane shelters.

- (C) *Common Open Space.* An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- (D) *Nonconformities.* No new mobile homes may be added to an existing mobile home park in a MHP zone that does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Section 7.12.00.
- (E) *Site Development Plan Required for Residential Mobile Home Park.* A strictly residential mobile home park, with no recreational facilities or large-scale commercial operations within the park, such as golf courses or boating and fishing lakes with facilities or the like, are permitted in zoning category MHP with the approval of a Site Development Plan. No mobile homes, structures or facilities shall be installed or constructed until a site development plan meeting

the requirements of Article 7, Section 7.05.00 of this Code has been submitted to and approved by the City of Fort Meade. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved sited development plan.

**Where an existing mobile home park in MHP district has no site development plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.**

- (F) *Mobile Home Park as a PUD.* All mixed use mobile home parks shall be subject to the regulations set forth in this Code for a planned-unit development (PUD), Article 7, Section 7.04.00 “Planned-Unit Development.” A mixed use mobile home park is one that contains recreational or large-scale commercial operation within the park, such as golf courses or boating and fishing lakes with facilities and the like.
- (G) *Plat.* The plat submitted to the administrative official shall contain the information required to plat a subdivision, found set out in Article 7, Section 7.06.00 “Subdivision Regulations,” plus contain the additional information listed below:
  - (1) Name of park;
  - (2) The numbering plan with an actual street address. Each mobile home space shall be numbered according to US Postal Standards; and
  - (3) A large scale plan of one typical mobile home space, showing the mobile home location, automobile parking space and open space.

### **3.08.02 Multi-Family Residential**

#### **3.08.02.01 Cluster Development: Garden Homes, Town or Row Houses, Zero Lot Line Homes and Z-Lot Development**

Developments containing single family attached dwelling units, as defined in Article 9, shall be designed and approved according to the following regulations:

- (A) *Development Plan.* Single family attached developments shall be platted according to the provisions of Section 7.06.00. In addition to all other required information, plats shall show building envelopes for all structures. A Site Development Plan meeting the requirements of Section 7.05.00 shall be submitted to the City for review and approval before construction begins.
- (B) *Density.* Gross density of the development site shall not exceed 15 net units per acre. For purposes of calculating density, the development site shall include all platted lots, together with roads, drainage facilities, utility sites and any other common property within the perimeter of the subdivision plat, regardless of whether such facilities will ultimately be dedicated to the City.

(C) *Non-Residential Tract.* Unless specifically accepted by the City Commission, the City of Fort Meade shall not be responsible for maintenance and/or repair of any common facilities or properties.

(1) Prior to approving the final plat for recording in the public records of Polk County, the Development Director shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.

(2) Clubhouses, swimming pools, and other structures erected on common property shall be approved only after submittal of a site development plan in accordance with the requirements of Section 7.05.00. The Development Director may waive this requirement for structures under 300 s.f. in size that do not require water, sewer, or parking facilities. Such structures shall be located a minimum of 25 feet from all property lines.

(D) *Private Streets.* Where internal streets are to be retained in private ownership, a security gate or other form of barrier to restrict access may be installed. However, the developer or homeowners' association shall be responsible for providing access to City emergency vehicles when necessary.

Private streets shall be placed on right-of-way meeting width requirements applicable to a public road. The use of easements to provide access to residential lots shall be prohibited.

(E) *Development Standards.* See Article 2, Table of Development Standards 2.05.01(B). Multi-family development standards are listed under R-2 zoning. Further:

(1) Where a lot fronts on a cul-de-sac or other curved right-of-way, there shall be no less than 25 feet of frontage, as measured along the arc of the curve.

(2) Where the development site includes three units or more, and abuts a single family residential zoning district, all principal and accessory structures shall be located at least 25 feet from the perimeter of the site.

(3) No residential structure shall contain more than 10 dwelling units

(4) Each unit shall have an individual access to the outside, both in the front and rear.

(5) Where ingress/egress to residential lots is from an arterial or collector road, driveway access points shall be limited to one per structure or one for each 50 feet of frontage, whichever is less.

### **3.08.03 Lodging**

#### **3.08.03.01 Bed and Breakfast Inn**

A Site Development Plan is required in all residential districts except AG and R2. The site must be owner-occupied in all residential districts. No more than three rooms may be rented out per dwelling. In addition:

the

- (A) Off-street parking at one space for the home owners and one space for each room for rent is generally required. In the case of the historic district where the lot may not be large enough for off-street parking, or where ample street parking or parking lots are available, the off-street parking requirement may be waived by Development Director; and
- (B) The City encourages artistic and unique signs. In all residential zoning districts, B and B's may have a sign not to exceed three square feet, which shall be mounted flat against the residence. B and B's in historic districts may have a pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after 11:00 pm in residential zoning districts.

### **3.08.03.02 Boarding House**

Boarding House requires a Site Development Plan in R2 and C2 and a Special Exception Use in P1.

- (A) At least 20,000 s.f. of land area shall be required before any boarding or rooming house may be approved.
- (B) The maximum number of persons permitted to reside on the premises shall not exceed the total building floor area divided by 200 square feet.
- (C) No sleeping room shall contain more than two persons. One parking space is required for each room rented.
- (D) All boarding or rooming houses shall contain living quarters for a resident manager.
- (E) Centralized facilities necessary to provide meals for the occupants may be provided or such facilities may be included in the resident manager's living quarters; however, no meals shall be provided for persons other than resident occupants.
- (F) One attached, unlighted sign not over four s.f. in area plus one freestanding sign not over six s.f. in area identifying the boarding or rooming house shall be permitted.
- (G) All landscaping regulations must be followed, as cited in 3.07.00; in addition, a permanent fence must be erected along the side and rear lot lines if the use is located adjacent to a single-family lot, of a minimum of six feet in height.
- (H) No dwelling shall be converted to a boarding or rooming house unless all provisions of this code are complied with.

### **3.08.04 Retail Commercial, No Outdoor Storage or Activities**

#### **3.08.04.01 Mini-warehouse**

- (A) It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under these regulations in the vicinity of such a facility.
- (B) No storage bay or unit in a mini-warehouse shall be used as a place of business by persons renting storage space, and no occupation license shall be approved for the property other than that of the mini-warehouse owner/operator.
- (C) No mini-warehouse shall be used as a place of residence or as a storage location for hazardous materials.
- (D) *Design Requirements*
  - (1) Lighting: All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
  - (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall shall be constructed along the property line.
  - (3) Parking: There shall be a maximum of two parking spaces that shall be located in proximity to the business or manager's office on the site.

#### **3.08.04.02 Recreation, Indoor, Commercial**

A Site Development Plan is required in all districts. The items specifically important to the City are entrances and exits, parking configuration, landscaping and conformance with the sign regulations for the City.

- (A) All activities shall be conducted entirely within an enclosed structure.
- (B) No structure shall be located within 50 feet of any property line.
- (C) No bowling alley or skating rink shall be maintained or operated within 300 feet of a school, library, church, hospital, child care center, nursing home, or other similar public or semipublic institution.
- (D) Lighting to illuminate buildings, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.

#### **3.08.04.03 Shopping Center (150,000 SFGLA, or less)**

A Site Development Plan is required in all districts. It is the purpose of these standards to provide minimum development guidelines for a shopping center of less than 150,000 s.f. of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Fort Meade.

- (A) *Design Requirements*

- (1) Lighting: All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
- (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

### **3.08.05 Automotive**

#### **3.08.05.01 Auto, Boat or Truck Sales, New or Used and New Sales with Repair and Rental of Vehicles**

Automotive uses involving the storage, repair, sales and rental of motor vehicles will conform to all applicable provisions of this Code and, in addition, the following requirements will apply.

- (1) A Site Development Plan is required in all districts.
- (2) All used car lots and rental lots shall be provided with a sales office located within a building on the premises.
- (3) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet (6') in height.
- (4) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.
- (5) All lots shall be surfaced in a stable manner.
- (6) Landscaping and buffers are required, in conformance with Section 3.07.00 of this Article.

#### **3.08.05.02 Service Station (Minor Automotive Repair)**

A Site Development Plan is required in C-2, M-1 and M-2 Districts. This use is a Special Exception in C-1.

- (A) *Site – Service Station.* The minimum frontage on an arterial or collector road shall be 150 feet. The minimum area of a service station development site shall be 15,000 s.f. Construction on site of minimum area shall include no more than two service bays and two pump islands. One service bay and one pump island may be added for each additional 2,000 s.f.

*Site – Truck Stop.* Development site shall be at least two acres in size, and shall have no less than 150 feet of frontage on an arterial roadway.

Mechanical work shall be limited to minor automotive repairs as defined in Article 9.

(B) *Service Area.* Service areas shall be provided as follows:

- (1) Paving. The entire area of service station sites not covered by structures and landscaping shall be paved; either concrete or asphaltic concrete shall be used for the paved areas.
- (2) Curb. At the property line, face each street side of the service area which is not included in a driveway with a concrete vertical curb six inches wide by thirteen inches deep (6" x 13") with a top six inches above the finished pavement grade except where a transition is made to a driveway.
- (3) Equipment. Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to an approved sand and grease trap, drain field and dry well.
- (4) Off-Street Parking Spaces Required. The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces.
- (5) Access Points onto Streets. There shall be not more than two access points, not to exceed 36 feet in width each, permitted on the street on which the service station is located. All access points shall be located at least 75 feet from the intersection of any right-of-way lines of streets or a street and a railroad, and at least 25 feet from all side or rear property lines. There shall also be a minimum distance of 30 feet between any two access points serving the property.
- (6) Truck Parking Areas – Truck Stop. Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use.

(C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards. No loading or unloading of freight shall be permitted on the site.

(D) *Structures.* Structures shall conform to the following standards:

- (1) Building. The building shall be set back a minimum of 25 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior

property lines. A canopy overhang shall not project more than 10 feet from the canopy vertical supports

- (2) Pump Islands. Pump islands shall be set back a minimum of 25 feet from any property line.
- (3) Exterior Lighting. Exterior lighting fixtures shall cast no glare beyond a property line.

(E) *Outdoor Display.* Outdoor displays shall be limited to the following:

- (1) Racks containing cans of lubricating oil may be displayed on each service island.
- (2) One rack or pedestal for the display of no more than one tire may be placed on each service island and along any side of the main entrance.
- (3) One stationary storage cabinet may be located no more than four feet (4') from the wall of the main structure, excluding vending machines.
- (4) The display of standards, banners, flags, and any sign not specifically authorized by City ordinance is prohibited, except that one permit for the display of standards, banners and flags for not more than 30 days may be issued to a newly constructed service station.
- (5) The service area shall drain into a catch basin on the site and thence to a storm sewer if a storm sewer is available. If no storm sewer passes the site, the drainage shall be in accordance with Article 3, Section 3.05.00, Stormwater Management.

(F) *Shopping Centers.* One service station may be constructed at a shopping center having a building development with a floor area of not less than 100,000 s.f. and having a land area of not less than 15 acres; provided, however, that such service station shall only be operated as an adjunct to a tenant's regular business and shall not comprise a major part thereof.

(G) *Storage, Sale and Rental of Vehicles and Trailers.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailer, except that one vehicle or trailer may be stored for each 200 s.f. of land over 15,000 s.f. of lot area. The sale of vehicles and trailers **shall be prohibited**. The rental of vehicles or trailers shall be permitted provided that an additional 200 s.f. of lot area is provided for each rental vehicle and/or trailer.

(H) Storage of vehicles that are used for parts or that are stored in connection with a wrecker or towing service have a maximum accumulation time of two months.

### **3.08.05.03 Major Auto, Boat or Truck Repairs, No Sales**

- (A) A Site Development Plan is required in M-1 and M-2 districts. This use is a Special Exception in C-2 district, except where the use shall be located on the site of a full-service vehicle dealership, in which case it shall be a permitted use.
- (B) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and/or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet (6') in height.
- (C) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.
- (D) All lots shall be surfaced in a stable manner.
- (E) Landscaping and buffers are required, in conformance with Section 3.07.00 of this Article.

**3.08.05.04 Auto Salvage Yard**

- (A) Site Development Plan required in all districts.
- (B) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet (6') in height.
- (C) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.
- (D) Not more than three (3) inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

**3.08.06 Retail Commercial, Outdoor Storage**

**3.08.06.01 Recreation, Outdoor, Commercial**

If the applicant can show that the proposed parcel can support the business without compromising the neighborhood, the use will be allowed with a Site Development Plan in C2. This use is a Special Exception in the C-1 district due to its usually large size.

- (A) No outdoor amusement enterprise shall be located within 300 feet of existing residential development or property designated for residential use on the Future Land Use Map of the Fort Meade Comprehensive Plan. This distance shall be measured from the boundary of the property on which the proposed outdoor amusement enterprise would be located.

- (B) Minimum lot size shall be one acre.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.
- (D) Outdoor amusement activities shall be subject to applicable performance standards provided in Section 3.06.00.
- (E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.

### **3.08.07 Public Service Facilities**

All public service facilities require a Site Development Plan for any residential district. Included are: fire stations, police stations and post offices.

### **3.08.08 Educational/Cultural Facilities**

Where a Site Development Plan is required, the items specifically important to the City are entrances and exits, traffic generated from the use on the surrounding network, parking configuration, signs, and landscaping of the site. If the Development Director determines that the impacts to the neighborhood are significant, he may take the case to the Planning and Zoning Board for specific recommendations regarding the site, before building permits can be issued.

### **3.08.09 Farmworker Housing, Resident**

A Site Development Plan shall be processed prior to building permitting. Farmworker Housing, Resident housing, shall be limited to single-family detached and duplex (two-family) housing structures. Housing density shall not exceed the density permitted within the AG zoning district.

- (A) *Criteria.* In addition to being located in AG zoning district, Farmworker Housing, Resident housing, shall be further located as follows.
  - (1) For single-family dwelling units on parcels less than 20 acres, and/or two-family dwellings (duplex) on 20 or greater acres, compliance with Section 7.06.00, Subdivision Regulations.
  - (2) Where minimum parcel sizes for each housing are 20 acres, said parcels will be denoted/identified on the Site Development Plan with a metes and bounds description of each proposed parcel. The Site Development Plan shall also identify access to each 20-acre tract.
  - (3) Farmworker Housing, Resident is not permitted in the Historic District indicated on FLU Map 2 – City of Fort Meade – Historic Resources in the Fort Meade Comprehensive Plan Future Land Use Map Series.

### **3.08.10-14 RESERVED**

#### **3.08.15 Solar power generation facility.**

(A) *Generally.* All solar equipment and devices shall comply with Florida law and shall be certified by the Florida Solar Energy Center. The regulations imposed herein are not intended to prohibit or have the effect of prohibiting the installation of energy devices based on renewable resources pursuant to F.S. § 163.04.

(B) *Design standards.*

The following provisions are intended to facilitate the commercial generation and distribution of solar power within the city. The Table of Uses, Table 2.05.01(A), outlines the zoning districts where solar power generation facilities are allowed.

(1) *Types of Solar Panels.* The solar panels shall be ground mounted and may be fixed mount or solar tracker.

(2) *Minimum lot size.* The minimum lot size shall be ten (10) acres.

(3) *Placement.* The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources, or habitats, imperiled and critically imperiled habitats as defined by the Florida Natural Areas Inventory, and buffers. The development shall comply with the requirements of Article 5: Resource Protection Standards of the City Code.

(4) *Setbacks.* All solar panels and related equipment shall be setback a minimum of 50 feet from all property lines and shall comply with all applicable right-of-way setbacks. On-site power lines and interconnections to electrical grids shall be placed underground where feasible. Transmission lines and supporting poles necessary to move electricity off-site are excluded from this requirement.

(5) *Height.* The maximum height allowed for all equipment associated with the solar power generation facilities shall be limited to 15 feet in height, excluding transmission lines, supporting poles, and communication equipment. Solar panel height is measured when the panels are tilted to the design degree that creates the greatest overall height. All other structures shall conform with principal structure height requirements of the zoning district.

(6) *Fencing.* Physical access to a solar power generation facility shall be restricted by fencing or walls. The security fence shall be a minimum height of six feet high and a maximum of eight feet high. When immediately adjacent to single and multi-family residential uses, community uses and commercial uses, opaque fencing shall be required. All fencing and wall details shall be shown on the site plan.

(7) *Impervious Surfaces and Landscaping:* Solar panels associated with solar power generation facilities are considered pervious if configured to promote sheet flow of stormwater from panels and natural stormwater infiltration into the ground beneath the panels. The solar panels are not subject to lot coverage restrictions or canopy tree landscaping requirements. Solar power generation facilities must meet the buffering requirements of Section 3.07.04 of this code. However, walls, fences, and berms (or a contribution thereof) a minimum of six feet in height throughout the buffer may be installed to reduce the buffer width and planting requirements by 50%.

(8) *Glare reduction.* Where ground mounted solar panels face abutting residentially developed or zoned parcels or public roadways, the panels shall be made of glare reducing materials.

(9) *Emergency access and response.* Reasonable accessibility for emergency service vehicles shall be provided and noted on the site plan. An emergency response plan including access routes, documents, schematics, and important contacts and other technical material must be submitted to the City.

(10) *Internal access roads.* Internal access roads are not required to meet the street design standards of Section 3.02.03 but must provide sufficient capacity to serve emergency vehicles as established in the emergency response plan.

(11) *Maintenance.* Solar panels and associated equipment shall be maintained in proper working order and shall not be allowed to enter a state of disrepair.

(12) *Abandonment.* A solar power generation facility shall be considered abandoned after a one-year period without energy production. The property owner shall be responsible for removing all energy production and transmission equipment and appurtenances within 120 days of abandonment.

(13) *Utility Coordination.* Prior to site plan approval, the applicant shall submit proof of notice to the utility company that operates the power grid where the solar power generation facility will be located of the intent to develop an interconnected power generation facility. Prior to site construction plan approval, the applicant shall submit proof of an executed interconnection agreement with the utility or other written proof of an agreement with the utility that construction can proceed.

### **3.09.00 Development Standards for Conditional Uses**

The purpose of this Section is to set criteria for approval of Conditional Uses. Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Conditional Use Permits shall be granted in accordance with the provisions of Section 7.08.00. Special standards and requirements presented in this section are conditions for approval of Conditional Uses and shall be binding on all development authorized under the Conditional Use Permit.

Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this section shall supersede any other provision of this code. Where no standard is established in this section, that of the relevant zoning district shall apply.

#### **3.09.01 Retail Commercial, No Outdoor Storage or Activities: Shopping Center (>150,000 SFGLA)**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of greater than 150,000 s.f. of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Fort Meade.

##### **(A) Design Requirements**

- (1) Lighting: All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
- (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.
- (3) Signs: A single sign shall be permitted for each abutting road right-of-way, not to exceed 20 feet in height and 150 s.f. in gross surface area. No other free-standing signs shall be permitted on the property, except traffic directional signage. Signs shall be set back 10 feet from all property lines.
- (4) Landscaping: Canopy and buffer yards shall be provided in accordance with the standards Buffer Yard "D". See Section 3.07.00.

### **3.09.02 Motor Vehicle Sales, Repairs, Rental, and Parts: 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 months.
- (2) In no case shall material that is not salvageable be buried or used as fill.
- (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
- (4) Recyclable material that 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 FDEP.
- (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 1.5 cubic feet or more from which the door has not been 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, wood or metal fence (not including chain link fences), or a wall, any of

which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.

- (2) Gates at entrance or exit shall be of a material without openings.
  - (3) The screen shall be constructed of the noncorrosive material throughout.
  - (4) 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 vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Commission after a finding that the proposed buffer would provide screening equivalent to that required in Paragraph (B) above.

### **3.09.03 Light Industry: Airport or Aviation Uses**

A Conditional Use Permit is required in all districts. Following the approval of the conditional use, a Site Development Plan must be approved by the Planning and Zoning Board prior to the issuance of any Building Permit.

- (A) Lot size shall be determined by the flight path of proposed runways and the length of the runway.
- (B) The facility shall be located in accordance with all federal and state standards, to minimize noise impact on all residential areas of the City.

### **3.09.04 Heavy Industry: Commercial Incinerator**

A Conditional Use Permit is required in all districts.

- (A) Minimum lot size shall be five acres.
- (B) Incinerator facility shall be located at least 300 feet from any existing residential structure.
- (C) Landscaping shall be provided in all setback areas according to Landscape Standard “D” (see Section 3.07.00).
- (D) Incinerator facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.06.00, Performance Standards.

### **3.09.05 Heavy Industry: Landfill Operations**

A Conditional Use Permit is required in all districts for the expansion of an existing business, alteration of the site or for siting a new business. Following the approval of the Conditional Use, a Site Development Plan must be approved by the Planning and Zoning Board prior to the issuance of any Building Permit.

- (A) *Construction and Demolition Debris Disposal Sites*
  - (1) These types of waste disposal facilities, permitted in the M2 district, are authorized to accept only construction and demolition debris as defined in Article

9 of this Code. Such facility shall operate under a permit pursuant to Rule 62-701 FAC and any other statute, rule and local ordinance that governs the permitting of landfills.

- (2) Composting and incineration incidental to the composting operations, as permitted by the FDEP and a recycling center shall be permitted on the site.
- (3) Owners and operators of construction and demolition disposal facilities shall comply with all applicable state standards, and shall be required to produce evident of all relevant state and federal permits; facilities not in compliance with such standards shall be brought into compliance immediately upon adoption of this Code.
- (4) Hours of operation to accept refuse shall be 7:30 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays.
- (5) As part of the Conditional Use Permit process, a Site Development Plan must be reviewed by the Planning and Zoning Board and approved by the City Commission. The Planning and Zoning Board and City Commission may impose additional requirements such as setbacks, elevation of site, proper buffering, maximum size in acres of the site, and any other requirements deemed necessary in the best interests of the City of Fort Meade.

(B) *All Landfill Operations*

- (1) Minimum lot size shall be according to State Regulations and in no case less than **ten acres**.
- (2) Facility shall be located in the City's designated **M-2 Industrial Park area** only.
- (3) Landscaping shall be provided in all setback areas according to **Landscaping Standard "D"** (see Section 3.07.00).
- (4) Facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.06.00, Performance Standards.
- (5) The following activities may be undertaken on lands defined as non-mandatory reclamation under 378.032(8), F.S.: aquaculture, commercial composting of yard wastes, fills dirt sales, landfill or recycling activities associated with the disposal of construction and demolition debris.
- (6) Incineration, which is clearly incidental to commercial composting of yard wastes, is permitted accessory to the principal use.
- (7) The location and operation of construction debris and other landfills in nonresidential districts shall be subject to a public hearing based on the following criteria. Any approval of construction debris or other landfills is subject to annual review, by public hearing, based on the criteria listed in this subsection.
  - (a) The proximity to residential and agricultural uses;

- (b) Substantial competent evidence provided by the land owner, that the landfill does not share a common roadway access with proximate residential uses;
- (c) Substantial competent evidence, provided by the land owner, that the landfill does not create, cause, or increase a negative environmental impact on surrounding uses, including the impact on proximate residential uses and the potential for impact or loss of proximate agricultural uses; and
- (d) Provision by the land owner, or a technically adequate plan to monitor the potential environmental impacts of the proposed landfill. Such monitoring plan shall include the provision of monitoring reports on a quarterly basis.

### **3.09.06 Wireless Telecommunications, Data, and Antenna Facilities Siting Regulations**

- (A) Purpose. The purpose of this ordinance is to regulate the placement, construction and modification of commercial wireless telecommunications facilities and antenna support structures in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City in compliance with the Telecommunications Act of 1996, Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 §6409(b), (c), 126 Stat. 156 (2012) (Spectrum Act), Section 332(c)(7) of the Communications Act and the Federal Communication Commission's 2009 Declaratory Ruling, FCC Ruling 14-153, adopted October 17, 2014 and released October 21, 2014, and any other applicable laws.
- (B) Objectives. The objectives of this ordinance are the following:
  - (1) To regulate the placement, construction and modification of wireless telecommunications, data, and antenna facilities in the City;
  - (2) To regulate the location of wireless telecommunication, data, and antenna facilities in areas and on sites where the adverse impact is minimal;
  - (3) To minimize the potential adverse visual impact of wireless telecommunication, data, and antenna facilities through careful design, siting, landscaping and innovative camouflaging techniques;
  - (4) To ensure that wireless telecommunication, data, and antenna facilities are compatible with surrounding land uses;
  - (5) To promote and encourage shared use/co-location of wireless telecommunication, data, and antenna facilities and antenna support structures as the primary option for personal wireless telecommunications services instead of the construction of additional single-provider towers;
  - (6) To avoid potential damage to property caused by wireless telecommunication, data, and antenna facilities by ensuring that such structures are soundly and

carefully designed, constructed, modified, maintained and removed when no longer used or when determined to be structurally unsound;

- (7) To encourage the safe, effective and efficient provision of personal wireless telecommunication and data services to the community;
  - (8) To ensure that the regulation of personal wireless telecommunication and data services do not prohibit or have the effect of prohibiting the provision of such services; and,
  - (9) To ensure that that the regulation of personal wireless telecommunication and data services does not unreasonably discriminate among functionally equivalent providers of such services.
  - (10) To protect the character, scale, stability, and aesthetic quality of the residential districts of the City by imposing certain reasonable restrictions on the placement of such facilities.
  - (11) To provide for the location and collocation of wireless communications equipment on buildings so as to minimize visual, aesthetic, and public safety impacts, and adverse effects upon the natural environment and wildlife, including without limitation, avian flyways, and impacts to the significant number of historic structures within the City.
- (C) Definitions. For the purposes of this ordinance and the Land Development Code, the following terms or words used herein shall be interpreted as follows:
- (1) Abandonment. A failure to (a) to start operations within one hundred eighty (180) days of completion of the structure, or (b) a cessation of operation for a period of one hundred eighty (180) or more consecutive days.
  - (2) Act. The Communications Act of 1934, 47 U.S.C. §§ 151 et seq., as amended, including the amendment known as the Telecommunications Act of 1996, and all future amendments.
  - (3) Antenna. Any structure or device used to transmit or receive electromagnetic or optical signals for television, radio, digital, microwave, cellular, telephone, personal communication system (PCS) or similar forms of wireless telecommunication or data transmission.
  - (4) Antenna Support Structure. Any building or structure other than a tower or stealth monopole that can be used for the location of telecommunications facilities.
  - (5) Array. A set of antennas for one (1) carrier or service that are placed on a structure at a given height and spaced so as to avoid interference.
  - (6) Base Station. A station at a specified site that enables wireless communication between user equipment and a communications network, including any associated equipment such as, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. Base station

includes structures other than towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a “base station” at the time the relevant application is filed with State or municipal authorities, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at that time support or house base station components

- (7) Camouflage. A wireless communication facility that is disguised, hidden, or integrated with an existing structure as an architecturally compatible element or a wireless communication facility that is placed within an existing or proposed structure so as to be effectively hidden from view. This is a form of stealth design.
- (8) Co-location. Locating wireless telecommunication facilities owned by more than one provider on/in a single antenna support structure, tower or stealth monopole structure. Co-location includes equipment associated with the antennas (such as wiring, cabling, cabinets, and backup-power).
- (9) Distributed antenna system (DAS) networks. DAS is a small-cell transmission system which uses components that are a fraction of the size of macrocell deployments, and can be installed on utility poles, buildings, and other existing structures.
- (10) Equipment enclosures. A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and associated equipment. Associated equipment may include air conditioning, back power supplies and emergency generators.
- (11) Existing tower. Any tower in existence at the time of application for an administrative permit or special use permit.
- (12) FAA: The Federal Aviation Administration.
- (13) Facility a.k.a. Wireless Telecommunications, Data, and Antenna Facility as defined below.
- (14) Fall Zone. The area on the ground within a prescribed radius, beginning from the base of a telecom structure or an antenna support structure within which there is a potential hazard from falling debris or collapsing material.
- (15) FCC: The Federal Communications Commission.
- (16) Guyed Tower. A type of tower that is supported, in whole or in part, by guy wires anchored to any surface.
- (17) Height. The vertical distance above grade to the highest point of the antenna support structure, including the lightning rod and antenna.
- (18) Lattice Tower. A self-supporting structure, erected on any surface, which consists of an open network of metal crossed strips or bars to support antennas and related equipment.

- (19) **Modification.** Any physical change to any element of a telecommunications structure or pre-existing structure.
- (20) **Mount.** The structure or surface upon which wireless communication facilities are mounted. There are three (3) types of mounts: (i) Building mounted--a wireless communication facility affixed to the roof or side of a building, (ii) Ground mounted--a wireless communication facility fixed to the ground such as a tower, and (iii) Structure mounted--a wireless communication facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.
- (21) **Monopole.** A monopole structure, erected on any surface, which supports antennas and any connecting appurtenances.
- (22) **Municipal Facilities.** An antenna support structure owned by the City, including, but not limited to, water towers, fire stations and other similar buildings and structures.
- (23) **Operator.** An individual, partnership, association, joint-stock company, trust, or corporation engaged in control and maintenance of all instrumentalities, facilities and apparatus incidental to wireless telecommunication transmission, including but not limited to, a tower, antennae, associated buildings, cabinets and equipment. For the purposes of this article, an "operator" may or may not hold a lease, license or title on or for the site on which a tower is located.
- (24) **Personal Wireless Telecommunications Services.** Any personal wireless service as defined in the Act, including FCC-licensed commercial wireless telecommunications services such as cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging and unlicensed wireless services and common carrier wireless exchange access services.
- (25) **Pre-Existing Structure.** Any telecommunications structure that existed prior to the effective date of this article or any telecommunications structure that exists outside the City limits either before or after the effective date of this article and is annexed into the City limits.
- (26) **Provider.** An entity licensed by the FCC or a state agency to transmit or receive electromagnetic or optical signals for television, radio, digital, microwave, cellular, telephone, personal communication system (PCS) or similar forms of wireless telecommunication. A tower builder is not a provider.
- (27) **Screening.** Generally, landscaping in accordance with the requirements of this Code, and additionally shall include Materials that effectively hide personal wireless facilities from view.
- (28) **Security Barrier.** A wall, fence, or berm that has the purpose of sealing a wireless communication facility from unauthorized entry or trespass.
- (29) **Stealth.** A method of designing, constructing, and/or locating any telecommunications structure to blend in with the character and environment of

the area in which it is located, and to enhance compatibility with nearby land uses and the area by minimizing visual impacts, incorporating the design principles.

- (30) **Stealth Monopole.** Any freestanding, monopole structure, 50 feet or less in total height, as measured from the ground, which incorporates stealth design principles, including but not limited to, camouflaging the structure as a tree, flagpole or light pole.
- (31) **Structure Owner.** Any person who develops, constructs, builds, modifies, erects or owns a telecommunications structure upon a parcel of land.
- (32) **Substantial Change.** a modification “substantially changes” the physical dimensions of a tower or base station, as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the passage of the Spectrum Act, if it meets any of the following criteria:
  - (a) for towers and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
  - (b) for towers and for all base stations, it protrudes from the edge of the structure more than six feet;
  - (c) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
  - (d) it entails any excavation or deployment outside the current site of the tower or base station;
  - (e) it would defeat the existing concealment elements of the tower or base station; or
  - (f) it does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.
- (33) **Support structure.** A ground-mounted self-supporting vertical structure used to elevate or carry lines, cables, wires, or antennas for telecommunications, cable television, electricity or other utility services, or to provide lighting.
- (34) **Telecommunications Structure (Structure).** Any tower, stealth monopole, data, or telecommunications facilities.
- (35) **Telecommunications Facilities.** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities, including buildings, shelters or cabinets that house telecommunications providers’ equipment, associated with the transmission or reception of communications or data that a person seeks to locate or has installed upon or near a commercial tower or antenna support structure.

- (36) Tower. A self-supporting lattice, guyed or monopole structure that supports telecommunications facilities for the purpose of providing personal wireless telecommunications or data services, including any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities. The term tower shall not include stealth monopoles, as defined herein, or amateur radio operators' equipment, as licensed by the FCC.
- (37) Transmission equipment. Antennas and other equipment associated with and necessary to the operation of a telecommunication facility, including power supply cables and backup power equipment
- (38) Unlicensed wireless services. Commercial mobile services that operate on public frequencies and do not need an FCC license.
- (39) Wireless communication service and wireless communication facilities as used in the chapter shall be defined in the same manner as the Title 47, United States Code, Section 332 (c)(7)(C), as may be amended now or in the future and includes facilities for the transmission and reception of radio microwave signals used for communication, data, cellular phone, personal communication services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

(D) Applicability.

- (1) All wireless telecommunications facilities and antenna support structures, and any portion of which are located within the City shall be subject to this ordinance, except as follows:
  - (a) Amateur radio operators. This article shall not apply to any short-wave radio tower that is owned and operated by a federally licensed amateur radio station.
  - (b) Residential Antennas. This article shall not apply to accessory antennas attached to residential structures whose purpose is receiving television, radio, microwave, telephone, digital data or similar forms of wireless information transmission for the sole use of the occupants. A provider shall comply with this article to utilize a residential structure as an antenna support structure for its network, and shall obtain the appropriate permits as required.
  - (c) Broadcast systems and facilities. This article shall not apply to towers or telecommunications facilities utilized for the transmission of signals that do not constitute personal wireless telecommunications or data services.

(E) Zoning Requirements.

- (1) Towers and Telecommunications Structures: A tower, and any related telecommunication structures, shall only be permitted by conditional use permit in industrial zoning (i.e., M1 and M2) districts. No person shall erect a tower on any parcel of land unless an application for conditional use permit is made, and approved, by the City Commission in accordance with Section 7.08.00 hereof.

Those towers and telecommunication structures proposed for location in the public right of way shall likewise be subject to zoning requirements hereunder.

- (2) **Stealth Monopoles.** Stealth monopoles and any related telecommunication facilities and structures shall only be permitted by conditional use permit in industrial zoning districts. No person shall erect such monopoles or any related telecommunication facilities or structures upon any industrial parcel of land unless an application for conditional use permit is made, and approved, by the City Commission. Those monopoles and any related telecommunication facilities or structures proposed for location in public right of way shall likewise be subject to zoning requirements hereunder.
- (F) **Permits; Application Requirements.** No person shall locate any telecommunications facilities or substantially change an existing telecommunication facility upon any lot or parcel within the City except as provided in this ordinance. Each application for a permit shall conform to the requirements of this ordinance. If a determination is made to request a Conditional Use Permit to originally site or modify an existing site, the provisions of Section 7.08.00 and other applicable sections of the City's Land Development Code regarding conditional uses shall be followed, and the following additional information shall be provided:
- (1) The name, address and telephone number of the landowner of any parcel of land or antenna support structure upon which the telecommunications structure will be situated. If the applicant is not the landowner, the applicant shall submit his or her name, address and telephone number. The landowner, structure owner and applicant shall sign the application.
  - (2) The legal description and street address of the parcel of land, or antenna support structure, upon which the proposed telecommunications structure will be situated.
  - (3) Elevation plans drawn to scale of all proposed wireless telecommunications facilities; an accurately scaled site plan showing existing buildings, proposed wireless telecommunications facilities and proposed landscaping and screening; and a written description of all proposed wireless telecommunications facilities and proposed quantities, types and sizes of landscaping materials.
  - (4) Photographs of the site in its current condition, and accurately proportioned photo-realistic representations of the site showing the telecommunications structure in place with proposed landscaping and screening.
  - (5) If the applicant is not the landowner, the landowner shall provide an affidavit indicating consent to develop upon the landowner's property. The landowner shall sign an agreement with the City that states if abandonment occurs, the landowner shall be responsible for the removal of the proposed telecom structure if the structure owner fails to remove it. The landowner shall file the agreement with the City Clerk as a condition of approval of any permit for any telecommunications structure, and shall provide a copy of the filed agreement to the City prior to approval of the permit for the telecommunications structure.

- (6) An affidavit from the manufacturer or engineer describing the maximum capacity of the telecommunications structure for co-location, including the number and type of providers it can accommodate, with consideration of radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems those considerations may pose to service delivery. The affidavit shall certify that the telecommunications structure has been designed and will be constructed to support the specified number of providers.
- (7) For a stealth monopole or tower application, certification from the engineer of the structure's manufacturer that the structure is designed and shall be constructed to ensure that a structural failure or collapse will not create a safety hazard to adjoining properties and that the structure will collapse on itself within the fall zone designated by the manufacturer.
- (8) Written statements from the applicant or engineer that indicate the following:
  - (a) A map showing the location of the proposed telecommunications structure and its service area; the location of the providers' other existing wireless telecommunications facilities in the area; applicable propagation models, search ring maps and other relevant documentation.
  - (b) The minimum height required to serve the proposed service area.
  - (c) An explanation why the proposed site is required to meet service demands and how it would interact with the providers' other existing wireless telecommunications facilities in the service area.
  - (d) Proposed stealth measures designed to minimize potentially adverse visual effects on nearby properties, with consideration of design, unobtrusiveness, minimum height necessary to accommodate antennae, avoidance of artificial light and the color of the telecommunications structure.
  - (e) A description of the fall zone of the telecommunications structure, including the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153.
  - (f) The distance between the proposed telecommunications structure and the nearest residential dwelling unit and residentially zoned properties including any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153.
  - (g) A description of the security barrier, including the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, if any, surrounding the base of the telecommunications structure, including the method of fencing, finished color and, if applicable, the method of camouflage and illumination.

- (9) Applicants shall be required to submit information on the proposed power density of their proposed telecommunications structure and demonstrate compliance with FCC standards regulating radio frequency (RF) emissions. This information is used solely for public information, as the FCC has the sole jurisdiction to regulate RF emissions. The City will not condition or deny an application because of potential RF impacts.
- (10) When applicable, documentation that the proposed tower or stealth monopole meets FAA requirements.
- (11) Any other information requested by the City that is reasonably necessary for the City to fully evaluate the application including information associated with any potential additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153.
- (12) An engineer shall provide the following written technical evidence:
  - (a) Evidence that existing wireless telecommunications facilities and antenna support structures within the proposed service area of the proposed telecommunications structure site are not capable of co-location to provide reasonable service to the proposed service area, due to height, capacity, structural strength or interference with other electromagnetic/radio frequencies, including, but not limited to, public safety communications, radio and television signals.
  - (b) Evidence that the proposed telecommunications structure meets the standards set forth in “Structural Requirements.”
  - (c) Evidence that the proposed site of the telecommunications structure, including any additional dimensions associated with a possible increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, does not pose a risk of explosion, fire or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other hazardous chemicals.
- (13) The applicant shall provide an affidavit, attesting to the following:
  - (a) That the applicant made diligent efforts to install or co-locate on existing wireless telecommunications facilities or antenna support structures within the proposed service area.
  - (b) That the fees, cost or contractual provisions required by the structure owner(s) of other wireless telecommunications facilities or antenna support structures within the proposed service area are unreasonable.
  - (c) That other limiting factors render the use of other wireless telecommunications facilities and antenna support structures within the proposed service area, unsuitable.

- (14) For towers, the applicant shall provide evidence that indicates why the use of alternative types of wireless telecommunications facilities, such as stealth monopoles or telecommunications facilities mounted on antenna support structures or municipal facilities, is insufficient or inadequate to meet the providers' service area needs.
  - (15) The applicant shall enter into a review fee agreement with the city in which the applicant agrees to pay for all costs incurred by the City in reviewing, processing and considering the application, including any experts or consultants or attorney's fees, costs, and expenses that the City must incur in the reviewing, processing, and consideration of the application.
- (G) Permit Process. The following permit process shall be applicable within the City. The City shall consider a conditional use permit application, as applicable, subject to the requirements set forth within this ordinance and Land Development Code, and shall also take into account the following additional standards:
- (1) Whether substantial evidence exists to demonstrate that existing or approved wireless telecommunications facilities or antenna support structures are unsuitable for co-location or to serve the proposed service area.
  - (2) Whether the proposed telecommunications structure(s) has incorporated a reasonable level of stealth design to minimize the visual impact of the telecommunications structure(s), given the type of telecommunications structure and the character of the area in which the structure(s) is proposed to be located.
- (H) Written Findings Required. Any decision to deny a conditional use permit, under this section shall be made in writing and shall state the specific reasons for the denial. Any denial by the City Commission shall be deemed a final administrative decision, subject to judicial review and appeal. In the event that a permit application is denied by the City Commission, no new request for the same or substantially similar permit shall be accepted or processed within six (6) months after denial of that application.
- (I) Protests. The notification and protest area for permit applications shall be two hundred (200) feet from the property boundary of the proposed tower site. The notification and protest area for special use permit applications shall be two hundred (200) feet from the proposed boundary areas of the site(s) of the wireless communication facilities. If a conditional use permit is recommended for approved by the Planning and Zoning Board, affected property owners shall have the same right to protest to the City Commission and appeal that decision as property owners as provided for in rezoning cases.
- (J) Standards for evaluation of conditional use permit applications. The City Commission, after receiving the recommendation from the Planning and Zoning Board, may approve, deny, or approve with conditions an application for a conditional use permit after review and consideration of all of the following, and such review shall be documented in the form of a written decision:
- (1) Conformity with the city's comprehensive plan;
  - (2) Compatibility with abutting property and surrounding land uses;

- (3) Adverse impacts such as visual, environmental, or safety impacts;
  - (4) Color and finish of the proposed facilities;
  - (5) Screening potential of existing vegetation, structures and topographic features;
  - (6) Potential for adequate screening of proposed facilities;
  - (7) Scale of facilities in relation to surrounding land uses;
  - (8) Impact on entry corridors into the city;
  - (9) Impact on landmark structures, historically or architecturally significant structures or districts, or environmentally sensitive areas;
  - (10) Impact upon established easements;
  - (11) History of land use of property, including but not limited to: existing nuisance code violations, failure of property owner to abide by nuisance, health and safety, building or zoning codes, failure of property owner to enforce codes upon subject property when property occupied by a tenant, and documentation that property is currently subject to abandonment or foreclosure action;
  - (12) Property owner entering into abandonment agreement, which will be filed with the register of deeds and run with the property.
- (K) Denial of conditional use permit. Any decision by the City Commission to deny a conditional use permit under this section shall be made in writing and shall state the specific reasons for the denial. Any denial by the City Commission shall be deemed a final administrative decision, subject to judicial appeal and judicial review. In the event that a conditional use permit application is denied by the City Commission, no new request for the same or substantially similar conditional use permit shall be accepted or processed within six (6) months after denial of that application.
- (L) Pre-Existing Structures. Pre-existing structures shall meet all requirements of this ordinance upon modification, in accordance with these regulations. All pre-existing structures shall comply with the following requirements of the City Code and Land Development Code, including those applicable to building permits, certifications, inspections, maintenance, and abandonment.
- (M) Bulk Regulations.
- (1) Maximum Height. The height of a tower or stealth monopole shall be regulated by this ordinance. The height of a tower, including any antenna, shall not exceed one-hundred (100) feet, as measured from the ground. The maximum height limitation does not include a lightning rod, which shall not exceed an additional twenty (20) feet in height. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered. The total height of a stealth monopole shall not exceed fifty (50) feet, as measured from the ground. When considering the height of a

proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered. The following height requirements shall apply to telecommunications facilities mounted externally on antenna support structures or municipal facilities:

- (a) On structures 30 feet in height or less, telecommunications facilities shall be mounted consistent with the “Stealth Design Principles.”
- (b) On structures between 30 and 60 feet in height, telecommunications facilities shall not extend more than a combined height of 75 feet, including the structure on which it is mounted upon.
- (c) On structures 60 feet in height or more, telecommunications facilities shall not extend more than 75 feet, including the structure on which it is mounted upon.

(2) Setback Restrictions.

- (a) Towers. Towers shall be set back from all property lines a distance equal to the fall zone of the tower, as certified by the structure manufacturer’s engineer. If the fall zone is not ascertainable, the tower shall be set back from all property lines a distance equal to the height of the tower, including any antenna, plus other appurtenances. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.
- (b) Stealth Monopoles. Stealth monopoles shall be set back from all property lines a distance equal to the fall zone of the structure, as certified by the structure manufacturer’s engineer. If the fall zone is not ascertainable, the stealth monopole shall be set back from all property lines a distance equal to the height of the stealth monopole, including any antenna, plus other appurtenances. When considering the height of a proposed tower, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.
- (c) Accessory ground-level equipment including guy-wire anchors shall follow the setbacks for accessory uses in the applicable zoning district. When considering the dimensions of any accessory ground-level equipment, the impact of any additional dimensions associated with an increase to the tower or base structure not deemed to be a substantial change under FCC Ruling 14-153, should be considered.

(N) Structural Requirements.

- (1) All wireless telecommunications facilities shall be designed and certified by an engineer to be structurally sound and shall, at a minimum, be in conformance with these regulations and all applicable federal and city codes.

- (2) All towers and stealth monopoles shall be designed and constructed to collapse on themselves to minimize the impact on surrounding properties.
  - (3) New towers or stealth monopoles shall be built, constructed or erected in the City to be capable of co-location. All new towers less than 100 feet in height and stealth monopoles shall provide space for at least two (2) separate providers. All new towers one-hundred (100) feet or higher in height shall provide space for at least three (3) separate providers.
  - (4) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
    - (a) The cabinet or structure shall not contain more than 300 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or six (6) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
    - (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than fifteen (15) percent of the roof area.
    - (c) Equipment storage buildings or cabinets shall comply with all applicable building codes.
  - (5) Antennas Located on Towers. The related unmanned equipment structure shall not continue more than 100 square feet of gross floor area or be more than eight (8) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- (O) Use Limitations.
- (1) **Stealth Design:** The City may require stealth design of a tower or telecommunications facility, in accordance with regulations, depending on the character of the proposed location and type of tower or telecommunications facility.
  - (2) **Illumination:** Towers shall not be artificially lighted except as required by the FAA. Notwithstanding subsection (1), in the case of a stealth telecommunications structure, illumination may be provided that is appropriate and customary for the type of stealth structure, as approved by the Special Use process. Security lighting may be installed around the base of a tower or accessory telecommunication facilities, provided the lighting is a full cut-off design to prevent direct light from being cast upon nearby property and to prevent glare on nearby public streets, as approved by the Special Use process.
  - (3) **Security Fencing:** The City may require the installation of a security fence around all sides of a telecommunications structure located at ground level, and shall review and approve the material and design of any fencing to ensure that it will in fact serve to secure the facility.

