ARTICLE SIX – PRIME NATURAL GROUNDWATER AQUIFER RECHARGE AND POTABLE WATER WELL-FIELD REGULATIONS

Sec. 6.1. Prime natural groundwater aquifer recharge protection.

6.1.1. Prime natural groundwater aquifer recharge areas.

For the purposes of these land development regulations prime natural groundwater aquifer recharge areas are defined by the water management district and shown on the City's comprehensive plan.

6.1.2. Prime natural groundwater aquifer recharge area requirements.

Within areas designated as prime natural groundwater aquifer recharge areas proposed development shall comply with the following:

1. Stormwater management practices in close proximity to drainage wells and sinkholes shall ensure that stormwater is appropriately treated prior to any discharge taking place into said drainage well or sinkhole. The site and development plan shall clearly indicate that the proposed stormwater disposal methods meet requirements established in article 7 herein;
2. Well construction, modification, or closure shall be regulated in accordance with the Florida Statutes and the criteria, determinations and/or permitting established through the applicable water management district office;
3. Abandoned wells shall be closed in accordance with criteria established by F.A.C. Ch. 17-28, as amended;
4. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in section 2.1 of these land development regulations (or as listed in F.S. Ch. 442, as amended), to the soils, groundwater, or surface water of any prime natural groundwater aquifer recharge area;
5. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system within a prime natural groundwater recharge area except as necessary for maintenance or testing of those components; and
6. Landfill and storage facilities for hazardous/toxic wastes shall require approval as a special exception by the Board of Adjustment in accordance with article 12.

Sec. 6.2. Potable water well-field protection area.

6.2.1. Purpose and intent.

The purpose and intent of this section is to protect the health and welfare of the residents and visitors of the City of Live Oak by providing standards for regulating deleterious substances, materials and contaminants, and by regulating the design, location and operation of activities which may impair existing and future public potable water supply wells.

6.2.2. Applicability.

This section shall apply to all locations within the incorporated area of the City of Live Oak. The provisions shall set restrictions, constraints and prohibitions to protect existing and future public potable water supply wells from degradation by contamination from deleterious substances and materials.

6.2.3. Definitions.

Community water system.
The community water system includes any current or established wellhead which serves the public utility system of the City of Live Oak, Florida, or the parcel boundaries of any parcel site so adopted by the City Council by resolution as a potential location for future public well-field(s).

6.2.4. Well-field protection area.

A well-field protection area shall be established: As a minimum 500 foot extension outward from all existing or established wellheads, and, as a minimum 500 foot extension outward from all parcel boundaries of sites adopted by the City Council by resolution designated as a potential location for future public well-field community water systems.

6.2.5. Protection of future public water supply wells.

The prohibitions and restrictions set forth in this section and any regulations promulgated pursuant hereto, shall apply to any future public potable water supply well sites adopted by the City Council by resolution.

6.2.6. Regulated area maps.

The official Water-well map of the Comprehensive Plan, combined with locations named by any intermediate resolution adopted by the City Council, shall illustrate existing and future community water systems public potable community water systems and supply wells.

6.2.7. Restrictions on issuance of permits and licenses for new activities.

The following standards and restrictions shall apply for the issuance of development orders, permits or licenses for structures or uses located wholly or partially within a well-field protection area:

6.2.7.1. Every application for a development permit shall indicate whether or not the property or any portion thereof, lies within a well-field protection area.

6.2.7.2. Every application for development permit which involves property located wholly or partially within a well-field protection area shall be reviewed by the following City Departments: Building, Planning and Zoning, and Public Works. Once all departments have reviewed the development, a notice as to whether or not the proposed use or activity meets the requirements of this section shall be issued.

6.2.7.3. No development order for any activity regulated by this section shall be issued that is contrary to the restrictions and provisions provided in this section. A development order issued in violation of this section shall confer no right or privilege on the grantee and such invalid permit will not vest rights.

6.2.7.4. New Uses.

No new uses of land, except as otherwise provided for, shall be permitted which require or involve storage, use or manufacture of regulated materials as defined in section 2.1 herein.

6.2.7.5. Limitation on new wells.
No new wells shall be permitted for construction in a Surficial, Intermediate, or Floridan Aquifer System.