- (4) Screening and Landscaping: All landscaping on a parcel of land containing wireless telecommunications facilities and/or antenna support structures shall conform to the applicable landscaping requirements, if any, in the zoning district where the structure is located. The City may require year-round landscaping and/or screening in order to reduce visual impacts and enhance the compatibility of telecommunications structure(s) with the character of nearby land uses and the area. Such screening may consist of walls, fencing and/or landscaping or combinations thereof, as approved by the City, but any such screening may be reviewed to determine that it does in fact screen the facility from view.
- (5) Parking and Access. The parcel of land upon which a telecommunications structure is located shall either contain at least one (1) off-street parking space on the site, or shall identify other permanently available off-street parking associated with the site.

(P) Signs.

- (1) Signs Prohibited. No signs, flyers, flags or banners, shall be permitted on any telecommunications structure, except as may be required by the FAA, FCC, other federal or state agency or the City. A flag may be hung on an approved stealth flagpole structure in accordance with regulations.
- (2) Removal of Signs. The structure owner shall remove any sign placed on any telecommunications structure in violation of this section within five (5) days of notice having been sent by the City.
- (3) Notwithstanding any contrary provisions of the city's zoning ordinance, the following warning signs shall be utilized in connection with the tower or antenna site, as applicable: If high voltage is necessary for the operation of the tower or associated equipment, "HIGH VOLTAGE--DANGER" warning signs shall be permanently attached to each side of the fence or wall surrounding the structure. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than forty (40) feet apart;
  - (a) the height of the lettering of the warning signs shall be at least twelve (12) inches and the signs shall be installed at least five (5) feet above the finished grade;
  - (b) the warning signs may be attached to freestanding poles if the content of the sign may be obstructed by landscaping. A sign on the gate indicating the name and address of the tower owner and a phone number where the tower owner can be reached twenty-four (24) hours a day in case of an emergency shall be permanently attached to the fence.

(Q) Stealth Design for Wireless Telecommunications Facilities.

- (1) Stealth wireless telecommunications facilities shall be designed to blend in with the character and environment of the area in which they are proposed to be located, and to enhance compatibility with nearby land uses by minimizing visual impacts. Stealth wireless telecommunications facilities shall incorporate the following design principles, as applicable to the type of telecommunications structure and character of the location:

- (a) Preserve the pre-existing character of the area as much as possible.
- (b) Minimize the height, mass and proportion of wireless telecommunications facilities to minimize impacts on the character of the nearby area.
- (c) Minimize the silhouette presented by new towers, stealth monopoles, antenna support structures and antenna arrays. Monopoles are favored over lattice-type towers; antennas mounted inside an antenna support structure or monopole, or mounted flush to the antenna support structure, are favored over triangular “top-hat” or other projecting external types of antenna arrays.
- (d) Use colors, textures and materials that blend in with the existing environment; surfaces shall be painted, or otherwise treated, to match or complement existing background structures and surfaces, and to minimize reflection.
- (e) Conceal telecommunication facilities from view by placing inside a building, steeple, penthouse, clock tower, flagpole or other appropriate structure. Architectural additions or appurtenances to existing antenna support structures that are intended to conceal telecommunication facilities, shall be designed to be appropriate in mass, scale, material, texture, color and character with the existing antenna support structure.
- (f) Camouflage and/or disguise wireless telecommunications facilities to look like another type of structure or object, through methods including, but not limited to design, placement, use of materials, texture, color, year-round landscaping and screening, to blend in with the character of the surroundings, or integrate into the architectural elements and character of an existing antenna support structure to such an extent that it is indistinguishable by the casual observer from the structure on which it is located, or from the surroundings in which it is placed. Stealth monopoles designed to look like a flagpole shall utilize a flag that is appropriately sized for the height of the pole. Stealth monopoles disguised as a tree shall be of a height, character and placement that is appropriate to the location. Wireless telecommunications facilities mounted on roofs or similar structures shall be concealed from view by placement and setback from the edges and/or through use of architectural screening that is in character with the building or antenna support structure.
- (g) Locate wireless telecommunications facilities in areas where trees and/or buildings obscure some or all the wireless telecommunications facilities from view, and install new year-round landscaping and screening around the site where visible from public streets or residential areas.
- (h) Locate accessory equipment inside a building or in underground vaults when possible. Screen ground-level wireless telecommunications facilities through use of walls, fencing or year-round landscaping, or

combinations thereof, which is appropriate in design, height and material to the character of the location and the structure to be screened.

(R) Modification and Replacement.

- (1) Modification to existing site. Up to fifty (50) percent of the height of an existing tower may be replaced with no substantial change in height as part of modifications made to provide for co-location of a new facility. Replacement of more than fifty (50) percent of a tower shall be considered a new tower and shall meet all of the applicable requirements for new construction.
- (2) Rebuilding damaged or destroyed existing site. If more than fifty (50) percent of the tower or facility is damaged or destroyed, it shall be considered a new facility and shall meet all the applicable requirements for new construction. All replacement shall comply with then applicable building codes and a new administrative approval or special use permit and building permit shall be obtained and be completed within one hundred eighty (180) days from the date the tower or facility was damaged or destroyed. If no permit is obtained or it expires, or replacement is not timely completed, the tower or facility shall be deemed abandoned.

(S) Building Permits, Inspections, and Certifications. The applicant shall apply for and receive all applicable City permits prior to the construction of an antenna support structure or telecommunications structure. Wireless telecommunications facilities shall conform to the requirements of the applicable city codes and all other construction standards set forth by federal and state law. The City shall inspect the antenna support structure or telecommunications structure and issue a certificate of occupancy prior to use by the providers. It shall be a violation of this subsection for any structure owner to construct or use a telecommunications structure without the required permit, inspection or certificate of occupancy. An engineer shall certify that all wireless telecommunications facilities are structurally sound. For new wireless telecommunications facilities, such certification shall be based upon the construction plans, and shall be submitted with an application. The City may require subsequent certifications if the City reasonably believes that the structural and/or electrical integrity of the telecommunications structure is jeopardized. Failure to comply within seven business days of such request shall be grounds for revoking such structure's occupancy permit, and ceasing operations until compliance is achieved.

(T) Abandonment. The structure owner and/or landowner and/or provider of a telecommunications structure shall provide the City a copy of its notice to the FCC of intent to cease operations. The structure owner or landowner shall remove the structure at the owner's expense within one hundred and eighty (180) days from the date of cessation of operation of the tower. If the structure owner and/or provider ceases operation of the tower and/or fails to remove the structure within one hundred and eighty (180) days from the date of cessation of operation, the structure may be declared a nuisance and dangerous structure in conformance with the City's nuisance code. The removal process shall be as set forth in the City of Fort Meade Code for removal of nuisances and/or dangerous buildings. Failure to provide the City with the proper notice of intent to cease operations shall be evidence of intent to abandon the tower and nuisance abatement may be commenced. Failure to remove the abandoned structure in compliance with the time limit provided within a notice that such facility has been declared a nuisance shall be

grounds for the City to remove the structure with all costs of removing such dangerous and nuisance structure assessed against the landowner as a lien against the real property in the amount of all direct and indirect costs associated with the dismantling and disposal of the structure.

(U) Maintenance.

- (1) Structure owners shall employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public including sufficient anti-climbing and other measures to reduce the potential for trespass or injury.
- (2) Structure owners shall install and maintain wireless telecommunications facilities, fixtures and other equipment in compliance with the requirements of all federal, state and local codes and regulations, and in such manner that will not interfere with the use of other property.
- (3) All wireless telecommunications facilities shall be maintained in good condition, order and repair.
- (4) Licensed maintenance and construction personnel shall perform all maintenance and construction of wireless telecommunications facilities.
- (5) All wireless telecommunications facilities shall comply with the current RF emission standards, as determined by the FCC.

- (V) FEES. Fees for each application shall be no less than \$2,500.00, but shall at least cover the City's costs of reviewing, processing, and considering the application. The applicant shall submit with any Conditional Use Permit application, or at the time of converting an application for an administrative permit to a request for a Conditional Use Permit, an initial deposit of \$1,000.00 for each wireless facility location that is the subject of the application. After completing the preliminary review, the city manager shall notify the applicant, in writing, of any additional information required to complete the review, and of any anticipated extraordinary costs or expenses for additional City staff time, postage and advertising, retention of expert or consultant assistance, or legal fees. If the city manager identifies anticipated costs in excess of the deposit balance after payment of expenses incurred, the deposit shall be replenished or supplemented to the extent necessary to assure payment of the anticipated costs before the City shall incur those anticipated costs and before any further review of the application shall occur. At the conclusion of the permitting process a finalized statement shall be provided to the applicant, all deposit monies held by City in excess of actual costs shall be returned to the applicant.”

### **3.09.07 Medical Marijuana Dispensaries**

Medical Marijuana Dispensaries shall meet or exceed State restrictions and regulations related to: advertising, consumption on site, exterior lighting, hours of operation, sale of other products, and security. Dispensaries shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. All distance requirements shall be

measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed Medical Marijuana Dispensary.

### **3.10.00 Development Standards for Uses Permitted by Special Exception**

The purpose of this Section is to create an approval process for Special Exception uses, those that are permitted only through special application and public review. Its intent is to ensure that such uses, if approved, are compatible with surrounding properties, and are developed in suitable locations with those design features that are necessary to safeguard the public health, safety, and welfare.

Special Exceptions shall be granted in accordance with the provisions of Section 7.09.00. Special standards and requirements presented in this Section are conditions for approval of the Special Exception and shall be binding on all development authorized under the Special Exception.

The following standards apply to uses listed as “S” Special Exceptions in Section 2.04.01, Table 2.04.01(A), and approved under the provisions of Article 7, Section 7.09.00. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

#### **3.10.01 Single Family Residential: Garage Apartment**

The following are regulations that must be agreed to before the special exception can be granted:

- (A) Garage apartments that are constructed or remodeled after the adoption of this Code must meet the City standards:
  - (1) Minimum lot requirement: 2,000 s.f. in addition to lot requirement for principal building; and
  - (2) Minimum Floor Area: 600 s.f.
- (B) In Single Family Residential districts garage apartments, which are rented out at the time of adoption of this Code in a typical landlord-tenant arrangement, are nonconforming uses.

#### **3.10.02 Multi-Family Residential: Boarding House**

The following regulations must be agreed to before the special exception can be granted:

- (A) At least 20,000 s.f. of land area shall be required before any boarding or rooming house may be approved as a special exception use.
- (B) The maximum number of persons permitted to reside on the premises shall not exceed the total building floor area divided by 200 square feet.
- (C) No sleeping room shall contain more than two persons. One parking space is required for each room rented.
- (D) All boarding or rooming houses shall contain living quarters for a resident manager.

- (E) Centralized facilities necessary to provide meals for the occupants may provide, or, such facilities may be included in the resident manger's living quarters; however, no meals shall be provided for persons other than resident occupants.
- (F) One attached, unlighted sign not over four s.f. in area plus one freestanding sign not over six s.f. in area identifying the boarding or rooming house shall be permitted.
- (G) All Landscaping Regulations must be followed, as cited in 3.07.00; in addition, a permanent fence must be erected along the side and rear lot lines if the use is located adjacent to a single-family lot, of a minimum of six feet in height.
- (H) No dwelling shall be converted to a boarding or rooming house unless all provision of this code is complied with.

### **3.10.03 Lodging: RV Park/Campground**

It is the purpose of these standards to provide minimum development guidelines for an RV Park and an RV Campground designed only to accommodate the RV (recreation vehicle). For the purposes of this ordinance, an RV Park is defined as a development in which RVs and/or "park model" mobile homes are **permanently sited and occupied year-round**. An RV Campground, on the other hand, is a development **for overnight or limited vacation-seasonal short term stays**. These provisions are intended to protect established or permitted uses in the vicinity of such a park or campground, and to protect and promote the orderly growth and development of Fort Meade.

#### **3.10.03.01 General Requirements**

The development standards of this section shall apply to both RV parks and campgrounds.

#### **3.10.03.02 Environmental Requirements**

- (A) *General.* Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.
- (B) *Soil and Ground Cover Requirements.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (C) *Drainage Requirements.* Surface drainage plans for the entire tract shall be reviewed by appropriate City staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of Polk County, prior to issuance of Site Development Plan approval and building permits. No permit shall be issued in such instance where the Development Director finds the plan to be incompatible with surrounding areas.

#### **3.10.03.03 Tract Requirements**

- (A) The tract shall have at least 75 feet of frontage on a Principal Arterial roadway, as designated on the Future Traffic Circulation Map of the Fort Meade Comprehensive Plan.
- (B) Minimum tract size for a RV Park or Campground development shall be five acres.
- (C) Minimum width of the tract shall be 150 feet at the front building setback line.
- (D) Minimum depth of the tract shall be 200 feet.
- (E) Minimum perimeter setbacks shall be as follows:
  - (1) No RV or structure shall be placed less than 25 feet from any lot line and said 25 foot setback shall be landscaped as a buffer and contiguous properties by a wall, fence, evergreen hedge or other approved enclosure and shall have a minimum height of five feet and a maximum height of eight feet.
  - (2) RVs and structures shall be placed at least 20 feet from the pavement edge of private park roads, which shall also be landscaped.
- (F) *RV Park/Campground Abuts Residential Use.* Where any property line of a RV park or campground abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within 10 feet of, said property line a solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, that shall be in addition to the buffer yard required by Section 3.07.00.

#### **3.10.03.04 Vehicle Site Requirements**

- (A) Maximum density shall be 10 sites per net acre.
- (B) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- (C) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV, shall be expressly prohibited in an RV Campground. Such additions to park model RVs may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code and State Regulations.

#### **3.10.03.05 Recreational and Open Space Requirements**

There shall be provided within a RV park or campground at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 20 percent of the entire tract area or 5 acres whichever is less.

#### **3.10.03.06 Street System and Off-Street Parking Requirements**

- (A) *General.* All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a stable surface that shall be well drained.
- (B) *Access.* Access to a RV park or campground from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
- (C) *Internal Streets.* The designation of private right-of-way for internal streets is optional. Road surfacing shall meet the following minimum width requirements:
  - (1) One-way travel: 12 feet.
  - (2) Two-way travel: 24 feet
  - (3) All travel trailer spaces shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to a public street, alley or highway.
- (D) *Off-Street Parking and Maneuvering Space.* Each RV Park or Campground shall be designed so that parking, loading or maneuvering of vehicles incidental to parking spaces shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the RV Park or Campground parking area.

#### **3.10.03.07 Service Requirements**

- (A) *Water Supply System.* Connection to a potable public supply of water is required. Provision of water supply, water storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida. Each space shall be provided with a cold water tap at least four inches above the ground.
- (B) *Watering Stations.* Each RV Park or Campground shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
- (C) *Sewage Disposal System.* The RV Park or Campground sewerage system shall be connected to the City's public sewage system. The distribution system shall be designed, constructed and maintained in accordance with requirements of this Code and by the State of Florida.
- (D) *Sanitary Connections.* Each RV Park or Campground shall be provided with individual connections to each vehicle site in the RV Park or Campground.

There shall be toilet and other sanitation facilities and lavatory, shower and dressing room facilities provided, one for each ten spaces or fraction thereof.

- (E) *Laundry Facilities.* One automatic washer, one automatic dryer and one double sink shall be provided for each 25 spaces or fraction thereof.
- (F) *Electrical and Gas Systems.* Each RV Park or Campground shall be provided with an electrical or gas system that shall be installed and maintained in accordance with applicable codes and regulations. Each space shall be provided with an electrical outlet consistent with the National Electric Code.
- (G) *Walkways and Driveways Lighted.* All driveways and walkways within the park/campground shall be hard-surfaced and lighted at night with electric lamps type sodium vapor of not less than 100 watts each, spaced at intervals of not more than 100 feet, and in accordance with the requirements of the Florida Building Code.
- (H) *Hurricane Shelter.* Each RV Park or RV Campground shall provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person. In addition, the following shall be provided and maintained: alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate source of water separate from the Park source (e.g. stored water in drums or a separate well). Each building shall be built to conform to the Standard Building Code for hurricane shelters.  
To calculate the size of the hurricane shelter to be built in a Park, each RV space will be counted at a minimum of two persons per space. Shelter space shall be provided for 89% of total park spaces calculated at the rate.

RV Campgrounds do not have to provide hurricane shelters. All campers are to evacuate in the event of a natural disaster such as a hurricane. RV Parks that are combined with Campgrounds must provide hurricane shelters for those persons who are living, either permanently or seasonally, in an RV unit which is not portable and cannot be driven out of the area on short notice.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building Code regulations for hurricane shelters.

#### **3.10.03.08 Refuse Handling**

- (A) *General.* The storage, collection and disposal of refuse (garbage, ashes, and rubbish) in a RV Park or Campground shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.
- (B) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers that shall be located within 300 feet of any vehicle.
- (C) *Collection.* All refuse containing garbage shall be collected at least twice weekly, in accordance with requirements established by the State of Florida.

#### **3.10.03.09 Service Buildings and Facilities**

- (A) *General.* The requirements of this section shall apply to service buildings, recreation buildings and other service facilities, such as management offices;

repair shops and storage areas; sanitary facilities; laundry facilities; or indoor recreation areas.

- (B) *Service Building for Dependent Vehicles.* A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in a RV Park or Campground that provides vehicle sites for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served.
- (C) *Service Facilities in Connection with Other Businesses.* When a RV Park or Campground requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (D) *Pedestrian Access to Service Buildings and Facilities.* Surfaced, appropriately drained walkways having a width of not less than 3 feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (E) *Outdoor Cooking and Incinerator Facilities.* All outdoor cooking and incinerator facilities shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.

#### **3.10.03.10 General Operating Requirements**

- (A) *General.* The person to whom appropriate permits and licenses are issued shall operate the RV Park or Campground at all times in compliance with applicable state and local laws pertaining to the management and operation of such a facility.
- (B) *Duration of Stay in a RV Campground.* Vehicle sites shall be rented by the day or week only, and the occupant of a vehicle site shall remain at that site and within the RV campground for a limited period of time consistent with the special seasonal, vacation and transient requirements of the RV user, **but in no case exceeding 120 calendar days within any 360 day period**, whether accumulated consecutively or intermittently.

It shall be the duty of each licensee and permittee to keep a register containing a record of all RV owners and occupants within the park/campground.

- (C) *Duration of Stay in a RV Park.* Vehicle sites are intended for year round occupancy.

#### **3.10.03.11 Permit Procedures and Requirements**

- (A) *Site Development Plan.* Any applicant for the required permits to establish, construct, alter or extend a RV Park or Campground in Fort Meade shall first request and receive approval of a Site Development Plan in accordance with the provisions of Section 7.05.00 of this Code.

- (B) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV Park or Campground from the Polk County Health Department and the State of Florida in accordance with the requirements of appropriate agencies. A Certificate of Occupancy will not be issued until a permit has been obtained.
- (C) *License.* A license is required to operate an RV Park or Campground. The license is valid for one year from date of issuance and must be reviewed yearly or may be transferred to a new owner as follows:
  - (1) Upon application in writing by a licensee for renewal license and upon payment of the annual license fee, the City may issue a new license.
  - (2) Upon application in writing for transfer of a license and payment of the transfer fee, the City may issue a new license to the transferee.
  - (3) The license required must be posted conspicuously in the office of the park at all times.
- (D) *Building Permit.* Upon completion of (A), (B) and (C) above, application shall be made to the Building Director for the building permit to construct, alter, or extend a RV Park or Campground in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of a RV Park or Campground, the Building Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

### **3.10.04 Motor Vehicle Sales, Repairs, Rental, Parts**

#### **3.10.04.01 Service Station (Minor Repair, No Sales)**

A Site Development Plan is required in C-2, M-1 and M-2 Districts. This use is a Special Exception in C-1.

- (A) *Site – Service Station.* The minimum frontage on an arterial or collector road shall be 150 feet. The minimum area of a service station development site shall be 15,000 s.f. Construction on site of minimum area shall include no more than two bays and two pump islands. On service bay and one pump island may be added for each additional 2,000 s.f.

*Site – Truck Stop.* Development site shall be at least two acres in size, and shall have no less than 150 feet of frontage on an arterial roadway. Mechanical work shall be limited to minor automotive repairs as defined in Article 9.

- (B) *Service Area.* Service areas shall be provided as follows:
  - (1) Paving. The entire area of service station sites not covered by structures and landscaping shall be paved; either concrete or asphaltic concrete shall be used for the paved areas.

- (2) Curb. At the property line, face each street side of the service area which is not included in a driveway with concrete vertical curb six inches wide by thirteen inches deep (6" x 13") with a top six inches above the finished pavement grade except where a transition is made to a driveway.
  - (3) Equipment. Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to an approved sand and grease trap, drain field and dry well.
  - (4) Off-Street Parking Spaces Required. The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces.
  - (5) Access Points onto Streets. There shall be not more than two access points, not to exceed 36 feet in width each, permitted on the street on which the service station is located. All access points shall be located at least 75 feet from the intersection of any right-of-way lines of streets or a street and a railroad, and at least 25 feet from all side or rear property lines. There shall also be a minimum distance of 30 feet between any two access points serving the property.
  - (6) Truck Parking Areas – Truck Stop. Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards. No loading or unloading of freight shall be permitted on the site.
- (D) *Structures.* Structures shall conform to the following standards:
- (1) Building. The building shall be set back a minimum of 25 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhang shall not project more than 10 feet from the canopy vertical supports.
  - (2) Pump Islands. Pump islands shall be set back a minimum of 25 feet from any property line.
  - (3) Exterior Lighting. Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor displays shall be limited to the following:
- (1) Racks containing cans of lubricating oil may be displayed on each service island.

- (2) One rack or pedestal for the display of no more than one tire may be placed on each service island and along any side of the main entrance.
  - (3) One stationary storage cabinet may be located no more than four feet (4') from the wall of the main structure, excluding vending machines.
  - (4) The display of standards, banners, flags, and any sign not specifically authorized by City ordinance is prohibited, except that one permit for the display of standards, banners and flags for not more than 30 days may be issued to a newly constructed service station.
  - (5) The service area shall drain into a catch basin on the site and thence to a storm sewer if a storm sewer is available. If no storm sewer passes the site, the drainage shall be in accordance with Article 3, Section 3.05.00, Stormwater Management.
- (F) *Shopping Centers.* One service station may be constructed at a shopping center having a building development with a floor area of not less than 100,000 s.f. and having a land area of not less than 15 acres; provided, however, that such service station shall only be operated as an adjunct to a tenant's regular business and shall not comprise a major part thereof.
- (G) *Storage, Sale and Rental of Vehicles and Trailers.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one vehicle or trailer may be stored for each 200 s.f. of land over 15,000 s.f. of lot area. The sale of vehicles and trailers **shall be prohibited**. The rental of vehicles or trailers shall be permitted provided that an additional 200 s.f. of lot area is provided for each rental vehicle and/or trailer.
- (H) Storage of vehicles that are used for parts or that are stored in connection with a wrecker or towing service have a maximum accumulation time of two months.

#### **3.10.04.02 Major Auto, Boat or Truck Repairs, No Sales**

A Site Development Plan is required in M-1 and M-2 districts. This use is a Special Exception in C-2 district, except where the use shall be located on the site of a full-service vehicle dealership, in which case it shall be a permitted use.

- (A) A Site Development Plan is required in M-1 and M-2 districts. This use is a Special Exception in C-2 district, except where the use shall be located on the site of a full-service vehicle dealership, in which case it shall be a permitted use.
- (B) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet (6') in height.
- (C) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.

- (D) All lots shall be surface in a stable manner.
- (E) Landscaping and buffers are required, in conformance with Section 3.07.00 of this Article.

### **3.10.05 Retail Commercial, Outdoor Storage**

#### **3.10.05.01 Recreation, Outdoor, Commercial**

If the applicant can show that the proposed parcel can support the business without compromising the neighborhood, the use will be allowed with a Site Development Plan in C-2. This use is a Special Exception in the C-1 district due to its usually large size.

- (A) No outdoor amusement enterprise shall be located within 300 feet of existing residential development or property designated for residential use on the Future Land Use Map of the Fort Meade Comprehensive Plan. This distance shall be measured from the boundary of the property on which the proposed outdoor amusement enterprise would be located.
- (B) Minimum lot size shall be one acre.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.
- (D) Outdoor amusement activities shall be subject to applicable performance standards provided in Section 3.06.00.
- (E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.

#### **3.10.05.02 Flea Market**

If the applicant can show that the proposed parcel can support the business without compromising the nature of the zoning district, the use will be allowed by Special Exception in M-2.

It is the purpose of these standards to provide minimum development guidelines for a flea market in the Heavy Industrial Zoning District, to protect established or permitted uses under these regulations in the vicinity of such a facility, and to protect and promote the orderly growth and development of Fort Meade.

- (A) *General Requirements.* Flea markets shall be permitted only on property fronting on a principal arterial road. At least one enclosed building of 300 square feet in size shall be constructed on the property.
- (B) *Development Requirements.* The minimum lot size shall be five acres. No more than 40% of the development site shall be covered by permanent or temporary structures.

(C) *Design Requirements*

- (1) Lighting. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare standards.
- (2) Fencing. Where a property line abuts and is contiguous to property zoned for residential use, a six foot solid masonry wall shall be constructed along the property line. At the discretion of the Development Director, a landscaped buffer may be substituted for this requirement in accordance with Section 3.07.00. Within required structural setback distances from public roads, the height of the wall shall be four feet.
- (3) Drives. Drives shall have a smooth, stabilized and dustless surface.
- (4) Landscaping. Landscaping of vehicle use areas shall be in accordance with Section 3.07.00. Landscaping shall be provided in all setback areas according the Landscape Standard “D”, except where a solid face masonry wall is required.
- (5) Restrooms. Restroom facilities shall be provided to adequately serve the customers anticipated to frequent the flea market.

**3.10.06 Public Service Facilities – Power Lines (High Voltage)**

Each tower shall be set back from all property lines a distance equal to its height. Alternatively, a statement from a registered engineer in the State of Florida may be provided to certify that, in the event of structural failure, the tower would fall within the boundaries of the property on which it is located. In no case shall the tower be set back a distance of less than 50 percent of its height. The tower shall meet all applicable standards of the Federal Communication Commission, the Federal Aviation Administration, and any other relevant Federal or State agency.

**3.10.07 Educational/Cultural Facilities: Private Kindergarten and Nursery Schools**

A Special Exception Use Permit is required in all residential districts plus AG, P-1, MHP, C-2 and HIS. Each facility shall be designed to reflect a residential character and shall be compatible with the surrounding residential uses if proposed to be located within residential zoning districts. The following applies:

- (A) No sign, visible from the street or sidewalk, may be erected or displayed in connection therewith if located within a residential zoning district.
- (B) Minimum floor space, minimum lot requirements, maximum lot coverage and minimum yard requirements pertaining to said districts shall be complied with.
- (C) Play and recreation areas shall be enclosed by a fence, wall or other barrier and shall be shaded **100 percent**.

- (D) The Board of Adjustment and Appeals shall determine that adequate provision is shown for safe loading and unloading of children and other passengers from vehicles.
- (E) The Board of Adjustment and Appeals shall determine that traffic and noise caused by such uses will not unreasonably and adversely affect the use and enjoyment of neighboring property by the owners thereof.
- (F) The Board of Adjustment and Appeals shall determine that such uses and buildings meet a community need without adversely affecting the adjacent properties.
- (G) The Board of Adjustment and Appeals may impose additional and further appropriate conditions and safeguards designed to preserve the general character of the district in which such uses are proposed to be located.

### **3.10.08 Agricultural Uses**

#### **(A) Farm Labor Camp**

- (1) All facilities shall be constructed and licensed according to State regulations.
- (2) The maximum density of the farm labor camps shall not exceed the density permitted in the Comprehensive Plan.
- (3) Farm labor camps shall provide front, side, and rear yards of at least fifty feet.
- (4) A buffer area shall be provided between the camp and adjacent properties if the camp building footprint is located within 200 feet of the zoning lot line, or the adjacent property is under different ownership.
- (5) All structures containing dwelling units shall meet applicable Building Code Standards and shall be located a minimum of 10 feet apart unless the structure is a dormitory. Dormitories shall be separated from other structures by a minimum of 20 feet.
- (6) All access drives serving the camp shall be at a minimum packed shell, gravel, or a similar material which will provide a relatively dust free surface.
- (7) All camps shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
- (8) All camps shall be maintained in a neat, orderly, and safe manner,

(9) All special exception requests for farm labor camps shall be reviewed by the City Commission through a de novo proceeding following rendition of a decision by the Planning and Zoning Board.

(10) Farmworker Labor Camp is not permitted in the Historic District indicated on FLU Map 2 – City of Fort Meade – Historic Resources in the Fort Meade Comprehensive Plan Future Land Use Map Series.

(B) Farmworker Housing, Migrant/H-2A

Housing for persons working on groves/farms/ranches and not otherwise meeting the above definitions and criteria of Farm Labor Camp or Resident Farmworker Housing, and reviewed and permitted by the Polk County Department of Health (DOH) as migrant housing, said housing, shall be considered by the City as Farmworker Housing, Migrant/H-2A housing. Within the R-2 and C-2 zoning districts, the housing can be constructed as multi-family style residential development. And, in addition to being limited to the AG, R-2, and C-2 zoning districts, housing designated as Farmworker Housing, Migrant/H-2A housing shall also be required to obtain an annual operating permit from the City to ensure compliance with the adopted International Property Maintenance Code as minimum living standards.

Farmworker Housing, Migrant/H-2A is not permitted in the Historic District indicated on FLU Map 2 – City of Fort Meade – Historic resources in the Fort Meade Comprehensive Plan Future Land Use Map Series.

[RESERVED]

[RESERVED]

# *City of Fort Meade*



# Unified Land Development Code Article 4

## ARTICLE 4 SIGN REGULATIONS

4.01.00 Introduction

4.02.00 Purpose

4.02.01 Definitions

4.03.00 General Requirements

4.04.00 Exempted Signs

4.05.00 Prohibited Signs

4.06.00 Permitted Signs

4.06.01 Signs in Residential Districts

4.06.02 Signs in Professional Districts

4.06.03 On-Site Commercial Signs, Including Churches

4.06.04 Industrial Signs

4.06.05 Historic Downtown District Signs

4.06.06 Historic Neighborhood District Signs

4.06.07 Special Signs

4.07.00 Special Event Signs

4.08.00 Nonconforming Signs

4.09.00 Annual Review

4.10.00 Enforcement

[RESERVED]

ARTICLE 4  
SIGN REGULATIONS

**4.01.00 Introduction**

- (A) It is the intent of the City to encourage creative, unique and effective signs that are appropriate and symbolic of the business located on the premises.
- (B) *Recommended Practices.* Occasionally, these regulations will and are, in addition to the basic rights and responsibilities, be set forth as the recommended practices. These practices represent the preference of the city with regard to signs. Amendments, including but not limited to the recommended practices, may be adopted by the City in the future. The recommended practices constitute notice to the public that a sign conflicting with a recommended practice runs the risk of being a nonconforming sign in the future and any sign that is not specifically permitted, shall be considered prohibited in any section of Article 4 - Signs.
- (C) In the event such a sign conflicts with a provision of this Article, the owner is encouraged to apply to the Board of Adjustment and Appeals for a special permit allowing the use of the sign. The applicant has the burden of showing that the sign contains aesthetic qualities that are an improvement over ordinary and typical signing practices and will enhance the aesthetics and property values of the neighborhood and community.

**4.02.00 Purpose**

The purpose of these regulations is to establish requirements that promote convenience, safety, property values and aesthetics while granting equal protection and fairness to all property owners.

- (A) *Convenience.* These regulations are designed to encourage signs that help to visually organize the activities of the City, lend order and meaning to business identification and make it easier for the public and business delivery systems to locate and identify their destinations.

- (B) *Safety.* The requirements with regard to placement, installation, maintenance, size and location of signs act to minimize unnecessary distractions to motorists, protect pedestrians and provide safe working conditions for those persons who are required to install, maintain, repair and remove the signs and their structures. The requirement of large signs to be engineered is to ensure the City that the sign will not collapse or fall.
- (C) *Property Values and Aesthetics.* An offensive sign is as detrimental to property values as an offensive odor or sound. Sight, sound and odor influence the value of property. The City has an obligation to promote the general welfare. This includes enhancement of property values by enacting and enforcing ordinances that create a more attractive business climate and make a more desirable City in which to visit, trade, work and live.
- (D) *Equal Protection and Fairness.* These regulations are designed to be fair to each property owner in that each receives equal and adequate exposure to the public and no one is allowed to visually dominate his neighbor.

#### **4.02.01 Definitions**

**Signable area of a building:** A rectangular area on the façade of a building that is free of windows and doors or major architectural detail. Any portion of a roof less than 20 feet from the ground is included.

**Sign:** Any writing, graphic or pictorial presentation, number illustration, of decoration, flag, banner, or pennant, or other device designated to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not require a permit:

1. Signs not exceeding one square foot in area;
2. Flags of this nation, state, county or city;
3. Legal notices when required by law;
4. Architectural features of buildings;
5. Signs erected in the public rights-of-way when required or authorized by law and when erected by the governmental agency having jurisdiction of the right-of-way;
6. Temporary signs;
7. Interior signs within the structure or structures of a premise, provided such signs are not visible from the public rights-of-way.

**Sign, abandoned:** A sign which, for a period of 180 consecutive calendar days is no longer being used, and which is not being maintained shall be considered and abandoned or discontinued sign or that no longer serves to advertise a bona fide business conducted, service performed or product sold.

**Sign, Billboard:** An off-site sign the surface or surfaces of which are sold, rented or leased.

**Sign, building:** A sign applied or affixed to a building, including, without limitation, wall, marquee, window, projecting or awning signs.

**Sign, canopy:** A sign painted on or attached to a canopy or awning.

**Sign, electronic board:** A sign designed to provide information related to a business. These signs by their nature are illuminated, changeable copy, electronic signs.

**Sign, electronic community bulletin board:** A sign designed to provide community information related to public and semi-public meetings, and special events related to activities of schools, churches, governmental facilities and similar public and quasi-public facilities. These signs by their nature are illuminated, changeable copy, electronic signs.

**Sign, electronic:** A sign designed to provide community information related to a business and which by their nature are illuminated, changeable copy, electronic signs.

**Sign, directional:** A sign located at the exit or entrance of a premise that has two or more driveways.

**Sign, flashing:** A sign designed to attract attention by the inclusion of a flashing, changing, revolving, or flickering light source or a change of light intensity.

**Sign, Ground-mounted:** Any sign that is supported by uprights or braces in or upon the ground and not attached to any building. Ground-mounted sign includes a pole sign and monument signs.

**Sign, hanging:** A sign which hangs down from and is supported by or attached to the underside of a canopy, awning, marquee, or extension of a structure.

**Sign, height:** The distance measured from the top of the sign structure to the ground elevation upon which the sign is located.

**Sign, illuminated.** A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back lighted, and reflectorized signs which depend upon automobile headlights for an image.

**Signs, indirectly illuminated:** A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

**Sign, marquee:** A sign attached to or painted on the face of a marquee and not projecting above or beneath said marquee face.

**Sign, moving:** A sign designed to attract attention by physical movement of all or parts of the sign including rotation, motion or the perception of motion.

**Sign, nonconforming:** A sign or advertising structure existing within the city limits or existing in an area annexed into the city after the effective day of these regulation, which by its height, area, location, use or structural condition does not conform to the requirements of this Article, shall hereafter be termed nonconforming.

**Sign, non-illuminated:** A sign which has no source of illumination either directly or indirectly.

Sign, off-site. A sign other than an on-site sign.

Sign, parasite. A sign, for which no permit has been issued, which is attached to another sign.

Sign, portable: Any on-site sign which is temporary in nature, and portable in that it is not intended to be permanently affixed or attached to the ground and which may be wired for illumination. Such sign may be on a trailer or towing device or be transported to the site and temporarily secured to the ground. This type of sign may include but is not necessarily limited to: A-frame signs, pole attachments, search lights, stands, and business signs pasted, painted or attached to window display areas. No such sign shall exceed 32 square feet on a single surface side or 64 square feet on double surface of combined sides.

Portable signs may be permitted in any commercial and industrial zoning district subject to the following conditions:

1. Permits for such signs shall be secured from the administrative official of his/her designee.
2. Application for such permit shall be accompanied by a site location plan with appropriate dimensions for location of sign.
3. Only one portable sign per premise is permitted.
4. All such signs shall be located no closer than 25 feet to the front or side pavement edge but not on public right-of-way.
5. In no case shall any such portable sign be located within 50 feet of the pavement at intersections of any streets.
6. One sign, as approved above, shall be permitted on the basis of 30 consecutive days within a six-month anniversary period. Such anniversary period being on the day of permit issue.
7. No flashing lights shall be permitted on any portable signs nor shall any colors be used that will be a violation of any federal or state law.

Sign, projecting: A sign attached to a building or other structure and extending beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

Sign, real estate: A temporary sign located on a premise which is available for sale, lease or trade.

Sign, roof: A sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support of on the roof surface.

Sign, trailer: A sign constructed of any material with or without changeable lettering, illuminated or non- illuminated, mounted on a trailer or similar structure, with or without wheels, and not permanently secured to the ground.

Sign, wall: A sign which is painted, applied to or mounted flat against a building or other structure with orientation from the exterior front, rear or side wall of such building or structure.

Sign, wind: Any sign or display including but not limited to flags, banners, balloons, streamers and rotating devices, fastened in such a manner to move upon being subjected to pressure by the wind or breeze.

Sign: number and surface area of: For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing organized elements, that are related and are composed to form a unit. If their matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

As to the surface area of a sign, it shall be computed as including the entire area within the periphery of a regular geometric form, or combinations of regular geometric forms, comprising all of the display masking, frames, or structural elements of the sign bearing no graphic matter. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back with a maximum of one-foot separation, the area of the sign shall be taken as the area of one face if the two faces are of equal area and the area of the larger face if the two faces are of unequal area.

Signs, on-site: Any sign (1) that identifies an activity conducted or products or services available on the premises where the sign is located, or (2) displaying a non-commercial message, or (3) any combination of 1 and 2.

Sign, Permanent Window: Any sign mounted on or inside of a window for permanent display to the public passerby outside the window.

#### **4.03.00 General Requirements**

Unless otherwise provided in this Article, the following requirements apply to all signs in the City:

- (A) *Permit Required.* To obtain City review and avoid expensive mistakes, all signs shall be required to have a permit indicating compliance with this chapter unless provided in Section 4.04.00. No sign shall be constructed, altered or extended until such permit has been issued. Hand-drawn renderings may be accepted if deemed under 4.03.00(K), however drafts from an engineer or professional sign company is preferred for review.
- (B) *Street Address Numbers.* Street address numbers are assigned by the City and are required for all buildings. The numbers shall be at least three inches high and visible from the public thoroughfare.
- (C) *Height Limit and Setback.* In no case shall the height of a sign, or sign structure, exceed the height limit for buildings and structures in the zoning district in which it is located. Every sign, and sign structure, shall be setback from the front property line a minimum of ten (10) feet. This shall be measured from the edge of the sign, or sign structure, nearest the front property line.

Corner lots are considered to have front yards on every property line that abuts a street right-of-way.

- (D) *Exceptions.* These regulations shall not apply to vending machines, gasoline pumps, telephone booths, newspaper racks, “take-out” or “pick-up” windows and menus posted for reading in drive-in restaurant parking lots.
- (E) *Recommended practice:* Newspaper racks, vending machines, gasoline pumps and any facility dispensing merchandise or a service should be confined within a space that is part of or adjacent to a building so as to be an aesthetic asset to the building and the neighborhood.
- (F) *Product Names or Trade Names as Part of the Sign.* These regulations do not regulate the content of the message of the sign. It is recommended that the content of the sign identify the business rather than advertise its products. Product names or trade names should not be permitted within a sign unless the trade name is part of the occupant’s name or the product identified constitutes over 25 percent of the total business done on the premises.
- (G) *Reader boards.* Reader boards or price signs with removable copy may be allowed, providing the reader board is included in the allowed sign area, does not constitute more than one-third of the allowed sign area of any one side of the sign and is architecturally integrated into the sign.
- (H) *Signs Maintenance.* All signs must be legible, well painted, in good repair, properly maintained and sturdy enough to permit those persons working on the signs to do so in safety. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Fort Meade, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
- (I) *Removable.* It is recommended that all signs be removable so as to minimize potential expense to the owner.
- (J) *Colored Lights for Signs.* White and yellow are the only colors of lights permitted for illuminating, externally and/or internally, any signs in areas classified residential or professional, except for Christmas or seasonal lighting unless otherwise specifically allowed in a zoning district. Floodlights may not shine onto adjoining property or in the eyes of motorists or pedestrians.
- (K) *Engineering Plans Required for Large Signs.* Signs exceeding 32 square feet or electronic message signs must be designed by a professional engineer or sign company for safety reasons. The sealed engineering plans must accompany the request for a permit.
- (L) *Landscaping.* All ground mounted and/or monument or free standing signs shall be landscaped with appropriate shrubbery and ground material as approved by the administrative official and/or their designee.

#### **4.04.00 Exempted Signs**

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

- (A) Signs that are not designed or located so as to be visible from any street right-of-way or adjoining property.
- (B) Signs of two square feet or less and signs that include no letters, symbols, logos or designs in excess of two inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4.05.00 of this Code.
- (C) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property. Recommended practice: Directional signs should be kept at a minimum in favor of directional markings on pavement.
- (D) Legal notices and official instruments.
- (E) Holiday lights and decorations provided such items are removed no later than 30 days after the holiday being celebrated.
- (F) Memorial signs or tablets containing names of buildings, dates of erection and other information when inscribed in a masonry surface or metal plaque and permanently affixed to the side of a building.
- (G) Public warning signs to indicate the dangers of trespassing, swimming, animal or similar hazards.
- (H) Signs carried by a person.
- (I) Religious displays erected on church grounds.
- (J) On-site development signs identifying the developer, architect, contractor, etc., on property where a building is actively under construction. Said sign shall be permitted for no longer than 60 days prior to construction. One non-illuminated wall or ground-mounted sign not exceeding 20 square feet in area and 10 feet in height, and setback a minimum ten feet is allowed.
- (K) Residential real estate yard signs not exceeding six square feet in size and six feet in height, to advertise that the premises are for sale, rent or lease. Commercial real estate signs shall not exceed 12 square feet in size and four feet in height. Said sign shall be set back no less than ten feet from the front property line.
- (L) Community, civic and fraternal organizations sponsoring public service events shall be allowed a reasonable number of temporary signs designed to inform the public of such events.
- (M) Subdivision Development Signs to identify subdivisions where an active building and development program is underway. Such signs shall be non-illuminated wall or ground-mounted and shall be permitted on a temporary basis for a maximum period of two years or when eighty-five percent of the lots of the subdivision have been conveyed or built.

- (N) Community Banners shall only be located on public banner poles erected by the City for that use.

#### **4.05.00 Prohibited Signs**

The following types of signs are prohibited in all districts:

- (A) Abandoned signs. Removal may be by the owner or by the City. In making a determination as to abandonment, the enforcing official may consider, among other factors, the existence of a current occupational license, utilities service deposit at that location, use of the premises and relocation of a business.
- (B) Billboards, and other off-premises signs, except as specifically permitted in other section of these regulations.
- (C) Portable signs except as specifically permitted in other sections of these regulations.
- (D) Signs that are in violation of the adopted building or electrical codes.
- (E) Any sign that, in the opinion of the Development Director, constitutes a safety hazard.
- (F) Blank temporary signs.
- (G) Signs imitating or resembling official traffic or government signs or signals.
- (H) Signs attached to trees, telephone poles, public benches, streetlights, or signs placed on any public property or public right-of-way.
- (I) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business) except as specifically permitted in other sections of these regulations.
- (J) Signs with the optical illusion of movement by means of a design that present a pattern capable of giving the illusion of motion or changing of copy.
- (K) Any sign obstructing traffic visibility.
- (L) Signs with moving, revolving or rotating parts, except trademark signs at least 12 feet in height and rotating at no more than two revolutions per minute.
- (M) Wind signs, including banners, pennants, spinners, streamers, and other wind actuated components, except pennants allowed temporarily and in used car lots. See Section 4.07.00 for further regulations.
- (N) Signs with lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color, except on theater marquees and time-temperature-date signs, unless specifically permitted in a specific zoning district.

- (O) Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard or nuisance to occupants of any property because of glare or other characteristics.
- (P) Signs emitting sound, odor, smoke, or steam.
- (Q) Signs emitting sound, odor, smoke, or steam.
- (Q) Signs which have been judicially determined to be obscene.
- (R) Signs erected on the right-of-way of any street, road, or public way, or signs overhanging or infringing upon the right-of-way of any street, road, or public way, except signs erected by the governmental agency having jurisdiction of the right-of-way and only as may be required or authorized by law.
- (S) Signs erected on public property, other than signs erected by the governmental agency which owns or controls said property, except that signs on marquees and canopies may overhang the public right-of-way subject to the following conditions:
  1. Marquee and canopy signs may be attached to the front and sides of a marquee or building shall not extend beyond the surface area of the marquee, except as hereinafter provided.
  2. Projecting signs in lieu of a marquee or canopy with a maximum projection of six feet beyond the building face, maintaining a minimum of eight feet clearance above the sidewalk or ground level and in keeping with all other applicable requirements of this Article.
- (T) Off-site signs, except as specifically permitted by these regulations.
- (U) Signs so located as to prevent free ingress or egress from any building (i.e., any door, window, or fire escape).
- (V) Parasite signs.
- (W) Trailer signs, except where specifically permitted by the terms of these regulations.
- (X) Human signs.
- (Y) **ALL SIGNS NOT SPECIFICALLY ALLOWED ARE PROHIBITED.**

#### **4.06.00 Permitted Signs**

The following signs are permitted within the City of Fort Meade, subject to the standards provided in this Section:

##### **4.06.01 Signs in Residential Districts**

In residential zoning districts, R-1A, R-1B, R-1C, R-2 or residential uses within an MHP zone:

- (A) *Home-based Occupation Signs.* Home-based occupations may have a sign not to exceed four square feet, which shall be mounted flat against the residence. Home-based Occupations in historic districts, such as inns or tearooms or antique store, may have a pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after 11:00 pm in residential zoning districts.
- (B) *Seasonal Sale Signs.* Seasonal Sale Signs for the sale of produce or other agriculture products are allowed after obtaining the proper permit as determined by the Development Director. They shall not exceed four square feet in size, shall not exceed four feet in height and shall be allowed for not more than 30 days and not more than twice per year.
- (C) *Yard or Garage Sale Signs.* Yard or garage sale signs are allowed, but shall be promptly removed once the sale has been completed. They shall not exceed four square feet in size, shall not exceed four feet in height and shall be allowed for not more than two days and not more than twice per year.
- (D) *Apartments/Multi-Family/Nursing Home/Assisted Living/Mobile Home Parks.*
  - 1. One ground sign not exceeding 20 square feet in area, erected at each principal entrance to the development.
  - 2. Nursing homes/assisted living facilities may have one wall sign not over eight square feet for each street side of the facility.
  - 3. Apartment/multi-family complexes may have one wall sign not over eight square feet for each street side of the complex.

#### **4.06.02 Signs in Professional Districts**

- (A) *In P1:* Each professional office is entitled to one sign per firm, not to exceed ten square feet in area or ten feet in height, if free standing and must be illuminated and landscaped.
- (B) *In P1:* In the event more than one firm occupies a building, the building is entitled to one directory sign containing the names of the occupants. The dimensions of the directory sign shall be the same as the signs for the individual firm except that the directory sign shall not exceed 20 square feet, if free standing and must be illuminated and landscaped.
- (C) Signs may be window or wall-mounted and may not exceed twenty-five (25%) percent of the window area or front wall space.
- (D) See Sections 4.06.01(D) and 4.06.03 for all other signs regarding uses in the Professional (PI) zoning district.

#### **4.06.03 On-Site Commercial Signs, Including Churches**

These regulations apply to all commercial zoning districts and all commercial uses within any other zone, as well as churches in any zoning district. Signs exceeding 32 square feet must be

designed by a professional engineer or sign company for safety reasons. The sealed engineering plans must accompany the request for a permit.

(A) *Wall-mounted sign.*

- (a) The maximum sign size for a wall sign is expressed in terms of square feet and relates to the maximum sign area that may be devoted to a particular business, notwithstanding the number or combination of wall signs. If a business has frontage on two (2) or more streets, or has multiple frontage on a parking area or areas, additional signage may be allowed only where the same or similar façade treatment is used on both front and side. Each frontage shall be considered separately for the purposes of determining compliance with the provisions of these regulations; however, the permitted sign area for one (1) frontage shall not be combined with another frontage to place the combined sign on one (1) frontage.
- (b) The maximum allowable wall sign area shall be one-half (1/2) square feet per one (1) linear foot of building frontage to a maximum of eighty (80) square feet in area.
- (c) Shielded spotlight and internally illuminated message wall signs are permitted in all districts. Internally illuminated, backlight and neon wall sign are permitted in all zoning districts with the exception of the Historic Downtown.

(B) *Ground-mounted signs.*

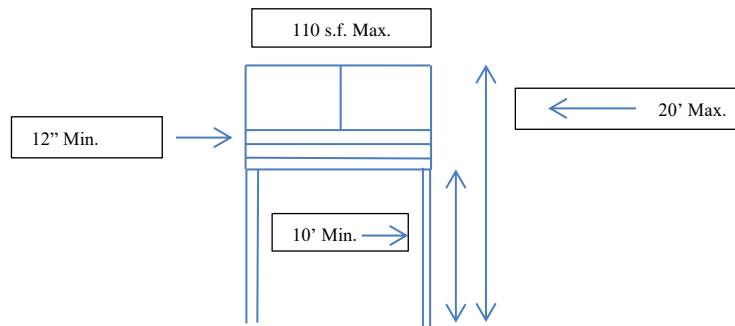
A ground or monument sign shall be construed to be a self-supporting sign resting on or supported by a base on the ground and not by poles. Pole signs and other such signs such as base and pole combinations shall not be allowed.

- (a) Only one ground or monument sign shall be permitted at the street right-of-way entrance of each lot. Directional or directory ground signs, if not visible from the street right-of-way, may be permitted as authorized by the Administrative Official.
- (b) Vertical structure supports for ground or monument signs shall be concealed from view in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds the horizontal width of the sign surface. The base shall be of a material in keeping with the architectural style/building material of the principle building as approved by the Administrative Official.
- (c) Ground or monument signs shall be internally illuminated and the base of the monument or ground mounted sign shall be landscaped with appropriate shrubbery and ground material as approved by the Planning Director.
- (d) The maximum height of the entire sign shall be eight (8) feet.

- (e) The sign setback shall be a minimum of minimum of five (5) feet from the street right-of-way and at least twenty-five (25) feet out of the visibility triangle if applicable.
  - (f) The maximum allowable ground sign area shall be one-half (1/2) square foot per one (1) linear foot of building frontage, but shall not exceed eighty (80) square feet. Ground based or monument sign sides and top are excluded from the sign area calculation.
  - (g) No ground sign shall be closer than a distance equal to the height of the sign to any other sign, building, and structure or property line. No ground or monument sign may be located closer than two hundred (200) feet from another ground or monument sign with the same center or complex when said ground or monument sign is visible from a public street right-of-way.
- (C) *Signs on US 17, a divided highway (Commercial Corridor District/Industrial).* On US 17 where speed limits are or exceed 40 mph and for uses surrounded by commerce, manufacturing or industrial uses, a ground-mounted sign may have a height of 20 feet and be allowed 110 square feet of signable area.
- (1) *Spacing.* Ground-mounted signs may be displayed only on a frontage of 75 feet or more and may not be closer than 75 feet to any other ground-mounted sign. However, it is not the intention of this regulation to exclude any business from being able to erect a sign. If such a situation occurs, then the Development Director will administratively assign the location of the sign and deem the sign conforming.
  - (2) *Ground Clearance.* When a ground-mounted sign is located within the visibility triangle of an intersection, the bottom edge of the lowest sign shall be a minimum of eight (8) feet off the ground and landscaping must not interfere with visibility.
  - (3) *Center Signs.* Shopping centers, professional or medical centers, and new automobile dealerships make up a special category of commercial land uses. Because they are made up of a center owner and individual businesses within the center, the following signage is permitted:
    - (A) One freestanding pole sign per frontage on an arterial or collector highway.
      - (1) Pole Mounted Sign.
        - (a) A pole mounted sign, not greater than 20 feet in height, with a sign face area of not more than 110 square feet, and a 10-foot clear area between the ground and the bottom edge of the sign is permitted. The sign may be constructed or erected on one or more poles, and requires no setback from the property line, so long as no

pole, sign face, support or other structural member extends beyond the property line or be within the visibility triangle. Business directories are permitted as a part of the 110 square foot sign face, but not in addition to it. Individual business directory signs shall be a minimum of 12 inches in height.

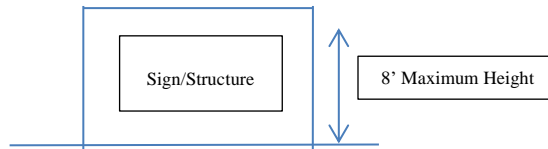
### Freestanding Pole Signs



- (2) Ground Mounted Signs.
  - (a) Only one ground or monument sign shall be permitted at the street right-of-way entrance of each lot. Directional or directory ground signs, if not visible from the street right-of-way, may be permitted as authorized by the Administrative Official.
  - (b) Vertical structure supports for ground or monument signs shall be concealed from view in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds the horizontal width of the sign surface. The base shall be of a material in keeping with the architectural style/building material of the principle building as approved by the Administrative Official.
  - (c) Ground or monument signs shall be internally illuminated and the base of the monument or ground mounted sign shall be landscaped with appropriate shrubbery and ground material as approved by the Planning Director.
  - (d) The maximum height of the entire sign shall be eight (8) feet.
  - (e) The sign setback shall be a minimum of minimum of five (5) feet from the street right-of-way and at least twenty-five (25) feet out of the visibility triangle if applicable.

- (f) The maximum allowable ground sign area shall be one-half (1/2) square foot per one (1) linear foot of building frontage, but shall not exceed eighty (80) square feet. Ground based or monument sign sides and top are excluded from the sign area calculation.
- (g) No ground sign shall be closer than a distance equal to the height of the sign to any other sign, building, and structure or property line. No ground or monument sign may be located closer than two hundred (200) feet from another ground or monument sign with the same center or complex when said ground or monument sign is visible from a public street right-of-way.
- (h) Ground mounted signs that are two feet, or less, in height may be constructed at the property line, all others must be setback far enough to be out of any visibility triangle formed by public or private ingress/egress to the property as determined by the City's Planning Director. Business directories are permitted and shall be a minimum of 24" inches in height.

Ground Mounted or Monument Sign



- (4) *Sign, electronic message* – Permitted and subject to the following conditions:
  1. Permitted only in the Commercial Corridor (US 17/Charleston Avenue).
  2. May only be used as part of a permitted ground or monument sign, and shall not exceed 20 square feet.
  3. No reflective type bulb or incandescent lamp which exceeds 11 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
  4. Electronic message center signs shall not change more frequently than once every five seconds and shall not flash or animate static information.
  5. No sign shall interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, traffic marking or obstruct the sight distance of motorists or pedestrians.
  6. Electronic message center signs shall have at least 100 feet between each electronic message sign.

7. The base of the monument or ground mounted sign shall be landscaped with appropriate shrubbery and ground material as approved by the Planning Director.
- (D) *Right-angle sign.* A business located on a street with a speed limit of no more than 35 mph and a public sidewalk, may display one right-angle sign for each street face. The sign must extend at least 12 inches horizontally from the building wall to be considered a right-angle sign. The sign must also:
- (1) Clear the sidewalk by at least eight feet and project no more than five feet from the building or  $\frac{1}{2}$  the width of the sidewalk, whichever is less;
  - (2) Project from the wall at an angle of 90 degrees;
  - (3) Not be higher than the window sill of the second story;
  - (4) Not be displayed closer than 30 feet to any other right-angle sign; and
  - (5) Not be used if the business has a ground-mounted sign on the same frontage.
  - (6) It is recommended that right angle signs be mounted at least six inches away from the wall of the building.
- (E) *Pedestrian Signs.* If any part of the building overhangs a public sidewalk, a business shall be entitled to an additional sign to be hung from the overhang which shall not be lower than eight feet from the sidewalk.
- (F) *Permanent Window Signs.* These type signs may not occupy more than 25 percent of the total area of the window in which they are displayed. This area will be subtracted from the signable area of wall-mounted signs of the same frontage.
- (G) *Temporary Window Signs.* These type signs may be displayed in addition to all other signs and should occupy no more than 15 percent of the total area of the window in which they are displayed. A special permit is required if over 15 percent of window area is used. A permit may not be issued for longer than 60 days and more than one permit shall not be issued in any given six-month period.
- (H) *Pennants.* Used car lots are allowed one string of pennants for each right-of-way faced.
- (I) *Delivery Signs.* A sign identifying the business on the back wall of a building in a delivery area is allowed, provided the sign area does not exceed 10 s.f.
- (J) *Church Signs.* Church signs shall have:
1. Maximum height of six feet.
  2. Maximum area of 42 square feet.
  3. Illumination shall be limited to a maximum of 11-watt incandescent bulbs and limited to the hours between 6:00 a.m. and 11:00 p.m.

4. No sign shall interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, traffic marking or obstruct the sight distance of motorists or pedestrians.
5. Flood lights may not shine onto adjoining property or in the eyes of motorists or pedestrians. *(This applies to all zoning districts).*
6. The base of the sign shall be landscaped with appropriate shrubbery and ground material as approved by the Planning Director.

**4.06.04 Industrial Signs – M-1 & M-2**

Signs exceeding 32 square feet must be designed by a professional engineer for safety reasons. The sealed engineering plans must accompany the request for a permit. In industrial zones M-1 and M-2:

- (A) *Wall-mounted sign.* Each business is entitled to signage on the front wall of its building and on any side wall that faces a public right-of-way. The area on the front wall may occupy 30 percent of the signable area. The area on a side wall may be the same size as the sign on the front wall or 30 percent of the signable area on the side wall, whichever is less.
- (B) *Ground-mounted signs.* If the nearest edge of a building wall is set back from the edge of the adjacent right-of-way by 35 feet or more and the property otherwise complies with landscaping and off-street parking requirements, a business may also have a ground-mounted sign. The maximum allowable area for each of two faces (1) and height (2) depend on driving lanes and the controlling speed limit and are as follows:
- (C) *Signs on US 17, a divided highway (Commercial Corridor District/Industrial).*

**See Section 4.06.03(C) for regulations.**

**4.06.05 Historic Downtown Signs**

The historic downtown sign district applies to all buildings that front Broadway and all other areas that are zoned Historic and have a zero front lot line setback. In this district, signs are allowed to extend over the public right-of-way in the proximity of the business, but no permanent, freestanding signs are permitted. Novelty, historic, neon, and symbol signs are encouraged. Internally lighted plastic signs are permitted that are mounted flat against the wall of a building or as a window sign.

- (A) **Total Signage.** The total signage for a development site in this district shall be in accordance with the following table:

| <b>Gross Leasable Area</b>  | <b>Maximum Square Footage of Signage per business</b> |
|-----------------------------|---|
| Less than 5,000 square feet | 40  |
| 5,000 up to 15,000          | 80  |
| 15,000 to 25,000            | 120   |

|                              |     |
|------------------------------|-----|
| 25,000 to 40,000             | 160 |
| 40,000 square feet and above | 200 |

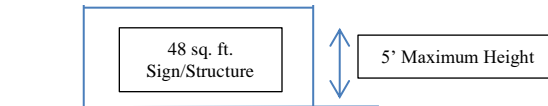
- (B) Permitted Signs. Permitted signs in the Historic Downtown District and all other areas zoned Historic and with a zero front setback line, include all of the following signs, some of which are individually limited in sign area, but all of which are limited by the total signage for the business or development site.
- (1) Building mounted signs.
  - (2) Signs painted on window glass. Buildings with 2<sup>nd</sup> or 3<sup>rd</sup> story occupants, are allowed one pane of window glass per business, preferably the bottom pane and only as tall as the width of the pane. In addition, signs of other types, listed in the paragraph, subject to the total square footage requirement in the table listed for this sign district, are allowed.
  - (3) Sandwich boards, six square feet maximum, located in close proximity to the business advertised, but not located within the public right-of-way.
  - (4) Swinging signs. Swinging signs are those that are mounted under a canopy, awning and/or an awning-like structure, and shall maintain a clearance of seven feet from the bottom of the sign to the walkway beneath. Swinging signs must be mounted so that they swing freely.
  - (5) Right angle signs, four square feet maximum. Right angle signs, whether mounted under a canopy, awning and awning-like structure or another location over the public walkway, shall maintain a clearance of seven feet from the bottom of the sign to the walkway beneath, and shall swing freely.
  - (6) Window advertising. Window advertising of the kind described in this paragraph shall not count against the total signage for a development site but is regulated in the following manner. Not more than 25% of glass surfaces of window facing a public street or right-of-way in any building in this district may be utilized for signage or any other opaque items that block the glass. This includes, but is not limited to, posters, fliers, advertisements, display racks, other interior furnishings, and similar materials or objects.

**4.07.06 Historic Neighborhood District Signs**

- (A) Total signage. A total of 56 square feet of signage is permitted for each development site, which may be used to construct or erect any permitted sign, except that each development site may erect only one ground mounted sign. The ground mounted sign is permitted a maximum sign face and structure of not more than 48 square feet in area.
- (B) Height, Location and Materials of Ground Mounted Signs
- (1) Ground Mounted Sign. The maximum height of a ground mounted sign structure shall not exceed five feet. Ground mounted signs that are two feet, or less, in

height may be constructed at the property line, all others must be setback far enough to be out of any visibility triangle formed by public or private ingress/egress to the property as determined by the City's Building Official. Ground mounted signs shall be constructed of natural materials or simulated materials. Illumination shall be provided by light fixtures mounted on the sign or indirectly from lights mounted on the ground. Neon lighting is not permitted.

Free Standing Sign  
Ground Mounted Sign



- (2) Reader boards are not permitted in this sign district.
- (C) Building Mounted Signs. Building mounted signs are not limited in number and are permitted in the total signage for the development site.
- (D) Window Advertising. Window advertising of the kind described in this paragraph shall not count against the total signage for a development site but is regulated in the following manner. Not more than 25% of glass surfaces of windows facing a public street or right-of-way in any commercial or industrial building may be utilized for signage or any other opaque items that block the glass. This includes, but is not limited to, posters, fliers, advertisements, display racks, other interior furnishings, and similar materials or objects.

**4.06.07 Signs in Agriculture (AG), Rural Estate (RE) and Conservation (CON)**

- (1) Signs in these areas shall be subject to review of the Administrative Official and/or their designee and shall allowed for home occupations as set forth herein in Sec. 4.06.01(A) and for city owned/public facilities and other permitted uses as set forth in Sec. 4.06.03(C)(3)(A)(1) and/or (2).

**4.07.00 Temporary signs for grand openings or special events.**

The following signs or objects may be allowed on a temporary basis in connection with a grand opening or special event, after obtaining the proper permit, as determined by the Development Director. The sign or object shall be allowed for not more than 14 days within any six-month period, (unless otherwise listed below), after which time the sign or object shall be removed promptly.

- (A) *Banners, flags, etc.* Signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or a material fastened in such a manner as to move in the wind.
- (B) *Searchlights.* Searchlights used to advertise or promote a business or to attract customers to a property.

- (C) *Election and Political Campaign Signs.* These signs shall not be placed on a site more than 30 days prior to the election and must be removed within seven days after the election in issue. No election sign shall be placed upon road right-of-way or upon any other location which may cause an obstruction of clear traffic visibility. Maximum area is three square feet and maximum height is six feet. The candidate must make application to the City to place any political signs within the City limits. The application must state the number of signs to be placed within the City; the candidate must agree to remove the signs after the election is over; and the application must be signed by the candidate. A deposit of \$100.00 shall accompany the application. The deposit will not be returned if the candidate fails to retrieve all signs within the City and within the specified time allotted. Signs shall be constructed of such materials as may be reasonably expected to last in the weather for a minimum of 30 days.

#### **4.08.00 Nonconforming Signs**

- (A) Nonconforming signs shall maintain the same appearance and safe conditions as required by this chapter and the City's building code for conforming signs. Nonconforming signs that become damaged from any cause, and the cost to repair exceeds 25 percent of what it would cost the owner to conform to this chapter, the sign will lose its privilege to remain nonconforming and it shall be removed or made to conform within 90 days.
- (B) Alterations and modifications shall be permitted providing that the degree of nonconformity is not increased or the sign area increased.
- (1) Changes in the name of the business with replacement of the face of the sign only shall be construed as an alteration and shall **not** cause the sign to lose its privilege to remain nonconforming.
  - (2) Replacement of a sign's structure shall cause the sign to lose its privilege to remain nonconforming and it shall be removed or made to conform within 90 days.
  - (3) A change in the nature or character (use) of the business shall cause the sign to lose its privilege to remain nonconforming and it shall be removed or made to conform within 90 days.
  - (4) In the event a sign was never permitted and is nonconforming, any alteration or modification is prohibited.
- (C) All nonconforming signs must be removed, changed, or altered to conform to the provisions of this Code according to the following schedule:
- (1) Portable signs representing no removal cost, and signs that have been placed on public property without a permit, upon effective date of this chapter.
  - (2) Off-premises signs, not already "grandfathered" and which are damaged or in disrepair.
  - (3) On-premises signs, which were permitted and are "grandfathered", but which are damaged or in disrepair.

- (4) Extensions of time for removal may be granted by the Planning and Zoning Board. The granting of extensions is discouraged. In considering extensions, the Board shall balance the public gain against the private loss. In striking this balance, the Board may consider relevant factors including original cost, date of installation, degree to which the sign is incompatible, remaining useful life, extent to which the sign has been depreciated for tax purposes, amount of unrecoverable cost involved, beneficial effect on the community of the eventual elimination of all nonconforming signs and the statement of purpose set forth at the beginning of this part.
- (D) Damaged nonconforming signs shall not be reconstructed or re-established if damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost or 50 percent of the sign is damaged the time of damage or destruction. It shall be removed or made to conform with the provisions of this Article within 90 days from the date of damage or destruction or notice given of damage or destruction.

#### **4.09.00 Annual Review**

All signs will be reviewed annually with the issuance of business occupation licenses. Signs that are in violation of this ordinance will cause the occupational license to be withheld until the sign becomes conforming.

#### **4.10.00 Enforcement**

The City Manager or his/her designated agent shall be the enforcing official. The enforcing official is authorized and directed to lawfully enter all premises at reasonable times to determine whether a sign complies with the provisions of this Code. If a violation exists, the enforcing official shall send written notice to the occupant and owner. The owner or occupant is to bring the sign into conformance within a reasonable time, as stated on the notice. If this Code is not complied with, the enforcing official is authorized to remove the sign at the owner's expense and revoke the certificate of occupancy for the premises.

[RESERVED]

# *City of Fort Meade*



# Unified Land Development Code Article 5

## ARTICLE 5

### RESOURCE PROTECTION STANDARDS

#### 5.01.00 Development in Flood-Prone Areas

##### 5.01.01 Purpose and Intent

##### 5.01.02 Standards for Reducing Flood Hazards in the Area of Special Flood Hazard

##### 5.01.03 Additional Standards for Reducing Flood Hazards in Certain Zones within the Area of Special Flood Hazard

##### 5.01.04 Standards for Reducing Flood Hazards in Certain Zones within the Area of Special Flood Hazard

##### 5.01.05 Administration and Enforcement

#### 5.02.00 Potable Water Wellhead Protection Areas

##### 5.02.01 Purpose and Intent

##### 5.02.02 Establishment of Wellhead Protection Area

##### 5.02.03 Wellhead Protection Area Land Use Restrictions

- 5.02.04 Registration of Land Uses and Activities in Wellhead Protection Areas
- 5.02.05 Modification of Requirements
- 5.02.06 Notification of Discontinuation of Land Use or Activity in a Wellhead Protection Zone
- 5.02.07 Fee Resolution
- 5.02.08 Location of New Wells
- 5.03.00 Wetlands Protection
  - 5.03.01 Purpose and Intent
  - 5.03.02 Relationship to Other Requirements Relating to Wetlands Protection
  - 5.03.03 Protection Zones Established
  - 5.03.04 Permits Required
  - 5.03.05 Exemptions
  - 5.03.06 Development Standards
  - 5.03.07 Mitigation
  - 5.03.08 Prohibited Ongoing Activities
- 5.04.00 Erosion Control
  - 5.04.01 Required Soil Conservation Measures
- 5.05.00 Conservation Easements

## ARTICLE 5

### RESOURCE PROTECTION STANDARDS

#### **5.01.00 Development in Flood-Prone Areas**

##### **5.01.01 Purpose and Intent**

It is the purpose and intent of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

This Section shall apply to all areas of special flood hazard within jurisdictional boundaries of the City of Fort Meade. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.

Areas of special flood hazard that have been or may be identified on a Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA), and any revisions thereto, are adopted by reference and declared to be a part of this Section. In the absence of FIRMs and supporting data, areas of special flood hazard shall be identified by field analysis until such FIRMs are available.

These flood hazard management regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Although the degree of flood protection required by this Section is reasonable and appropriate for regulatory purposes, based on scientific and engineering considerations, more severe floods will occur and flood heights may be increased by man-made or natural causes. Consequently, this Section is not intended to imply that land outside the areas for special flood hazard or uses permitted within those areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or any of its officers or employees for any flood damages that result from reliance on these flood hazard management regulations or any administrative decision lawfully made thereunder.

#### **5.01.02 Standards for Reducing Flood Hazards in the Area of Special Flood Hazard**

The following standards apply to all development permitted within the Area of Special Flood Hazard.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.
- (B) *Anchoring.* All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Mobile homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1.10, FAC.
- (C) *Construction Materials and Methods.* All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.
- (D) *Service Facilities and Utilities*
  - (1) Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.
  - (2) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.
  - (3) On-site sanitary sewage systems shall be located and constructed to avoid impairment to them or contamination from them during flooding and shall not be installed wholly or partially in a regulatory floodway.

#### **5.01.03 Additional Standards for Reducing Flood Hazards in Areas for Which FIRMs Have Been Prepared**

The following standards must be complied with in all areas of special flood hazard for which a base flood elevation has been established as set forth in Section 5.01.01.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.
- (B) *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the flood protection elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (C) *Residential Structures*
- (1) All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the flood protection elevation.
  - (2) For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater.

Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect.

- (3) Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.
- (D) *Accessory Structures.* New construction and substantial improvements to existing accessory structures shall comply with Section 5.01.03(C) of this Section. Walls below the flood protection elevation shall be substantially impermeable to the passage of water. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.
- (E) *Subdivisions*
- (1) All preliminary subdivision proposals shall identify the area of special flood hazard and the elevation of the base flood.
  - (2) All final subdivision plans shall identify the elevation of purpose structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
  - (3) All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage and shall be adequately drained to reduce exposure to flood hazards.

- (4) Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.

#### **5.01.04 Standards for Reducing Flood Hazards in Certain Zones within the Area of Special Flood Hazard.**

- (A) *Standards for Areas of Shallow Flooding.* The following standards apply to Areas of Shallow Flooding located within the area of special flood hazard.
  - (1) Residential Structures. The lowest floor of all residential structures, including new construction and substantial improvements to existing structures, shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least 2 feet if no depth number is specified).
  - (2) Nonresidential Structures. The lowest floor of all new construction and substantial improvements to non-residential structures shall:
    - (a) Be elevated as prescribed in Section 5.01.04(A)(1) above; or
    - (b) Be constructed, together with attendant utility and sanitary facilities, so that any walls below the level prescribed in Section 5.01.04(A)(1) above shall be substantially impermeable to the passage of water and any structural components below the level shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (B) *Standards for Streams without Established Base Flood Elevations.* The following standards apply to small streams in the area of special flood hazard for which no base flood data have been provided.
  - (1) Encroachments. No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank, or 20 feet from the top of each bank, whichever is greater, unless a registered professional engineer demonstrates and certifies that the encroachments would not result in any increase in flood levels in a base flood.
  - (2) Elevation. New construction of or substantial improvements to structures shall be elevated or flood-proofed to minimize risks of flooding reasonably to be expected based on the best available data.

#### **5.01.05 Administration and Enforcement**

In addition to other administrative and enforcement provisions in this Code, the following provisions shall apply:

- (A) *Designation and Duties of Development Director.* The Development Director shall administer and implement the provisions of these flood hazard management regulations. In addition to duties assigned elsewhere, the Development Director shall:

- (1) Review all proposed developments to assure that the requirements of these regulations have been met.
- (2) Review all certificates submitted to satisfy the requirements of these regulations.
- (3) Notify adjacent communities, the SWFWMD, and the DCA, prior to permitting or approving any alteration or relocation of a watercourse, and if applicable, provide evidence of such notification to FEMA.
- (4) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by this Section.
- (5) Interpret the boundaries of the Areas of Special Flood Hazard and Areas of Shallow Flooding.
- (6) Maintain all records pertaining to the implementation of these flood damage prevention regulations.

(B) *Certification of As-Built Elevations*

- (1) For development activity that includes structures, and in areas where base flood elevations are available, the developer shall submit to the Development Director a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
- (2) The Development Director shall review submitted floor elevation survey data and inform the applicant of deficiencies within five working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Development Director. Failure to submit the certification or to make required corrections shall be caused to issue a stop-work order for the project.
- (3) Upon submittal of certified elevations and/or a determination by the Development Director that the development meets all of the applicable requirements of this Section, the Development Director shall issue a certificate of compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

(C) *Enforcement*

- (1) Any violation of this Section is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In addition to any remedy or penalty provided herein or by law, any person who violates the provisions of these flood damage prevention regulations shall be

punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.

- (3) Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

## **5.02.00 Potable Water Wellhead Protection Areas**

### **5.02.01 Purpose and Intent**

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of the City **by registering all land uses and activities that occur within Wellhead Protection Areas surrounding potable water supply wells**, thereby providing protection of the principal source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of potable quality water is of primary importance to the future of the City; therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section **to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.**

### **5.02.02 Establishment of Wellhead Protection Area**

Development regulations established in this Section shall be applicable to designated wellhead protection areas for all public supply water wells. Prior to designation of or in the absence of sufficient information for wellhead protection areas, the official Wellhead Protection Area shall consist of a radius of 500 feet around each of the City's public supply potable water wells, as provided for in the Future Land Use Element, Policy 6.3 and Infrastructure Element, Policy 1.3 of the *Comprehensive Plan of the City of Fort Meade* (see Figure 1). Wells and their Wellhead Protection Areas shall be mapped on the Future Land Use Map of the Comprehensive Plan.

Where a property lies partly outside the Wellhead Protection Area, development standards contained in this Section shall apply to that part of the property lying within the Wellhead Protection Area. Where the Wellhead Protection Area boundary passes through a building, the entire building shall be considered to be in the Protection Area.

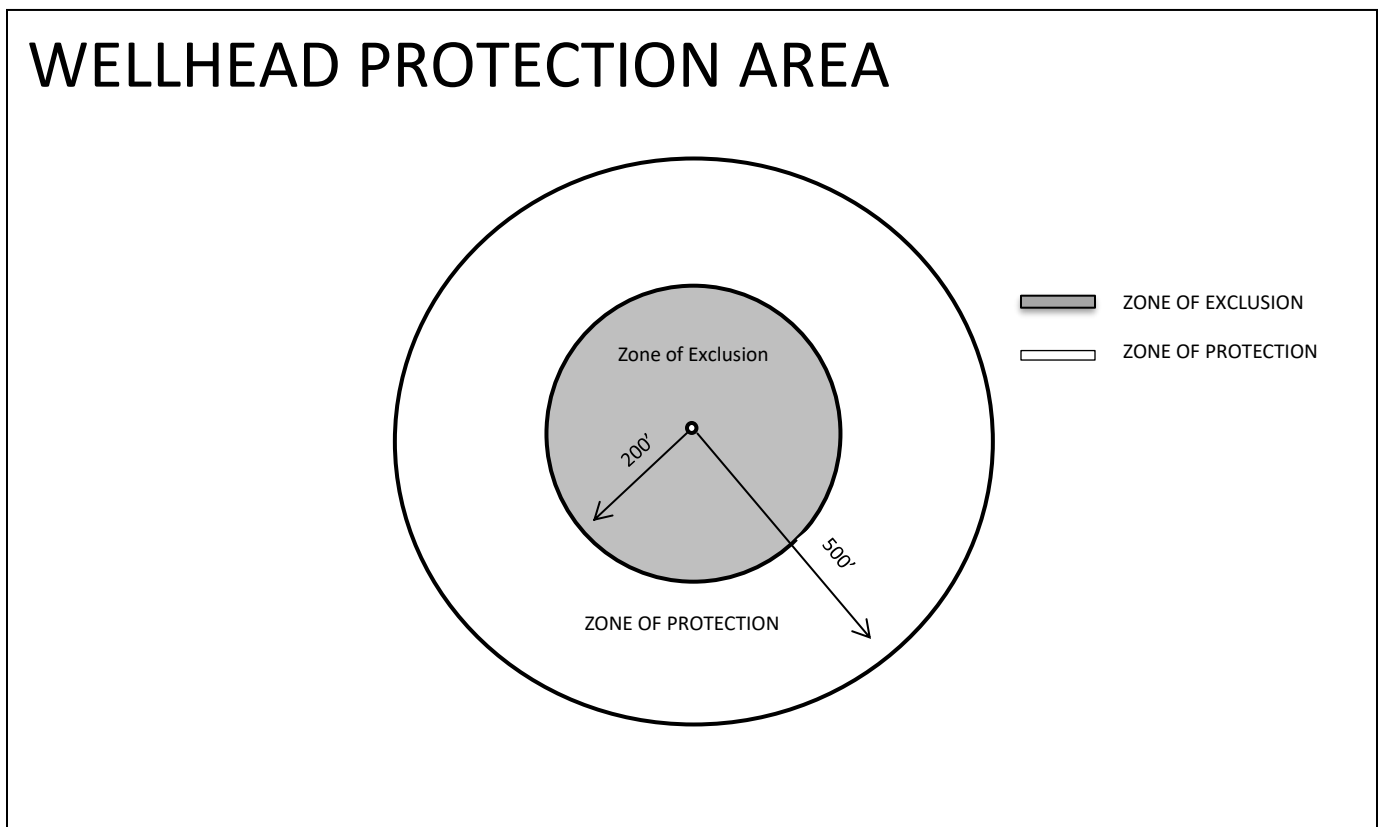
### **5.02.03 Wellhead Protection Area Land Use Restrictions**

- (A) *Zone of Exclusion.* The first 200-foot radius from a well shall be a Zone of Exclusion, where all development activities are prohibited (see Figure 1).
  - (1) It is the intent and purpose of the City to eliminate **all activity** of a hazardous nature or that produces hazardous materials/waste within 200 feet of a wellhead. The City will prohibit existing uses within the protection zone that use or create

hazardous materials (such use is known as a nonconforming use) from being reestablished once the use has ceased.

(B) *Zone of Protection.* This Zone is the area from 200 feet to 500 feet from a wellhead (see Figure 1).

- (1) All activities located 200 feet to 500 feet from a wellhead are permitted in accordance with the zoning district and the table of land uses, except in the handling, production or storage of hazardous substances, which shall be prohibited within the Wellhead Protection Area.
- (2) The City shall maintain a list of all land uses and activities within the Wellhead Protection Area Zone of Protection by requiring all activities to be registered with the City. The City shall register all activities from 200 to 500 feet of a well within one year of the adoption of this Code.



## FIGURE 1

- (C) *Prohibited Land Uses and Activities.* The following land uses and activities are prohibited in the entire Wellhead Protection Area, including the Zone of Protection and shall cease within one year of the adoption of this Code:
- (1) Landfills;
  - (2) Facilities for bulk storage, handling or processing of materials on the Florida Substance List;
  - (3) Activities that require the storage, use, handling, production or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, or similar substances; **non-residential use, handling, production or storage of hazardous substances in any quantity; and, residential use of more than five gallons;**
  - (4) Feed lots or other commercial animal facilities;
  - (5) Wastewater treatment plants, percolation ponds or similar facilities;
  - (6) Mines; and
  - (7) Excavation of waterways or drainage facilities which intersect the water table.

### 5.02.04 Registration of Land Uses and Activities

All land uses and activities within the Wellhead Protection Area must be identified and registered with the City. The registration is to enable the City to eliminate all potential sources of contamination of the potable water supply.

- (A) *Registration within One Year.* All land uses and activities from 200 to 500 feet of a wellhead shall be registered with the City within one year from the adoption of this Section, **without a fee.** Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code.
- (B) *Exemptions.* The following activities or uses **are exempt** from registration requirements in the Zone of Protection:
- (1) The transportation of any hazardous substance through the Zone of Protection;
  - (2) Fuel in a vehicle fuel tank or as lubricant in a vehicle;
  - (3) Repairing or maintaining any facility or improvement on lands within the Zone of Protection; and
  - (4) Geotechnical borings.

- (C) *Registration Procedure.* Each landowner with a legal use or activity between 200 to 500 feet of a wellhead shall notify the City as to the nature of the use or activity. The information shall be sent to the Planning and Zoning Department by letter. The information required is as follows:
- (1) Name, address, and phone number of the property owner, operator, and/or agent, and the Tax Parcel Number;
  - (2) Signature of agent or owner;
  - (3) Locational description of the property, such as “located on Highway 17 between Pine and Redwood Streets.”
  - (4) A description of the land use or activity at the location;
  - (5) A list of all known hazardous substances that may be utilized generated and/or stored at the described property;
  - (6) If required by the Development Director, a survey or scale drawing of the property, identifying existing structures, adjacent streets and water bodies in relation to the wellhead.

#### **5.02.05 Modification of Requirements**

Any person affected by this Section may petition the Commissioners for modification from the prohibitions and registering requirements of this Section, provided that the person demonstrates that special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply in the event of a spill.

The Commissioners shall determine whether the land use or activity shall be approved under the provisions of this Section. In making this decision, the Commissioners shall consider:

- (A) The cumulative impacts of the land use or activity on the Zone of Protection in combination with other uses or activities that have been permitted within said Zone; and
- (B) Whether the proposed use end product that is a threat to the water supply can be contained in the case of a spill.

#### **5.02.06 Notification of Discontinuation of Land Use or Activity in a Wellhead Protection Zone**

It is the intent and purpose of the City to eliminate all land uses and activities within 200 feet of a wellhead that are hazardous or created hazardous materials or residue. All activities from 200 feet to 500 feet from a wellhead are limited, with some activities prohibited. Those prohibited activities are listed in this Article, specifically in Section 5.02.03 (D). An owner of a property that falls within the Wellhead Protection Zone is required to register his land use activity with the City as outlined in this Article, specifically in Section 5.02.04.

A record will be kept on file of all land uses and activities within the 500-foot Wellhead Protection Area of all wells. If a land use or activity ceases, the owner must notify the City **by registered letter within 30 days** of cessation of use.

### **5.02.07 Fee Resolution**

The Commissioners may, at their option, adopt a fee schedule by resolution to provide for funding for the administration of this Section.

### **5.08.08 Location of New Wells**

No new public supply water wells shall be located such that the Wellhead Protection Area extends past the owners' property boundaries.

## **5.03.00 Wetlands Protection**

### **5.03.01 Purpose and Intent**

The Fort Meade City Commission has determined that wetlands contiguous to waters of the state, and non-contiguous and isolated wetlands serve important functions in the hydrologic cycle and ecological system and therefore require protection. It is the purpose and intent of this Section to provide for the protection, maintenance, and enhancement of wetlands within the City of Fort Meade in accordance with the adopted comprehensive plan, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of the waters of the City of Fort Meade and their associated wetland ecosystems. It is further the purpose and intent of this Section to ensure that there be no net loss of wetlands as defined in this Code.

### **5.03.02 Relationship to Other Requirements Relating to Wetlands Protection**

In addition to meeting the following wetlands protection requirements, development plans shall comply with applicable federal, state and water management district regulation. In all cases the strictest of the applicable standards shall apply.

### **5.03.03 Protection Zones Established**

Two zones of protection for wetlands are hereby established. The protection zones shall be known as the wetland protection and wetland transitional zones.

- (A) *Wetlands Protection Zone.* There is hereby created a wetlands protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:
- (1) Areas within the dredge and fill jurisdiction of the FDEP as authorized by Section 403, F.S.
  - (2) Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
  - (3) Areas within the jurisdiction of the SWFWMD pursuant to Rule 40D-4, FAC.
  - (4) Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, FDEP and the SWFWMD, shall have the most restrictive agency wetlands boundary determination recognized by the City as the wetlands

boundary. The term most restrictive is used here to mean the boundary covering the largest area.

- (5) In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
  - (6) In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other relevant historical information.
- (B) *Wetland Transitional Zone.* There is hereby created a wetland transitional zone adjacent to each wetland protection zone. The transitional zone is an area having a direct ground or surface water influence and functions as a buffer between wetlands and development. The purpose of the transitional zone is to minimize the adverse effects of development upon the wetland itself. This zone shall encompass all land within 200 feet of the boundary of the wetland protection zone unless the applicant is able to demonstrate to the City Commission's satisfaction that the functions of the wetland can be protected with a smaller transitional zone. In no case, however, shall a transitional zone of less than 30 feet be approved.

#### **5.03.04 Permits Required**

Except as provided in Subsection 5.03.05, no person shall remove, fill, drain, dredge, clear, destroy or alter any wetland as defined in this Code without first submitting a wetland management plan to the Development Director and obtaining from the City Commission a wetland alteration permit. This permit may be issued concurrently with any other land development permits issued by the City.

#### **5.03.05 Exemptions**

Activities or development types that are exempted from this Section include:

- (A) Non-mechanical clearing of vegetation from an area of less than 10% of the protected zone.
- (B) Minor maintenance or emergency repair to existing structures of improved areas.
- (C) Cleared walking trails having no structural components.
- (D) Timber catwalks and docks four feet or less in width.
- (E) Utility crossings.
- (F) Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way.
- (G) Bona fide mosquito control activities.
- (H) Activities approved by a federal, state, or regional agency prior to adoption of this Section.

#### **5.03.06 Development Standards**

- (A) *Wetland Zone.* Except as otherwise provided in this Section, it is presumed that development will have an adverse effect on wetlands. No activities other than those listed below shall be undertaken in a wetland protection zone.

Activities Permitted in Wetland Protection Zones. The following activities and development types generally may be undertaken unless the City Commission determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland protection zone:

- (1) Scenic, historic, wildlife, or scientific preserves.
- (2) Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
- (3) Cultivating agricultural or horticultural products that occur naturally in the wetland.
- (4) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
- (5) Developing a “Wetlands Storm Water Discharge Facility” in accordance with state permits received under Chapters 17-25, FAC.
- (6) Construction of foot bridges and vehicular bridges.

- (B) *Upland Zone.* All development in an upland zone shall be in accordance with the Future Land Use Map of the Comprehensive Plan and the zoning classification, and shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent wetland. Where a development site lies partly within the wetland zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be allowed on a site. This development potential shall be transferred from the wetland zone to the upland zone.

Special Standards for Upland Zones. The following standards shall apply within upland zones:

- (1) Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist. The minimum width of the buffer shall be 25 feet and the average of all wetland buffers shall be 40 feet. No structures shall be located in such areas. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water.

Where a natural buffer area does not exist, an equivalent buffer shall be created.

- (2) The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
- (3) The City Commission may require other reasonable protective measures to be undertaken within the upland zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
  - (a) Maintaining natural drainage patterns.

- (b) Limiting the removal of vegetation.
- (c) Minimizing the amount of fill used in the development activity.
- (d) Prohibiting or limiting the use of septic tanks.

### **5.03.07 Mitigation**

The City Commission may require mitigation of adverse impacts on wetlands as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetland areas. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the City. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan may include, but is not limited to the following actions:

- (A) Preservation and Maintenance regulations to reduce or eliminate the impact over time.
- (B) Compensation for the impact through enhancement of existing wetlands, reestablishment of wetlands that re no longer functioning, or the creation of new wetlands.
- (C) Repair, rehabilitation, or restoration of the wetland.
- (D) Specific design requirements based upon conditions of the site and the type of wetland to be created or restored.
- (E) Periodic monitoring to remove exotic or nuisance vegetation.
- (F) Preservation or creation of an appropriate habitat in an adjacent wetland zone.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, F.S., and Section 5.06.00 of this Code on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

### **5.03.08 Prohibited Ongoing Activities**

The following standards apply to post-development activities taking place within any wetland or upland zone.

- (A) *Clearing.* Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (B) *Handling and Storage of Fuel, Hazardous and Toxic Substances and Wastes.* No fuel or toxic substances shall be stored, transferred or sold in a wetland or an upland zone.
- (C) *Fertilizers, Herbicides or Pesticides.* Fertilizers, herbicides or pesticides shall not be applied in a wetland, except for projects conducted under the authority of Sections 373.451 – 373.4595, F.S., the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

## **5.04.00 Erosion Control**

### **5.04.01 Required Soil Conservation Measures**

The following soil conservation measures shall apply to all development activities requiring site development plan or subdivision reviews:

- (A) *During Construction.* The developer shall follow standard practices as specified in the Erosion Control Handbook – Florida published by the U.S. Department of Agriculture, Soil Conservation Service, latest edition or details specifically approved by the City to prevent erosion and depositing of soils off the construction site.
- (B) *After Construction.* All disturbed areas shall be mulched, seeded or sodded as required by the City, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site or off-site erosion or windblown loss of soils shall be deemed a violation of this Section.

## **5.05.00 Conservation Easements**

As a condition for approval of a development permit or development order, or as part of a development agreement established under Article 6 of this Code, any person, corporation or entity owning property in the City of Fort Meade may create a conservation easement. Conservation easements shall be subject to the provisions of Section 7.04.06 F.S., and may be used to prevent or prohibit the following activities:

- (A) Construction or placing of buildings, roads, signs or other advertising, utilities or other structures on or above the ground.
- (B) Dumping or placing of soil or other substances or materials as landfill and dumping of trash, waste or unsightly or offensive materials.
- (C) Removal or destruction of trees, shrubs or other vegetation.
- (D) Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface of the ground.
- (E) Any use that alters the natural condition of the land or water area.
- (F) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation.
- (G) Any use that is detrimental to the retention of land or water areas.
- (H) Any use that is detrimental to the preservation of properties of historical, architectural, archaeological or cultural significance.

Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant or condition in a deed, will or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by the exercise of the power of eminent domain. They may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements. Conservation easements run with the land and are binding on all subsequent owners of the property. Conservation easements entitle holder to enter the land in a reasonable time to

assure holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(S) of the easement. All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

[RESERVED]

# *City of Fort Meade*



# Unified Land Development Code Article 6

## ARTICLE 6

### PUBLIC FACILITY MONITORING AND PERMITTING

#### 6.01.00 Concurrency

##### 6.01.01 General Provisions

##### 6.01.02 Concurrency Management System

###### 6.01.02.01 Concurrency Test Statement

###### 6.01.02.02 Procedure

##### 6.01.03 Fees

##### 6.01.04 Development to be Consistent with Concurrency Test Statements

##### 6.01.05 Allocation of Municipal Services

##### 6.01.06 Levels of Service

##### 6.01.07 Required Determinations

###### 6.01.07.01 Adequacy of the Road System

- 6.01.07.02 Adequacy of Drainage
- 6.01.07.03 Adequacy of Potable Water Service
- 6.01.07.04 Adequacy of Wastewater Treatment and Disposal Services
- 6.01.07.05 Adequacy of Solid Waste Disposal Sites or Facilities
- 6.01.07.06 Adequacy of Parks and Recreational Facilities
- 6.01.08 Monitoring
- 6.01.09 Appealing City's Adequacy Determination
- 6.01.10 Options for Achieving Compliance
- 6.02.00 Development Agreements
  - 6.02.01 General Provisions
  - 6.02.02 Authority
  - 6.02.03 Procedures
    - 6.02.03.01 Application for Development Agreement
    - 6.02.03.02 Public Hearing
    - 6.02.03.03 Notice of Hearing
    - 6.02.03.04 Contents of Notice
  - 6.02.04 Contents and Duration of Development Agreement
    - 6.02.04.01 Applicability of Laws
  - 6.02.05 Review, Amendment, Termination
  - 6.02.06 Recording and Enforcement
- 6.03.00 Development Exactions and Dedications
  - 6.03.01 Dedication of Sites for Public Uses or Fee in Lieu
  - 6.03.02 Dedication of Utility Easements

## ARTICLE 6

### PUBLIC FACILITY MONITORING AND PERMITTING

#### **6.01.00 Concurrency**

##### **6.01.01 General Provisions**

The purpose of this Section is to ensure that facilities and services needed to support development are available concurrent with the impacts of development. The following public facilities and services are subject to concurrency evaluation: roads, potable water, sanitary sewer, drainage, solid waste, and recreation.

Except as otherwise provided, no development proposal submitted after the effective date of this Code shall be approved unless public facilities are or will be available to serve a proposed development, such that the Levels of Service adopted in the Comprehensive Plan are maintained. Prior to concurrency approval for a proposed development, the following conditions shall be met, as applicable.

- (A) *Potable Water, Sewer, Solid Waste, and Drainage.* The concurrency requirement may be met through one of the following conditions or actions:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
  - (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
  - (3) The necessary facilities are under construction at the time a permit is issued; or
  - (4) The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions 1-3 above. An enforceable development agreement shall include, but is not limited to, the provisions of Section 163.3227, F.S., or shall be a development order issued pursuant to Sections 163.3220-3243, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (B) *Roads.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, and by complying with the following standards:
- (1) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be financially feasible, and may recognize and include transportation projects listed in the first three years of the applicable FDOT 5-Year Work Program.
  - (2) The 5-Year Schedule of Capital Improvements must include facilities necessary to maintain the adopted level of service standards to serve the proposed new development, and the facilities necessary to eliminate those portions of existing deficiencies that are a priority to be eliminated during the five-year period in which the Capital Improvements Plan is to be implemented.
  - (3) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be based on currently available revenue sources that must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit.
  - (4) The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion.
  - (5) The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of any road that is needed to maintain the adopted level of service standard and that is listed in the 5-Year Schedule of Capital Improvements.
  - (6) A plan amendment would be required to eliminate, defer or delay construction of any road that is needed to maintain the adopted level of service standard and that is listed in the 5-Year Schedule of Capital Improvements.
  - (7) The city will adopt land development regulations that, in conjunction with the Capital Improvements Element, ensure that development orders and permits are

issued in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development.

- (8) A monitoring system shall be adopted that enables the City to determine whether it is adhering to the adopted level of service standards and its capital improvements schedule.
  - (9) The Comprehensive Plan shall clearly designate those areas within that facilities will be provided by the City with public funds in accordance with the 5-Year Schedule of Capital Improvements.
- (C) *Parks and Recreation.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, or by complying with the following standards:
- (1) At the time the development permit is issued, the necessary public facilities and services are the subject of a binding executed contract that provide for the commencement of the actual construction of the required public facilities or the provision of services within one year of the issuance of the development permit; or
  - (2) The necessary public facilities and services are guaranteed in an enforceable development agreement that requires the commencement of the actual construction of the public facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to the provisions of Section 163.3227, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

#### **6.01.02 Concurrency Management System**

The Concurrency Management System (CMS) shall identify and inventory existing service capacities available for development. It shall include facility and service improvements approved in the first year of the City's 5-Year Schedule of Capital Improvements. No development order or permit may be issued by the City that results in a reduction in LOS below the adopted standard.

##### **6.01.02.01 Concurrency Test Statement**

Concurrency Test Statements shall be filed with and reviewed by the City, and a determination of concurrency shall be made prior to formal submittal of a development plan of any kind. This shall include issuance of building permits for residential development on existing lots where no plat or Site Development Plan is required.

##### **6.01.02.02 Procedure**

The following procedure shall be carried out in order to obtain a determination of concurrency:

- (A) Prepare Concurrency Test Statements on forms available at the Development Director's office.
- (B) Completed Concurrency Test Statements shall include the following information:

- (1) A legal description of the site proposed to be developed along with a map identifying the site in relationship to the City's boundaries.
- (2) A narrative description of the proposed development identifying the type of development and all land uses proposed within the site.
- (3) Identification of all roadways adjacent to the site by name, pavement width, functional classification, jurisdiction (i.e., state, county or City jurisdiction), current capacity and existing LOS.
- (4) Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s).
- (5) Projected potable water demand generated by the proposed development and identification of the service provider.
- (6) Projected wastewater demand generated by the proposed development and identification of the service provider.
- (7) Projected solid waste generation and identification of the service provider.
- (8) Description of the stormwater management system for the proposed development. This description shall include the drainage basin in which the proposed project is located, method of treatment, system design parameters, and location of outfall.
- (9) Identification of required park and recreation facilities, if any, and method of providing said facilities.
- (10) A development schedule identifying the proposed date for the start of construction and the date of project completion.

Where required information is readily available, the Development Director may, at his discretion, obtain or calculate one or more of the above data requirements. However, it shall be the applicant's full responsibility to ensure that the Concurrency Test Statement is complete and accurate.

The Development Director shall distribute the completed Concurrency Test Statement to appropriate City departments charged with providing the identified services. Each department shall certify on the Concurrency Test Statement whether or not there is sufficient capacity to service the development.

For any public service not provided by the City of Fort Meade, the Development Director may waive capacity certification on a case-by-case basis if there is satisfactory evidence that capacity is available to support the proposed development. Drainage certification for single family development on existing lots may be waived under the same conditions.

The applicant shall be notified within seven working days as to whether the proposed development meets the concurrency requirement. If the proposal is

determined to meet concurrency, the applicant may proceed with the development process as set forth in other sections of this Code. Proposals not meeting concurrency shall not be processed for review until and unless an agreement has been reached by the City and the developer to mitigate the identified deficiency.

#### **6.01.03 Fees**

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the City Commission.

#### **6.01.04 Developments to be Consistent with Concurrency Test Statements**

All development proposals submitted to the City for review shall be consistent with the data established in the Concurrency Test Statement. Those exceeding the service demand levels established in the Concurrency Test Statement shall not be processed. The applicant shall be provided with a written notice that a new Concurrency Test Statement shall be required.

Where deficiencies have been identified, development plans based on an agreement to provide needed facilities and/or services shall be processed with the agreement as a condition of development approval. However, the City shall not be required to approve a development plan that meets the concurrency requirement but does not satisfy other provisions of this Code.

#### **6.01.05 Allocation of Municipal Services**

Allocation of public facility and service capacities shall be on a first-come, first-served basis. Services shall be allocated at the following stages:

- (A) *Subdivisions.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five years from the date of final plat approval.
- (B) *Conditional Use Permit.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five years from the date of final plat approval.
- (C) *Site Development Plan.* Those developments that are processed under the site development plan review procedures shall be allocated service capacities upon approval of the site development plan. Allocation of service capacity shall be valid for six months from the date of site development plan approval.
- (D) *Single Family Residential on Existing Lots.* Prior to receiving a building permit for single family structures on platted lots existing before the adoption of this Code, or on non-subdivision lots established by metes and bounds legal description, the builder or property owner shall secure a Certificate of Concurrency from the Development Director. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a certificate of occupancy.

#### **6.01.01.06 Levels of Service**

Through the Concurrency Management System, Fort Meade shall maintain the following levels of service for public facilities:

**Table 6.1 Level of Service**

| Facility                           | Level of Service   |
|------------------------------------|--|
| Sanitary sewer                     | 125 gallons per captia per day   |
| Potable water                      | 112 gallons per captia per day   |
| Solid waste                        | 2.13 Pounds per person per day   |
| Backlogged facilities              | Maintain and improve   |
| Principal arterials                | C  |
| Minor arterials                    | D  |
| Collector and other local roadways | D  |
| Recreation and open space          | 5.5 acres per 1,000 residents  |
| Stormwater drainage                | The drainage level of service for new development shall be equal to a 25-year 24-hour storm event. Stormwater treatment and disposal facilities shall meet the design and performance standards established in Section 62-25.025, F.A.C. The first inch of stormwater runoff shall be treated on site, pursuant to Section 62-3.051, F.A.C. Stormwater discharge facilities shall be designed such that the receiving water body discharge facilities shall not be degraded below minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-3, F.A.C. These standards shall apply to all new development and redevelopment. For existing development, the City has establishment a level of service to contain the 3-year 24 hour storm event. |

Source: Comprehensive Plan of the City of Fort Meade, June 2001

All development that was not approved through a subdivision plat, conditional use permit, site development plan, or the issuance of a building permit prior to the date of adoption of this Code shall be subject to an Adequacy Determination through the Concurrency Management System. An Adequacy Determination shall also be required for existing development where any improvement, expansion, or other change is proposed that may result in a greater demand for those public facilities addressed in this Section. The Development Director shall determine whether a propose change in existing development requires an Adequacy Determination.

**6.01.07 Required Determinations**

As part of the Adequacy Determination, findings shall be made as to the amount of available capacity in those public facilities that are addressed in this Section.

**6.01.07.01 Adequacy of the Road System**

The adequacy of the road network shall be evaluated according to conditions at the time the development plan or building permit is approved. Initial measurement of roadway

capacities shall be carried out using data and methodology accepted by FDOT or other traffic analysis techniques that are technically justifiable as determined by the Development Director. Capacity ratings on the state highway network shall be approved by FDOT.

Any proposed development shall be required to address the adequacy of the City’s road network as it relates to the projected traffic volumes generated by the development. If any affected road segment lacks capacity to accommodate the additional traffic generated at the adopted LOS, it shall be determined whether such capacity will be available if all of the transportation improvements contained in the City’s Comprehensive Plan and/or that of Polk County are completed.

For the purpose of this Section, improvements to state roads resulting in an improvement in the level of service, and that are scheduled to occur by the third year of the FDOT’s Five-Year Work Program, shall be considered concurrent. If it is determined that such capacity will not be available, then the specific improvements necessary to enable the road network to reach such capacity shall be identified, through the completion of a detailed transportation study conducted by a professional in the field of transportation planning, and the application may be granted with an express condition regarding the adequacy of the City’s transportation network. At the sole discretion of the City Commission, such condition shall require one of the following:

- (A) That the applicant shall construct the necessary improvements proportional to the share of the additional capacity that is needed to accommodate traffic generated by the applicant’s development; or
- (B) That the applicant deposit money into a “road fund” equal to the share of the cost of the improvements that would otherwise be required.

A determination of facility deficiency shall be based on methodology presented in the most recent edition of the *Highway Capacity Manual* of the Transportation Research Board of the American Association of State Highway and Transportation Officials (AASHTO) Research Council, Washington, D.C. It shall be the applicant’s responsibility to provide the transportation data and analysis necessary for an Adequacy Determination.

The calculation of total traffic generated by a proposed non-residential or mixed use project will assume 100 percent build out and occupancy of the project. Credit against the trip generation of non-residential land uses may be taken utilizing the percentages shown in Table 6.2. Any capture of trips from passing traffic in excess of these percentages must be justified by the applicant.

**Table 6.2 Trip Capture Ratios**

| Use                                      | Percent |
|--|---------|
| Shopping Center (>400,000 s.f.)          | 25      |
| Shopping Center (100,000 – 400,000 s.f.) | 25      |
| Shopping Center (<400,000 s.f.)          | 34      |
| Supermarkets                             | 25      |

|                             |    |
|-----------------------------|----|
| Hardware Stores             | 5  |
| Convenience Stores          | 40 |
| Fast Food Restaurants       | 35 |
| Cocktail Lounges/Bars       | 30 |
| Restaurants                 | 15 |
| Banks                       | 46 |
| Day Care Centers            | 10 |
| Service Stations/Car Washes | 58 |
| Offices                     | 0  |
| Industrial Uses/Warehouses  | 0  |

For mixed use development, the applicant shall justify any trips that will be absorbed internally by the project. The procedures outlined in *ITE Trip Generation Manual* can be used to quantify pass-by trips. Fort Meade may consider these procedures in conjunction with locally derived data and Table 6.2.

#### **6.01.07.02 Adequacy of Drainage**

The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a water management system to serve the proposed development and adjacent public rights-of-way in a manner that conforms to sound engineering standards. The development order shall require that the applicant meet the following LOS standards, where applicable prior to any plan approval.

- (A) *Road Protection.* Residential streets having not more than fifty (50) feet of pavement width shall have crown elevations equal to the 100-year flood elevation. Rights-of-way having greater than fifty (50) feet of pavement width shall have a final edge of pavement elevation no lower than the 100-year flood elevation.
- (B) *Buildings.* The lower floor elevation for buildings shall be no lower than one foot above the 100-year elevation.
- (C) *Off-Site Discharge.* Off-site discharge is not to exceed the standards allowed by the SWFWMD and this Code.
- (D) *Storm Sewers.* The design frequency applicable to storm sewers is the 25-year, 24-hour storm event.

#### **6.01.07.03 Adequacy of Potable Water Service**

Potable water service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of-way, easements, and any other areas that may be needed for the installation and

maintenance of a potable water distribution system that will meet all applicable building, health, and environmental regulations, including Chapter 62-22, F.A.C.

Where adequate potable water capacity is available in the City of Fort Meade's municipal water system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate potable water service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a water treatment facility that will have sufficient capacity to provide for the needs of the development. For purposes of the Concurrency Test Statement, the Development Director shall certify that such a plan exists.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of potable water plant or network capacity, or a commitment to provide service.

#### **6.01.07.04 Adequacy of Wastewater Treatment and Disposal Services**

Sanitary sewer service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of-way, easements and any other areas that may be needed for the installation and maintenance of a wastewater treatment and disposal system that will meet all applicable building, health, and environmental regulations.

Where adequate sanitary sewer capacity is available in the City of Fort Meade's municipal wastewater treatment system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate sanitary sewer service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a wastewater treatment facility that will have sufficient capacity to provide for the needs of the development. For purposes of the Concurrency Test Statement, the Development Director shall certify that such a plan exists.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of wastewater treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of wastewater plant or network capacity, or a commitment to provide service.

#### **6.01.07.05 Adequacy of Solid Waste Disposal Sites or Facilities**

Solid waste disposal sites or facilities shall be available prior to development approval to provide for the needs of the proposed development at the LOS shown in Section 6.01.06. Certification shall be made by Polk County, in form acceptable to the Development Director, that adequate landfill capacity is available to meet the needs of the proposed development. Certification may be made on a project-by-project basis, or through a written statement, renewed at regular intervals, that sufficient capacity exists to meet the City of Fort Meade's needs during a specific time period. In the latter instance, the Development Director shall provide Solid Waste Disposal certification on the Concurrency Test Statement.

A finding that solid waste disposal sites or facilities are available must be based on a demonstration that existing facilities have sufficient capacity to provide for the needs of the development proposed and for other developments in the service area that are occupied, or available for occupancy, for which building permits have been issued, or for which solid waste disposal capacity has been reserved. If existing capacity is unavailable, conditional approval may be granted if it is shown that there is a financially feasible plan to expand solid waste disposal capacity so that sufficient capacity will be available for occupancy, for which building permits are in effect, or for which solid waste disposal capacity has been reserved.

#### **6.01.07.06 Adequacy of Parks and Recreational Facilities**

Park and recreational facilities shall be available prior to development approval for any residential development to meet the needs of that development at adopted LOS. Calculations shall be based on average household size figures provided in the Housing Element of the Comprehensive Plan.

A finding that park and recreational facilities are available to serve a proposed residential development must be based upon a level of service calculation that includes other such developments, existing and permitted, for which capacity has been reserved. If existing capacity is not available, conditional approval may be granted if it is shown that there is a financially feasible plan to expand park and recreational facilities so that sufficient capacity will be available for the proposed development at the time that certificates of occupancy are anticipated to be requested. If sufficient capacity does not exist for park and recreational facilities at the time that he seeks development approval, the developer may elect to donate land of suitable size, topography and general character to serve as a recreation facility that will meet the adopted LOS standard for park and recreational facilities or make payment in lieu of land dedication.

#### **6.01.08 Monitoring**

The Concurrency Management System shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be added to the capacity totals. In addition, any developer-sponsored facility or service placed into service as a result of mitigation shall be accounted for in the specific facility/service provided. Upon calculation of available capacities under this method, all capital improvements

projects budgeted and approved by the City Commission in the first year of its 5-Year Schedule of Capital Improvements shall be added to the relevant capacities. The sums of all aforementioned calculations shall then be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

$$\begin{array}{r} \text{Available Capacity} \\ + \quad \text{Programmed Improvements (1<sup>st</sup> year S.C.I.)} \\ - \quad \text{Development Approved during year} \\ \hline \text{Available Capacity (Nth year)} \end{array}$$

If capital projects identified in the first year of the City's 5-Year Schedule of Capital Improvements were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the Capital Budget, removed from capacity available for concurrency purposes. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of monies to construct necessary facilities, or the construction of necessary facilities.

Any subdivision plat or site development plan for which construction has not begun within the time frame specified in this Code shall be considered lapsed and shall forfeit any allocation of service capacity. Upon forfeiture, all capacities so allocated shall be returned to the service/facility provider. The Concurrency Management System shall be approved by Resolution of the City Commission on the first regularly scheduled City Commission meeting in September of each year.

#### **6.01.09 Appealing City's Adequacy Determination**

A developer may challenge any concurrency determination made by the City by appealing the decision to the City Commission. The appeal shall be accompanied by substantial, competent evidence that sufficient capacity does exist by virtue of the following:

- (A) The impacts of the proposed development will differ from the impacts estimated by the City as a result of special circumstances of that development;
- (B) Based on the City's own information, the analysis being used has an error in its base data;
- (C) In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels of service than indicated by the City's analysis. Methodology for such travel speed/distance/time studies shall be certified by a licensed professional traffic engineer. In the event the travel speed/distance/ time studies are warranted, the City or its agent shall conduct or commission such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of the study.

#### **6.01.10 Options for Achieving Compliance**

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows:

- (A) *Plan Amendment.* The developer may propose a plan amendment that lowers the adopted level of service standard for the affected facilities and/or services.
- (B) *Reduce Impact of Development.* The developer may propose a reduction in the scale or impact of the proposed development.
- (C) *Phasing of Development.* The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- (D) *Development Agreement.* The developer may propose a development agreement assuring that the required facility capacity will be provided. Any development agreement must provide one or more of the following assurances, acceptable to the City in form and amount, to guarantee the applicant's pro rata share of the cost of completing or providing any public facilities and services that may be necessary to maintain the adopted level of service standards for the subject property:
  - (1) Cash escrow;
  - (2) Irrevocable letter of credit;
  - (3) Prepayment of capacity/connection charges.

Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the City shall do one of the following:

- (1) Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
  - (2) Obtain assurances from other sources similar to those described above in this Section; or
  - (3) Amend the Comprehensive Plan to modify the adopted level of service standard so as to reduce the required facility to equal the applicant's needs.
- (E) *Alternative Transportation Study.* Where a developer disagrees with the results obtained by the City in its concurrency review regarding transportation, a transportation study may be performed at the option and expense of the developer. The results of the study shall be considered by the City in subsequent determinations regarding the development's compliance with concurrency requirements.
  - (F) *Other Transportation Studies.* For those roadway facilities that indicate a lower LOS than the adopted standard of the City of Fort Meade Comprehensive Plan, the City shall allow applicants to perform an operating LOS assessment based upon procedures outlined in the latest edition of the Highway Capacity Manual. A discussion of any

proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant.

## **6.02.00 Development Agreements**

### **6.02.01 General Provisions**

The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning. Assurance to a developer that upon receipt of his development permit he may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

It is the intent of this Section to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Fort Meade Comprehensive Plan and the Local Government Comprehensive Planning and Land Development Regulation Act.

### **6.02.02 Authority**

This intent is affected by exercising the authority granted the City to enter into development agreements with developers under F.S. Sections 163.3220 through 163.3243. This Section shall be regarded as supplemental and additional to the powers conferred upon the City by other laws and shall not be regarded as in derogation of any powers now existing.

### **6.02.03 Procedures**

#### **6.02.03.01 Application for Development Agreement**

The developer shall make application for a development agreement through the Development Director and pay an application fee set by resolution.

#### **6.02.03.02 Public Hearing**

Before entering into, amending or revoking a development agreement, the City shall conduct at least two public hearings, one of which shall be held by the Planning and Zoning Board.

#### **6.02.03.03 Notice of Hearing**

Notice of intent to consider a development agreement shall be advertised approximately seven days before each public hearing in a newspaper of general circulation and readership in Polk County. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

#### **6.02.03.04 Contents of Notice**

The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

#### **6.02.04 Contents and Duration of Development Agreement**

- (A) *Contents.* A development agreement shall include the following:
- (1) A legal description of the land subject to the agreement and the names of its legal and equitable owners.
  - (2) The duration of the agreement.
  - (3) The development uses permitted on the land, including population densities, and building intensities and height.
  - (4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.
  - (5) A description of any reservation or dedication of land for public purposes.
  - (6) A description of all local development permits approved or needed to be approved for the development of the land.
  - (7) A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.
  - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
  - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction.
  - (10) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
- (B) *Duration of Agreement.* The duration of a development agreement shall not exceed five years. It may be extended by mutual consent of the City and the developer, subject to a public hearing in accordance with 6.02.03.02-6.02.03.04 above.

##### **6.02.04.01 Applicability of Laws**

- (A) Consistency with Plan and Regulations. A development agreement and authorized development shall be consistent with the City's Comprehensive Plan and land development regulations.
- (B) Development Governed By Laws in Effect at Execution. The City's laws and policies governing the development of land at the time of the execution of the

development agreement shall govern the development of the land for the duration of the development agreement.

- (C) Applicability of Subsequent Laws. The City may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the City has held a public hearing and determined:
  - (1) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;
  - (2) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;
  - (3) They are specifically anticipated and provided for in the development agreement;
  - (4) The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
  - (5) The development agreement is based on substantially inaccurate information supplied by the developer.
- (D) Right Vested Pursuant To Common Law. This Section does not abrogate any rights that may vest pursuant to common law.

#### **6.02.05 Review, Amendment, Termination**

- (A) *Periodic Review of Agreements.* The City shall inspect land subject to development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the City finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the City.
- (B) *Amendment or Cancellation of Agreement.* A development agreement may be amended or canceled by mutual consent of the parties to the agreement by their successors in interest.
- (C) *Modification or Revocation to Comply with Subsequent State and Federal Law.* If state or federal laws are enacted after the execution of a development agreement that are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

#### **6.02.06 Recording and Enforcement**

- (A) *Recording of Agreement.* Within 14 days after the City enters into a development agreement, the City shall record the agreement with the clerk of the circuit court. A copy of the recorded development agreement shall be submitted to the DCA within 14 days

after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affected person as defined in F.S. 163.3215(2), or the DCA, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement.

## **6.03.00 Development Exactions and Dedications**

### **6.03.01 Dedication of Sites for Public Uses or Fee in Lieu**

#### (A) *Parks*

- (1) Where an evaluation under the Concurrency Management System indicates that additional usable recreation land and facilities are needed to maintain the adopted level of service standard, the developer shall dedicate land of suitable size, topography and general character to the City or pay a fee that is equal to the fair market value of the land otherwise required to be dedicated. The required acreage or fee shall be determined by the Development Director based on information supplied in the Concurrency Test Statement submitted in connection with the proposed development.

Conditions for the City's acceptance of dedicated recreation land shall be established in a Development Agreement under the provisions of Section 6.02.00.

- (2) Where dedication of recreation land is not required to maintain the adopted level of service, the City may refuse to accept such land, or establish reasonable conditions for acceptance. Proposed recreation uses must be consistent with the Future Land Use Map of the Fort Meade Comprehensive Plan. Other conditions may include, but are not limited to, the following:
  - (a) Land must be readily accessible and usable for recreational purposes.
  - (b) Land must be fully or partially developed for recreational use at time of acceptance.
  - (c) The facility would meet a specific recreational need of the City (i.e., picnic areas, boat launch facilities).

- (B) *Right-of-Way.* Right-of-way required to serve all development shall be dedicated in accordance with the requirements of Article 3 of this Code. Where subdivisions are bordered by public right-of-way, additional right-of-way shall be dedicated so as to meet minimum widths specified in the comprehensive plan. Where dedicated right-of-way is extended to an adjoining property or street, there shall be no reserved strips affording private control of future access. The City may require public reserved strips where such reservations promote the public health and safety and implement the comprehensive plan. Where right-of-way has been dedicated independent of any requirement of this Code or the Comprehensive Plan, the City may refuse to accept such right-of-way, or establish such conditions for acceptance as the City Commission determines to be reasonable.

### **6.03.02 Dedication of Utility Easements**

Except where alleys are provided for the purpose of access and utility placement, easements of no less than 15 feet in width or wider as the City Engineer deems necessary, shall be dedicated for the installation of underground utilities by the City or franchised utility providers. Easements for watercourses or drainage ways traversing a subdivision shall be of a width sufficient to convey the volume of stormwater projected to be generated by the 25-year storm event. Such easements shall be approved by the City Engineer.

*City of Fort Meade*



# Unified Land Development Code Article 7

## ARTICLE 7

### DEVELOPMENT APPROVAL PROCESS

7.01.00 Pre-Application Conference

7.02.00 Comprehensive Plan Amendments

7.02.01 Intent and Purpose

7.02.02 Contents of the Application for Plan Amendments

7.02.03 Planning and Zoning Board Standards for Evaluation

7.02.04 Public Hearings

7.02.05 Findings and Recommendation to Approve a Plan Amendment

7.02.06 Findings and Recommendation to Deny a Plan Amendment

7.02.07 Decision by City Commission

7.03.00 Rezoning

7.03.01 Purpose and Intent

- 7.03.02 Contents of the Application
- 7.03.03 Planning and Zoning Board Standards for Evaluation
- 7.03.04 Public Hearings
- 7.03.05 Findings and Recommendation to Approve a Rezoning
- 7.03.06 Findings and Recommendation to Deny a Rezoning
- 7.03.07 Decision by City Commission
- 7.04.00 Planned Unit Development
  - 7.04.01 Intent and Purpose
  - 7.04.02 Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Applicable Regulations.
  - 7.04.03 General Regulations and Requirements
  - 7.04.04 Procedures for Obtaining PUD Zoning Designation
  - 7.04.05 Development Conditions
  - 7.04.06 Approval
  - 7.04.07 Development within PUDs
  - 7.04.08 General Requirements
- 7.05.00 Site Development Plan
  - 7.05.01 Intent and Purpose
  - 7.05.02 Site Development Plan Review
  - 7.05.03 Content of the Application
  - 7.05.04 Development Site to be unified
  - 7.05.05 Planning and Zoning Board Review and Action
  - 7.05.06 Approval of Site Development Plans
  - 7.05.07 Effect of Site Development Plan Approval
  - 7.05.08 Modification of Site Development Plans
  - 7.05.09 Integration of Other Review Procedures
  - 7.05.10 Non-Compliance
- 7.06.00 Subdivision Regulations
  - 7.06.01 General
  - 7.06.02 Procedure

- 7.06.03 Concept Plan Review
- 7.06.04 Administrative Approval of Minor Subdivisions
- 7.06.05 Preliminary Subdivision Plat
  - 7.06.05.01 Submission of Preliminary Subdivision Plat
  - 7.06.05.02 Term of Preliminary Subdivision Plat
- 7.06.06 Construction Plans
  - 7.06.06.01 Submission of Construction Plans
  - 7.06.06.02 Construction Prior to Platting
  - 7.06.06.03 Performance Bond
  - 7.06.06.04 Construction Inspection
  - 7.06.06.05 Engineering drawings
  - 7.06.06.06 Maintenance Guarantee
- 7.06.07 Final Plat
  - 7.06.07.01 Submission of Final Plat
- 7.06.08 Vacating of Plats and Re-plats
  - 7.06.08.01 Vacating of Plat by Owner
  - 7.06.08.02 Vacating of Plat by City
- 7.06.09 Access to Individually Owned Parcels
- 7.07.00 Cluster/Zero Lot Line Development
  - 7.07.01 Cluster Subdivision
  - 7.07.02 Zero Lot Line Development
- 7.08.00 Conditional Use Permits
  - 7.08.01 Purpose and Intent
  - 7.08.02 Conditional Uses in the City
  - 7.08.03 General Standards of Review
  - 7.08.04 Application
  - 7.08.05 Review of Proposed Conditional Use
- 7.09.00 Procedure for Obtaining a Special Exception
  - 7.09.01 Application
  - 7.09.02 Review of Proposed Special Exception
  - 7.09.03 Expiration or Abandonment of Special Exception Use
- 7.10.00 Home Occupations
- 7.11.00 Variances

- 7.11.01 Criteria for Granting a Variance
- 7.12.00 Nonconformities
  - 7.12.01 Nonconforming Uses
  - 7.12.02 Nonconforming Lots of Record
  - 7.12.03 Nonconforming Structures
  - 7.12.04 Nonconforming Structures and Premises Combined
  - 7.12.05 Nonconforming Mobile Home Parks
  - 7.12.06 Nonconforming Mobile Homes
  - 7.12.07 Amortization of Nonconforming Uses
  - 7.12.08 Nonconforming Communication Towers and Antennas

## **ARTICLE 7**

### **DEVELOPMENT APPROVAL PROCESS**

#### **7.01.00 Pre-Application Conference**

A pre-application conference will be held, if requested, for each new Site Development Plan or Subdivision Plat submitted to the City for approval. The Development Director will conduct pre-application conferences as needed and, at his discretion, will summon various members of City staff and other persons whose expertise is relevant to a particular project.

Persons participating in pre-application conferences shall have knowledge and experience in one or more of the following areas: planning and/or zoning, public works, downtown redevelopment, law enforcement, fire/emergency services, parks and recreation, traffic engineering, environmental protection, community development, or others as appropriate.

#### **7.02.00 Comprehensive Plan Amendments**

There are two general types of Plan Amendments: text amendments and map amendments (large and small scale). Except Small Scale Amendments, amendments may be submitted to the Department of Community Affairs **no more than twice yearly** for review and according to the procedures established in Chapter 163 F.S. Small Scale Amendments may be submitted at any time during the year but must not

exceed a total of 80 acres in one calendar year. See Section 8.07.05 for specific regulations regarding Small Scale Amendment. Small Scale Amendments are defined by Florida Statute as:

Encompasses the use of 10 or fewer acres of any land use category;  
Residential densities are limited to 10 or fewer units per acre;  
Does not involve the same property more than once per year;  
Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;  
Does not include any text change to the Plan's goals, objectives, and policies;  
Is not located within an area of critical state concern; and  
The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small-scale amendments.

### **7.02.01 Intent and Purpose**

An amendment to the Comprehensive Plan may either be a change to the goals, objectives and policies of the Comprehensive Plan; or, the amendment of a land use classification shown on the Future Land Use Map. A Plan Amendment may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendment to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvement Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.

Then Comprehensive Plan may only be amended twice each calendar year, however, Small Scale Plan Amendments, the criteria for which is detailed in Section 8.07.05 of this Code, do not count against standard. The City Commission transmits approved Plan Amendments to the DCA for review but may adopt a Small-Scale Amendment before transmission.

### **7.02.02 Contents of the Application for Plan Amendments**

There are two general types of Plan Amendments: text amendments; and amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the City Commission.

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
  - (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.
- (B) *Application Contents for Amendments Effecting Land Use, Development Standards & Maps.* The application shall contain the following items, as applicable:

- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
  - (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.
  - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
  - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.
- (C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.
- (1) Inventory and Analysis of Site Characteristics
    - (a) A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
    - (b) The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.
    - (c) An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds and reptiles) common to this site.
    - (d) A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grass-like plants.
  - (2) Inventory and Analysis of Land Use: location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.
  - (3) Inventory of Public Facilities: location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

### **7.02.03 Planning and Zoning Board Standards for Evaluation**

The Planning and Zoning Board shall review every Plan Amendment. In reviewing and formulating recommendations to the City Commission on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map,

the Planning and Zoning Board shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Fort Meade Comprehensive Plan. Objectives and policies of the Plan may be proposed for modification by the Amendment.
- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City. Said analysis must address land uses as they now exist **and as they may exist in the future**, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.
- (D) The proposed Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the City and an assessment of the need to provide or maintain a proper mix of uses both within the City of Fort Meade and also in the immediate area in Polk County or another municipality.
  - (1) The proposed Plan Amendment shall not result in either a detrimental over concentration of a particular use within the City or within the immediate area.
  - (2) The Plan Amendment contains sufficient proof to convince the Planning and Zoning Board and the City Commission that the proposed Plan Amendment and Land Use Classification supplant the analysis that supported the establishment of the existing Land Use Classification.

#### **7.02.04 Public Hearings**

No Plan Amendment may be considered by the Planning and Zoning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code.

#### **7.02.05 Findings and Recommendation to Approve a Plan Amendment**

The Planning and Zoning Board may recommend approval of an application for a Plan Amendment only when all of the following conditions are met.

- (A) The proposed Plan Amendment is or proposes objectives and policies that will be consistent with the City of Fort Meade Comprehensive Plan.
- (B) The proposed Plan Amendment will not degrade the Level of Service of one or more public facilities and services or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan **and** does not increase

the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.

- (C) There is a community need for the proposed Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of land uses both within the City of Fort Meade and also in the immediate area of Polk County.

#### **7.02.06 Findings and Recommendation to Deny a Plan Amendment**

The Planning and Zoning Board may recommend denial of any application for a Plan Amendment for one or more of the following reasons:

- (A) The proposed Plan Amendment is inconsistent with the City of Fort Meade Comprehensive Plan.
- (B) The proposed Plan Amendment will degrade the Level of Service of one or more public facilities and services and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) No community need can be demonstrated for the proposed Plan Amendment at the proposed location.

#### **7.02.07 Decision by City Commission**

In not more than sixty (60) days of receipt of the Planning and Zoning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning and Zoning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Commissioners voting.

Plan Amendments are subject to review by the DCA under Chapter 163, F.S. The City Commission therefore, does not act to “adopt” a Plan Amendment, but rather to “transmit” the Plan Amendment for review. For guidance in the submission of amendments for review by the State, see Article 8, Section 8.07.00. In the case of a Small-Scale Plan Amendment, the City Commission does adopt the Amendment, transmit it to DCA, but may proceed to consider rezoning without waiting for the conclusion of State review. Small Scale Amendment criteria are contained in Section 8.07.05 of this Code.

[RESERVED]

## **7.030.00 Rezoning**

### **7.03.01 Purpose and Intent**

A rezoning may be initiated by the City or by a property owner or agent of a property owner. The basis for review of application for rezoning entails a review of data and analysis in support of the rezoning; analysis of the impact of the rezoning on public facilities Levels of Service; and an analysis of the need for the proposed rezoning in relation to the goals, objectives and policies of the Comprehensive Plan.

### **7.030.02 Contents of the Application**

Rezoning requests shall be submitted to the Development Director on an application form provided by the City, together with applicable fees, which shall have been established by resolution of the City Commission. The application shall contain, at a minimum, the following information:

- (1) The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner. In addition, it shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.

- (2) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property to be rezoned.
- (3) The future land use classification; and a description of the proposed use of the property.
- (4) A copy of the property appraisers plat map with the parcel marked.
- (5) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities have the capacity to serve the parcel.
- (6) The location of all public and private streets, driveways and utility easements within and adjacent to the site; and a list of the businesses or properties or uses adjacent to the site.
- (7) Identify whether the property is vacant or the use has been discontinued and for how long.

### **7.03.03 Planning and Zoning Board Standards for Evaluation**

The Planning and Zoning Board shall review every request for rezoning. In reviewing and formulating recommendations to the City Commission on rezoning applications, the Planning and Zoning Board shall specifically consider and evaluate the proposed rezoning against the following standards.

- (A) **Consistency with the Comprehensive Plan.** The proposed rezoning is consistent with the goals of the City of Fort Meade Comprehensive Plan.
- (B) **Concurrency Analysis.** The proposed rezoning contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) **Impact Analysis.** The proposed rezoning has been analyzed to identify future adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City.
- (D) **Zoning and Use of Nearby Property.** An analysis of the range of development that will occur as a result of the rezoning, in comparison to the existing pattern of development, and the future pattern established by the Comprehensive Plan. Depending on the uses permitted in the proposed zoning district, inconsistency in the two patterns may be created.
- (E) **Substantial Changes in Land Use Circumstances.** Analysis of the effect of significant changes in land use in the vicinity of the proposed rezoning. Such changes are substantial if they include: widening of a street, expansion of existing permitted uses, the completion of a subdivision that was previously platted, the construction of a new public facility, such as a park, or any number of other examples. One such change may not be significant and may not justify the rezoning, but several would be and may justify rezoning to higher intensities.

- (F) **Time Vacant.** If the property (site) is vacant, an analysis of the length of the vacancy versus the present zoning classification is important. In particular, an analysis should have been done to compare the rate of land development in the vicinity of the property and the conversion of vacant land to development in the same zoning district in other parts of the City.
- (G) **Effect on Property Values.** An analysis of the effect of the proposed rezoning on property values.

#### **7.03.04 Public Hearings**

Due Public Notice. No request for rezoning may be considered by the Planning and Zoning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing must be followed as delineated in Article 8, Section 8.06.00 of this Code.

#### **7.03.05 Findings and Recommendation to Approve a Rezoning**

The Planning and Zoning Board may recommend approval of an application for a rezoning only when **all** of the following conditions are met:

- (A) The proposed rezoning is consistent with the City of Fort Meade Comprehensive Plan.
- (B) The proposed rezoning will not degrade the Level of Service of one or more public facilities and services or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) The proposed rezoning and all permitted uses are compatible with development on surrounding property; **or** compatibility can be achieved by the imposition of conditions, buffers or limitations on the uses within the zone, which are specified in the Board's recommendation. By this analysis the Planning and Zoning Board determines whether or not the proposed rezoning provides "appropriate use" of the property.

#### **7.03.06 Findings and Recommendation to Deny a Rezoning**

The Planning and Zoning Board may recommend denial of any application for a rezoning for one or more of the following reasons:

- (A) The proposed rezoning is inconsistent with the City of Fort Meade Comprehensive Plan.
- (B) The proposed rezoning will degrade the Level of Service of one or more public facilities and service and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) The Public Welfare benefits in maintaining the present zoning classification are so great, that any hardship imposed on the property owner by denying the request for rezoning, is justified.

#### **7.03.07 Decision by City Commission**

In not more than sixty (60) days of receipt of the Planning and Zoning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning and Zoning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of an application for rezoning shall be granted unless approved by a majority of the Commissioners voting.

[RESERVED]

#### **7.04.00 Planned Unit Development**

##### **7.04.01 Intent and Purpose**

The Planned Unit Development (PUD) district is established to provide for well-planned and orderly mixed-use development on a large scale in any area of the City. Further, PUDs are intended to:

- (A) Promote flexibility in development design;
- (B) Promote the efficient use of land;
- (C) Preserve, as much as possible, existing landscape features and amenities;
- (D) Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;
- (E) Combine and coordinate architectural styles, building forms and building relationships within the planned development;
- (F) Lessen the burden of traffic conflict on streets and highways.
- (G) Provide for a balanced land use mixture.

#### **7.04.02 Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Applicable Regulations**

The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities in a PUD shall not exceed the permitted densities established in the plan.

Where there are conflicts between these special PUD provisions and other regulations in this Code, these special regulations shall apply. Where no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in the other sections of this Code shall apply. In a unique situation where no standard is specified, the City Commission shall determine the appropriate standard.

#### **7.04.03 General Regulations and Requirements**

- (A) *Professional Services Required.* All applications for rezoning and development approval in each of the Planned Unit Development districts shall consist of a Master Development Plan of the complete development, any phases therein, and shall be prepared by a professional in the planning process to include, but not be limited to, one or more of the following professionals as listed below and shall state their names, their business, address, and telephone numbers:
- (1) An urban planner who possesses the education and experience to qualify for full membership in the American Institute of Certified Planners;
  - (2) A landscape architect who possesses the education and experience to qualify for full membership in the American Society of Landscape Architects;
  - (3) A registered architect;
  - (4) A practicing civil engineer licensed by the State of Florida; and/or
  - (5) A registered land surveyor.
- (B) *Unified Control.* All land included for the purpose of development within a Planned Unit Development shall be owned or under the control of the applicant, whether that applicant is an individual, partnership or corporation, or a group of individuals, partnerships or corporations.
- (C) *Subdivision of Property.* Property in a Planned Unit Development shall be platted in accordance with Section 7.06.00 prior to the issuance of Building Permits. In the case of lands that have been platted prior to the adoption of this Code, the landowner shall be required to vacate the previous plat or pre-platted lands before any rezoning and Master Development Plan approval will be considered. In addition, all payments, easements, and dedications required by this Code and other City ordinances will be applicable to any development within a Planned Unit Development, whether vacating an existing plat or re-platting, or un-platted lands, so that all new development within the City will bear its fair share of provision of public services.

#### **7.04.04 Procedures for Obtaining PUD Zoning Designation**

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Commission may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the Development Director or the City Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may be taken into consideration by the City Commission. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- (A) *Master Development Plan.* Development requirements in a PUD are established through an approved **Master Development Plan (MDP)**, to be consistent with the City's Comprehensive Plan and the development standards of specific zoning development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.

In reviewing the Master Development Plan, the Planning and Zoning Board and City Commission shall determine that conventional residential or commercial zoning district most nearly accommodates the proposed use(s) of each tract. Approval of the plan shall include designation of an Equivalent Zoning District for each residential or commercial tract. The Equivalent Zoning District designation implements the development standards of a conventional zoning district on individual tracts; however, the Official Zoning Map shall show the entire development site as a PUD district. Site Development Plans or Subdivision Plats for specific tracts shall be designed according to the development standards of the Equivalent Zoning District. No proposed use, or zoning district development standards, shall be approved for a particular location unless consistent with the Future Land Use Map of the Comprehensive Plan of the City.

Tracts proposed for uses other than residential or commercial development shall be labeled on the Master Development Plan as to type of use proposed (i.e., recreation, open space, utility sites, etc.) and acreage. Written information as to land use type, density/intensity or land use, and acreage of tracts and rights-of-way shall be included with the PUD application and considered part of the Master Development Plan.

- (B) *Master Development Plan Advisory Meeting.* At the option of the applicant, the Development Director shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline his proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural issues relative to the review of the request.

- (C) *Requirements for Master Development Plan Review.* The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning and Zoning Board and City Commission concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses.

In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:

- (1) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative.
- (2) Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
  - (a) Abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.
  - (b) Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated and maintained at general public expense.
  - (c) Bind his development successors in title to any commitments made as a condition of development approval.
  - (d) Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.
- (3) A statement of the applicant's interest in the property to be rezoned including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
- (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, and the accurate legal description of the property in metes and bounds and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one-year prior to filing.
- (5) Ten (10) copies of a scaled Master Development Plan of the entire proposal showing the following information:

- (a) A key map at a convenient scale showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a descriptions of how the proposed development is in conformity with the City of Fort Meade Comprehensive Plan and all relevant laws, ordinances, and regulations.
- (b) Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public streets adjoining or traversing the site, sufficient description by metes and bounds as to identify the location of the site shall be required.
- (c) Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.
- (d) Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 250 feet of outside boundaries and proposed alterations to said features.
- (e) Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
- (f) All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
- (g) A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at Development Director's discretion).
- (h) Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).
- (i) A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
  - 1) Size and/or scope of development.
  - 2) Projected Population.
  - 3) Proposed timing and phases of development.