Exemptions approved by the City Council, after recommendation by the Planning and Zoning Board, may be granted on a case-by-case basis and shall be limited to:

1. Wells constructed by the City as part of a monitoring system surrounding the well-field , including new construction or repair of the well-field production wells, or other well construction or modification required in the operations of a City water treatment plant.
2. Wells constructed as part of a City/Florida Department of Environmental Regulation-approved contaminant assessment/remediation plan where groundwater contamination has been identified or is suspected.
3. Wells constructed for private water supply in locations where the cost of connection to a public water utility would exceed the cost of the proposed private supply well and pumping system by a factor of 2 1/2 times.
4. Geotechnical borings constructed in the Surficial Aquifer System.

6.2.7.6. Temporary storage permit.
A temporary permit approval shall be required for the temporary storage of regulated materials in containers or tanks exceeding 50 gallons aggregate volume for use in normal agricultural or forestry practices and in construction activities within the well-field protection area. The temporary permit procedure shall consist of application to the Planning and Zoning Board for the proposed activity requiring temporary hazardous material storage. The application shall be made on City forms and shall include details of the proposed activity, a schedule of activity, types and quantities of regulated materials to be stored, and a plan for monitoring and remedial action, where necessary, as determined by the City Council. Following a recommendation of the Planning and Zoning Board on the application for temporary permit, the City Council shall approve, approve with conditions, or deny the application.

6.2.7.7. Nonresidential use of regulated materials.
If a nonresidential building proposes to contain, use, handle or store regulated substances and materials and is located partially within a protection area, then the entire building shall be governed by the restrictions applicable to that area or to the more restrictive area.

6.2.8. Exemptions.

The following shall be exempt from the requirements of this section to the extent indicated.

6.2.8.1. Material exemptions.
The City Council, after review and recommendation by the Planning and Zoning Board, may exempt a material from the requirements of these land development regulations if, in the opinion of the City Council, it has been demonstrated that the material, in the quantity and/or solution handled or the conditions under which it is stored, does not present a significant actual or potential hazard to the contamination of groundwater in case of discharge.

6.2.8.2. Previous approvals and development projects which are exempt from the provisions of the LDR. General approval for uses authorized within specific Zoning districts shall not, however, constitute authorization for specific uses.

6.2.8.3. Vehicular fuel and lubricant use.
The use of any regulated substance or material solely as operating fuel in a vehicle or as a lubricant in that vehicle shall be exempt from the provisions of this section.

6.2.8.4. Pesticides, herbicides, fungicides and rodenticides.
The application of substances used as pesticides, herbicides, fungicides and rodenticides in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this section provided that:

6.2.8.4.1. In all regulated areas the application is in strict conformity with the use requirement as set forth in the substances' EPA registries as is indicated on the containers in which the substances are sold; and

6.2.8.4.2. In all regulated areas the application is in strict conformity with the requirements as set forth in F.S. Chs. 482 and 487, and F.A.C. Chs. 5E-2 and 5E-9. This exemption only applies to the application of pesticides, herbicides, fungicides and rodenticides.

6.2.8.5. Retail sales activities.
Retail sales establishments in regulated areas that store and handle regulated materials for resale in their original unopened containers shall be exempt from the prohibitions as set forth in this section.

6.2.9. Prohibited activities within regulated areas.

6.2.9.1. Regulated materials.
Non-residential activities, other than retail sales exempted by section 6.2.8.5., which store, handle, produce or use any regulated substance or material within the well-field protection area, shall be prohibited.

6.2.9.2. Septic tanks.
New septic tank waste water treatment systems shall be prohibited within the well-field protection area.

6.2.9.3. Stormwater retention/detention areas.
Stormwater retention/detention areas (wet), as defined by the Suwannee River Water Management District, shall not be located within the well-field protection area.

6.2.9.4. Wastewater effluent discharges.
Wastewater treatment plant effluent discharges, including but not limited to, percolation ponds, surface water discharge, or drain fields, shall not be located within the well-field protection area.

6.2.9.5. Negative water supply impacts.
No development shall be approved that negatively impacts the water resources of adjoining property owners, wetlands or lakes. Impacts shall include potential supply limitations by excessive drawdown or other quality problems.