- 4) Proposed ownership and forms of organization to maintain common open space and facilities.
- (j) A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).
- (k) A map of Soil Conservation Service Soil Classification by Soil Associations.
- (l) A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 200-year flood zone boundary, at a scale of one inch to 500 feet.
- (m) Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others)/ For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.
- (n) The most recent aerial photograph available, with the areas to be modified delineated.
- (o) Preliminary drainage plan showing existing topographic contours at one-foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.
- (p) A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- (q) Any other reasonable information that may be required by the Development Director that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the Development Director shall transmit copies of relevant materials to the various City and County Officials and agencies as appropriate. The Development Director shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations in the record.

When review of the proposed PUD is complete, the Development Director shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Director shall include with his recommendations the zoning application and a written report that shall include all pertinent documents, comments of the reviewing City Officials, and any other applicable documentation or graphics.

- (D) *Planning and Zoning Board Review and Recommendation.* The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing and recommend to the City Commission whether the proposed rezoning be approved, approve with

modifications or conditions or denied. The official minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:

- (1) The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency and other requirements of this Code.
- (2) Conformity of the proposed development with the Comprehensive Plan of the City of Fort Meade.
- (3) Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
- (4) Compatibility with surrounding land uses.
- (5) All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:

- (1) Evidence of unified control of the overall development site.
- (2) Suitability of any proposed agreements, or contracts or other instruments that are to be executed to create or provide the facilities.
- (3) The need for such instruments or for amendments in those that have been proposed.

(E) *Action by City Commission.* Upon completion of required action by the Planning and Zoning Board, the Development Director shall transmit the application to the City Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Director's report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Commission. The City Commission may:

- (1) Deny the application.
- (2) Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
- (3) Modify the application so that these standards are met.
- (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements of the City Commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development.

#### **7.04.05 Development Conditions**

Conditions placed on a request by the City Commission may include requiring the applicant, at his cost and expense, to:

- (A) Finance or dedicate land for public right-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- (B) Finance or construct potable water, wastewater or drainage facilities.
- (C) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

#### **7.04.06 Approval**

Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the City Commission.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not receive approval under Section 7.06.00 (Subdivision Regulation) or Section 7.05.00 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one year. Unless null and void, and the new standards shall apply. Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further Subdivision Plats or Site Development Plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.

#### **7.04.07 Development within PUDs**

All development within a PUD district shall comply strictly with its approved Master Development Plan, the Land Development Code and the Comprehensive Plan. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Section 7.06.00. Development on individual sites, other than single family development, shall be reviewed and approved according to the requirements of Section 7.05.00, Site Development Plans.

- (A) *Permitted Uses.* Within any PUD District the following uses shall be permitted:

- (1) Single-family detached dwellings.
- (2) Single-family attached dwellings.
- (3) Multi-family dwellings.
- (4) Recreational facilities and structures intended for the use of the residents of the PUD.
- (5) Golf courses, public or private, that may be calculated as recreation space as is hereinafter required, provided the clubhouse and other structures are located more than 150 feet from any residential structure.
- (6) Off-street parking and garage facilities intended for the exclusive use of the residents of the PUD.
- (7) Model dwelling units erected on the site pursuant to all applicable codes and ordinances of the City.
- (8) Commercial uses permitted in C-2 district.

(B) *Residential Land Area and Land Use Intensity Standards.* The following table gives the land use intensity standards.

| Land Use Intensity Standards | Land Use Intensity MI, 45,000 s.f. or More | Land Use Intensity M11, 75,000 s.f. or More | Land Use Intensity M111, 90,000 s.f. or More |
|------------------------------|--|---|--|
| Max. Gross Floor Area Ratio  | 0.15                                       | 0.20  | 0.25   |
| Min. Open Space Ratio        | 3.00                                       | 2.50  | 2.10   |
| Min. Livability Space Ratio  | 2.00                                       | 1.60  | 1.30   |
| Min. Recreation Space Ratio  | 0.17                                       | 0.15  | 0.14   |
| Min. Total Car Ratio         | 2.50                                       | 2.50  | 2.50   |

Definitions:

1. Maximum Gross Floor Area Ratio: The ratio of floor area that can be built for each square foot of land area. Max. Gross Floor Ratio x Land Area = Floor Area.
2. Minimum Open Space Ratio: The ratio of open space that must be provided for each square foot of floor area. Min. Open Space Ratio x Floor Area = S.F. of Open Space Required.
3. Minimum Livability Space Ratio: The ratio of open space per square foot of floor area must be provided other than that provided in roads and parking area. Min. Livability Space Ratio x Floor Area = S.F. of Recreation Space.
4. Minimum Recreation Space Ratio: The ratio of square feet of land per square foot of floor area that must be devoted to recreation. Min. Recreation Space Ratio x Floor Area = S.F. of Recreation Space.
5. Minimum Total Car Ratio: The ratio of car spaces that must be provided for each dwelling unit. Min. Total Car Ratio x Dwelling Units = Number of parking spaces to be provided.

Note: The minimum amount of open space required shall be determined by the larger of: (a) the s.f. of open space that must be provided based on the minimum open space ratio; or (b) the sum of the s.f. of open space that must be available other than that provided in roads and parking areas based on the minimum livability space ratio plus the s.f. of lands devoted to roads and ground level parking areas.

- (1) *Dwelling units.* The maximum number of dwelling units permitted on the premises shall not exceed the total permitted floor area divided by 840 s.f.
- (2) *Residential Project Development Standards.*
  - (a) *Frontage and Access Points.* The minimum required project frontage on a street shall be 150 feet. The minimum required distance from the intersection of any street right-of-way lines shall be 100 feet. The minimum required distance from the intersection of any street right-of-way lines for a mobile home park shall be 150 feet. The minimum distance required between project access points shall be 100 feet and 150 feet for a mobile home park.
  - (b) *Setbacks.* The minimum required building setback from all project property lines shall be 25 feet. The minimum required building setback from all street right-of-way lines shall be 25 feet and 50 feet for mobile home parks or one-half the width of the right-of-way of the dedicated public street serving the project, whichever is larger.
  - (c) *Building Height.* No building shall exceed two stories or 35 feet in height.
- (3) *Development Standards for Multi-Family Projects*

|               | Townhouses     | Mobile Home Park                            |
|---------------|----------------|---|
| No. of Units  | 6 per building | 10 du/acre max.<br>25 unit min. Per project |
| Front Setback | 20 feet        | 10 feet                                     |
| Side Setback  | 7.5 feet       | 7.5 feet                                    |
| Rear Setback  | 20 feet        | 10 feet                                     |
| Floor Area    | 750 s.f.       | 4,000 s.f. per lot                          |

- (4) *Development Standards for Commercial and Industrial Projects*

|                                    | Commercial   | Industrial   |
|------------------------------------|--------------|--------------|
| Min. Land Area Per Project         | 348,480 s.f. | 435,600 s.f. |
| Project Frontage                   | 400 feet     | 600 feet     |
| Distance from street r-o-w         | 250 feet     | 400 feet     |
| Distance between access points     | 200 feet     | 400 feet     |
| Setback for project property lines | 50 feet      | 50 feet      |
| Setback from all street r-o-w      | 75 feet      | 50 feet      |

|                 |           |           |
|-----------------|-----------|-----------|
| Building height | 4 stories | 3 stories |
|-----------------|-----------|-----------|

- (C) *Special Exception Uses.* No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location are noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Exception Use for the Equivalent Zoning District for that tract. However, any use listed in the Table as a Special Exception may be denied if the City Commission determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.

#### 7.04.08 General Requirements

The following requirements shall apply to all Planned Unit Developments:

- (A) *Common Properties.* Common properties that serve as amenities to the residents of a PUD shall be provided and classified as follows:
- (1) *Designated Open Space.* Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan. The minimum open space required in a PUD shall be 30% of the gross site area, and **may include**, but shall not be limited to, the following:
- (a) Common Recreation Areas, as defined in subparagraph (2) below;
  - (b) Areas equivalent to no more than 50% of the total acreage of wetlands, lakes, drainage retention/detention areas, and other permanent or semi-permanent water bodies;
  - (c) Shrub or other natural areas to be set aside for the preservation of endangered plant or animal species;
  - (d) Golf Courses;
  - (e) Stormwater retention/detention areas, but not ditches and swales.

Designated open space **shall not** include the following:

- (a) Lands designated for residential or commercial use (regardless of density or intensity of these uses);
- (b) Parking areas except those accessory to recreation uses;
- (c) Utility easements and road rights-of-way;
- (d) Perimeter setback areas, unless developed with bicycle or pedestrian trails;
- (e) Sewer and/or water treatment plant sites;
- (f) Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings or other public facilities (excluding drainage facilities).

- (2) *Common Recreation Area.* Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design.

Common Recreation Area shall constitute not less than one-half of the total area qualifying as designated open space as defined in (1) above. Recreation areas shall be usable and accessible and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.

Common Recreation Area **may include** the following uses and associated facilities:

- (a) Swimming pools, tennis courts and playing fields;
- (b) Playgrounds;
- (c) Picnic areas and pavilions (up to 20% of total required Common Recreation Area acreage);
- (d) Golf courses (up to 50% of total required Common Recreation Area acreage);
- (e) Rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).

The following **shall not** be included in Common Recreation Areas:

- (a) Streets, road right-of-way, and parking areas;
- (b) All easements;
- (c) Water bodies and wetlands, except within designated right-of-way for nature trails;
- (d) Ditches, swales, retention areas and other stormwater management facilities;
- (e) Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.

- (B) *Commercial Uses.* The PUD designation allows those commercial uses that are permitted in C-2 district. Commercial development shall adhere to development standards established in that district. Such uses shall be permitted only on parcels or tracts labeled on the Master Development Plan as being for commercial use and shall be subject to Site Development Plan requirements established in Section 7.05.00. Commercial uses shall primarily serve residents of the development and shall not be located adjacent to the perimeter of the PUD site. Commercial structures shall be located not less than 150 feet from the boundary of any property outside the PUD zoned for residential use. No more than 5% of the overall PUD site shall be designated for commercial use. Clubhouses, swimming pools, community centers and other recreational facilities owned in common by residents of the PUD shall not be included in this limitation. However, nothing stated in this Code shall preclude the establishment of a public golf course in a PUD.

No Building Permit for a commercial use will be issued until at least 50% of the approved dwelling units in the PUD have received Certificates of Occupancy.

- (C) *Density.* The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, drainage facilities, road rights-of-way and areas proposed for commercial use. These units may be clustered or otherwise arranged according to sound planning principals throughout the PUD site, providing a mixture of housing types, densities and price ranges in a creative development design that is appealing to residents and beneficial to the City as a whole.

Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Low Density Residential and Medium Density Residential) separate dwelling unit calculations shall be made, using the appropriate permitted density value for each. Where a PUD site lies partially within the Commercial land use designation, densities within these areas shall not exceed 12 units per acre.

Dwelling units permitted under each category shall be located on portions of the site lying within the respective land use designation. This requirement may be waived by the City Commission upon recommendation of the Planning and Zoning Board. In this situation, both bodies shall find that the distribution of residential units without regard to land use designation boundaries is in harmony with the intent of the Comprehensive Plan, will not create adverse impacts on surrounding properties, and is justified in order to fulfill a beneficial development concept. In no case, however, shall the total number of units exceed the number allowable under the provisions of the Comprehensive Plan.

- (D) *Development in Stages.* Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

- (1) Developer must submit a construction schedule covering all phases of the PUD to the Development Director. This schedule may be revised from time to time as necessary.
- (2) All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any Building Permits.
- (3) At least 30% of the total acreage of each stage shall qualify as Designated Open Space, as defined in paragraph 1(a) above. No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in paragraph 1(b) above. All recreation facilities shall be completed and available for use prior to issuance of Building Permits.
- (4) No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.

- (E) *Ownership and Maintenance of Common Property.* The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or Site Development Plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also

be included unless dedicated to the City of Fort Meade for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final Site Development Plan or Subdivision Plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowner's association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (4) To create an administrative vehicle, the owners' association, to manage those elements shared in common and to enforce standards;
- (5) To provide for the operation and financing of the association;
- (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

- (F) *Private Roads.* Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of paragraph (E) above. However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

The City of Fort Meade shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and in conformity with all codes and standards in effect at the time of dedication. If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The city shall have no liability for injury or loss of life resulting from restricted access to the development.

- (G) *Model Homes.* All model dwelling units shall be subject to the following restrictions:
- (1) Model dwelling units shall not be used for a period of longer than one year; however, the City Commission may grant an extension for a period not to exceed one year.
  - (2) The number of model dwelling units shall not exceed eight (8) and shall not be connected to water and sewer facilities until a plat of record has been provided for the subdivision area in which the models are located.
  - (3) At least two off-street parking spaces per model unit shall be provided on the same lot as the model dwelling unit or on contiguous lots and shall be maintained as long as the model dwelling unit is used as such.
- (H) *Bonding.* Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the office of the Development Director:
- (1) A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one year.
  - (2) A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one year.
  - (3) A maintenance warranty bond in the amount of 10% of the total cost of the construction of all public improvements, to be in force for a period of two years following acceptance by the City of the final construction of said public improvements.
  - (4) In lieu of any bond, the developer may use an escrow account to ensure the performance of the construction as planned if said account and the administration thereof is approved by the City Commission.

All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements described in Subsections 1 and 2 above, said performance and payment bonds shall be released.

- (I) *Amendment or Termination of a PUD.* Once PUD approval is granted, all development within the PUD development site shall be in conformity with the significantly from the approved development pattern, he shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require approval according to the following:

- (1) Major Amendment. Submission for review and approval by the Planning and Zoning Board and City Commission.
- (2) Minor Amendment. Submission for review and approval by the Development Director.

The Development Director shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The Development Director may, at his discretion, forward any application for plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions or denied.

- (J) *Perimeter Setback.* No structure shall be located less than 35 feet from the perimeter of the PUD development site where commercial use is planned adjacent to residential use.
- (K) *Public Easements.* The City of Fort Meade shall be granted easements allowing access to and use of tracts designated for open space, recreation, drainage facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.
- (L) *Access.* All residential and commercial properties shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.
- (M) *Landscaping*
- (1) Landscaping requirements shall be as set forth in Article 3, Section 3.07.00.
  - (2) Along public or private rights-of-way, including those bordering the perimeter of the PUD, one canopy tree shall be planted for every 50 feet of right of way. Such trees shall be no less than 10 feet in height at the time of planting and shall be

placed within 5 feet of the right-of-way. Along internal roads, the trees shall be planted alternately on either side of the street.

- (3) The City Commission shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.

[RESERVED]

## **7.05.00 Site Development Plan**

### **7.05.01 Intent and Purpose**

The Site Development Plan procedure shall be required for all uses designated by the letter “D” in the Table 2.05.01A, “Table of Land Uses,” Article 2, to ensure that site-specific development projects meet the requirements of this Code prior to the issuance of a Building Permit.

The Planning and Zoning Board shall review and approve Site Development Plans authorized under this Code in the manner prescribed below. The Development Director may review and approve a Site Development Plan of four or less parcels or lots, if he/she finds that no conditions need to be imposed before issuing a Building Permit.

It is the intent of this Section that the Site Development Plan process be a part of the Building Permit application process, in that the Site Development Plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and Certificate of Occupancy shall be issued. Site Development Plan approval shall be required prior to the issuance of a Building Permit for the following:

- (A) Division of an existing development site (such a division shall result in a new or modified Site Development Plan for previously existing development, in addition to a separate plan for new development).
- (B) An expansion or reconfiguration of any of those types of development that are subject to Site Development Plan requirements.
- (C) An expansion or reconfiguration of any established use identified in Table 2.05.01A, “Table of Land Uses,” Article 2, as a Conditional Use.

### **7.05.02 Site Development Plan Review**

Those developments subject to Site Development Plan review shall submit five copies of the Site Development Plan, with a completed application form, all necessary attachments and the requisite application fee to the Development Director to initiate processing of the plan. Additional plans shall be provided for review by other state, regional and county agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* The Site Development Plans shall be prepared by an architect, engineering professional or surveyor.

Sketch plans and drawings submitted with Variance, Special Exception or other zoning-related applications shall not be accepted for review as a Site Development Plan unless prepared in accordance with the guidelines of this section and/or at the discretion of the Development Director. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

- (B) *Completeness of Plans.* Completeness of Site Development plans shall be determined within ten working days by the Development Director, and if complete shall be scheduled for a Pre-Application Conference according to the requirements of Section 7.01.00.

- (C) *Staff Review.* The Development Director and other appropriate City staff members shall review the Site Development Plan with specific regard to the codes and ordinances of the City of Fort Meade.

The staff review shall identify matters of development policy concern to which the developer shall address particular attention. Specific comments to be addressed based on staff's review of the plan be provided in writing. The applicant shall be permitted to respond to staff comments at this stage of review.

- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit to the Development Director revised Site Development Plans in which all concerns of the staff have been addressed.

When the Development Director determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, State and Federal regulations have been met, they shall place the plan on the agenda for the next regular meeting of the Planning and Zoning Board, if required.

### **7.05.03 Content of the Application and Drawing**

Site Development Plans for sites of more than four parcels and those determined by the Development Director to require the detail, shall be drawn to a minimum scale of one inch equals 100 feet on an overall sheet size not to exceed 22 by 36 inches and not less than 11 X 17. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the Site Development Plan respectively:

#### **Contents of the written application:**

- (1) The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner.

- (2) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property. Note: A certified survey will be required for all parcels at the time of submittal of the Building Permit application.
- (3) The future land use classification; and a description of the proposed use of the property.
- (4) A Copy of the property appraisers plat map with the parcel marked.
- (5) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities have the capacity to serve the parcel.
- (6) A list of the businesses or properties or uses adjacent to the site.
- (7) Identify whether the property is vacant or the use has been discontinued and for how long.
- (8) The engineer's name, address, telephone number and registration number.
- (9) Zoning classification assigned to the property that is the subject of the site plan and the zoning of the surrounding properties.
- (10) Number of units proposed, if any, and resulting net density.
- (11) Floor area of non-residential uses.
- (12) Open space expressed in square feet and as a percentage of the overall site.
- (13) Number of parking lots and spaces required and proposed.

**Contents of the Drawing:**

All site plans shall meet the information and specification requirements established below and by the departments reviewing them as indicated on the specific checklist listing all written, graphic and engineering information required for reviewing site plans. All information shall be required unless waived by the applicable department director/supervisor.

- (1) Site Development plan name.
- (2) The property owner's name, address and telephone number; and the designated project applicant or representative if other than the property owner. In addition, it shall reserve a blank space, three (3) inches wide and five inches high for the use of the approving authority.
- (3) The engineer's name, address, telephone number and registration number.
- (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, if available, and the accurate legal description of the property with a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one year prior to the filing.
- (5) Zoning district assigned to the property that is the subject of the site plan and to the properties contiguous thereto.

- (6) North arrow, scale and date prepared.
- (7) Location and dimensions for traffic circulation, designated with arrows, all public and private streets, site access and driveways, pedestrian walks and utility easements, within and adjacent to the site.
- (8) The footprint of all proposed buildings and structures on the site, including setbacks and fence and wall locations and heights.
- (9) A drawing showing the placement and width of required landscape and buffer yards, including canopy trees; identification of all shrubbery and trees to be used, the number of same and any mature trees for which credit can be given. For further information, see Article 3, Section 3.07.00, Compatibility, Landscaping and Buffering Standards.
- (10) Identification of watercourses, swales, catch basins, ditches, wetlands and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.
- (11) Open space and recreation area expressed in square feet and as a percentage of the overall site.
- (12) Sign(s) location, height and size in square feet.
- (13) Phase lines, if the development is constructed in phases.
- (14) Provisions for both on-and off-site stormwater management and detention related to the proposed development as required by Southwest Florida Water Management District.
- (15) A survey showing existing topographical features, including contours at one (1) foot intervals as well as spot elevations arranged in a grid system with thirty-five (35) foot spacing.
- (16) Spot elevations along the tract boundary and twenty-five (25) feet outside thereof, (closer where necessary to depict irregularities in the elevations of the property or adjacent property).
- (17) The delineation of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
- (18) Delineation of all environmentally sensitive areas as determined by any appropriate agency.
- (19) All existing and proposed utilities, including but not limited to:
  - (a) Water and sanitary pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.
  - (b) Telephone, electric, gas and other utilities.
  - (c) Fire hydrants.
- (20) Location of major solid waste receptacles.

- (21) Tabulations of the following, as applicable;
- a. Total square footage or acreage of project site.
  - b. Total number of lots and average size.
  - c. Number of units proposed, if any and resulting gross density.
  - d. Acreage of each type of land use and its percentage total acreage.
  - e. Total square footage of buildings and structures.
  - f. Total floor area, in square feet, of residential and non-residential uses.
  - g. Total number of required and proposed on-site parking spaces, parking lots and handicapped accessibility spaces.
  - h. Total square footage of building lot coverage and percentage of the overall site.
  - i. Total square footage of vehicular use areas (parking, sidewalks, etc.).
  - j. Square footage of open space and recreation areas and percentage of the overall site.

Sketch plans and drawings submitted with a variance, or Conditional Use Approval or other zoning-related application shall not be accepted for review as a site plan unless prepared in accordance with the guidelines of this section. In all cases, engineering plans addressing stormwater management, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

#### **7.05.04 Development Site to be Unified**

When requesting Site Development Plan approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole. The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted Site Development Plan approval, shall be divided except through the Site Development Plan modification process established in Section 7.05.08.

#### **7.05.05 Planning and Zoning Board Review and Action**

The Planning and Zoning Board shall review and approve or disapprove any Site Development Plan as required by uses designated by the letter "D" in the Table 2.05.01A, "Table of Land Uses," Article 2. The Planning and Zoning Board shall review and evaluate the Site Development Plan with specific regard to the Comprehensive Plan, applicable City codes and the advisory recommendations of City staff. The Planning and Zoning Board shall approve, approve with conditions or deny the site plan.

In the alternative, the Planning and Zoning Board may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the Site Development Plan. In the event a Site Development Plan is denied, the reason(s) for the denial shall be noted.

- (A) Where the proposed development involves only the expansion of existing structures, the Planning and Zoning Board may reduce or waive certain criteria, data or other submission requirements as appropriate provided that the following conditions are met:
- (1) No existing structure will be expanded by more than 30% of its total floor area and/or seating.
  - (2) No change in the existing use of the site is proposed.
  - (3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
  - (4) The development site will not be reduced in size.
- (B) Under no circumstances shall any Site Development Plan be approved that is inconsistent with any term contained in this development code unless a Variance or waiver has been authorized in accordance with the provisions of Section 7.09.00 of this Code.

#### **7.05.06 Approval of Site Development Plans**

On approval of a Site Development Plan, a minimum of five (5) copies and any additional copies as may be required by the City, of the approved Site Development Plan shall be submitted to the Development Director prior to processing of a Building Permit. The Development Director shall forward copies of the plan to appropriate City staff. The City Clerk shall retain and file one copy of the Site Development Plan to constitute a permanent record of the Site Development Plan. A minimum of three copies of the plan shall be reserved accompanying with the application for Building Permit that is submitted to the City's Building Official for approval, once approved, one approved copy is to be available for inspection at the job site, one approved copy is to be provided to the developer and one approved copy is to be provided for the Development Director.

#### **7.05.07 Effect of Site Development Plan Approval**

- (A) Approved Site Development Plans shall remain valid if a Building Permit is obtained subject thereto within one year after final approval. Granting of extensions for approval may be made by the Development Director for a single period up to one year from the date when a Site Development Plan would otherwise expire an extension may be granted if the Development Official concludes that the recipient of the approved Site Development Plan has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the approved Site Development Plan stating the reason for the time extension request.
- (B) Upon approval of the Site Development Plan, the applicant may proceed to submit construction drawings to the appropriate City staff for permitting. These shall include, but are not limited to, building plans, drainage and stormwater management facilities, road and driveway construction specifications, and tree removal plans.
- (C) Nothing contained herein shall preclude the City from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to stamped approval of a Site Development Plan, subject to such

conditions as may be established by the City relative to such pre-plan certification processing.

- (D) In such instances, no Building Permit will be issued until the Site Development Plan has been stamped approved and is on file in the Building Office. All building and construction permits issued for any project requiring Site Development Plan review shall be consistent with the stamped approved Site Development Plan. The approval of a Site Development Plan shall not, under any circumstances, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the Site Development Plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

#### **7.05.08 Modification of Site Development Plans**

Any modification, variation or adjustment of a stamped approved Site Development Plan shall require approval of a Site Development Plan amendment.

The Development Director shall determine whether a proposed Site Development Plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

The Development Director may approve a minor modification. If the proposed change or amendment is determined to be other than a minor modification, the Development Director shall forward any revisions to appropriate members of City staff, outside consultants, and schedule a hearing by the Planning and Zoning Board to consider approval of the change, if required.

#### **7.05.09 Integration of Other Review Procedures**

Any development involving the following provisions of this code shall be coordinated as set forth below:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the Site Development Plan and on all subsequent Site Development Plans. Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of development. A Site Development Plan must be submitted for each successive phase of the development.
- (B) *Site Development Plan Concurrent with Variance or Special Exception Uses.* For developments requiring approval of a Variance or a Special Exception, a request for such approval shall be submitted to the Planning and Zoning Board and City Commission, and the Special Exception shall be approved prior to final approval of the Site Development Plan. A Site Development Plan and a Special Exception request may be processed concurrently.

In the event that an approval of a Variance is required for a development, such request shall be submitted to the Board of Adjustments and Appeals for approval prior to the

final approval of the Site Development Plan. If the Variance is approved, the Site Development Plan shall then require approval by the Planning & Zoning Board.

#### **7.05.10 Non-Compliance**

Failure to comply with a stamped approved Site Development Plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a Building Permit or, where a permit has been issued pursuant to a stamped approved Site Development Plan, to render such Building Permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Code and may be subject to a stop-work order.

[RESERVED]

#### **7.06.00 Subdivision Regulations**

##### **7.06.01 General**

- (A) *Purpose and Intent.* The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that regulates and requires the platting of land for development; to further the goals and policies of the Fort Meade Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the City. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions or rules adopted by the City, those provisions that are more restrictive and impose higher standards or requirements shall govern.
- (B) *Applicability.* These regulations shall apply to all subdivisions, including those intended for commercial and industrial development. The provisions of this Section are applicable to the division of a parcel of land, that is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into four or more parcels, lots, tracts or sites for the purpose of transfer of ownership or building development
- (C) *Variances.* At the Preliminary Plat approval stage and subject to final approval by the City Commission, certain Variances may be considered. Where the Planning and Zoning Board find that extraordinary hardships may result from the strict application of the planning and engineering standards set forth in these regulations, it may consider those Variances that are recommended by the City Manager and that the Planning and Zoning Board determines are necessary to ensure that substantial justice is done and the public interest is upheld. Provided however, that the effect of the Variance shall not be to nullify the purposes and intent of these regulations nor the Comprehensive Plan of the City of Fort Meade.

### **7.06.02 Procedure**

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the sub-divider, or his authorized agent, shall apply for and secure approval from the City Commission of the proposed subdivision through submission of the following documents:

- (A) Concept Plan Review (Optional)
- (B) Preliminary Subdivision Plat
- (C) Construction Plans

*Final Subdivision Plat.* Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the sub-divider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

### **7.06.03 Concept Plan Review**

The developer may present a subdivision Concept Plan to the Development Director who shall review the plan as to its conformance to the comprehensive plan, zoning and other applicable land development regulations. The plan shall show, at the minimum:

- (A) Proposed use
- (B) Basic street layout
- (C) Typical lot sizes
- (D) Boundaries
- (E) Significant physical conditions

The Concept Plan may be a sketch but must be drawn to scale. A meeting will be called by the Development Director to include City staff to review the Concept Plan. The Development Director shall complete the review not more than fifteen (15) working days after submission and shall meet with the applicant to relay his findings.

### **7.06.04 Administrative Approval of Minor Subdivisions**

- (A) The intent of this division is to establish an administrative review and approval process for small scale residential development and land subdivision.
- (B) Within five days of submittal of plans for a building or land development permit, the Development Director shall determine if minor subdivision approval is applicable and shall state any requirements in a letter or memorandum that shall be attached to the permit application.
- (C) In requesting the administrative approval of a minor subdivision, the applicant shall provide the following information:

- (1) A copy of the deed to the property. If the applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.
  - (2) A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
  - (3) A certified survey.
  - (4) Any established application fee plus the per lot fee for subdivision shall be charged.
- (D) The Development Director may administratively approve a minor subdivision property for residential use under the following conditions:
- (1) The approval does not result in the creation of more than four new lots.
  - (2) The approval does not create a lot or lots that do not meet applicable zoning district standards for width, depth and area.
  - (3) Each lot has frontage on a public road and no new public streets are needed to serve either property.
  - (4) Water and sewer lines are existing at the site.
  - (5) There will be necessity for drainage facilities serving other properties to cross either the lot affected by the administrative approval. Certification shall be provided by a professional engineer registered in the State of Florida.
- (E) In granting approval, the Development Director may impose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this Section. The Development Director may require any division or combination of previously platted property to comply with the complete platting process as set forth in this Section.
- (F) The developer shall agree to prepare and submit a final minor Subdivision Plat to the Development Director within 45 days of the issuance of a land development permit. The Development Director shall be responsible for placing all minor Subdivision Plats on the City Commission agenda for approval and acceptance. The plat shall be recorded with the Clerk of the Circuit Court of Polk County prior to issuance of a certificate of occupancy.
- (G) The minor Subdivision Plat for recording shall conform to all requirements set forth in F.S. 177

#### **7.06.05 Preliminary Subdivision Plat**

The purpose of the Preliminary Subdivision Plat is to provide sufficient information regarding a proposed development to enable the City to evaluate the proposed subdivision as it relates to the Comprehensive Plan and the Unified Land Development Code.

The developer may present a preliminary Subdivision Plat at any time after receiving the comments of the Development Director in response to the submission of a Concept Plan (See

Section 7.06.03). The Preliminary Plat shall demonstrate the manner in which the comments from the Concept Plan Review, if conducted, have been incorporated into the plat.

**7.06.05.01 Submission of Preliminary Subdivision Plat**

(A) *Submittal.* The Preliminary Subdivision Plat Review shall be initiated when the following items have been submitted:

- (1) Completed application forms with all necessary attachments.
- (2) The preliminary subdivision review fee, as established by resolution of the City Commission.
- (3) Twelve copies of the Preliminary Subdivision Plat, a survey and a topographic map.

The items above must be submitted at least fifteen (15) days prior to consideration by the Planning and Zoning Board.

(B) *Required Information.* The Preliminary Subdivision Plat shall be drawn to a scale not less than one-inch equals forty feet (1" = 40') on a single 24" x 36" sheet and shall include the following:

- (1) Name, address and telephone number of the applicant and the person preparing the plan.
- (2) Title blocks identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Polk County, Florida.
- (3) Date, north arrow and scale.
- (4) Layout and dimensions of proposed lots.
- (5) Layout of proposed streets.
- (6) Locations and names of adjoining subdivisions, streets and platted rights-of-way, whether or not the platted streets have been built.
- (7) All existing restrictions on the use of the land, including easements, rights-of-way, jurisdictional wetlands areas, either assumed or confirmed.
- (8) Zoning classification.

(C) *Procedure.*

- (1) Planning and Zoning Board Action: At a properly advertised public hearing, the Planning and Zoning Board shall review exhibits, staff reports and comments by reviewing agencies and individuals and shall approve, approve with conditions or disapprove the Preliminary Plat. Approval of the Preliminary Plat **shall be deemed an expression of approval of the subdivision layout, and nothing more, and a motion**

**shall be so made**, and shall be reported to the City Commission in the form of a recommendation for approval of the Preliminary Plat. When approved by the City Commission, the Preliminary Plat shall be the guide to preparation of a Final Plat.

No improvements shall be made in the subdivision, other than clearing, grubbing and preliminary grading, until the Preliminary Plat has been approved by the Planning and Zoning Board and the City Commission, respectively, and detailed plans for construction of improvements have been approved by the Development Director.

- (2) City Commission Action: The City Commission shall review the action of the Planning and Zoning Board and take action to approve, approve with conditions or disapprove the Preliminary Plat. Approval of the Preliminary Plat authorized the developer to prepare construction plans for public infrastructure improvements. After approval of the construction plans by the Development Director, the developer may proceed with construction of the infrastructure improvements.

#### **7.06.05.02 Term of Preliminary Subdivision Plat**

Preliminary Subdivision Plats shall remain valid for one year from the date of approval. Extensions for approval may be granted for a single period up to one year from the date the plan would otherwise expire. An extension may be granted if the Planning and Zoning Board concludes that the owners or successors of the preliminary Subdivision Plat have proceeded with due diligence and in good faith and the conditions have not changed substantially as to warrant a new application. All such requests for extensions shall be submitted in writing not less than thirty (30) days before the expiration of the preliminary Subdivision Plat, municipal services allocated thereto shall be forfeited.

Any amendment, variation or adjustment of a Preliminary Subdivision Plat shall require approval of an amended plat. The Development Director shall determine whether a proposed modification amounts to an amendment to the Preliminary Plat. The determination shall be based on, but not limited to the following: any substantial change to the plat, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation or other similar changes to the plat. The proposed amendment shall, after staff review be placed on the agenda for review and approved, approved with conditions or disapproved.

#### **7.06.06 Construction Plans**

After approval by the City Commission of the Preliminary Plat and prior to the review of the Final Plat by the Planning and Zoning Board, the developer shall prepare and submit 12 copies of the Construction Plans to the Development Director. The purpose of the Construction Plan is to allow City staff to review and approve all proposed site improvements prior to construction.

The construction plans shall consist of complete working drawings and design specifications and shall be the basis for evaluating the quality and completeness of the

proposed engineering design, compliance with all applicable regulations, the establishment of a construction schedule, and site improvement permitting.

The developer shall submit, in triplicate, estimate of quantities, unit prices and estimated costs for each of the following:

- (A) Streets, drainage and storm sewers;
- (B) Water distribution system; and,
- (C) Sanitary sewer system.

#### **7.06.06.01 Submission of Construction Plans**

- (A) *Submittal.* Construction Plans review will be initiated when the following information has been provided.
- (B) *Required Information.* The construction plan shall be drawn to a scale of not more than 1 inch = 40 feet. The size of sheets shall be 24 inches by 36 inches and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:
  - (1) Name, address and seal of registered engineer and surveyor responsible for the plan and accepted data.
  - (2) Final alignments, dimensions, grades and profiles of proposed streets, utilities, drainage and other improvements to be constructed.
  - (3) Such other calculations, computation and details as may be necessary to determine the limits of wetlands, the groundwater table, off-site impacts of the proposed development, and other technical matters that may be specified by the Consulting City Engineer.
  - (4) Any permit or permits from an agency or agencies approving access to State, county or local roadways.
  - (5) Any permit or permits from an agency or agencies approving the proposed stormwater management system.
  - (6) Any permits permitting agencies approving the utilities plan.
  - (7) A statement as to the ownership and title of the property and whether any mortgages exist on the same.
  - (8) Site location block or map on the drawing showing the subdivision's relationship to City limits and major roads, section lines and boundary lines of the tract with accurate linear and angular dimensions.
  - (9) Legal description of the property, U.S. survey section, township and range lines.

- (10) Survey or scaled drawings showing existing property lines, streets, water or drainage courses, railroads, bridges, sewers, water mains, fire hydrants and public utilities and easements within the boundaries and those improvements and dedications that are adjacent to and within 500 feet of the subdivision.
- (11) A topographic map of the site, showing vertical elevations of not more than one-foot intervals, or at intervals deemed necessary by the City engineer to ensure positive drainage; and the location and the elevation of all water, wetland and flood-prone areas.
- (12) In the event a developer intends to develop a given tract of land in stages or sections, a complete drainage map or plan showing existing and proposed drainage conditions and grades for satisfactory disposal of proposed street and surface drainage for the entire area, shall be submitted.
- (13) Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, total number of lots, acres in stormwater management, and acres of site in common area, open space and recreation use.
- (14) A sketch survey of all trees having a measured trunk diameter of five inches or more, four feet above grade.
- (15) A draft of any protective covenants proposed for the subdivision.

#### **7.06.06.02 Construction Prior to Platting**

Upon approval of Construction Plans, the applicant may proceed with permitting for installation of improvements; or may proceed with Final Plat filing. (See Section 7.05.07 for Final Plat regulations)

- (A) Construction of streets, drainage facilities, and/or other subdivision improvements prior to actual platting shall be permitted only upon specific application thereof and upon specific approval by the City Commission. In granting any such approval, the City Commission may impose such conditions, restriction, and/or time schedules as may be deemed necessary in the public interest.
- (B) Improvements shall include tree removal, clearing and grubbing, installation of street and utilities and installation of stormwater management systems. Whether constructed prior to or following the recording of the Final Plat, the stormwater management system, including all facilities, shall be constructed for the entire area of the plan, regardless of any phasing plans relative to Final Plat recording.
- (C) If the sub-divider proceeds with permitting and installation of improvements prior to recording of the plat, a contract with the City for

the construction of the required improvements, establishing a financial guarantee that all required improvements shall be constructed, shall be executed.

- (D) An acceptable guarantee for required improvements shall be in an amount not less than the estimated cost of the improvements, as approved by the City Manager, but may be reduced from time to time in proportion of the work completed, and shall take the form of a Performance Bond, subject to the approval of the City Commission, City Manager and City Attorney.
- (E) Final certificates of occupancy for models shall not be issued until the Final Plat has been accepted by the City and recorded with the Clerk of the Circuit Court for Polk County.

#### **7.06.06.03 Performance Bond**

If at the time of application for Final Plat approval all improvements are not satisfactorily installed, the sub-divider shall post a bond in an amount estimated as sufficient to secure to the City the satisfactory construction, installation and dedication of all required improvements. Such Performance Bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations.

The period within which required improvements must be completed shall be specified by the City Commission as part of the approval action on the Final Plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final City approval. The City Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.

The City is responsible for running sanitary sewer and public water lines to a development site. However, the division of responsibility for payment of the cost of extension shall be subject of the Development Agreement (See Article 6, Section 6.02.00 "Development Agreements.") The developer is responsible for the cost of those lines and the cost for connections to sanitary sewer and public water systems. The City reserves the right to impose impact fees to cover the expense to the City rather than include the cost in the Performance Bond.

#### **7.06.06.04 Construction Inspection**

The City shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the sub-divider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a

performance bond, the sub-divider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

#### **7.06.06.05 Engineering Drawings**

Three sets of City-approved engineering as-built drawings shall be submitted with the Final Plat. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

#### **7.06.06.06 Maintenance Guarantee**

The developer shall guarantee the materials and workmanship of pavement, curb and gutter, sidewalks, water system, wastewater (sewage) system and the drainage system in the subdivision for a period of one year after final acceptance by the City Engineer. A bond shall be required for the maintenance and repair requirements to cover faulty plans, materials or workmanship. The bond shall be effective for one year and in an amount set by the City Manager unless special circumstances dictate the extension.

The developer shall furnish and install street signs and posts and same shall be of such quality and design as approved by the City.

The developer shall furnish and install permanent monuments at all block corners, angle points, point of curve, points of tangent and at such other control points as shall be required by the City Manager.

#### **7.06.07 Final Plat**

Upon the acceptance by the City Engineer of the Construction Plans, the developer may present a Final Plat and Performance Bond for review by the Planning and Zoning Board and approval by the City Commission. The intent of the Final Plat is to establish a legal record of the subdivision. The Final Plat may not be approved unless it is in strict conformance with the details of the Preliminary Plat and any changes required by and approved by the City.

In addition, per a change made by the 1998 Florida Legislature to Section 177.081, F.S., the Final Plat must contain the signature of a professional surveyor and mapper who is employed by the City to review the plat for conformity to Chapter 177. The change is as follows:

“Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this chapter by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which shall be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat.”

##### **7.06.07.01 Submission of Final Plat**

- (A) *Submittal.* An application for Final Plat approval shall be submitted with an appropriate fee established by the City and with accompanying documents as specified herein to the Development Director. The Development Director shall

forward copies of the Final Plat and the approved preliminary plan to the City Attorney, the professional surveyor and mapper either employed by or under contract to the local governing body, and other staff, as appropriate, for their review and comments, and shall place the applications on the agenda of the Planning and Zoning Board for final review and approval.

- (B) *Required Information.* Although it may constitute only that portion of the Preliminary Plat that the developer proposes to record and develop at the time, the Final Plat for recording shall be prepared in conformance with the requirements specified herein. Twelve copies of the Final Plat shall be submitted with the request for approval, and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:
- (1) The Final Plat shall be drawn on a linen tracing cloth or stable base film at least three mils thick, 24 inches wide by 36 inches long. Preferred scale of the Final Plat is one-inch equals 40 feet (1" = 40'). If a different scale is used for the recorded plat, a facsimile scaled to one-inch equals 40 feet (1" = 40') on stable base film shall be provided to the Development Director.
  - (2) Name of plat.
  - (3) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
  - (4) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the City Manager. The Final Plat shall not be approved by the Planning and Zoning Board without proper submission of the final permits and approvals.
  - (5) All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
  - (6) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
  - (7) The accurate location of all monuments and the designation of specific control corners.
  - (8) A statement shall be included on the Final Plat indicating the final length of roads, water and sewer lines installed.
  - (9) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon.

- (10) In the event the plat includes open space, clubhouses, playgrounds or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners' association that shall be responsible for such facilities.
- (11) All interior excepted parcels shall be clearly indicated and labeled "Not A Part of This Plat."
- (12) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
- (13) City signature spaces for the Mayor, City Clerk, City Manager and the Chairman of the Planning and Zoning Board; City signature spaces for the professional surveyor and mapper either employed by or under contract to the local governing body.
- (14) The Clerk of the Circuit Court of Polk County certificate and the land surveyor's certificate and seal.

(C) *Plat Documentation Requirements.* The following documentation shall accompany the Final Plat:

- (1) The Final Plat for recording shall conform with all requirements set forth in F.S., Chapter 177, including dedications and reservations executed by the developer and certification by a registered land surveyor.
- (2) A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the Final Plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Plat.
- (3) Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.
- (4) Certification that all real estate taxes have been paid.

(D) *Procedure*

- (1) Planning and Zoning Board. The Planning and Zoning Board shall review the Final Plat and staff comments pertaining thereto and shall take action to approve or disapprove the plat. Any

conditions of approval shall be stated with the motion to approve the plat and shall be made clear to the developer. The Planning and Zoning Board may defer action if additional information, staff review, subdivision improvements or completion assurances are needed. In any case, the Planning and Zoning Board shall be provided with a written statement by the Building Official to the effect that all required public improvements have been completed to his satisfaction or that satisfactory guarantees of completed installation have been provided.

- (2) City Commission Action. The City Commission shall review the action of the Planning and Zoning Board and take action on the Final Plat. Approval of the plat and acceptance of public improvements and dedications shall be by ordinance and shall authorize the Mayor and City Clerk to sign the copy of the plat to be recorded.
- (3) Recording. Upon approval by the City Commission, the Final Plat shall be filed and recorded with the City Clerk. The developer shall be responsible for recording the Final Plat and for returning one reproducible copy of the recorded plat to the Building Official. The Final Plat shall be recorded prior to the issuance of any Building Permits within the subdivision.

#### **7.06.08 Vacating of Plats and Replats**

##### **7.06.08.01 Vacating of Plat by Owner**

The owner of any land subdivided into lots may petition the City under the provisions of Chapter 177.101, F.S., to remove (vacate and annul) the existing plat, or portion thereof, from the official records of the City of Fort Meade and Polk County. The applicant vacating a plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, Statement of taxes and resolution, and shall pay the appropriate filing fee as established by Resolution of the City Commission. Following review by the appropriate City departments and recommendation by the Planning and Zoning Board, the petition shall be acted on by the City Commission. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court of Polk County.

##### **7.06.08.02 Vacating Plat by City**

The City Commission may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements provided that:

- (A) The Subdivision Plat was lawfully recorded not less than five years before the date of such action by the City Commission; and
- (B) No more than 10% of the total subdivision, or part thereof, has been sold as lots by the original sub-divider or his successor in title. Such action shall be based on a finding by the Commission that the proposed vacation and annulment of the

plat will result in greater conformity with the comprehensive plan of the City, and the public health, safety, and welfare will be promoted.

Before acting on a proposal for vacation and annulment of subdivided land the Commission shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S. Notwithstanding these provisions, the City may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

#### **7.06.09 Access to Individually Owned Parcels**

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

[RESERVED]

#### **7.07.00 Cluster/Zero Lot Line Development**

The purpose of this Section is to encourage creative development design in the City of Fort Meade and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the City's residents. It may be used in implementing various policies of the Comprehensive Plan.

Cluster/zero lot line development may be granted in any district where single family detached development is permitted as a principal use. The City Commission may limit the approval to permit cluster subdivision development only, or zero lot line development only; or, both techniques may be authorized for use in conjunction with each other.

##### **7.07.01 Cluster Subdivision**

Clustering of single family detached dwelling units on a development site may be permitted where the Comprehensive Plan requires preservation of a natural resource, where land is needed for open space or low-intensity recreational use, or where the developer wishes to create an amenity for residents of the site or for the City as a whole. Approval or denial of the clustering concept at a particular location shall be based on consistency with the Comprehensive Plan, compatibility with surrounding land uses, and compliance with the following requirements:

- (A) *Density.* Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.05.01(B). For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the City.
- (B) *Development Site to Be Unified.* In making application for approval of a cluster development, the applicant shall furnish proof that the development site is unified by

title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The site shall have the zoning designations required to accommodate the principal residential uses proposed.

- (C) *Platting.* Information supplied to the Development Director in support of the application for a cluster/zero lot subdivision shall include a Preliminary Subdivision Plat that fulfills all of the requirements of Section 7.06.05. The application for a cluster/zero lot line subdivision shall be procured and reviewed in conjunction with each other, unless the Preliminary Subdivision Plat has been previously approved.

The Development Director may subsequently approve minor changes to the development concept that do not involve increases in density, additional points of access to existing roads or substantial rearrangement of lots.

- (D) *Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 2.05.01(B) shall be waived under this section. Where cluster subdivision development is proposed, minimum lot requirements shall be as follows:

| <b>District</b> | <b>Min. Lot Size</b> | <b>Min. Lot Width</b> | <b>Max. Lot Coverage</b> |
|-----------------|----------------------|-----------------------|--------------------------|
| RE              | 10,000               | 80 feet               | 55%                      |
| R-1A            | 8,000 s.f.           | 70 feet               | 35%                      |
| R-1B            | 7,000 s.f.           | 60 feet               | 40%                      |
| R-1C            | 6,000 s.f.           | 50 feet               | 45%                      |
| R-2             | 4,500 s.f.           | 40 feet               | 50%                      |

- (E) *Open Space.* The preliminary and final Subdivision Plats for the cluster subdivision shall designate a specific parcel as an open space tract that will encompass the natural feature or open space area that the developer intends to preserve. No residential, commercial, industrial, or public institutional use shall be permitted within an amenity tract.

Open space shall primarily consist of undisturbed natural land, with passive or low-intensity recreation facilities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off-street parking and utilities shall be prohibited.

The minimum size of the open space tract shall be one acre, or 10% of the total area of all platted residential lots and streets.

Where natural features are being preserved, open space tracts may include wooded areas, wetlands and floodplains. However, lands not in their natural state may be used for recreational purposes and shall be free of waste or debris, dangerous or hazardous materials and all structures not related to the property’s designated use. Open space tracts may include drainage or utility sites and facilities. Water bodies may be included, but shall not count toward the minimum land area for an open space tract. Other areas may be

excluded if, in the Development Director's opinion, the use of such areas in an open space tract would be inconsistent with the intent of this subsection.

Prior to submitting the final Subdivision Plat for approval, the Development Director shall verify that the plat includes a notation indicating the ownership and maintenance responsibility for the open space tract, including all recreation facilities, existing or planned. No open space tracts or associated facilities shall be dedicated to the City of Fort Meade, unless specifically accepted by the City Commission.

#### **7.07.02 Zero Lot Line Development**

The purpose of this subsection is to promote architectural design flexibility and efficient use of land in residential subdivisions. Under this concept, the dwelling unit may be placed against a side lot line in order to maximize usable open area within each residential lot. The requirements provided below shall apply in addition to those of Article 3 and Section 7.06.00.

- (A) *Lot Sizes.* The permitted lot sizes in a zero lot line development shall be those permitted for cluster/zero lot line subdivision per section 7.07.01.
- (B) *Platting.* Building permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.06.00 have been met.
- (C) *Building Envelope and Maintenance Easements.* All zero lot line Subdivision Plats shall show building envelopes wherein all structures shall be located. No structures shall be placed outside the designated building envelope. No windows, doors, air conditioning units or other openings or projections of any kind shall be permitted where the structure meets the side lot line. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common fire wall or by porches, garages or privacy fence/wall.

For each unit constructed along a side lot line, an easement five feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned.

- (D) *Setbacks.* Each dwelling unit in a zero lot line subdivision shall be set back 15 feet from one side lot line. No setback is normally required from the opposite lot line, but a setback may be provided such that the unit is detached in a conventional sense. On corner lots, the front setback requirement shall apply to both road frontages.

Front and rear setbacks for principal structures shall be those required by the zoning district.

Detached accessory structures shall be limited to a total of 400 square feet, regardless of their number.

[RESERVED]

## **7.08.00 Conditional Use Permits**

### **7.08.01 Purpose and Intent**

Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be accurately determined in advance of the use being proposed for a particular location. As a result, a Conditional Use is subjected to the highest standard of review, and combines the analysis and considerations required for amending the Comprehensive Plan, rezoning, review of a Site Development Plan and other standards detailed in this Article. **A Conditional Use is rezoning, and therefor may only be abandoned or revoked by amending the Comprehensive Plan, by rezoning, or by action of a Court of jurisdiction that may set the action aside.** It is the purpose of this Section to identify the uses that shall be considered Conditional, and to describe the standards and the review process for a Conditional Use.

### **7.08.02 Conditional Uses in the City of Fort Meade**

Uses designated as Conditional Uses are identified in the Table of Land Uses 2.05.01(A), Article 2. Conditional Uses are designated by the letter “C” and require approval of an application by the Planning and Zoning Board and City Commission as outlined in the following sections. Development Standards for Conditional Uses are found in Article 3, Section 3.09.00

### **7.08.03 General Standards of Review**

At the time of a proposal for a particular Conditional Use, a detailed review of the location, design, configuration and impact will be conducted by comparing the proposed Conditional Use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of;

- (A) Whether and to what extent, the Conditional Use at the particular location for which it is proposed, is necessary or desirable and in the interest of furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Fort Meade and Polk County.
- (B) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Conditional Use on the immediate vicinity and on the public health, safety and welfare in general.
- (C) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Conditional Use.
- (D) Whether and to what extent, existing zoning and land use in the vicinity of the Conditional Use require special considerations and conditions.

#### **7.08.04 Application**

All requests for Conditional Uses shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the City Commission.

- (A) *Contents.* The application shall contain the following items, as applicable:
  - (1) A legal description and street address of the property.
  - (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.
  - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures in Article 6 of this Code.
  - (4) A detailed Site Development Plan drawn to scale showing:
    - (a) The dimensions of the property;
    - (b) The existing and proposed location of structures on the property including signage, vehicular access-ways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces and landscaping or buffer areas;
    - (c) The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of access-ways and driveways and sidewalks.
  - (5) A tabular summary describing the proposed use of the property including:
    - (a) Existing and proposed use of property;
    - (b) Conditions on the use, such as hours of operation, numbers of residents, etc.;
    - (c) Area of the property, pervious and impervious areas and existing and proposed structures;

- (d) Number of required and provided off-street parking and loading spaces, existing and proposed density and number of existing and proposed units.

#### **7.08.05 Review of Proposed Conditional Use**

- (A) *Sufficiency Review.* Within fifteen (15) working days of receipt of an application for a Conditional Use, the Development Director shall:
  - (1) Determine that the plan is complete and proceed with formal review.
  - (2) Determine that the information submitted as the application is not complete and inform the developer in writing of any deficiencies.
    - (a) The developer shall submit any required information within fifteen (15) working days, or submit a letter indicating that in his/her judgment the application is complete. In the second case, the developer shall specifically request that formal review commence;
    - (b) If as a result of the Development Director's comments the developer chooses to submit an amended application, he/she shall do so within sixty (60) working days without pass, the developer shall file a new application that may be subject to additional fees;
- (B) *Report to Planning and Zoning Board.* The Development Director shall submit a written report containing his/her recommendations on the proposed Conditional Use to the Planning and Zoning Board prior to the meeting of the Planning and Zoning Board at which the application will be heard. A copy of the report shall be made available to the applicant.
- (C) *Planning and Zoning Board Hearing.* In not more than sixty (60) days of submission of the Development Director's report, the Planning and Zoning Board shall hold a public hearing on the application for a Conditional Use and shall forward its recommendations to the City Commission. The Planning and Zoning Board review and recommendations shall specifically address:
  - (1) Concurrency management issues and considerations associated with the proposed Conditional Use, pursuant to the standards and procedures in Article 6 of this Code.
  - (2) The need to formally amend the Comprehensive Plan. Should the Planning and Zoning Board find that a Plan Amendment is required, then the Plan Amendment Review shall be conducted in accordance with the standards and procedures set forth in Article 7.02.00 of this Code. Depending on the nature of the Plan Amendment, further consideration of the application for a Conditional Use may be placed on hold until the amendment is adopted.
  - (3) Rezoning issues and recommended conditions for the proposed Conditional Use pursuant to Article 7.03.00 of this Code.
  - (4) Site Development Plan issues and conditions for the proposed Conditional Use pursuant to Article 7.05.00 of this Code.

(D) *Findings and Recommendation to Approve a Conditional Use.* The Planning and Zoning Board may recommend approval of an application for a Conditional Use only when all of the conditions below are met.

- (1) The proposed Conditional Use is consistent with the City of Fort Meade Comprehensive Plan.
- (2) The proposed Conditional Use would not degrade the Level of Service of one or more public facilities and services or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan.
- (3) The proposed Conditional Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way or other matters affecting the public health, safety and general welfare; **Either** as they now exist or as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan.
- (4) There is a community need for the proposed Conditional Use at the proposed location. This finding must be based on an analysis of existing and proposed uses of a similar nature in the area, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Fort Meade and also in the immediate area of the proposed use. To reach a conclusion on this finding, the two standards below must be addressed in the affirmative.
  - (a) The proposed Conditional Use in the proposed location will not result in either a detrimental over concentration of a particular use within the City or within the immediate area; and
  - (b) The area for which the Conditional Use is proposed is not better suited for, or likely to be needed for, uses that are permitted as a matter of right within that district and are in accordance with the goals, objectives and policies of the Comprehensive Plan.
- (5) The proposed Conditional Use meets all of the standards and requirements of this Code that are applicable to it.
- (6) Reasonable conditions can be derived and agreed upon that will address the concerns of the Planning and Zoning Board and mitigate adverse impacts of the proposed Conditional Use.

(E) *Findings and Recommendation to Deny a Conditional Use.* The Planning and Zoning Board may recommend denial of any application for any Conditional Use for one or more of the following reasons:

- (1) The proposed Conditional Use is inconsistent with the City of Fort Meade Comprehensive Plan.
- (2) The proposed Conditional Use would degrade the Level of Service of one or more public facilities and services and contains no commitment to make improvements to maintain acceptable Levels of Service.

- (3) No community need can be demonstrated for the proposed Conditional Use at the proposed location.
  - (4) The proposed Conditional Use does not meet all of the standards and requirements of this Code that are applicable to it.
  - (5) The proposed Conditional Use at the proposed location results in an adverse impact on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and no reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and mitigate the impact of the proposed Conditional Use.
- (F) *Decision by City Commission.* In not more than sixty (60) days of receipt of the Planning and Zoning Board recommendation, the City Commission shall hold a public hearing after due public notice on all recommendations associated with a Conditional Use from the Planning and Zoning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Conditional Use shall be granted unless approved by a majority of the Commissioners voting.
- (G) *Conditions and Safeguards.* The development and use of the site of an approved Conditional Use shall be in accordance with the approved Site Development Plan and application materials. The approved Site Development Plan shall be filed with the Development Director, and all development shall be in compliance with that plan. The Planning and Zoning Board may recommend and the City Commission may impose on the grant of any Conditional Use, any conditions or safeguards found to be necessary to ensure the compatibility of the Conditional Use with surrounding properties or the community in general. These may include, but are not limited to:
- (1) Requiring restrictions on hours of operation and size of buildings,
  - (2) Requiring additional landscape and buffer areas,
  - (3) Limiting vehicular access points,
  - (4) Prescribing the location of off-street parking, and
  - (5) Other conditions that are reasonable and necessary to preserve the General Welfare of the City of Fort Meade.

Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any conditional use permit, in addition to any other remedy for such violation provided in this Code.

- (H) *Denial.* The City Commission may deny any application for Conditional Use, for one or more of the following reasons:
- (1) It is inconsistent with the City of Fort Meade Comprehensive Plan.

- (2) It would degrade the Level of Service of one or more public services and facilities and contains no commitment to make improvements to maintain acceptable concurrency management standards.
  - (3) It does not meet all of the standards and requirements of this Code that are applicable to the proposed Conditional Use.
  - (4) No reasonable conditions can be derived or agreed upon that will address the concerns of the City Commission and mitigate the impact of the proposed Conditional Use.
- (I) *Findings.* The City Commission shall make written findings of its decision, which shall be furnished to the applicant within five working days of the action.

Any conditions adopted as a part of the approval of a Conditional Use shall be explicitly stated in the correspondence and shall be the basis for any subsequent Development Agreement or Development Order associated with the Conditional Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial from the list above, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of the City of Fort Meade.

#### **7.09.00 Procedure for Obtaining a Special Exception**

A Special Exception Use is a type of use that is essential to or would promote the public health, safety or welfare in one or more districts, but that would impair the integrity and character of the district in which it is located, or in adjoining districts, **unless restrictions or conditions** on location, size, extent and character of performance are imposed in addition to those imposed in this Code. Special Exceptions shall be granted only for those identified by and “S” in the Table of Land Uses Article 2 Section 2.05.01(A); and once granted, run with the owner of the property. If the ownership changes the Special Exception must be applied for again.

The Planning and Zoning Board shall hear and decide applications for Special Exceptions authorized under this Code in the manner prescribed below.

##### **7.09.01 Application**

- (A) *Application; Fees.* All requests for Special Exceptions shall be submitted in writing to the Development Director, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
- (1) A legal description and street address of the property.
  - (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.
  - (3) Site plan or sketch plan drawn to scale showing:
    - (a) The dimensions of the property;
    - (b) The existing and proposed location of structures on the property including signage, vehicular access-ways and circulation areas, off-street

parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces and landscaping or buffer areas;

- (c) The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of access-ways and driveways and sidewalks.
- (4) A tabular summary describing the proposed use of the property including:
  - (a) Existing and proposed use of property;
  - (b) Conditions on the use, such as hours of operation, numbers of residents, etc.;
  - (c) Area of the property, pervious and impervious areas and existing and proposed structures;
  - (d) Number of required and provided off-street parking and loading spaces, existing and proposed density and number of existing and proposed units.

#### **7.09.02 Review of Proposed Special Exception**

- (A) *Completeness Review.* Within ten working days of receipt of an application for a Special Exception, the Development Director shall:
  - (1) Determine that the information is incomplete and inform the applicant in writing of the deficiencies.
  - (2) Determine that the plan is complete and proceed with the following procedures.
- (B) *Report to Planning and Zoning Board.* The Development Director shall submit a written report containing his/her recommendations on the proposed Special Exception to the Planning and Zoning Board prior to the meeting at which the application will be heard. A copy of the report shall be made available to the applicant. The Planning and Zoning Board review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.
- (C) *Planning and Zoning Board Hearing.* The Planning and Zoning Board shall hold a public hearing on each application.
- (D) *Conditions and Safeguards.* The development and use of the site of an approved Special Exception shall be in accordance with the approved site plan and application materials. The approved site plan shall be filed with the Development Director, and all development shall be in compliance with that plan. The Planning and Zoning Board may recommend and may impose on the grant of any Special Exception any conditions or safeguards found to be necessary to ensure the compatibility of the Special Exception with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking and similar conditions. Violation of any such condition or safeguard shall be

deemed a violation of this Code and may result in a revocation of any Special Exception, in addition to any other remedy for such violation provided in this Code.

- (E) *Denial.* The Planning and Zoning Board may recommend denial of any application for any Special Exception, for one or more of the following reasons:
  - (1) It is inconsistent with the City of Fort Meade Comprehensive Plan.
  - (2) It would violate the concurrency management standards in Article 6 of this Code.
  - (3) It does not meet the requirements of the applicable Special Exception regulations.
- (F) *Findings.* The Planning and Zoning Board shall make written findings, based on one or more of the reasons listed above, in support of a denial of an application for a Special Exception.

### **7.09.03 Expiration or Abandonment of Special Exception Use**

If a Special Exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. Once initiated, the Special Exception is granted to a person and the use may continue indefinitely by that person until the use is abandoned, is sold or is discontinued. If another person wishes to establish the same use, that person must go before the Planning and Zoning Board and request a Special Exception. The Special Exception is granted to a person, not to a building or parcel of land.

### **7.10.00 Home Occupations**

Authorized home occupations shall comply with all of the following provisions:

- (A) No more than 1 employee, other than family members residing on the premises, shall be allowed for the home occupation. Property owner shall be responsible for all liability insurance associated with the home occupation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the unit for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.
- (C) Home-based occupations may have a sign not to exceed three square feet, which shall be mounted flat against a residence or the accessory structure being used for the home occupation. Home-based Occupations, such as inns or tearooms or antique stores in historic districts, may have a pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after 11:00 p.m. in residential zoning districts.
- (D) Business activities associated with a home occupation, including storage of merchandise and materials, shall take place only in the structure being used for the home occupation.
- (E) No home occupation shall occupy more than a total of 1,000 square feet of floor area.
- (F) Traffic shall not be generated by the home occupation in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Section 3.03.00.
- (G) No equipment or process shall be used in home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. (See Section 3.06.02.03

for noise regulations). In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio or television receivers or causes fluctuations in line voltages off the premises.

- (H) All equipment and/or materials shall be stored within the structure being used for the home occupation. No outdoor storage is allowed for any home occupation.
- (I) No articles, equipment or materials pertaining to the home occupation shall be stored on the premises, except inside the principal structure being used for the home occupation.
- (J) Hours of operation for home occupations shall be from 8:00 a.m. to 8:00 p.m.

#### **7.11.00 Variances**

A variance is an approved modification to the development standards established by this Code. A variance may only be granted for height, area, size of structure or size of yards and open spaces, or other dimensional requirements, and once granted runs with the land. The request for a variance is considered and approved or denied by the Planning and Zoning and, if approved, adopted by Resolution.

- (A) A variance may be granted if such variance will not be contrary to the public interest, and when owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the development requirements of the zoning district or this Code would result in unnecessary and undue hardship.
- (B) The Board shall have the power to hear and decide requests for variances where, by reason of the exception of narrowness, shallowness or unusual shape of a site on the effective date of this Code, or by reason of exception topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not dwelling unit or population density) of this Code would deprive the applicant of reasonable use of the land in a manner enjoyed by other landowners in the same zoning district. The Board may impose any reasonable conditions or restrictions in granting said variance.
- (C) Establishment or expansion of a land use otherwise prohibited by this Code shall not be allowed by variance; nor shall the presence of nonconforming uses on neighboring properties in the zoning district or abutting districts provide the basis for establishing otherwise prohibited uses.
- (D) If an undeveloped lot of record is existing before the adoption of this Code and is too small to allow conformance with the dimension and area regulations of any zoning category, the owner may apply for a variance.
- (E) Once granted, a variance runs with the land and continues in perpetuity, even if the property changes ownership.

#### **7.11.01 Criteria for Granting a Variance**

The granting of a Variance shall be based on a determination by the Planning and Zoning Board that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience or economics shall not be considered as justification for a variance. For each variance granted, the Planning and Zoning Board shall approve, and the chairman shall sign, a Resolution listing criteria (A) through (F) below and

attesting that each has been satisfied. Approval of a Variance shall be based solely on the following criteria, **all of which must be fully satisfied:**

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification.
- (B) The special conditions and circumstances do not result from the actions of the applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

[RESERVED]

### **7.12.00 Nonconformities**

Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

#### **7.012.01 Nonconforming Uses**

It is the intent of this Code to permit lots, structures, uses of land and structures, and characteristics of use that were lawful before this Code was adopted, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments to continue until they are removed but not to encourage their continuation. Such uses are declared by this Code to be incompatible with permitted uses in the districts involved. It is further the intent of this Code that nonconformities shall not be enlarged upon, expanded or extended, not be uses as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses shall not be:

- (A) **Enlarged, increased or expanded** to occupy a greater land or floor area that at the effective date of this Code or amendment to the Code, whichever date created the nonconformity.
- (B) **Enlarged or intensified** through the erection of any additional structure or use that is not permitted under the provisions of this Code.

- (C) **Re-established if the building is destroyed** and cannot be rebuilt, repaired or renovated for less than 50% of the assess value of the structure, as determined by the Polk County Property Appraiser.
- (D) **Moved in whole or in part** to any other portion of the lot or parcel occupied by such use at the effective date of this Code.

Nonconforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within two years of the adoption of this Code or amendment thereto, whichever date rendered the use nonconforming.

#### **7.12.02 Nonconforming Lots of Record**

Lots not meeting the standards established in this Code for minimum width, depth and area but recorded in the public records of Polk County prior to the date of adoption of this Code or amendment thereto may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 square feet in size without a Variance authorized by the Board of Adjustment and Appeals.
- (B) All other structures shall be built on lots of no less than 60 feet in width and 6,000 square feet in size without a Variance authorized by the Planning and Zoning Board.
- (C) Contiguous lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable land use classification, shall be considered a single lot for development purposes.
- (D) Nonconforming lots of record shall not be reduced in size, width or depth without a Variance authorized by the Planning and Zoning Board.
- (E) All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

#### **7.12.03 Nonconforming Structures**

Structures qualifying as nonconforming shall not be:

- (A) Moved in whole or in part, if nonconforming by use, to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code.
- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code.
- (D) Rebuilt, repaired or renovated in excess of 50% of the assessed value of the structure, as determined by the Polk County Property Appraiser.

Structures that are nonconforming by size, but not by use, may be enlarged if the addition will reduce nonconformity of floor area and will meet required setbacks. Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

#### **7.12.04 Nonconforming Structures and Premises Combined**

If, except as hereinafter provided in Section 7.12.03, at the effective date of the Code or subsequent amendment of the Code lawful use exists involving individual structures with a replacement cost exceeding fifty percent (50%) of the assessed value of the structure, and such use would not be permitted by the regulations imposed as follows:

- (A) Except as hereinafter provided, no such structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use to one permitted in the zoning district.
- (B) Any nonconforming use may be extended through parts of a building manifestly arranged or designed for such use at the effective date of the code or subsequent amendment of the code but no such use shall be extended to occupy any land outside such building.
- (C) If no structural alterations are made, any nonconforming use of such structure, or structure and premises, may as a special exception be changed to another nonconforming use; provided, that the Board of Adjustment shall find that the proposed use is equally or more appropriate in the location than the existing nonconforming use. In permitting such change, the Planning and Zoning Board may require appropriate conditions and safeguards in accord with the provisions of the Code.
- (D) If a nonconforming use of such structure, or structure and premises, is superseded by a permitted use, such use shall thereafter conform to the regulations for the zoning district, and no nonconforming use shall thereafter be begun or resumed.
- (E) If a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months (except, when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.
- (F) Where nonconforming use status applies to such structure and premises in combination, removal or destruction or major deterioration of the structure to the extent of more than fifty percent (50%) of replacement cost of the assessed value shall eliminate the nonconforming status of the land.
- (G) Existing Single-Family Homes, which are owner occupied, and maintain a Homestead Exemption shall be exempt from provisions of these sections. Residential setbacks of the surrounding residential zoning district shall be applied in the event of replacement due to destruction or removal as a result of a major deterioration of the structure.

#### **7.12.05 Nonconforming Mobile Home Parks**

Existing mobile home parks that are nonconforming by use shall not be redesigned, expanded in area, or modified to accommodate additional mobile homes. Replacement of existing mobile homes in such parks shall be prohibited.

Mobile home parks that are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The

Development Director may authorize additional mobile home sites in such parks upon submission of a Site Development Plan showing a redesign of the park that substantiates the following:

- (A) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of this Code.
- (B) An area comprising 20% of the development site or five acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- (C) No new mobile home will be placed within 20 feet of any property line.
- (D) Where possible, all development standards of the zoning district have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.

A redesign proposal that does not include the addition of new mobile home spaces shall not be subject to conditions A and B above.

#### **7.12.06 Nonconforming Mobile Homes**

The replacement of an existing mobile home on property that is no designated for mobile home use on the Official Zoning Map shall be prohibited.

#### **7.12.07 Amortization of Nonconforming Uses**

- (A) Certain nonconforming uses which, by their nature, would present a substantial likelihood of detrimental effect on adjoining uses and on the health, safety and welfare of the community at large, may continue only for a period of two years from the date of this ordinance, or any amendment thereto specifically including the use as an amortized nonconforming use. Amortized nonconforming uses shall include:
  - (1) Nonconforming signs and billboards that are in existence at the time of adoption of this ordinance.
- (B) The decision of the administrative official and/or their designee determining that a certain use constitutes an amortized nonconforming use and the length and duration of any amortization may be appealed to the Board of Adjustments and Appeals. In determining whether a certain use constitutes an amortized nonconforming use and the duration of any such amortization, the Board shall consider the following factors:
  - (1) The exact nature and extent of the amortized nonconforming use;
  - (2) The type of uses adjacent to the amortized nonconforming use;
  - (3) The potential for disruption or environmental contamination of adjacent uses by the amortized nonconforming use;
  - (4) The length of time that the amortized nonconforming use has existed;
  - (5) Improvements and investments made by the property owners in the development of the amortized nonconforming use; and
  - (6) The realistic investment backed expectations of the property owners in the development of the amortized nonconforming use.

- (C) It shall be the property owner's burden to prove, by the substantial competent evidence, including the provision of detailed financial statements, that the schedule of amortization does not allow for the realization of the land owner's realistic investment backed expectations and that the land cannot be used consistent with the provisions of the City's Comprehensive Plan.
- (D) *Notification of Nonconforming Use and Expiration of Use.*
- (1) The Administrative Official and/or their designee shall identify every nonconforming use within 90 days after the adoption of this Code and shall notify the owner/manager/operator by registered letter of: the existence of this provision and its requirements; and, the specific date the business/use/sign shall cease.
  - (2) The owner/operator/manager of the nonconforming use shall apply for a certificate of use within 90 days after notification by the City or adoption of this Code, whichever is greater.
  - (3) The Administrative Official and/or their designee shall inspect each identified, nonconforming use annually to determine the progress of the owner/manager/operator toward conformity with this Code.
  - (4) The Administrative Official and/or their designee shall determine by his/her inspection that the scope of operations has been reduced by 50%, on or about the first anniversary of the adoption of this Code.
  - (5) The Administrative Official and/or their designee shall notify the owner/manager/operator by registered letter the date by which all operations shall cease, six months prior to the second anniversary of the adoption of this Code.

#### **7.12.08 Nonconforming Communication Towers and Antennas**

- (A) *Abandonment.* In the event the use of any communication tower or communication antenna has been discontinued for a period of 180 consecutive days, the tower or antenna shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower or antenna shall have an additional 180 days within which to reactivate the use, transfer the ownership/operation to another actual user, or dismantle the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the City may initiate legal proceedings to do so and assess the costs against real property.
- (B) *Continued Use of Nonconforming Communication Towers.* To discourage the construction of unnecessary new communication towers, existing legally nonconforming communication towers may be used for the placement of additional or the relocation of existing communication antennas without the tower being required to meet the standards contained within this Code. Similarly, the equipment supporting the existing antennas on the tower may be modified, if necessary for co-location, without being required to meet the standards contained within this Code.
- (C) *Rebuilding damaged or destroyed nonconforming towers or antennas.* Legally nonconforming communication towers or antennas that are damaged or destroyed may be

rebuilt without having to first obtain Special Exception Use approval. The type, height and location of the tower on site shall be the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or said permit expires, the communication tower or antenna shall be deemed abandoned.

[RESERVED]

# *City of Fort Meade*



# Unified Land Development Code Article 8

## ARTICLE 8

### ADMINISTRATION AND ENFORCEMENT

- 8.01.00 Development Officials
  - 8.01.01 Development Director
  - 8.01.02 Building Official
- 8.02.00 Administrative Approvals by the Development Director and Building Official
  - 8.02.01 Building Permit
  - 8.02.02 Certificate of Occupancy
  - 8.02.03 Administrative Approval of Minor Field Adjustments
  - 8.02.04 Major Deviation from Development Permits and Development Orders
  - 8.02.05 Revocation of Development Order
  - 8.02.06 Setback Adjustments
  - 8.02.07 Temporary Office of Construction Trailer
  - 8.02.08 Temporary Mobile Home for use During Construction of a Residence
- 8.03.00 Development Boards
  - 8.03.01 Planning and Zoning Board
  - 8.03.02 Board of Adjustments and Appeals

- 8.03.03 Code Enforcement Board
- 8.04.00 Duties of City Commission
- 8.05.00 Official Zoning Map
  - 8.05.01 Rules of Interpretation of District Boundaries
- 8.06.00 Public Hearings
  - 8.06.01 Less Than 10 Contiguous Acres of City Affected
  - 8.06.02 Advertisement of Public Hearings for Actions Involving 10 Acres or More
- 8.07.00 Statutory Requirements for Plan Amendments
  - 8.07.01 Public Hearing for a Plan Amendment
  - 8.07.02 Transmittal to DCA
  - 8.07.03 Public Hearing after Receipt of DCA Comments, and Adoption
  - 8.07.04 Transmittal of Adopted Amendment to DCA
  - 8.07.05 Small Scale Plan Amendments Exempt from DCA Review
- 8.08.00 Public Records
- 8.09.00 Fees

## ARTICLE 8

### ADMINISTRATION AND ENFORCEMENT

#### 8.01.00 Development Officials

At the option of the City Commission, both of the positions established in this Section that of the Development Director and the Building Official, may be assigned to one person.

#### 8.01.01 Development Director

The Development Director shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issuance of permits, certificates of occupancy and code enforcement. He/she shall perform duties prescribed by this Code, as well as any others assigned by the City Manager or the City Commission. The Development Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Development Director shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Development Director may be made to the Planning and Zoning Board.

Other specific duties of the Development Director are as follows:

- (A) Advise and cooperate with the City Manager in the implementation, amendment and enforcement of this Code and the Comprehensive Plan.
- (B) Attend all public hearings at which zoning and comprehensive planning matters are discussed, including meetings of the Planning and Zoning Board, Board of Adjustment

and Appeals, and City Commission. He will attend meetings of the Code Enforcement Board when necessary.

- (C) Accept and process all applications for amendments to the Comprehensive Plan, zoning actions and variances.
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto.
- (E) Collect and account for all required application fees.
- (F) Grant such administrative approvals as are allowed under the provisions of this Code for a Small-Scale Site Development Plan, Approval of a Home Occupation, Tent Permit, Antenna/Dish Permit, Sign Permit and others as identified in this Code.
- (G) Receive applications and application fees for Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Landscaping Plan, Site Development Plan, Subdivision Plat, Conditional Use Permit, Special Exception Use Permit, Home Occupation Permit, Request for a Variance and others identified in this Code.
- (H) Evaluate each proposed Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Site Development Plan, Subdivision Plat, Conditional Use, Special Exception Use, Home Occupation, and Request for a Variance, for consistency with this Code and the Comprehensive Plan and others as identified in this Code.
- (I) Evaluate each application for a Development Order, including Building Permits, to determine whether it meets applicable Concurrency requirements.
- (J) Ensure that all time limits prescribed by this Code are met.
- (K) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
- (L) Any other duties assigned by the City Manager.

#### **8.01.02 Building Official**

The Building Official shall be responsible for review of building construction plans, the issuance of Building Permits and Certificates of Occupancy, and the inspection of construction sites and buildings under construction. He/she shall have a working knowledge of the Standard Building Code and be familiar with electrical, fire, zoning and other codes having a bearing on building construction in Fort Meade. The Building Official shall have experience as an architect, engineer, building inspector or building contractor. Alternatively, the City may retain a licensed professional contractor/builder on a part-time basis to perform technical review of building activities.

[RESERVED]

## **8.02.00 Administrative Approvals by the Development Director and Building Official**

The Development Director and/or Building Official shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code:

### **8.02.01 Building Permit**

A Building Permit is required prior to construction or alteration.

- (A) It shall be unlawful to commence any excavation or construction or any alteration of any structure until the Development Director or Building Official has issued a building permit authorizing such work.
- (B) If no building permit has been issued and a builder begins or continues to build, a stop work order may be issued by the administrative official or a restraining order may be obtained upon application to the proper court of record, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.
- (C) *Application for a Building Permit.* In applying to the Development Director or Building Official for a Building permit, the applicant shall submit a plat along with the application, drawn to scale, and showing:
  - (1) the dimensions of the lot to be built upon;
  - (2) the outside dimensions of all structures;
  - (3) setbacks;
  - (4) off-street parking, if required;
  - (5) landscaping placement and stormwater retention ponds, if required;
  - (6) easements; and
  - (7) any other information necessary for determining conformance with this Code.

- (D) The Development Director or the Building Official shall act upon applications for Building Permits within two weeks from the date of their submission.
- (E) *Duration of Permit*
  - (1) Construction shall commence within six months from date of issuance.
  - (2) The permit expires after one calendar year. If the work is not completed, work must cease until a new building permit is obtained.
  - (3) One or more extensions may be granted by the Development Director or the Building Official, not to exceed 90 days each.

#### **8.02.02 Certificate of Occupancy**

The Development Director is the enforcement officer for all regulations contained in this Code. The Development Director shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development permit and final development order that authorized the activity.

Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Building Official for a Certificate of Occupancy. The Building Official shall inspect the work and issue the certificate, if all work is found to be in conformity with the permit or order.

A nonconforming use shall not be maintained, renewed, changed or extended until a certificate of use shall have been issued by the administrative official, stating specifically the matters wherein the nonconforming use differs from the provisions of this ordinance and, to the extent that a nonconforming use may be subject to amortization, the duration and conditions of amortization. Application for such certificate of use shall be made by the owner or occupant of every nonconforming use within three months after adoption of said three-month period, failure to have made such application shall be presumptive evidence that the property was not being used as a nonconforming use at the time of adoption of, or amendment to, this ordinance and such nonconforming use shall immediately cease.

#### **8.02.03 Administrative Approval of Minor Field Adjustments**

A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

- (A) Alteration of the location of any road, walkway, landscaping or structure by not more than five feet.
- (B) Reduction of the total amount of open space by not more than 5%, or reduction of the yard area or open space associated with any single structure by not more than 5%; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
- (C) If the work is found to have one or more minor field adjustments, the Development Director shall request a revised site plan from the applicant showing the deviations and amend the development order to conform to actual development. The Development Director may, however, refer any minor field adjustment that significantly affects the

development's compliance with the purposes of this Code to the Planning and Zoning Board for treatment as a major deviation.

- (D) *Major Deviation Defined.* A major deviation is a deviation other than a minor field adjustment, from a final development order.

#### **8.02.04 Major Deviation from Development Permits and Development Orders**

- (A) If the work is found to have one or more major deviations, the Development Director shall:
- (1) Place the matter on the next agenda of the City Commission, allowing for adequate notice, and recommend appropriate action for the Commission to take.
  - (2) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Development Director determines that work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board.
  - (3) Refer the matter to the code inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board.
- (B) The Special Magistrate shall hold a public hearing on the matter and shall take one of the following actions:
- (1) Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
  - (2) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
  - (3) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

#### **8.02.05 Revocation of Development Order**

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

#### **8.02.06 Setback Adjustments**

In single-family land use classifications only, the Development Director may approve reduction of side and rear setbacks for principal and accessory structures (excluding swimming pools) by no more than 10% subject to the following conditions:

- (A) The setback requirement is established by the land use classification and no other section of this Code;
- (B) The total structural coverage of the lot or building site shall not exceed 25%;
- (C) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the City;
- (D) A certified survey shall be submitted by the applicant verifying building locations and structural coverage;
- (E) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.

At his discretion, the Development Director or Building Official may deny the approval and refer the application to the Planning and Zoning Board as a variance.

#### **8.02.07 Temporary Office or Construction Trailer**

- (A) The Development Director or Building Official may authorize the use of a mobile home or other temporary structure not meeting the requirements of the Standard Building Code at the construction site of an approved Site Development Plan. The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.
- (B) The applicant shall designate the exact location of the temporary structure on the Site Development Plan and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the development site and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first. If a mobile home is to be used, the wheels and axles shall not be removed.

#### **8.02.08 Temporary Mobile Home for use During Construction of a Residence**

The Development Director or Building Official may authorize the use of a mobile home as a temporary residence during construction of a permanent residence under the following conditions:

- (A) The lot or building site is at least one-half acre in size;
- (B) The applicant has received approval of a building permit for construction of a single family residence on the property;
- (C) The foundation and rough plumbing for the permanent structure have been completed and approved by a City building inspector;
- (D) The mobile home shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure;
- (E) The unit must be connected to a public sewer system or have received a septic tank permit from the Polk County Health Department;
- (F) Wheels and axles shall not be removed;

- (G) The mobile home shall be removed from the building site prior to issuance of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first; and
- (H) This administrative approval may not be renewed or granted a second time for the same building site.

[RESERVED]

### **8.03.00 Development Boards**

#### **8.03.01 Planning and Zoning Board**

(A) *Functions, Powers and Duties*

- (1) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, 163, Part II, F.S., and perform all functions and duties prescribed in the statute.
- (2) Review and make recommendations to the governing body on any proposed Subdivision of land; Comprehensive Plan Amendment; Rezoning and amendment to the Official Zoning Map; Master Development Plan for a Planned Unit Development (PUD); Conditional Use Permit; and others as identified by this Code.
- (3) Review and make a ruling regarding applications and requests for Special Exception Use Permits; Site Development Plans; Variance for dwelling unit density; and others as identified by this Code.
- (4) At the request of the Development Director or Building Official, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.
- (5) Consider the need for revision or addition of regulations in this Code and recommend changes to the City Commission.
- (6) Consider the need for revision of the Comprehensive Plan and recommend changes to the City Commission.
- (7) Submit annually to the City Manager a list of recommended capital improvement items, no later than March 1<sup>st</sup>, prior to the beginning of the budget year. The list

shall be arranged in order of preference, with recommendations as to which projects shall be completed in which year.

- (8) Other duties as assigned by the City Commission.

(B) *Appointment of Members*

- (1) The Planning and Zoning Board shall have seven members, to be appointed by the City Commission.
- (2) Each member of the Planning and Zoning Board shall reside in the City.
- (3) Each member shall be appointed to a three-year term. In the event that all members are appointed at the same time, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, and three members shall be appointed for three years.
- (4) Reappointments to fill vacancies shall be made so as to continue the staggered pattern and shall be for terms of three years for all members.
- (5) Any member may be removed from office by the City Commission upon written charges and after public hearing.
- (6) At the first meeting held after January 1 of each year, the Board shall elect a Chairman, Vice-Chairman and Secretary. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one year.
- (7) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Commission.
- (8) Members shall not be compensated but may be reimbursed for travel and other expenses incurred on Commission business.
- (9) If any member fails to attend three consecutive meetings, the Board may declare the member's office vacant and notify the City Commission.
- (10) All vacancies, whether by resignation, dismissal or expiration of the term of office, shall be filled within 30 days by the Mayor with the approval of the City Commission.

(C) *Procedure for Meetings of the Board*

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and State law.
- (2) The Board shall meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) A sound recording of the meetings shall be made and kept on file with the city clerk's office, as well as a written record of the proceedings. The Secretary shall keep minutes of its proceedings, indicating the attendance of each member, and the decision of every question.

- (4) Four members shall constitute a quorum.
- (5) Each decision of the Board must be approved by a majority vote of the members present.

### **8.03.02 Additional Powers and Duties of the Planning and Zoning Board**

- (A) *Functions, Powers and Duties.* The Planning and Zoning Board governed by Chapter 166, F.S. and has two basic functions, which are listed below. The criteria for granting variances is found in Article 7, Section 7.11.01, “Criteria for Granting a Variance.”
- (1) Dimensional Variance. The Board shall have the power to hear and decide requests for variances where, by reason of the exception of narrowness, shallowness or unusual shape of a site on the effective date of this ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not dwelling unit or population density) of this Code would deprive the applicant of reasonable use of the land in a manner enjoyed by other landowners in the same zoning district. The Board may impose any reasonable conditions or restrictions in granting said variance.
  - (2) Administrative Official’s Decisions. The Board shall have the power to hear and decide on appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this ordinance. This power shall include the hearing of any appeal of an administrative official’s decision concerning the amortization of any nonconforming use or any calculation of amortization thereunder. In addition, the Board shall have the power to hear and decide on any other decisions specifically delegated to it by the provisions of this ordinance.
- (B) *The Board shall hear applications for variances on, but not limited to, the following:*
- (1) Zoning district boundaries;
  - (2) Off-street parking, loading and unloading space required;
  - (3) General environmental control criteria and performance standards; and
  - (4) Setbacks.

### **8.03.03 Special Magistrate**

- (A) Created; Purpose; Powers.
- (1) There is hereby created, pursuant to F. S. Chap. 162.03 (2), an alternate code enforcement system which gives a special magistrate and alternate special magistrate designated by the City Commission the authority to conduct hearings and impose and authorize the collection of fines and costs against pending or repeat violators of city codes and ordinances. The special magistrate and alternate special magistrate shall have the same purpose, power, status and procedural

requirements of the code enforcement repealed by Ordinance 06-10 and as referenced in F.S. Chap. 162, excluding s. 162.05.

- (2) The special magistrate shall be a qualified firm/individual, who possesses an outstanding reputation for civic pride, interest, responsibility, and business or professional ability. The appointment shall be made by the City Commission on the basis of experience or interest in the fields of zoning, building control and code enforcement.
- (3) The special magistrate and alternate special magistrate shall serve at the pleasure of the City Commission and shall not be deemed a City employee.
- (4) The special magistrate and alternate special magistrate shall be compensated for performing said service.
- (5) The alternate special magistrate shall satisfy the same appointment requirements, possess the same powers as the special magistrate and shall perform special magistrate duties whenever the special magistrate is unavailable due to illness, conflict of interest or otherwise.
- (6) The City shall provide such clerical, administrative personnel and legal services deemed reasonably necessary to support the special magistrate activities and assist in the proper performance of duties. The special magistrate shall not be authorized to engage, hire, or use any person, except those provided by the city, to assist in the performance of duties.

(B) Statutory provision adopted.

The provisions of F.S. Chap. 162, excluding s. 162.05, regarding code enforcement are hereby adopted by the City by reference.

(C) Jurisdiction.

- (1) The special magistrate and alternate shall have the jurisdiction and authority to hear and decide alleged violations of the codes and ordinances of the City.
- (2) The special magistrate and alternate shall have the jurisdiction and authority to hear and decide any other code enforcement matters the City Commission shall determine is appropriate.
- (3) The special magistrate and alternate shall have the jurisdiction and authority to affirm or modify penalties imposed by the code enforcement board whose jurisdiction was repealed by this Ordinance.
- (4) The special magistrate and alternate shall have the jurisdiction and authority to determine the amount of reasonable expenses incurred by the City as a result of orders issued pursuant to the authority granted herein.
- (5) The jurisdiction of the special magistrate and alternate shall not be exclusive. Any alleged violation of any code and ordinance may be pursued by appropriate remedy in court at the option of the administrative official whose responsibility it is to enforce that respective code or ordinance and nothing shall prevent the City

from taking such lawful action, including but not limited to resorting to equitable actions, as is necessary to enforce the provisions of respective city codes and ordinances.

(D) Enforcement Procedure.

It shall be the duty of the code officer to initiate enforcement proceedings of the various codes pursuant to F.S. Chap. 162.

(E) Conduct of Hearing

- (1) Each case before the special magistrate or alternate shall be initiated and presented by a member of city code enforcement staff. The burden of proof shall be upon the city code enforcement staff to show, by a preponderance of the evidence, a violation does exist. In the event multiple violations are alleged, the respondent shall not be entitled to separate hearings thereon, unless ordered by the special magistrate or alternate.
- (2) The city attorney shall act as the attorney for the special magistrate and alternate.
- (3) All hearings shall be held in a designated city facility accessible to the general public.
- (4) All hearings before the special magistrate or alternate shall be conducted so as to ensure fundamental due process.
- (5) The case on behalf of the City shall be presented first, and the respondent, or his duly designated representative, shall then be provided an opportunity to present his case.
- (6) The special magistrate or alternate shall take testimony from any witness having knowledge concerning a hearing on a case. All testimony shall be under oath. The special magistrate or alternate shall have the power to administer an oath to any witness. Upon direction of the special magistrate or alternate, each party shall be permitted the opportunity to inquire of any hearing witness.
- (7) The special magistrate or alternate shall not be bound by formal rules of evidence. Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in a court of law within the state.
- (8) As soon as practicable after the conclusion of the hearing, the special magistrate or alternate shall issue findings of fact based on evidence of record, and conclusions of law, and shall issue and order affording the proper relief consistent with powers granted herein and consistent with F.S. Chap. 162.
- (9) The special magistrate or alternate shall be bound by the interpretations and decisions of duly authorized boards of the City concerning the provisions of the codes, ordinances and regulations within their respective jurisdictions.

- (10) The special magistrate or alternate shall have powers consistent with F.S. Chap. 162 to adopt rules for the conduct of its hearings; subpoena to its hearings alleged violators, witnesses and evidence; take testimony; and issue orders having the force of law to command whatever steps are necessary to bring violations into compliance.
- (F) Rehearing of code enforcement special magistrate action.
- (1) Either the code enforcement officer or violator may request a hearing of the decision of the special magistrate or alternate. A request for rehearing shall be made in writing and shall be delivered to the city clerk within ten (10) days of the date that the order of the special magistrate or alternate is mailed pursuant to F.S. Chap. 162. A request for rehearing shall be based only on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law, which was fundamental to the decision of the special magistrate or alternate. The written request for rehearing shall specify the precise reasons therefore.
  - (2) The special magistrate or alternate shall make a determination as to whether to rehear the matter. If the special magistrate or alternate determines a rehearing should be granted, the special magistrate or alternate may:
    - (a) Schedule a hearing where the parties will be given the opportunity to present limited evidence or argument as to the specific reasons for which the rehearing was granted or;
    - (b) Modify or reverse the prior order, without receiving further evidence, providing the charge is based on a finding the prior decision of the special magistrate or alternate resulted from a ruling on question of law which the special magistrate or alternate has determined to be an erroneous ruling.
  - (3) Until the request for hearing has been denied or otherwise disposed of, the order of the special magistrate or alternate shall be stayed; and the time for taking an appeal, pursuant to (H) below, shall not commence to run until the date upon which the special magistrate or alternate has finally disposed of the request for rehearing by denying the same or otherwise.
- (G) Administrative Fines, Costs of Repair Liens.
- (1) The special magistrate or alternate, upon notification by the code inspector, that an order of the special magistrate has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section, for each day the violation continues past the date set by the special magistrate for compliance or in the case of a repeat violation, for each day the repeat violation continues beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in F.S. Section 162.06 (4) the special magistrate shall notify the city commission, which may make all reasonable repairs which are required to bring the property into compliance and

charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

- (2)
  - (a) A fine imposed pursuant to this section shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation and in addition may include all costs of repairs pursuant to subsection G (1) hereof;
  - (b) In determining the amount of the fine, if any, the special magistrate shall consider the following factors:
    - (1) The gravity of the violation,
    - (2) Any actions taken by the violator to correct the violation and,
    - (3) Any previous violations committed by the violator.
  - (c) The special magistrate or alternate may reduce a fine imposed pursuant to this section.
- (3) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court such order may be enforced in the same manner as a court judgement by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgement except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgement is rendered in a suit to foreclose on a lien filed pursuant to this section whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City of Fort Meade and the local City Commission may execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the special magistrate may authorize the city attorney to foreclose on the lien. No lien created pursuant the provisions of this part may be foreclosed on real property which is a homestead under Section 4, Art. X of the State Constitution.
- (4) Duration of lien. No lien provided under the local government code enforcement board's act shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs including a reasonable attorney's fee that it incurs in the foreclosure. The City shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien affected by the commencement of the action shall not be good against creditors of subsequent

purchasers of valuable consideration without notice unless a notice of lis pendens is recorded.

(H) Appeal

An aggrieved party, including the City, may appeal a ruling or order of the special magistrate or alternate by proceeding in the circuit court for the county in accordance with the Florida Rules of Appellate Procedure. An appeal shall be filed within thirty (30) day of the execution of the order to be appealed. The nature of the appeal shall be from a final administrative order.

**8.04.00 Duties of City Commission**

(A) *Powers and Duties in the Areas of Development and Land Use Regulation*

- (1) Adopt and amend the Comprehensive Plan.
- (2) Adopt and amend the Land Development Code.
- (3) Appoint members of the Planning and Zoning Board, Board of Adjustment and Appeals and Code Enforcement Board.
- (4) Determine the need for and appoint members of additional boards, committees and subcommittees to investigate and make decisions on various land use and development issues.
- (5) Establish, by Resolution, fees for Plan Amendments, zoning actions, Site Development Plan reviews, Conditional Use reviews, Variance reviews, Special Exception request, and other activities carried out under the provisions of this Code.
- (6) Make final decisions on requested changes to the Comprehensive Plan, Zoning Ordinance and Map, Planned Unit Developments, and Conditional Uses.
- (7) Make final decisions on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.

[RESERVED]

#### **8.05.00 Official Zoning Map**

- (A) The districts listed in Article 2 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the “Zoning Map of the City of Fort Meade.” This map or maps and all notations, references and other information properly inscribed thereon are hereby incorporated as a part of this Article.
- (B) The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).
- (C) Within five working days of action by the City Commission, Planning and Zoning Board or Board of Adjustment and Appeals, the Official Zoning Map will be amended to reflect all approved changes in zoning classifications, land uses, variances, and any other relevant information pertaining to permitted uses or development standards in the City of Fort Meade.
- (D) The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the rules 8.05.01 (A) through (F) for interpretation of district boundaries.

#### **8.05.01 Rules of Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- (C) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks;
- (D) Boundaries indicated as following shore lines shall be construed to follow the high-water line, and in the event of the water level shall be construed as moving downward to the current water level;
- (E) Boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines; and
- (F) Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be so construed.

[RESERVED]

#### **8.06.00 Public Hearings**

*Due Public Notice.* No change in land use classification or designation, zoning classification or designation, variance, plan amendment to this Code, may be considered by the Planning and Zoning Board or Board of Adjustment and Appeals or the City Commission until due public notice has been given of a public hearing; and, all changes are made by ordinance. An emergency ordinance or a resolution may not be used to make these changes. Specific regulations pursuant to Chapter 166.041, F.S., are listed below.

- (A) All ordinances and resolutions acted on by the City must be read on two separate days and shall, at least 10 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinance; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

#### **8.06.01 Less Than 10 Contiguous Acres of City Affected**

- (A) Petitioner Initiated Cases. In cases in which the proposed ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category or the actual zoning map designation for a parcel(s) of land involving less than 10 contiguous acres of the total land area of the municipality, shall be enacted pursuant to paragraph (A) above.
- (B) City Initiated Cases. In cases in which the proposed ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category or changes the actual zoning map designation for a parcel(s) of land involving less than 10 contiguous acres of the total land area of the municipality, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land will be designated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Notice shall be mailed to all property owners whose land will be affected at least 30 days prior to the date of the public hearing.

- (C) Contents of the Notice. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk. Upon the conclusion of the second public hearing, the governing body may immediately adopt the ordinance.
- (D) Other Local Government Notification. When a proposed zoning action, Variance or Special Exception lies within 200 feet of the jurisdiction of another local government, the Planning and Zoning Board or governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

**8.06.02 Advertisement of Public Hearings for Actions Involving 10 Acres or More**

- (A) In cases in which the proposed ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category or the actual zoning map designation for a parcel(s) of land involving 10 contiguous acres or more of the total land area of the municipality: the governing body shall hold two advertised public hearings on the proposed ordinance.
- (B) At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day, and the first hearing shall be held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. The day, time and place at which the second public hearing will be held shall be announced at the first public hearing.
- (C) The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership in the municipality.
- (D) Advertisement Form.

|  |
|--|
| <p>NOTICE OF <u>(TYPE OF)</u> CHANGE</p> <p>The City of Fort Meade proposes to adopt the following ordinance:<br/> <u>(title of the ordinance)</u>.</p> <p>A public hearing on the <u>ordinance</u> will be held on <u>(date and time)</u> at<br/> <u>(meeting place)</u>.</p> |
|--|

- (E) Except for amendments which change the actual list of permitted, conditional or prohibited uses within a zoning category, the advertisement shall contain a geographic

location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

- (F) Mail-out May Be Done. In lieu of publishing the advertisement as outlined above, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance.

### **8.07.00 Statutory Requirements for Plan Amendments**

There are two general types of Plan Amendments: text amendments and map amendments (large and small scale). All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by resolution of the City Commission. Specific regulations for Plan Amendments applications are detailed in Article 7, Section 7.02.00. Plan Amendments may be submitted by the City to DCA **no more than twice yearly** for review and according to the procedures established in Chapter 163 F.S., except small scale amendments. See Section 8.07.05 for specific regulations regarding small scale amendments. Small scale amendments are defined by Florida Statute as:

- Encompasses the use of 10 or fewer acres of any land use category;
- Residential densities are limited to 10 or fewer units per acre;
- Does not involve the same property more than once per year;
- Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;
- Does not include any text change to the Plan's goals, objectives and policies;
- Is not located within an area of critical state concern; and
- The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small-scale amendments.

### **8.07.01 Public Hearing for a Plan Amendment**

As outlined in Chapter 163.3184, F.S., a public hearing is required proposing to adopt an Ordinance to amend the Comprehensive Plan and to transmit to DCA, by Resolution, the proposed Comprehensive Plan amendment and attached Evaluation and Appraisal Report. All procedures for advertisement of a public hearing to adopt an ordinance or resolution must be followed as adopted by the City and set forth in Section 8.06.00 above. According to State Law, the following sections (A) and (B) must be adhered to:

- (A) 7 Day Notice. This public hearing shall be held on a weekday at least seven days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing when the amendment comments are returned from DCA, shall be announced at the first public hearing.
- (B) Advertisement Form:

NOTICE OF (CHANGE OF LAND USE AND AMENDMENT TO THE MAPS OF THE COMPREHENSIVE PLAN or TEXT AMENDMENT TO THE COMPREHENSIVE PLAN)

The City of Fort Meade proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the (change of land use or text amendment) will be held on (date and time) at (meeting place).

- (C) Except for amendments which change the text of the Comprehensive Plan, the advertisement shall contain a geographic location map which clearly indicated the area covered by the proposal. The map shall include major street names as a means of identification of the area.

#### **8.07.02 Transmittal to DCA**

Immediately following the public hearing, the City shall transmit six copies of the plan amendment and attached Evaluation and Appraisal Report to DCA for written comment. The City shall transmit one copy to each of the following:

Central Florida Regional Planning Commission;  
Southwest Florida Water Management District;  
Florida Department of Transportation; and  
Florida Department of Environmental Protection.

- (A) DCA will notify the local government and other agencies, and any other person who has requested notice of an affirmative decision by DCA to review the amendment, within 30 days of receipt of complete amendment.
- (B) Upon receipt of state agency comments, DCA shall have 45 days to provide its own written comments to the City, stating its objections to the Plan Amendment, if any, and recommendations for modification.

#### **8.07.03 Public Hearing After Receipt of DCA Comments, and Adoption**

Upon receipt of DCA comments, the City shall have 60 days to adopt the Ordinance to amend the Comprehensive Plan as proposed or with changes. According to State Law, the following sections (A), (B) and (C) must be adhered to:

- (A) 5 Day Advance Notice. A public hearing shall be held for adoption Ordinance to amend the Comprehensive plan and shall take place on a weekday approximately 5 days after the advertisement is published.
- (B) Contents of Advertisement and Advertisement Form shall be the same as described in 8.07.01 (B).
- (C) Vote to Transmit. At this Public Hearing, the City Commission shall vote to transmit the adopted ordinance to DCA for final compliance review.

#### **8.07.04 Transmittal of Adopted Amendment to DCA**

- (A) The City Commission shall transmit the adopted Ordinance to DCA within ten days of adoption. Upon receipt of the adopted Ordinance, DCA shall have 45 days to review and determine whether or not the plan amendment is in compliance with Chapter 163, F. S. During this period, DCA shall issue a Notice of Intent (NOI) indicating a finding of compliance or noncompliance.

- (B) If DCA finds the amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings for a hearing pursuant to Chapter 120.57 F.S. The hearing officer assigned by the division shall submit a recommended order to the Administration Commission for final agency action.
- (C) If the Administration Commission (Governor and Cabinet) finds that the plan amendment is not in compliance with this act, the Commission shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance.

#### **8.07.05 Small Scale Plan Amendments Exempt from DCA Review**

Plan amendments that are defined as Small Scale Amendments are exempt for the annual quota allowed by DCA and do not have to be submitted to DCA for review. The amendment is adopted by ordinance and sent to DCA and the Regional Planning Council. DCA will not issue a Notice of Intent for the small-scale amendment.

- (A) *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:
  - Encompassing the use of **10 or fewer acres** of any land use category; and
  - Residential densities are limited to **10 or fewer units per acre**; and
  - Does not involve the same property more than once per year; and
  - Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months; and
  - Does not include any text change to the Plan's goals, objectives, and policies; and
  - Is not located within an area of critical state concern; and
  - The local government can approve the amendment without exceeding its **yearly maximum of 80 acres** of small-scale amendments.
- (B) *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Planning and Zoning Board and are recommended to the City Commission by the Board. Then the amendments are heard at two Public Hearings and are adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.
- (C) *Public Notice Requirements.* The public notice required for the amendment is:
  - A newspaper notice as for ordinary, non-rezoning ordinances; and
  - The City must mail the owners of the property notice; and
  - There are no size requirements for the newspaper advertisement; and
  - Notice must be given of: the date, place and time of the meeting, the title of the proposed ordinance, the location where the proposed ordinance can be inspected by the public, and that interested parties can appear and be heard.
- (D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. In any action brought under this section, the DCA may intervene and become a party if granted that right by the hearing officer. If the hearing officer recommends that the amendment be found "in compliance," and DCA agrees, the DCA will enter the final order. If DCA does not agree, the recommended order will be forwarded to the Administration Commission (Governor and Cabinet) for rendering the final order.

#### **8.08.00 Public Records**

All resolutions, ordinances and records involving permitted land uses, development regulations and development approval are hereby declared to be public information and shall be maintained in an orderly fashion by the Development Director or his designee(s). Such materials shall be available for public inspection between the hours of 8 a.m. and 5 p.m. on weekdays at City Hall. Copies shall be made available at a price reflecting the City's reproduction costs.

#### **8.09.00 Fees**

The City Commission shall, by separate resolution, establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels that cover the City's costs of administration, inspection, and enforcement.

[RESERVED]

*City of Fort Meade*



# Unified Land Development Code Article 9

## ARTICLE 9

### DEFINITIONS

For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan, in addition to others applicable to this Code but not covered in the Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflict with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

**Accessory Building or Use:** A building, use of a building, a use of land or water that is clearly secondary and incidental to the principal use of a building, water or land, which building or use is located on the same parcel of land with the principal building or use.

**Adjacent Municipalities:** Those municipalities that could have an immediate effect on land use decisions.

**Administrative Official:** (City Manager) The City Manager or the designee charged by the Administrative Official with the duty of administering the provisions of these Land Development Regulations. As used herein the terms shall include both the male and female gender and be construed to include the words “or designated representative(s)”.

**Adult Congregate Living Facility:** Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, that undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide limited nursing services or limited mental health services, when specifically licensed to do so pursuant to §. 400.407. A facility offering personal services, limited nursing services, or limited mental health services for fewer than four adults is within the

meaning of this definition, if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment that regularly provides such services. (400.551, F.S.)

**Adult Day Care Facility:** Any building or buildings, or other place, whether operated for profit or not, that undertakes through its ownership or management to provide, for a part of the 24-hour day, basic services to three or more adults, not related to the owner/operator by blood or marriage, who requires such services. (400.551, F.S.)

**Adult Entertainment Establishment:** Any business that excludes minors by virtue of age due to the presence or display of films, photographs, published materials, or activities of a sexual nature or nudity. This definition shall include adult bookstores and theaters, and establishments offering massage, body rubs and similar activities to the exclusion of minors. Establishments that offer medial and therapeutic services provided by state licensed practitioners are excluded from this definition. Any business qualifying as an incidental adult materials vendor shall also be excluded from this definition.

**Adult Foster Home:** A full-time, family-type living arrangement, in a private home, under which a person or persons provide, on a nonprofit basis, services of room, board, personal assistance, general supervision, and health monitoring, as appropriate for the level of functional impairment, for three or fewer non-relatives who are aged or disabled adults placed in the home by the Department of Health and Rehabilitative Services. (400.618, F.S.)

**Affordable Housing:** Housing costs that, on a monthly basis, requires rent or mortgage payments of no more than 30 percent of a household's monthly gross income.

**Agricultural Uses, Limited:** Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses; bee keeping; and raising exotic species with the exception of venomous reptiles.

**Agricultural Uses:** The use of land for production or harvesting crops or plants; for raising, livestock or fish; for dairying; for forestry, fisheries, animal specialty farms or hunting, production are not allowed within the city Limits, unless they are pre-existing uses of the land prior to annexation.

**Aircraft Establishments:** An establishment engaged in the retail selling of new and/or used aircraft and related new parts accessories. Aircraft establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of aircraft and related aircraft accessories.

**Alley:** Any public right-of-way less than twenty (20) feet in width which affords secondary access to property and is not intended for general traffic circulation.

**Alteration:** Any change in, addition to, deletion from, or rearrangement of structures, walls, roofs, floors, wiring, pipes, or other structural parts of a building, except customary maintenance or repair.

**Amusement Enterprise, Indoor:** See Recreation, Commercial, Indoor.

**Amusement Enterprise, Outdoor:** See Recreation, Commercial, Outdoor.

**Annexation:** The adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (171-031 F.S.)

**Antenna:** A mechanism, less than 30 feet in height, the purpose of which is to receive television, radio or communication signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

**Antique Car/Vehicle:** Any vehicle 25 years or older.

**Antique Stores:** An establishment engaged in the selling of antique furniture, home furnishings and objects of art and related antique accessories.

**Apartment:** A dwelling unit in a duplex or multiple family dwelling.

**Apartment Building:** A building that is used or intended to be used as a home or residence for three (3), or more, families living in separate quarters.

**Aquifer:** A water bearing stratum of permeable rock, sand, or gravel.

**Area of Shallow Flooding:** Areas located within the areas of special flood hazard having hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

**Area of Shallow Flooding:** Areas located within the areas of special flood hazard having hazards associated with base flood depths of one (1) to three (3) feet, where clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.01(C). The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Development Director as having a one (1) percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

**Arterial Road:** A roadway providing service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road. (9J-5.003 FAC)

**Auto Salvage Yard:** A commercial business which disassembles inoperable vehicle for the purpose of resale of automobile parts. Not more than three (3) inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

**Automobile, Boat, Farm Equipment, Motorcycle and Truck Repair Establishments:** See vehicle Repair Establishments.

**Automotive Repair, Major:** See Major Vehicle Repair.

**Automotive Repair, Minor (Service Station):** See Minor Vehicle Repair.

**Availability or Available:** With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J- S.0055(2), FAC. (9J-5.003 FAC)

**Backlogged Facility:** A state roadway, at least 0.2 miles in length, operating level of service standards for its functional classification, and that is not in the FDOT's Five-Year Work Program and has not been determined by FDOT to be a constrained facility. Unlike a constrained roadway, there are no prohibitive costs or environmental constraints.

**Bakery, Retail (Bakeshop):** A retail bakery sells baked goods directly to customers, as opposed to selling through other businesses or distributors.

**Bars and Lounges:** An establishment designed for the serving of alcoholic beverages for consumption on the premises. In general, bars serve food accessory to the alcoholic beverages served, and lounges serve alcoholic beverages accessory to the food that is served.

**Beauty Salon:** an establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally.

**Barbershop:** A barbershop is one of the places where people go to get their hair cut.

**Bed and Breakfast:** an owner-occupied dwelling unit containing guest rooms for rent on a short-term basis (usually overnight and not more than one week) with breakfast included as part of the fee for the room. "Bed and Breakfast" or "B and B" is a term used for many restored, historic buildings that offer this type of lodging.

**Best Management Practice (BMP):** A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

**Bicycle and Pedestrian Ways:** Any road, path or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded. (9J-5.003 FAC)

**Billboard:** An off-premises sign usually placed on a free-standing structure that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed and includes signs that are made available to national and local advertisers for commercial, political and social messages. Since Article 4 of this Code prohibits both off-premises and on-premises billboards, it is the intent of this definition to clearly distinguish between billboards and on-site business signs, which are allowed elsewhere in the Code. On-site business signs, advertise business, goods or services available on the property where the signs are located. They consist of either wall-mounted signs that are integrated within the normal lines of the building, or ground-mounted signs the size of which are determined by the speed of the traffic and the size of the road faced by the sign, the largest of which does not exceed 108 s.f.

**Blighted Areas:** Developed areas that have deteriorated through neglect or abandonment and which could benefit the community if redeveloped.

**Board of Adjustment and Appeals:** The board of the City of Fort Meade as established by Article 8 of this Code.

**Boarding House:** A building or portion of a building, in which two or more sleeping rooms are provided for occupancy by non-transient persons with or without meals for compensation on a prearranged weekly or monthly basis. A boarding or rooming house may include living quarters containing independent cooking facilities designed for the resident manager only.

**Buffer Yard:** An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

**Building:** A structure created to shelter any form of human activity. This may refer to a house, barn, garaged, church, hotel, packing house, or similar structure. Buildings may refer to a historically or architecturally-related complex, such as a house or jail, or a barn.

**Building Area:** The gross land area covered by a building or buildings, including the total land coverage by roofs, steps, balconies, and unroofed porches, stoops, porticos, and patios, including accessory buildings.

**Building Frontage:** The primary building elevation that abuts the required front yard and which faces on a public or private street, public parking lot, private parking lot that is available to the general public.

**Building Height:** The vertical distance from the average finish grade elevation at the building line to the highest point of the structure.

**Building Line:** The vertical distance from the average finish grade elevation at the building line to the highest point of the structure.

**Building Permit:** A permit that may be required by appropriate authority as described herein, relating to the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

**Building Site:** The lot, lots, or parcel of land upon which a building or use of land has been located or is proposed to be located.

**Bulk Storage of Explosive Gases:** The maintenance on a commercial or industrial development site, for sale or on-site use, of a quantity of fuel-related gases exceeding 500 gallons.

**Business, Professional and Nonprofit Organization Offices:** An establishment in which a person practices a particular kind of occupation requiring specialized knowledge and often a long and intensive preparation, that results in a specialized aid, assistance or action directly or indirectly to the needs of individuals, clients or persons engaged in commerce or industry. The type of specialized aid, assistance or action provided by a business, professional and nonprofit organization office includes the following: finance, insurance and real estate functions; medical and other health out-patient functions; legal functions; engineering, architectural and planning functions; accounting, auditing and bookkeeping functions; welfare and charitable administration and executive functions; business, professional, political, labor, civic, social and fraternal associations, organizations and union administrative and executive functions; advertising, employment, protective, business and management consulting functions; administration and executive functions.

**Business Training Schools:** An establishment engaged in furnishing nonacademic instruction and trade courses. Business training schools include the following: correspondence schools; business and stenographic schools; barber and beauty schools; art and music schools; and dancing schools.

**Canopy:** Canopy refers to the area shaded by the crown of mature trees. The general measurement of canopy for species approved as “canopy trees” according to this Code is found in Table 3.07(A) of Article 3.

**Capital Budget:** The portion of each local government’s budget that reflects capital improvements scheduled for a fiscal year. (9J-5.003 FAC)

**Capital Improvement:** Physical assets constructed or purchased to provide, improve or replace a public facility and that are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. (9J-5.003 FAC)

**Capital Improvement Program (CIP):** A five-year listing of proposed capital improvement projects.

**Carport:** A carport is an accessory structure of a principal structure, consisting of a roof and support members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles or boats owned and used by the occupants of a building to which it is accessory.

**Cemetery:** A plot or parcel of land used or intended for use as a burial place in or above the ground for dead human bodies, whether or not markers or monuments are used.

**Certificate of Use:** A certificate, required by appropriate authority under the provisions of this ordinance, which authorizes the occupancy of a structure or premises and is required prior to occupancy, change of use and under other specific conditions.

**Church:** Any building or structure used or intended for use by a nonprofit religious organization or group primarily for worship purposes, and any uses customarily accessory thereto.

**City:** The City of Fort Meade, Florida.

**Classic Car/Vehicle:** A vehicle 20 years or older.

**Clearing:** The alteration of the shoreline of vegetation by complete removal, chemical treatment, and mechanical or non-mechanical uprooting.

**Clinic:** An establishment operated by one (1) or more persons for the purpose of rendering human health care or services by any lawful practitioner of medical arts under Florida statutes.

**Club:** Building, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service that is customarily carried on as a business. The term when used herein shall also mean lodge, fraternal order, or society.

**Cluster Development:** Generally refers to a development pattern – for residential, commercial, industrial, institutional, or combinations of such uses – in which the uses are grouped or “clustered”, rather than spread evenly throughout a parcel as a conventional lot-by-lot

development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners' association.

**Collector Road:** A roadway providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads. (9J-5.003 FAC)

**Commercial Uses:** Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services. (§ 9J-5.003 FAC)

**Commercial Zone Apartments:** Amendment Note: Ordinance Number 1491-A, enacted on March 21, 1988, amended the definitions by deleting Commercial Zone Apartments.

**Commission:** The city commission for Fort Meade, Florida.

**Communications Antenna:** Any exterior transmitting or receiving device, less than thirty feet in height, mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.

**Communications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antennas for telephone, radio, and monopole towers.

**Community Park:** A park between 16 and 100 acres in size designed to serve more than one neighborhood.

**Comparison Goods Stores:** An establishment engaged in the selling of merchandise in less than bulk quantities. Comparison goods stores as distinct convenience goods stores are further defined by the following characteristics: retail sale or merchandise purchase by the consumer on an infrequent basis, before making a final decision the consumer will probably visit several stores in which he will compare prices, styles and brands; comparison goods stores offer a large variety and selection of merchandise which enables the consumer to fulfill his particular desire; and, the type of merchandise in comparison goods stores includes clothing, shoes, apparel accessories, furniture, appliances and home furnishings. Trade stamp redemption stores are included in the comparison goods store category.

**Compatibility:** The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.

**Comprehensive Plan:** The Comprehensive Plan of the City of Fort Meade, adopted pursuant to the Local Government Comprehensive Planning Act, Section 163.3161 et seq., F.S.

**Concurrency:** The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. (9J-5.003 FAC)

**Concurrency:** The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development (9J-5.003 FAC)

**Concurrent with the Impacts of Development:** Pursuant to 9J-5.0055(2), FAC, concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place when impacts of the development occur; or that the necessary facilities are under construction at the time a permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined. For recreation facilities, concurrency may also be met by adherence to 9J-5.055(2)(b), FAC. For roads, concurrency may also be met by adherence to 9J-5.0055(2)(c), FAC.

**Cone of Influence:** An area around one or more major water wells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth. (9J-5.003 FAC)

**Conservation:** The preservation of native plants and trees to provide canopy, buffer yards and reduce water demanded to maintain landscaping.

**Conservation Easement:** A right or interest in real property intended to maintain land or water areas predominantly in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or existing land uses compatible with conservation of natural resources.

**Conservation Use:** Publicly owned wetlands, floodplains, and other areas in which limited development is permitted in order to preserve a natural resource. Municipal well fields and associated facilities. Boat docks and marinas, provided that all structures and parking areas are above the 100-year flood elevation.

**Conditional Facility:** A segment of roadway on the state highway system operating below the adopted level of service standard and unable to reach the standard because of prohibitive costs and environmental constraints. Existing level of service must be maintained on these roadways.

**Construction and Demolition Debris:** Materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, iron, aluminum, brass, and copper, cast iron, metal, tin, glass, plexi-glass, plastic, vinyl, rubber (excluding whole tires), leather, concrete, asphalt, tar paper, shingles, non-contaminated gravel, non-contaminated rocks, non-contaminated soils, street sweepings, plants, grass, lumber, dry paint-dyes, drywall, dry spackling-plaster-stucco-grout, paper, cardboard, dry ink-adhesives and wood. Household garbage, medical waste, liquid waste, bio-hazardous waste or toxic waste shall be prohibited. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition structure, will cause it to be classified as other than construction and demolition debris.

**Construction Service Establishments:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work off the premises that directly results in the fabrication, construction, addition, alteration, repair or development of land, buildings or other structures on a given premise. Construction services include the following: operative and investment builders; sub-dividers and developers; general building, heavy construction and special trade contractors; plumbing, painting, electrical work and carpentry contractors; and highway, bridges, dams, sewer and water system contractors.

**Consumptive Use Permit:** A permit issued by the Water Management District that allows the production (or pumping) of groundwater up to a specified amount, usually expressed in gallons per day.

**Contiguous:** Sharing a common boundary line.

**County Clerk:** The clerk of the local court of record or other appropriate and duly designated public recording officer for Polk County, Florida.

**Convenience Goods Stores:** An establishment engaged in the selling of merchandise in less than bulk quantities. Convenience goods stores as distinct from comparison goods stores are further defined by the following characteristics: retail sale of merchandise purchased by the consumer on a frequent and often daily basis; the consumer tends to purchase all desired convenience merchandise at locations easily accessible to him. This type of merchandise in convenience goods stores includes groceries, drugs, notions, toiletries, sundries, and other items which are usually inexpensive and purchased frequently.

**Cultural Facilities:** Such establishments include libraries, museums, art galleries and arboreta, botanical and zoological gardens.

**Customer-owned Renewable Generation System:** An electric generating system located at a customer's premises that uses one or more of the following fuels or energy sources; hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power as defined in Section 377.803, Florida Statutes, and is primarily intended to offset part or all of the Customer's current electrical requirements. The system is considered to be either Tier 1 or Tier 2 based on its rated alternating current (AC) power output. A Tier 1 system is rated at no more than 10 kilowatts (10kW) alternating current (AC) power output and a Tier 2 system is rated at more than 10 kilowatts (10kW) but not greater than 100 kilowatts (100kW) alternating current (AC) power output. Utility-owned Renewable Generation System: Any municipal or investor-owned electric utility generation system that uses a Photovoltaic System as its fuel source and is designed to supply less than 75 megawatts of regulated power into the electrical grid, as defined in Section 403.501 - 518, Florida Statutes.

**Day Care Center:** A non-publicly owned or leased building in which three (3) or more children under the age of sixteen (16) years are received for full or part-time care, training or education, or any combination of these services, whether or not remuneration is paid the owner or operator. The term when used in this ordinance shall also mean kindergarten, nursery school, school for child care, and child care centers, operated or intended to operate in a non-publicly owned or leased building.

**DCA:** The Florida Department of Community Affairs.

**Demolition:** The complete or constructive removal of any or part or whole of a building or structure upon any site when same will not be relocated intact to a new site.

**Density, gross:** A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open space, but exclusive of bodies of water.

**Density, Net:** A ratio expressed as the number of dwelling units per net acre. The ratio is derived by dividing the total number of dwelling units by the net land area used or proposed to be used for residential purposes exclusive of road right-of-way, roads, sidewalks, parks, playgrounds, open space and bodies of water.

**Density Bonus:** An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification.

**Developer:** Any person, including a governmental agency, undertaking any development. (380.031 F.S.)

**Development:** The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses **shall** be taken to involve “development:”

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond or canal, including any “coastal construction”; commencement of drilling, except to obtain soil samples, mining or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuses, solid or liquid waste, or fill on a parcel of land.

The following operations or uses **shall not** be taken to involve “development”:

Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of

rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

“Development” as designated in an ordinance, rule or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities are not development. (380.04 F.S.)

**Development Capacity:** An element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but currently unused or under-utilized capacity.

**Development of Regional Impact (DRI):** any development that, because of its character, magnitude, or location would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

**Development Order:** Any order granting, denying, or granting with conditions an application for a development permit. (380.031 F.S.)

**Development Permit:** Includes any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development (380.031 F.S.)

**Dimensional Variances:** A departure from the terms of this ordinance pertaining to height, width, depth and area of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship.

**Disabled Home:** A facility that houses disabled individuals over the age of 18 and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents normally serving adult residents.

**Domestic and Business Repair Establishments:** An establishment in which a person, or persons, performs a type of labor, act or work that results in the fixing and repair of an article of merchandise or piece of equipment intended for and directly incidental to the customer’s business or domestic use. The type of fixing and repair provided by a domestic and business repair establishment includes the following: small electrical appliances, radios and television repairs; reupholster and furniture repairs; bicycle, leather goods, locks, guns, and musical instruments repairs; and business machine and typewriter repairs.

**Domestic and Business Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance intended and directly incidental to the customer’s domestic or business operations. The type of specialized aid or assistance provided by a domestic and business service establishment includes the following: duplicating, mailing and stenographic services; blueprinting and photocopying services; window cleaning, floor waxing, office cleaning and janitorial services; disinfecting and exterminating services; ambulance services; and catering services.

**Domestic Rental Establishment:** An establishment engaged in renting or leasing small miscellaneous merchandise, products or goods.

**Dormitory, Fraternity Houser or Sorority House:** A building in which rooms are provided for occupancy by and maintained as a place or residence exclusively for students affiliated with an academic or professional college or university, with or without meals, and when approved and regulated by such institution.

**Drainage Facilities:** A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures. (9J-5.003 FAC)

**Drive-in Restaurant:** A business establishment where food or drink is served to patrons in automobiles or that has take-out services or provides parking spaces, or outside tables for use by patrons.

**Duplex:** A single building containing two (2) dwelling units.

**Dwelling:** A building used or intended for use primarily for human habitation. The word shall not include hotels, motels, tourist courts, fraternity or sorority houses, rooming or boarding houses, or other structures primarily for transient uses.

**Dwelling, Single Family:** A building used or designed to be used for three (3) or more dwelling units.

**Dwelling, Two Family:** See Duplex

**Dwelling, Multiple Family:** A building used or designed to be used for three (3) or more dwelling units.

**Dwelling Unit:** A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for preparation, storage, and keeping of food for consumption within the premises shall identify the unit as a dwelling unit.

**Easement:** A right given by owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on his property to allow utility facilities like power lines or pipelines, or to allow access to another property. A property owner may also sell or dedicate to the government the development rights for all or part of a parcel, thereby keeping the land open for conservation, recreation, scenic or open space purposes.

**Eating and Drinking Establishments:** An establishment for preparation and retail sale of food and/or beverages.

**Educational Uses:** Activities and facilities of public or private primary or secondary schools, vocation and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking. (9J-5.003 FAC)

**Efficiency Apartment:** A minimum dwelling unit.

**Electrical Power Plant:** An electrical power generating facility using any process or fuel including the associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way. This term does not include any solar power generation facility of less than 75 megawatts in capacity.

**Environmentally Sensitive Land:** Wetlands, floodplains, or critical habitat for plant or animal species listed by the Florida Department of Agriculture and Consumer Services, Florida Game and Freshwater Fish Commission, or U.S. Fish and Wildlife Service as endangered, threatened or species of special concern.

**Evacuation Routes:** Routes designed by county civil defense authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane. (9J-5.003 FAC)

**FAA:** The Federal Aviation Administration.

**FAC:** Florida Administrative Code.

**FCC:** The Federal Communications Commission.

**Factory-built Housing:** Shall mean any residential building, or building component or building system therefor, which is of closed construction and that is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Factory-built housing may also mean any residential building, or building component or building system therefor of open construction made or assembled in manufacturing facilities for installation or assembly and installation on the building site.

**Family:** One (1) or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit.

**Farm Animals:** Farm animals allowed within the City Limits are horses, cattle, sheep and goats. Poultry and swine are specifically excluded.

**Farm Equipment and Supply Establishments:** An establishment engaged in the selling of farm equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies. Farm equipment and supply establishments may include farm equipment repair departments provided such repair departments are incidental and accessory to the principal selling of farm equipment and supplies.

**Farming:** An establishment having as the principal purpose of business the production for sale of field crops, fruit, tree nuts, vegetables, livestock, livestock products, poultry hatcheries and animal husbandry activities.

**Farm Labor Camp:** Housing for person(s) working on citrus groves, farms, or ranches wherein housing is provided by agricultural operation at no charge to the farmworker in a dormitory style.

**Farmworker(s):** means a person(s) who has worked 25 days or more, earning at least one-half (1/2) of their income in agricultural work in the last 12 months and was not employed year-round by the same employer.

**Farmworker Housing, Resident:** One-and two-family dwellings on citrus groves, farms, or ranches that is made available to farmworkers at no charge to the farmworker.

**FDEP:** The Florida Department of Environmental Protection.

**Fence:** Artificial barrier installed or constructed for the purpose of screening or enclosing property. All fences shall be appropriate for use in an urban area. Fences in Residential Districts shall be fabricated from materials which are compatible with surrounding properties, including, but not limited to, chain link, wood stockade panels, or masonry. In all Residential Districts, electrified

fences shall be prohibited, and fences **shall not** be constructed of the following materials: barbed wire, chicken wire, hog wire, or razor wire. The Development Director shall approve all fences erected in the City of Fort Meade.

**Filling Station (Convenience Store with Gas):** A building and land use or intended for use to dispense, sell or offer for sale any motor fuels, oils, or automotive accessories, but where intended to be performed.

**Fitness Center:** The Fitness Center is a health, recreational, and social facility geared towards exercise, sports, and other physical activities.

**Flood or Flooding:** A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Floodplain:** Land that will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

**Flood Protection Elevation:** The elevation of the base flood plus one (1) foot.

**Floodway:** The channel of stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

**Floor Area Ratio, maximum, gross:** The ratio of floor area that can be built for each square foot of land area. Maximum gross floor ratio times Land Area = Floor Area.

**Floor Area:** The total floor area of all stories, including halls, stairways and elevator shafts, measured to outside faces of exterior walls.

**Floor Space:** That portion of the total area of a building which is suitable for year-round use, including fully enclosed porches and breezeways, but excluding enclosed garages, carports, and screened porches.

**Foster Care Facility (also Foster Home):** A facility that houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents. (9J-5.003FAC)

**Fowl:** Chickens, pigeons and peacocks and the like.

**F.S.:** Florida Statutes.

**Garage Apartment:** An additional dwelling unit on a parcel, offered for rent. Garage apartments are accessory to the principal building. The principal building must be owner-occupied for the garage apartment to be rented out. The parcel must have an additional 2,000 s.f. above the minimum required for the zoning district. The garage apartment must have a minimum of 600 s.f. floor area and must be set back a minimum of 7.5 feet from the property line and five feet from any other building.

**Garage, Residential:** A garage is an accessory structure designed or used for inside parking of private passenger vehicles, recreational vehicles, or boats, owned by the occupants of the main building. A residential garage attaché or part of the main structure is to be considered part of the principal building. An unattached garage is to be considered as an accessory structure.

**Garage, Mechanical:** See Major Automotive Repair.

**Garage, Private:** A building attached or detached to or from the principal structure, intended for the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.

**Garage, Public:** Any land or building used for the storage of automobiles or other wheeled property primarily for non-occupants of the premises, whether or not remuneration is paid or received for such storage.

**Gasoline Service Stations:** See Minor Automotive Repair.

**Government Uses and Structures:** Any land, building, structure, uses or activity that is owned and operated by the city, county, state or federal government or legally empowered special governmental district and is necessary to the conduct of government, the furnishing of public services or of an institutional character and over which such governments exercise direct and complete control.

**Group Home:** A facility that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters. (9J-5.003 FAC)

**Halfway House:** Any dwelling used as a home for juvenile offenders; for residential care or rehabilitation of adult offenders in lieu of institutional sentencing; for residential care and treatment of persons leaving correctional and mental institutions; as a shelter for teenage runaways; or as a residential treatment center for alcohol and drug users.

**Hazardous Material:** A hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III, Superfund Amendments and Reauthorization Act of 1986(42 USC s. 11001, et seq.) (§ 252.82 F.S.)

**Hazardous Waste:** Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the

environment when improperly transported, disposed of, stored, treated or otherwise managed.  
(9J-5.003 FAC)

**Heating Fuel and Ice Establishments:** An establishment engaged in the selling of coal, wood, heating fuel oil, bottled gas and/or ice.

**Heavy Uses:** Refers to those uses which are hazardous although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met and/or those uses whose premises do contain outdoor or open storage or above-ground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery trucks.

**High Recharge Area:** Geographic areas designated by a Florida Water Management District where, generally, water enters the aquifer system at a rate of greater than ten inches per year.

**Historic Resources:** Historically significant structures or archeological sites.

**Historic Site:** A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

**Home Occupation:** An accessory use in a residential area consisting of an occupation carried on entirely within a dwelling and only by members of the family permanently living therein; where no evidence of the home occupation is noticeable from off of the premises; where no pedestrian or vehicular traffic in excess of that customary in residential areas is generated; and where no commercial vehicles are kept on the premises or parked overnight on the premises, unless otherwise permitted by these regulations. Usual home occupations include, but are not limited to, personal services such as are furnished by a musician, artist, beauty operator, seamstress, notary public, home party makeup sales such as Avon and Mary Kay, home party clothing sales, home party appliance sales such as Tupperware, home party cleaning product and catalogue sales such as Amway, insurance work and computer work.

**Horticultural Specialty Farms:** An establishment having as the principal purpose of business the production for sale of greenhouse, frame, cloth house, lath house, or outdoor grown horticultural products such as bulbs, florists' greens, herbs, mushrooms, flower seeds and sod crops. Horticultural specialty farms may include landscaping service establishments.

**Hospice:** An autonomous, centrally administered, nonprofit, as defined in chapter 617, F.S. medically directed, nurse-coordinated program providing a continuum of home, outpatient, and homelike inpatient care for the terminally ill patient and his family. It employs an interdisciplinary team to assist in providing supportive care to meet the special needs arising out of the physical, emotional, spiritual, social and economic stresses that are experienced during the final stages of illness and during dying and bereavement. This care is normally available 24 hours a day, 7 days a week, and is provided on the basis of need regardless of inability to pay. (400.601, F.S.)

**Hospital:** An establishment engaged in providing health in-patient facilities, in which medical or surgical services are a main function.

**Hotel:** A building or other structure used and maintained as primarily a place where sleeping and supplemental accommodations are supplied transient guests.

**Hurricane Shelter:** A structure designated by local officials as a place of safe refuge during a storm or hurricane. A hurricane shelter is required in all new mobile home parks, RV campgrounds. (9J-5.003 FAC)

**Impermeable Surface:** Any surface that does not allow, or only minimally allows, the penetration of water.

**Incompatible Land Uses:** Land uses that, if occurring adjacent to one another, have a detrimental effect on one or both of the uses.

**Indoor:** Refers to that which is within a building.

**Industrial Uses:** The activities within land areas predominantly connected with manufacturing assembly, processing, or storage of products. (9J-5.003 FAC)

**Infrastructure:** Those man-made structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetment; causeways; marinas; navigation channels; bridges; and roadways. (9J-5.003 FAC)

**Inoperable Vehicle:** A motor vehicle which does not have a current state license plate; or a vehicle which is licensed but is disassembled or wrecked in part or in whole and is unable to move under its own power.

**Institutional Use:** A use by a public or nonprofit, quasi-public or private institution of educational, religious, charitable, medical, scientific research or civic purposes.

**Intensity:** The degree to which land is used, referring to levels of concentration or activity in uses such as residential, commercial, industrial, recreation or parking.

**Junkyard:** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile-wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or closed storage of used furniture and household equipment, used cars in operable condition, uses or salvaged materials as part of manufacturing operations. Storage of more than three (3) inoperable vehicles constitutes a junkyard.

**Land Area:** The total land area within the property lines.

**Land Development Regulations:** Includes local zoning, subdivision, building, and other regulations controlling the development of land. (380.031 F.S.)

**Land Use:** The development that has occurred on land. (380.031 F.S.)

**Land Use Intensity:** The overall structural mass and open space relationship in a developed property. It correlates the amount of floor area, livability space, recreation space and car storage space of a property with the size of its site or land area.

**Landscaping Service Establishments:** An establishment in which a person performs a type of labor, act or work off the premises that result in horticultural services such as cemetery upkeep, landscape gardening, tree planting and similar operations. Landscaping service establishments do not include horticultural specialty farms.

**Laundromats, Self-service or Coin-operated:** An establishment designed to provide limited laundry and dry-cleaning facilities which are used and operated by ultimate consumers on the premises on a self-service basis and not be employees of the establishment itself.

**Laundry and Dry-Cleaning Pick-up Establishments:** An establishment designed for the convenient and efficient pick up of and drop off of laundry or dry cleaning on the premises by persons not employed by the establishment. No actual laundry or dry-cleaning service or work is performed on the premises except for the collecting and distributing activities stated above.

**Laundry and Dry-Cleaning Plants:** An establishment engaged in the commercial operation of mechanical laundries with steam or other power and including rug cleaning, dry cleaning or dyeing apparel and household fabrics or establishments supply laundered linens, work clothing, diapers, baby linens or uniforms.

**Level of Service (LOS):** An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on, and related to, the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility. Levels of Service are adopted in the Comprehensive Plan for potable water, sanitary sewer, drainage, traffic on roads and recreation space needed per person in the City. (9J-5.003 FAC)

**Light Uses:** Refers to those uses which are nonhazardous and whose premises do not contain any outdoor or open storage or above-ground tank storage of equipment, materials or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery or service trucks.

**Live Work Units:** A live/work unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident on the same floor. The live/work unit shall be the primary dwelling of the occupant.

**Living Area:** In calculating the square feet of living area, calculate the floor area of the dwelling unit exclusive of carports, breezeways or unenclosed porches.

**Local Comprehensive Plan:** Any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. (380.031 F.S.)

**Lodging House:** A building in which up to four (4) sleeping rooms are provided for occupancy by non-transient persons with or without meals. A lodging house may include living quarters containing independent cooking facilities designed for the resident manager only.

**Lot:** A parcel of land under one (1) principal building and its accessory buildings and including the open spaces and yards required under this ordinance.

A. Lot Line: The boundary dividing a lot from a right-of-way adjoining lot, or other adjoining tract of land.

1) Front lot line: The lot line abutting a street right-of-way.

2) Rear lot line: The lot line opposite the front lot line.

3) Side lot line: Lot lines other than the front or rear lot lines.

B. Corner lot: A lot which abuts on two (2) or more intersecting streets at their intersection.

- 1) Corner lot: A corner lot has two front yards and must meet the front yard setbacks on both streets. The side and rear yard shall be designated by the homeowner or by the Development Director if a variance to setbacks is required.
- C. Double frontage lot: Any lot other than a corner lot which abuts on two (2) streets.
- D. Lot of record: A lot which is duly recorded in the office of the clerk of the circuit court.

**Major Vehicle Repair:** Includes activities listed under Minor Vehicle Repair, as well as removal and major overhaul of engines; transmissions and drive systems; all types of paint and body work; battery and ignition systems; radiators; repair and replacement of glass; and, general and specialized repairs.

**Modular Home or Building:** Any structure, or portion of a structure, including; electrical, plumbing, heating, or ventilating systems, that was built in a manufacturing facility for installation or erection as a finished building or as part of a finished building. Modular must be constructed to meet the requirements of the Standard Building Code and any other design standards the City may adopt which apply to conventional construction. Modular buildings may include residential, commercial, institutional, storage, and industrial structures. For purposes of this Code, modular buildings shall not include mobile homes.

**Manufacturing:** Assembly or fabrication of parts that are free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare, that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed structures, and the premises shall not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments except for automobiles and delivery or service trucks. Such uses shall not involve electrical interference to television, radio or communication systems off the premises.

**Marine Establishments:** An establishment engaged in the retail selling of new and/or used boats and motor boats and related new parts and accessories. Marine establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of boats and related marine accessories.

**Minerals:** All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, that are contained in the soils or waters of the state. (9J-5.003 FAC)

**Mining:** The act of taking mineral substances from a pit or excavation in the earth.

**Minor Arterial:** A route that is relatively continuous, of high traffic volume, or shorter trip lengths, of moderate operating speed. Minor arterials allow greater access to adjacent properties. Such roads are designated on the Future Traffic Circulation Map of the City of Fort Meade Comprehensive Plan.

**Minor Vehicle Repair (Service Station):** Activities conducted at a service garage involving maintenance or small-scale mechanical work on motor vehicles. This shall include inspection, maintenance, repair or replacement of the following: brake systems; ignition and electrical systems; carburetors and fuel systems; batteries; oil, antifreeze and other fluids; and tires. Also

included are auto washing and detailing, and the tuning and adjustment, **but not disassembly or removal, of engines and transmissions.**

**Mitigation:** Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts on permitted activities.

**Mobile Home (Manufactured Home):** From the A pre-constructed dwelling unit, transport-able in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If manufactured after June 15, 1976, each section must bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the feral Manufactured Home Construction and Safety Standards. Mobile homes shall be used for single-family residential purposes only and shall be licensed pursuant to Chapter 320, F.S. In the event a mobile home becomes ineligible for a title certificate under Chapter 319, F.S., it shall no longer be considered a mobile home.

**Mobile Home Park:** Development site on which mobile homes are installed and organized around a common set of amenities, including private internal roads, clubhouse or recreation facility, and common open space. A mobile home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, are privately owned or owned in common by residents of the park.

**Mobile Home Unit:** Shall mean a mobile home, factory built dwelling, the land area assigned thereto, access, and parking for one (1) motor vehicle.

**Modular Home:** **Shall not mean a mobile home** but refers to a unit partially constructed off-site (such as trusses and wall sections) and assembled at the site as a standard home, meeting all the Florida Building Code requirements. Modular homes are indistinguishable from site-built homes.

**Mortuaries, Funeral Homes and Crematories:** An establishment engaged in preparing the dead for burial, conducting funerals and cremating the dead and includes emergency ambulance service.

**Motel:** Shall also include the terms motor hotel, tourist court, transient accommodations, and efficiency motel; a building primarily for the use of persons traveling by automotive vehicles and consisting of two or more rooms or suites for rent for the purpose of sleeping and/or light housekeeping with no common entrance or lobby.

**Motion Picture Theaters:** An establishment engaged in the commercial exhibition of motion pictures, with or without stage presentations.

**Motor Freight Transportation Establishments:** An establishment engaged in furnishing local or long distance trucking, transfer and draying services with or without the storage of merchandise, products or materials and including maintenance facilities provided such maintenance facilities are incidental to the principal trucking and freight handling services.

- A. Light motor freight transportation establishments: Those motor freight transportation establishments which are non-hazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials.
- B. Heavy motor freight transportation establishments: Those motor freight transportation establishments which are hazardous, although the maximum public and private safety

precautions have been taken and the most stringent performance standards have been met and/or those motor freight transportation establishments whose premises do contain outdoor or open storage or aboveground tank storage of merchandise, products or materials.

**Motor Home:** Shall include the terms motor coach, sport coach, and describe any self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping or preparation of goods for consumption.

**National Register of Historic Places:** Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

**Natural Drainage Features:** The naturally occurring features of an area that accommodate the flow of stormwater, such as streams, rivers, lakes and wetlands. (9J-5.003 FAC)

**Natural Reservations:** Areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or nonprofit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. (9J-5.003 FAC)

**Natural Resources:** Land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern. (380.0558 F.S.)

**Natural Vegetation:** Vegetative communities that are native to, and therefore tolerant of, a particular geographic location.

**Nonconforming Structure:** A structure or portion thereof, existing at the effective date of this chapter, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use **not** permitted at its location by the provisions of this chapter for a new use, and/or which does **not** conform to all of the regulations applicable to the district in which it is located. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in this Code. The presence of a nonconforming use which has a parcel of land does not allow the reestablishment of a nonconforming use which has been abandoned or eliminated. (See Article 7, Section 7.12.00 of this Code)

**Nonconforming Use:** Land use or activity that is prohibited under the current provisions of the Comprehensive Plan or this Code but complied with those requirements in effect at the time it was established. Such uses may continue indefinitely, except where this Code requires their elimination. Once a nonconforming use is eliminated, removed, or suspended permanently, associated land or structures shall be used only in accordance with the adopted Comprehensive Plan and this Code (See Article 7, Section 7.12.00 of this Code).

**Nonhazardous:** Those structures, uses, materials or premises that do not constitute a fire, explosion or safety hazard and/or not emit any atmospheric or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

**Nursing Home:** Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, that undertakes through its ownership or management to provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (400.021, F.S.)

**Open Space:** Undeveloped lands suitable for passive recreation or conservation uses. (9J-5.003 FAC)

**Outdoor:** Refers to that which is not within a building.

**Outdoor Advertising Service Establishment:** An establishment engaged in the maintenance, distribution and erection of display boards, posters and painted and electric spectacular displays on panels, bulletins and frames principally outdoors and off the premises.

**Outpatient Clinic:** An establishment where patients are not lodged overnight, but are admitted for examination and treatment by, but not limited to, physicians, dentists, optometrists and clinical laboratory personnel.

**Parcel of Land:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit. (380.031 F.S.)

**Park Model Recreational Vehicle (Park Trailer):** A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to U.S. Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. (s.320.01, F.S.)

**Personal Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance directly to the personal needs of ultimate consumers. The type of specialized aid or assistance provided by a personal service establishment includes the following: beauty and barber services; garment mending, alteration and related minor pressing services; laundry and dry cleaning pick-up services; self-service or coin-operated Laundromat services; fur repair and storage services; shoe shining, shoe repair and hat cleaning services; watch, clock and jewelry repair services; and commercial photographic services. Personal service establishments do not include laundry and dry cleaning plants.

**Photovoltaic (PV) Systems:** Solar technology systems that use photovoltaic cell technology to harness radiant energy from the sun and create electricity. These cells are often packaged into panels that can be placed on rooftops or mounted on the ground. The cells can also be incorporated into other

building materials such as roofing materials, facades, and even glass; an arrangement that is commonly known as “building-integrated PV.”

**Planned Unit Development (PUD)/Planned Development Project (PDP):** A form of development characterized by a unified site design for a number of housing units, clustering buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. Also, a process in which public officials have considerable involvement in determining the nature of development through site plan review. It includes aspects of both subdivision and zoning regulation and usually is administered either through a special permit or a rezoning process.

**Planned Development Project:** A complex of structures and uses planned as an integral unit of development rather than as a single principal structure or use on a single lot. A planned-development project may include a subdivision, but a subdivision need not be construed to be a planned-development project.

**Planning and Zoning Board:** The zoning board for the City of Fort Meade, Florida.

**Plat:** A map, plan or chart of a tract of land or property which is drawn to scale and shows the existing or proposed location of boundary lines, buildings, structures uses or any other required data or information.

**Potable Water:** Water suitable for human consumption and that meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public system or by private well.

**Potable Water Facilities:** A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains. (9J-5.003 FAC)

**Premises:** A lot or other tract of land under one ownership and all the structures on it.

**Principal Arterial:** A route that is relatively continuous, of high traffic volume, of long average trip length, of high operating speed, of limited access to adjacent property and of high mobility importance. Such roads are designated on the Future Traffic Circulation Map of the City of Fort Meade Comprehensive Plan.

**Principal Building:** The building in which is conducted the principal use of the lot on which it is situated. Construction trailers or mobile homes, used as offices, are not considered principal buildings.

**Property Line:** The recorded boundary of a lot or other tract of land under one ownership.

**Public Buildings and Grounds:** Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administrations buildings. (9J-5.003 FAC)

**Public Facilities:** Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities. (9J-5.003 FAC)

**Public Hurricane Shelter:** A structure designated by local emergency management officials and the American Red Cross as a shelter during a hurricane. (308.032 F.S.)

**Public Offices:** A building occupied on a rental, lease or similarly obtained basis by the city, county, state or federal government or legally empowered special governmental district, but not owned by such governments, in which public officials and employees direct the administrative and executive functions and affairs of government.

**Public (Supply) Sanitary Sewer Facilities:** Sanitary sewer facilities which serve at least 15 service connections, or regularly serve at least 25 residents. Generally, a multi-user septic tank is not a public sanitary sewer facility.

**Public Service Structures:** Any structure, excluding buildings for general administrative, executive, studio, warehousing or storage functions or general maintenance operations, that is necessary for the operation and maintenance of a utility that is regulated or controlled by the city, county, state or federal government or legally empowered special governmental district, but not owned and operated by such government. Public service structures include the following: railroad tracks and related appurtenances; telephone and telegraph transmission lines, towers and related appurtenances; radio broadcasting, distribution and collection mains, lines and related appurtenances; and electric, gas, petroleum and steam transmission lines, pipes, towers, transformers, meters, substations and related appurtenances.

**Public Supply Potable Water Wellfield:** A potable water wellfield that serves a public supply water system.

**Public Supply Water System:** A potable water facility which serves at least 15 service connections, or regularly serves at least 25 residents.

**Public Transportation Terminals:** An establishment engaged in passenger transportation by railway, highway, water or air, or furnishing services related to transportation, including maintenance facilities and/or freight transportation provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal passenger transportation services.

**Publishing and Printing Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in newspaper publishing and printing and/or specialized aid and assistance performed as a customer service including the following: duplicating, mailing and stenographic services; blueprinting and photocopying services; commercial and job printing services.

**Recharge Areas:** Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

**Reclamation:** The alteration and/or restoration of land, after a mining activity, establishing land suitable for agriculture, development, recreation, lakes, wetlands, or other natural environments.

**Reclamation Plan:** Plan for the rehabilitation, per Chapter 378, F.S., of land from which a mineral resource has been extracted.

**Recommended Practice:** In Article 4, Signs, the regulations will, in addition to the basic rights and responsibilities, set forth recommended practices. These practices represent the preference of the City with regard to signs but do not carry the force of law. Amendments, including but not limited to the recommended practices, may be adopted by the City in the future as law. The

recommended practices constitute notice to the public that a sign conflicting with a recommended practice runs the risk of being a nonconforming sign in the future.

**Recreation:** The pursuit of leisure time activities occurring in an indoor or outdoor setting. (9J-5.003 FAC)

**Recreation Facility:** A component of a recreation site used such as a trail, tennis court, basketball court, athletic field, golf course or swimming pool. (9J-5.003 FAC)

**Recreation Uses, indoor, public:** Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or recreation centers, gymnasiums, libraries or museums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional, indoor recreation.

**Recreation Uses, indoor commercial:** This category consists of uses that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include but are not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks.

**Recreation Uses, outdoor, public:** Outdoor recreation uses include areas for recreation activities including, but not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), outdoor stables, outdoor swimming pools and springs, tennis courts, tot lots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters, firing ranges, miniature golf courses, golf driving ranges, and marinas.

**Recreation Uses, outdoor commercial:** This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges, (including miniature golf), marinas, outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-cart, harness, horse, motorcycle), ranges (skeet, rifle, or archery), sports arenas, and all other outdoor commercial recreation uses.

**Recreation Vehicle (RV):** A unit primarily designed as temporary living quarters for recreation, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreation vehicles are: travel trailer, fifth-wheel travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, and park model RV/park trailer. (320.01, F.S.)

**Recreation Vehicle (RV) Campgrounds:** A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

**Recreation Vehicle (RV) Parks:** A development designed specifically to accommodate recreation vehicles in which recreation vehicles and/or “park model” mobile homes are permanently sited and occupied year-round.

**Recreation Vehicle Unit:** Those units primarily designed as temporary living quarters for recreation, camping or travel use that either have their own mode of power or are mounted on or drawn by another vehicle:

1. “Travel trailer”: A vehicular portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight feet and a body length of no more than 35 feet when factory equipped.
2. “Camping trailer”: A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.
3. “Truck camper”: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.
4. “Motor home”: A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.
5. “Park Model RV/Mobile Home”: See Park Model RV (Park Trailer).

**Religious Establishments:** A building occupied by a religious organization operated for worship and related activities.

**Research, Development and Testing Laboratories:** An establishment engaged in research, development and testing.

**Residential Uses:** Activities within land areas used predominantly for housing. (9J-5.003 FAC)

**Resource Recovery:** The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission. (171.031 F.S.)

**Restaurant:** An eating and drinking establishment designed to serve customers foods and beverages which are consumed within the confines of the principal building itself.

**Right of Way:** Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use. (9J-5.003 FAC)

**Roadway:** A road, that includes streets, sidewalks, alleys, highways, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith. (334.03(18) F.S.)

**Roadway Functional Classification:** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads that may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. (9J-5.003 FAC)

**Sanitary Landfill:** includes the following types of facilities:

1. **Class I Sanitary Landfill:** a disposal facility which receives an average of 20 tons or more per day, if scales are available, or 50 cubic yards or more per day of solid waste, as measured in place after covering, and which receives an initial cover daily. Such sites shall receive an initial cover at the end of each working day in accordance with FAC Rule 17-701.050(6)(m). (171.031 F.S. and Rule 17.050, FAC)
2. **Class II Sanitary Landfill:** a disposal facility which receives an average of less than 50 cubic yards per day of solid waste, as measured in place after covering, and which receives an initial cover at least once every four days. If Class II sites receive sewage or industrial sludge, dead animals, rendering wastes, or other nuisance wastes, Class I covering frequency shall be required. (171.031 F.S. and Rule 17.050, FAC)
3. **Class III Sanitary Landfill:** a disposal facility which receives only trash or yard trash. Class III sites which are operated as trash facilities, based on site specific information, may be exempt from the liner and leachate and gas controls required in FAC Rule 17-701.050(5)(a), (b), (c), (d), (e), (f), (i), (j), and 6(i), and are required to apply initial cover once every week. In determining whether a Class III landfill qualifies for the exemptions from certain requirements of Rule 17-701.050, the FDEP shall consider the hydrogeology, types of waste, and methods used to control types of waste received for disposal. Class III sites which are operated as yard trash composing facilities are not required to apply initial cover and, additionally, are exempt from FAC Rules 17-701.050(3)(a) and (b), (4), (5), and (6)(a), (c)4., (d), (f), (h), (i), (j), (k), (l), (m), (n), and (o). If trash or yard trash is mixed with other types of solid waste, the disposal site shall be classified as a Class I or II landfill. (Rule 17.050, FAC).

**Sanitary Sewer Facilities:** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems. (9J-5.003 FAC)

**Seamstress/Tailor:** a person whose occupation is making or altering outer garments.

**Seasonal Population:** Part time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short term and long-term visitors. (9J-5.003 FAC)

**Secondhand Stores:** An establishment engaged in the retail selling of used merchandise and goods including clothing, furniture, books and similar miscellaneous used merchandise and goods. Secondhand stores may include repair departments.

**Septic Tank:** A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system. (10D-6 FAC)

**Setback:** The distance between a street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas except where otherwise restricted by this ordinance.

**Service Station:** See Minor Automotive Repairs.

**Services:** The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law. (9J-5.003 FAC)

**Shoe Repair:** the repairing of shoes.

**Signable area of a building:** A rectangular area on the façade of a building that is free of windows and doors or major architectural detail. Any portion of a roof less than 20 feet from the ground is included. Illustrations of signable areas are on file with the City and should be consulted before applying for the required sign permit.

**Sign Area:** The entire area within a continuous perimeter, and a single plane, composed of a square, circle or rectangle that encloses the extreme limit of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. The owner may not increase the allowed total area, but may sue more than one square, circle or rectangle in order to calculate the area. Sign area of a ground-mounted sign is the entire area of one side of such sign so that two sides that are back to back are counted only once.

**Sign:** Any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe, trademark or combination of these that shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, that are displayed in any manner whatsoever, that can be seen from the right-of-way of a public street or highway including permanent window signs placed inside windows but intended to attract attention of those outside in the public right-of-way.

**Sign, Abandoned:** A sign that no longer serves to advertise a bona fide business conducted, service performed or product sold.

**Sign, Ground-mounted:** Any sign that is supported by an upright, uprights or braces in or upon the ground.

**Sign, Permanent Window:** Any sign mounted on or inside of a window for permanent display to the public passerby outside the window.

**Sign, Portable:** Any sign, whether on its own trailer, wheels or otherwise, that is designed to be transported from one place to another.

**Sign, Nonconforming:** A sign not in compliance with these regulations and that has not received a special permit pursuant to Article 4 or extension of time pursuant to Article 4.

**Sign, Right-angle:** A sign that is affixed to any building wall or structure and extends more than 12 inches horizontally from the building wall.

**Site:** The location of a significant event, activity, building, structure, or archaeological resource.

**Site Development Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, reserved open spaces, buildings, major landscape features; both natural and man-made; the locations of proposed utility lines; and, other pertinent information, per Article 7, Section 7.05.00 of this code.

**Site Plan Review:** The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of land development regulations, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

**Sleeping Room:** A single room rented for living purposes but without cooking facilities or other amenities for separate and independent housekeeping. A sleeping room shall not be construed to mean a dwelling or sleeping unit.

**Sleeping Unit:** A single room or suite intended for occupancy by transient persons which are lodged with or without meals for compensation. A sleeping unit shall not be construed to mean a dwelling unit.

**Solar Energy System:** The equipment used for collecting, transferring, converting, storing, and/or using *solar* energy for the generation of electricity. Devices could include solar panels, films, shingles, or other solar components. The equipment could be used for water heating, space heating, cooling, or other applications that normally require an energy source and are located on the same property on which the *solar* energy is collected. A *solar* energy system may be mounted on the building or on the ground, and as deemed in these regulations, is not the principal use of the property but is an accessory to a private use.

**Solar Panel:** A device comprised of solar cells, also known as photovoltaic devices, which convert sunlight into electricity.

**Solar Power Generation Facility:** A type of electrical power generation facility which utilizes a collection of ground mounted solar panels to produce electricity for off-site use. These facilities are a principal use of a property and include directly associated transmission lines required to connect the solar power generation facility to an existing transmission network or rights-of-way. A solar power generation facility can also be known as a solar power plant, solar farm, or solar generation station.

**Solid Waste:** Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. (9J-5.003 FAC)

**Solid Waste Facilities:** Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems. (9J-5.003 FAC)

**Solid Waste Processing Plant:** A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal. (9J-5.003 FAC)

**Solid Waste Transfer Station:** A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal. (9J-5.003 FAC)

**Special Exception Use:** A use which is essential to or would promote the public health, safety, or welfare in one or more districts, but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in this ordinance.

No use shall be approved under this definition unless specifically listed as a special exception for a particular district in the table in Article 2, Table 2.05.01(A), Table of Land Uses.

**Special Transportation Services:** A means of transportation provided on a subsidized basis to transportation disadvantaged individuals by a public, private or non-profit organization, such as a bus company, a taxicab company, or a social service organization.

**Stormwater:** The flow of water that results from a rainfall event. (9J-5.003 FAC)

**Street:** A public access way 20 feet or more in width dedicated or otherwise having legal sanction for unlimited public use, includes the terms road, avenue, lane, boulevard, thoroughfare, highway, place, way, and terrace.

**Structure:** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land that can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. (380.031 F.S.)

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

**Surfaced in a Stable Manner:** The term “surfaced in a stable manner” shall mean hard penetration type asphalt or concrete with proper drainage and precluding excessive glare in a manner approved by the administrative official; except that areas of parking facilities utilized for parking spaces, excluding moving aisles, access roads and off-street parking appurtenances may be surfaced with materials such as wood chips, gravel, wood bark, synthetic materials, open web concrete blocks and other means; provided, however, the grade preparation and subgrade has not more than four-tenths percent grade and base soil will provide percolation.

**SWFWMD:** The Southwest Florida Water Management District.

**Swimming Pool:** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

**Tire and Automotive Accessory Establishments:** An establishment engaged in the selling of automobile tires, batteries and other new automobile parts and accessories, including installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal selling of tires and automotive accessories.

**Town House:** A design term, referring to the physical form of more than two single-family attached homes with a ground floor entry. A single-family dwelling unit forming one of a group of two (2) attached single-family dwellings, each built upon individual plot, separated by fire or party walls, which do not permit passage or visibility between units, with separate utilities and services provided for each unit. In a Planned-development Project, a town house may be a detached single-family dwelling utilizing a zero yare set-back on one side.

**25-Year Frequency, 24-Hour Duration Storm Event:** A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

**Urban Sprawl:** Scattered, untimely, poorly planned urban development that occurs in urban fringe areas and frequently invades land important for environmental and natural resource protection. Typically, urban sprawl is manifested in leap frog development, ribbon or strip development, or large expanses of low density single dimensional development.

**Utility/Light Pole Structures:** A utility transmission pole or structure, or a pole integrated into such structure, a lighting pole or structure, or any other such pole-like structure which, in addition to its utility or lighting function, can support one or more antennas.

**Variance:** A variance is an approved modification to the development standards established by this Code. A variance may only be granted for height, area, size of structure or size of yards and open spaces, or other dimensional requirements, and once granted runs with the land. See Article 7, Section 7.11.00.

**Vegetative Communities:** Ecological communities, such as coastal strands, oak hammocks, and cypress swamps, that are classified based on the presence of certain soils, vegetation and animals. (9J-5.003 FAC)

**Vehicle Dealer Establishments:** An establishment engaged in the selling of new and/or used vehicles and related new parts and accessories. Vehicle dealer establishments may include repair departments provide such repair departments are clearly incidental and accessory to the principal selling of vehicles.

**Vehicle Equipment Rental Establishments:** An establishment engaged in renting or leasing large equipment and machinery.

**Vehicle Parking Establishments:** An establishment engaged in providing commercial parking facilities on open air lost surfaced in a stable manner and/or structures for a fee or charge.

**Vehicle Rental Establishments:** An establishment engaged in renting or leasing of vehicles without drivers.

**Vehicle Repair Establishments:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work, that results in the fixing and repair of any kind of vehicle, including automobiles, boats, farm equipment, motorcycles and trucks. Included are: activities listed under Major and Minor Vehicle Repair, as well as removal and major overhaul of engines; transmissions and drive systems; all types of paint and body work; battery and ignition systems; radiators; repair and replacement of glass; and, general and specialized repairs.

**Vehicle Restoration/Antique or Classic (Private and “Not for Profit”):** Restoring of classic vehicles (more than 20 years old) or antique vehicles (more than 25 years old) by a private individual and “not for profit”. All activities must take place under cover. Stored vehicles must be screened. Vehicles may not be stored in front of the principal structure and must be setback ten feet from side and rear property lines. An individual, who is restoring a classic or antique vehicle, may have three inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.

**Vehicle Specialty Establishments:** An establishment engaged in the selling of new and/or used travel trailers, mobile homes, motorcycles and similar vehicle product specialties and related new parts and accessories within a building or on open air lots surfaced in a stable manner.

**Vested Right:** A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have vested before the change. If the right to complete the development was not vested, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with.

**Veterinarian and Animal Hospital Service Establishments:** An establishment, in which a person performs a type of labor, act or work that results in the medicine, dentistry, or surgery or similar animal hospital and veterinarian services. Veterinarian and animal hospital service establishments do not include animal specialty farms.

**Water Recharge Areas:** Land or water areas through which groundwater is replenished. (9J-5.003 FAC)

**Water Wells:** Wells excavated, drilled, dug or driven for the supply of industrial, agricultural or potable water for general public consumption. (9J-5.003 FAC)

**Wholesale and Storage Establishments:** An establishment engaged in the wholesaling of merchandise, products or materials in bulk quantities; or where merchandise, products or materials are stored or held for safekeeping until later disposal or distribution.

**Yard:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building except where specifically permitted by this ordinance. Yards are further defined as follows:

1. **Front yard:** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.
2. **Rear yard:** That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel lines tangent to the nearest part of the principal building.
3. **Side yards:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the principal building; provided, however, that overhanging eaves may extend two (2) feet into the required side yard.

**Zero Lot Line Development:** A development approach in which a building is sited on one lot line with no yard while retaining the other required yards. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

**Zoning Permit:** A permit, required by appropriate authority under the provisions of this ordinance, which authorized the excavation, construction or alteration of a structure and is required prior to

such construction or alteration, except for recurring maintenance work regardless of cost or the installation of required improvements according to an approved preliminary subdivision plat or an approved preliminary development plat including planned-development projects and special exception uses.

[RESERVED]

# *City of Fort Meade*



Unified Land Development  
Code  
Index

Index

A

*Access Point onto Streets*.....77  
*Access to Off-street Parking Spaces*.....78  
*Accessory Uses*.....60  
*Administrative Approval of Minor Field Adjustments*.....298  
*Adult Congregate Living Facility and Nursing Home*.....17  
*Adult Entertainment Establishments*.....23  
*AG Agriculture*.....34  
*Agricultural Uses and Limitations*.....19  
*Airport or Aviation Uses*.....134  
*Alleys*.....73  
*Allocation of Municipal Services*.....194  
    *Single Family Residential on Existing Lots*.....194  
    *Subdivisions*.....194  
*Animal Limitations*.....19  
*Antennas and Satellite Dishes*.....62  
*Applicability*.....3  
*As-built Elevations*.....173  
*Authority*.....3  
*Auto Salvage Yard*.....124  
*Automotive Sales*.....120

B

*Bed and Breakfast Inn*.....117  
*Bicycle Parking*.....83  
*Billboards*.....159  
*Blocks*.....75  
*Board of Adjustments and Appeals Functions, Powers and Duties*.....304  
*Boarding House*.....118,137  
*Buffer Yard Definition*.....105  
*Buffer Yard Width and Landscaping Requirements*.....105  
*Buffer Yards between Proposed Uses and Vacant Property*.....107  
*Building Official Responsibilities*.....296  
*Building Permit*.....297

C

*C-1 Neighborhood Commercial District*.....46  
*C-2 Commercial Corridor District*.....48  
*Canopy Trees*.....101  
*Canopy Trees Required*.....22  
*Canopy Trees Table*.....102  
*Certificate of Occupancy*.....298  
*City Commission Powers and Duties in the Areas of Development and Land Use Regulation*.....311  
*Classification of Land Uses*.....98  
*Clear Visibility Triangle*.....74  
*Cluster Development*.....116  
*Cluster/Zero Lot Line Development*.....268

|   |        |
|---|--------|
| <i>Code Enforcement Board Fines, Liens and Foreclosures</i> .....             | 310    |
| <i>Code Enforcement Board Powers and Duties</i> .....                         | 307    |
| <i>Code Enforcement Board Enforcement Procedures</i> .....                    | 309    |
| <i>Communication Antennas</i> .....   | 125    |
| <i>Communication Towers</i> .....   | 126    |
| <i>Compliance Options</i> .....   | 202    |
| <i>Comprehensive Plan Amendments</i> .....                                    | 215    |
| <i>Comprehensive Plan Amendments Statutory Requirements</i> .....             | 315    |
| <i>Comprehensive Plan Amendments, Small Scale</i> .....                       | 318    |
| <i>CON Conservation</i> .....   | 58     |
| <i>Concept Plan Review</i> .....  | 254    |
| <i>Concurrency</i> .....  | 189    |
| <i>Concurrency Management System</i> .....                                    | 191    |
| <i>Concurrency Test Statement</i> .....                                       | 191    |
| <i>Concurrency with Parks and Recreation</i> .....                            | 191    |
| <i>Concurrency with Potable Water, Sewer, Solid Waste, and Drainage</i> ..... | 189    |
| <i>Concurrency with Roads</i> .....   | 190    |
| <i>Conditional Use Permits</i> .....  | 272    |
| <i>Conditional Uses</i> .....   | 132    |
| <i>Conservation Easements</i> .....   | 185    |
| <i>Construction Disposal Sites</i> .....                                      | 134    |
| <i>Construction Inspection</i> .....  | 262    |
| <i>Construction Plans</i> .....   | 256    |
| <i>Construction Prior to Platting</i> .....                                   | 261    |
| <i>Corner Lots</i> .....  | 21, 76 |
| <i>Credits for Existing Trees Table</i> .....                                 | 101    |
| <i>Criteria for Designation of Historic Sites</i> .....                       | 11     |
| <i>Cul-de-sacs</i> .....  | 73     |

## D

|   |     |
|---|-----|
| <i>Dead Ends</i> .....  | 74  |
| <i>Demolition Debris Disposal Sites</i> .....                 | 134 |
| <i>Density Bonuses for Affordable Housing</i> .....           | 13  |
| <i>Detention and Retention Basins Access from Roads</i> ..... | 91  |
| <i>Detention and Retention Systems</i> .....                  | 90  |
| <i>Development Agreements</i> .....                           | 204 |
| <i>Development Boards</i> .....                               | 302 |
| <i>Development Director Administrative Approvals</i> .....    | 295 |
| <i>Development Director Duties</i> .....                      | 295 |
| <i>Development Order Revocation</i> .....                     | 300 |
| <i>Drive-in Facilities</i> .....                              | 78  |
| <i>Dust and Dirt</i> .....                                    | 94  |

## E

|  |         |
|--|---------|
| <i>EAR Report</i> .....                                      | 217     |
| <i>Educational/Cultural Facilities</i> .....                 | 131,150 |
| <i>Effective Date and Amendments</i> .....                   | 5       |
| <i>Election Signs</i> .....                                  | 164     |
| <i>Electricity, Communication and Cable Television</i> ..... | 87      |
| <i>Electromagnetic Radiation</i> .....                       | 95      |
| <i>Elevated Buildings</i> .....                              | 170     |

|   |     |
|---|-----|
| <i>Engineering Drawings</i> .....                                   | 262 |
| <i>Erosion Control</i> .....  | 184 |
| <i>Erosion Control after Construction</i> .....                     | 184 |
| <i>Erosion Control during Construction</i> .....                    | 184 |
| <i>Exactions and Dedications</i> .....                              | 208 |
| <br><i>F</i>  |     |
| <i>Fees</i> .....   | 319 |
| <i>Fence Height Limitations</i> .....                               | 18  |
| <i>Fertilizers, Herbicides, or Pesticides in a Wetland</i> .....    | 184 |
| <i>Fire and Safety Hazard</i> .....                                 | 95  |
| <i>Fire Hydrants</i> .....  | 87  |
| <i>Flea Market</i> .....  | 149 |
| <i>Flood Insurance Rate Map</i> .....                               | 169 |
| <i>Flood-Prone Areas</i> .....                                      | 169 |
| <i>Foster Home, Group Home, and Halfway House</i> .....             | 16  |
| <i>Front Yard Regulations for Double Facing Frontage Lots</i> ..... | 76  |
| <i>Front Yard Setbacks</i> .....                                    | 21  |
| <i>Fumes, Vapors and Gases</i> .....                                | 94  |
| <br><i>G</i>  |     |
| <i>Garage Apartment</i> .....                                       | 137 |
| <i>Garden Homes, Town or Row Houses</i> .....                       | 116 |
| <i>General Regulations for All Zoning Districts</i> .....           | 11  |
| <i>Glare</i> .....  | 94  |
| <i>Grass Seed</i> .....   | 100 |
| <i>Greenbelt Exemption</i> .....                                    | 19  |
| <br><i>H</i>  |     |
| <i>Hazardous Wastes</i> .....                                       | 94  |
| <i>Height Restrictions</i> .....                                    | 22  |
| <i>HIS Historic Downtown District</i> .....                         | 49  |
| <i>Historic Sites</i> .....   | 11  |
| <i>Historic Sites, new construction</i> .....                       | 12  |
| <i>Historic Structures, modification</i> .....                      | 12  |
| <i>Holiday Lights</i> .....   | 158 |
| <i>Home Occupations</i> .....                                       | 282 |
| <i>Hurricane Shelter</i> .....                                      | 114 |
| <br><i>I</i>  |     |
| <i>Illumination</i> .....   | 88  |
| <i>Incinerator</i> .....  | 134 |
| <i>Industrial Sewage and Waste</i> .....                            | 94  |
| <i>Installation of Plants</i> .....                                 | 98  |
| <i>Installation, Irrigation and Maintenance</i> .....               | 108 |
| <br><i>J</i>  |     |
| <i>Junkyard</i> .....   | 133 |
| <br><i>L</i>  |     |
| <i>Land Use Classifications Table</i> .....                         | 99  |

|  |     |
|--|-----|
| <i>Landscaping and Buffering Standards</i>   |     |
| <i>Exemptions</i> .....  | 97  |
| <i>Landfill Operations</i> .....   | 132 |
| <i>Landscape Plan Required</i> .....   | 98  |
| <i>Landscape Requirements between Proposed and Existing Land Uses</i> .....              | 106 |
| <i>Landscape Requirements between Proposed Land Uses and Vacant Property Table</i> ..... | 107 |
| <i>Landscaping and Buffering Standards</i> .....   | 97  |
| <i>Landscaping and Buffering Standards</i>   |     |
| <i>Applicability</i> .....   | 97  |
| <i>Levels of Service</i> .....   | 195 |
| <i>Lot Area Reduction</i> .....  | 76  |
| <i>Lot Line Setback</i> .....  | 21  |
| <i>Lot Size, Alteration</i> .....  | 18  |
| <i>Lots Divided by a Right-of-Way</i> .....  | 17  |

**M**

|  |          |
|--|----------|
| <i>M-1 Local Service Industry District</i> .....                             | 51       |
| <i>M-2 Industrial Park District</i> .....                                    | 52       |
| <i>Maintenance Guarantee</i> .....   | 262      |
| <i>Major Auto, Boat or Truck Repairs, No Sales</i> .....                     | 123, 148 |
| <i>Major Deviation from Development Permits and Development Orders</i> ..... | 299      |
| <i>MHP Mobile Home Park</i> .....  | 43       |
| <i>Mini-Warehouse</i> .....  | 119      |
| <i>Mobile Home Anchoring</i> .....   | 170      |
| <i>Mobile Home Park</i>  |          |
| <i>Hurricane Shelter</i> .....   | 114      |
| <i>Parking Space Requirement</i> .....                                       | 114      |
| <i>Mobile Home Park as a PUD</i> .....                                       | 115      |
| <i>Motor Vehicle Sales</i> .....   | 133      |
| <i>Moving of Buildings</i> .....   | 17       |
| <i>Mulch</i> .....   | 100      |

**N**

|  |     |
|--|-----|
| <i>Newspaper Racks</i> .....                   | 156 |
| <i>Noise</i> .....                             | 93  |
| <i>Nonconforming Mobile Home Parks</i> .....   | 288 |
| <i>Nonconforming Mobile Homes</i> .....        | 288 |
| <i>Nonconforming Towers and Antennas</i> ..... | 290 |
| <i>Nonconforming Uses Amortization</i> .....   | 288 |
| <i>Nonconformities</i> .....                   | 285 |

**O**

|  |        |
|--|--------|
| <i>Odors</i> .....   | 94     |
| <i>Off-Street Loading Requirements</i> .....   | 85     |
| <i>Off-Street Parking</i> .....  | 21, 24 |
| <i>Off-Street Parking and Loading</i> .....  | 80     |
| <i>Off-Street Parking Design Standards</i> .....   | 85     |
| <i>Off-Street Parking for the Physically Disabled</i> .....                                | 80     |
| <i>Off-Street Parking Spaces required for uses in Historic Structures Exceptions</i> ..... | 80     |

**P**

|   |          |
|---|----------|
| <i>P-1 Professional Office District</i> .....                               | 45       |
| <i>Palm Trees</i> .....   | 100      |
| <i>Parking Lot Improvements</i> .....                                       | 84       |
| <i>Parking of Boats and Recreational Vehicles</i> .....                     | 22, 83   |
| <i>Parking of Commercial Vehicles</i> .....                                 | 82       |
| <i>Parking of Commercial Vehicles in Residential Districts</i> .....        | 22       |
| <i>Parking Restrictions in Residential Districts</i> .....                  | 82       |
| <i>Parking Space Layout</i> .....   | 86       |
| <i>Parking Space Shade Requirement</i> .....                                | 101      |
| <i>Parking Spaces Location</i> .....  | 84       |
| <i>Parking Spaces Table</i> .....   | 81, 82   |
| <i>Pavement Widths</i> .....  | 73       |
| <i>PB Public Buildings District</i> .....                                   | 56       |
| <i>Penalties for Violation</i> .....  | 4        |
| <i>Performance Bond</i> .....   | 261      |
| <i>Plan Amendments Application</i> .....                                    | 216      |
| <i>Planned Unit Development (PUD)</i> .....                                 | 225      |
| <i>Planning Board Functions, Powers and Duties</i> .....                    | 302      |
| <i>Plat, Final</i> .....  | 263      |
| <i>Plats and Re-plats, Vacating</i> .....                                   | 266      |
| <i>Power Lines (High Voltage)</i> .....                                     | 150      |
| <i>PR Public Recreation District</i> .....                                  | 57       |
| <i>Pre-Application Conference</i> .....                                     | 215      |
| <i>Preliminary Subdivision Plat</i> .....                                   | 256      |
| <i>Previously Issued Development Orders</i> .....                           | 3        |
| <i>Principals of Development Design</i> .....                               | 71       |
| <i>Public Hearing (less than 10 acres) City Initiated Cases</i> .....       | 314      |
| <i>Public Hearing (less than 10 acres) Petitioner Initiated Cases</i> ..... | 314      |
| <i>Public Hearing Due Public Notice</i> .....                               | 314      |
| <i>Public Records</i> .....   | 319      |
| <i>Public Service Facilities</i> .....                                      | 125      |
| <i>PUDs, Development Within</i> .....                                       | 234      |
| <br><i>R</i>  |          |
| <i>R-1A Single Family Residential</i> .....                                 | 37       |
| <i>R-1B Single Family Residential</i> .....                                 | 39       |
| <i>R-1C Single Family Residential</i> .....                                 | 40       |
| <i>R-2 Multi-Family Residential</i> .....                                   | 42       |
| <i>Radioactive Emission</i> .....   | 93       |
| <i>Recreation, Indoor, Commercial</i> .....                                 | 119      |
| <i>Reducing Flood Hazards</i> .....   | 172      |
| <i>Responsibility for Improvements</i> .....                                | 71       |
| <i>Retail Commercial, Outdoor Storage</i> .....                             | 124, 148 |
| <i>Rezoning</i> .....   | 221      |
| <i>Right-of-Way Widths</i> .....  | 72       |
| <i>RV Campground Duration of Stay</i> .....                                 | 144      |
| <i>RV Park Duration of Stay</i> .....                                       | 144      |
| <i>RV Park/Campground</i> .....   | 138      |
| <i>Hurricane Shelter</i> .....  | 142      |

*S*

|   |          |
|---|----------|
| <i>Satellite Dishes</i> .....   | 62       |
| <i>Searchlights</i> .....   | 164      |
| <i>Service Station</i> .....  | 121      |
| <i>Service Station (Minor Repair, No Sales)</i> .....                   | 145      |
| <i>Setback Adjustments</i> .....  | 300      |
| <i>Shade Requirement</i> .....  | 101      |
| <i>Shallow Flooding Areas</i> .....                                     | 172      |
| <i>Shopping Center (&gt;150,000 SFGLA)</i> .....                        | 132      |
| <i>Shopping Center (150,000 SFGLA, or less)</i> .....                   | 120      |
| <i>Shrubs Table</i> .....   | 104      |
| <i>Side Yard Setbacks</i> .....   | 21       |
| <i>Sidewalks and Bikeways</i> .....                                     | 76       |
| <i>Sign Height Limit and Setback</i> .....                              | 156      |
| <i>Sign Permit Required</i> .....                                       | 156      |
| <i>Sign Product Names</i> .....   | 156      |
| <i>Sign Reader boards</i> .....   | 157      |
| <i>Signage and Signalization</i> .....                                  | 73       |
| <i>Signs</i> .....  | 155      |
| <i>Signs Identifying the Developer, Architect, Contractor</i> .....     | 158      |
| <i>Signs in Professional Districts</i> .....                            | 161      |
| <i>Signs Maintenance</i> .....  | 157      |
| <i>Signs on US 17, a divided highway</i> .....                          | 162      |
| <i>Signs, Colored Lights for Signs</i> .....                            | 157      |
| <i>Signs, Election Signs</i> .....                                      | 164      |
| <i>Signs, Engineering Plans Required for Large Signs</i> .....          | 157, 161 |
| <i>Signs, Exempted</i> .....  | 157      |
| <i>Signs, Home-based Occupation Signs</i> .....                         | 160      |
| <i>Signs, Industrial Signs</i> .....                                    | 163      |
| <i>Signs, Nonconforming</i> .....                                       | 164      |
| <i>Signs, On-Site Commercial Signs, Including Churches</i> .....        | 161      |
| <i>Signs, Pennants</i> .....  | 163      |
| <i>Signs, Permitted Signs</i> .....                                     | 160      |
| <i>Signs, Portable Signs</i> .....                                      | 159      |
| <i>Signs, Prohibited Signs</i> .....                                    | 159      |
| <i>Signs, Removable Signs</i> .....                                     | 157      |
| <i>Signs, Searchlights</i> .....  | 160      |
| <i>Signs, Special Event Signs</i> .....                                 | 163      |
| <i>Signs, Window Signs</i> .....  | 163      |
| <i>Site Development Plan</i> .....                                      | 245      |
| <i>Mobile Home Parks</i> .....  | 113      |
| <i>Site Development Plan Development Standards</i> .....                | 113      |
| <i>Site Development Plan, Contents of the Drawing</i> .....             | 248      |
| <i>Site Development Plan, Contents of the Written Application</i> ..... | 247      |
| <i>Smoke</i> .....  | 93       |
| <i>Soil Conservation Measures, Required</i> .....                       | 184      |
| <i>Special Exception</i> .....  | 137, 279 |
| <i>Stacking Lanes</i> .....   | 79       |
| <i>Stormwater and Drainage</i> .....                                    | 87       |
| <i>Stormwater Management</i> .....                                      | 89       |
| <i>Stormwater Management Dedication</i> .....                           | 91       |
| <i>Stormwater Management for Infill Development</i> .....               | 90       |

|   |     |
|---|-----|
| <i>Stormwater Management for New Construction</i> .....               | 90  |
| <i>Stormwater Management for Phased Developments</i> .....            | 92  |
| <i>Stormwater Management, Residential Performance Standards</i> ..... | 89  |
| <i>Stormwater Storage Required</i> .....                              | 170 |
| <i>Street Address Numbers</i> .....                                   | 156 |
| <i>Street Design Standards</i> .....                                  | 72  |
| <i>Subdivision Regulations</i> .....                                  | 253 |
| <i>Subdivisions, Minor, Administrative Approval</i> .....             | 255 |
| <i>Swimming Pools</i> .....   | 62  |

*T*

|   |        |
|---|--------|
| <i>Table of Development Standards</i> .....                                   | 32, 33 |
| <i>Table of Level of Service</i> .....  | 195    |
| <i>Temporary Mobile Home for Use during Construction of a Residence</i> ..... | 301    |
| <i>Temporary Office of Construction Trailer</i> .....                         | 300    |
| <i>Tents</i> .....  | 24     |
| <i>The Federal Emergency Management Agency (FEMA)</i> .....                   | 167    |
| <i>Transportation Systems</i> .....   | 71     |
| <i>Trees (Small) for Buffer Yards Table</i> .....                             | 101    |
| <i>Trees and Shrubs</i> .....   | 99     |
| <i>Trees and Shrubs, Existing and Preservation of</i> .....                   | 100    |
| <i>Trees, Credit for Existing Trees</i> .....                                 | 101    |

*U*

|  |     |
|--|-----|
| <i>Upland Zone Development Standards</i> ..... | 182 |
| <i>Utilities</i> .....                         | 87  |
| <i>Utilities Underground</i> .....             | 88  |
| <i>Utility Easements</i> .....                 | 88  |
| <i>Utility Easements Dedication</i> .....      | 209 |

*V*

|                                |     |
|--------------------------------|-----|
| <i>Variances</i> .....         | 283 |
| <i>Vegetated Buffers</i> ..... | 91  |
| <i>Vending Machines</i> .....  | 156 |
| <i>Vibration</i> .....         | 93  |
| <i>Vines</i> .....             | 100 |

*W*

|   |     |
|---|-----|
| <i>Waste and Emissions</i> .....                  | 94  |
| <i>Water and Sewer</i> .....                      | 87  |
| <i>Wetland Mitigation</i> .....                   | 183 |
| <i>Wetland Protection Zone</i> .....              | 180 |
| <i>Wetland Protection Zones Established</i> ..... | 180 |
| <i>Wetland Transitional Zone</i> .....            | 181 |
| <i>Wetland Vegetation Clearing</i> .....          | 184 |
| <i>Wetland Zone Development Standards</i> .....   | 180 |
| <i>Wetland Permit Exemptions</i> .....            | 181 |
| <i>Wetland Permits Required</i> .....             | 181 |
| <i>Wetlands Protection</i> .....                  | 179 |

*Y*

|  |    |
|--|----|
| <i>Yard Regulations of Corner Lots</i> ..... | 76 |
| <i>Yards and Lots</i> .....                  | 76 |

*Z*

|  |     |
|--|-----|
| <i>Zero Lot Line Development</i> .....                                 | 268 |
| <i>Zero Lot Line Homes and Z-Lot Development</i> .....                 | 116 |
| <i>Zoning District Summary Tables</i> .....                            | 25  |
| <i>Zoning Map</i> .....  | 312 |
| <i>Zoning Map Rules of Interpretation of District Boundaries</i> ..... | 312 |