6.2.9.6. Discharge prohibited.

No person shall discharge or cause to or permit the discharge of a regulated material, as defined in section 2.1 of these land development regulations, or within F.S. Ch. 442, as amended, to the soils, groundwater, or surface water of any well-field protection area.

6.2.9.7. Landfills prohibited.
New sanitary landfills, as defined by F.A.C. Ch. 17-7, as amended, shall be prohibited within well-field protection areas.

6.2.9.8. Sanitary sewer plants prohibited.
New domestic and/or industrial waste water treatment facilities shall be prohibited within well-field protection areas.

6.2.9.9. Mines and excavation of waterways or drainage facilities prohibited.
Mines and excavation of waterways or drainage facilities which intersect the water table are prohibited within well-field protection areas.

6.2.9.10. Bulk storage, agricultural chemicals, feedlots or other animal facilities prohibited.
Bulk storage, agricultural chemicals, feedlots or other animal facilities are prohibited within well-field protection areas.

6.2.9.11. Transportation of regulated materials.
Transportation of regulated materials is prohibited within the well-field protection area except local traffic serving facilities in the well-field protection area.

6.2.10. Procedural requirements.

The following shall be submitted by the applicant concurrent with any plans for development located within regulated areas:

6.2.10.1. Source of water for irrigation.

6.2.10.2. Existing and proposed wells for potable or irrigational use on all plans submitted for review.

6.2.10.3. A demonstration that potable and/or non-potable wells will not cause adverse impacts to wetlands, lakes or other well-fields by performing a computer model analysis of the groundwater in the Surficial Aquifer. This shall include a simulation of the drawdown of all the proposed wells pumping during a ninety-day drought period.

6.2.10.4. Nature and extent of proposed water conservation measures.

6.2.11. Inspections.

6.2.11.1. City personnel or designated inspectors are hereby authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this section including nonresidential buildings, structures and land within well-field protection areas in the City in order to determine if applicable provisions of the City Code relating to well-field protection are being followed.

6.2.11.2. Any person subject to this section shall be liable for any damage caused by a regulated substance or material present on or emanating from the person's property, for all costs of removal or

remedial action incurred by the City, and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss resulting from the release or threatened release of a regulated substance. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of ground water, monitoring, containment and clean-up or disposal of regulated substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any regulated substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

6.2.11.3. A notice to cease a land use or activity or an exemption issued under this section, shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local code, regulation, rule, ordinance or requirement. Nor shall said notice or exemption relieve any owner or operator of any liability for violation of such codes, regulations, rules, ordinances or requirements.

ARTICLE SEVEN – STORMWATER MANAGEMENT REGULATIONS

Sec. 7.1. Relationship to other stormwater management requirements.

7.1.1. General. In addition to meeting the requirements of these land development regulations, the design and performance of stormwater management systems shall comply with standards in F.A.C. Ch. 17-25, as amended (Rules of the Florida Department of Environmental Regulation) and F.A.C. Ch. 40B-4, (Rules of the Water Management District). In all cases the strictest of the applicable standards shall apply.

Sec. 7.2. Exemptions.

7.2.1. General exemptions.
The following development activities are exempt from these land development regulations except that steps to control runoff (see section 7.3), erosion and sedimentation shall be taken for all development.

1. The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture, provided [that] no obstruction or impoundment of surface water will take place. Also, the construction, maintenance, and operation of self-contained agricultural drainage systems provided adjacent properties will not be impacted and sound engineering practices are followed.
2. Facilities for agricultural lands provided those facilities are part of a water management district approved conservation plan. However, if the conservation plan is not implemented according to its terms, this exemption shall be void.
3. Facilities for silvicultural lands provided the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, Revision Map 1990, published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry, as amended.
4. The construction, alteration, or maintenance of a single-family dwelling, duplex, triplex, quadraplex or agricultural building of less than ten acres total land areas and provided the total impervious area is less than two acres (i.e., dwelling unit, barn, driveways, etc.).
5. The connection of a stormwater management system to an existing permitted stormwater management system, provided [that] the existing stormwater management system has been designed to accommodate the proposed system.
6. The placement of culverts whose sole purpose is to convey sheet flow when an existing stormwater management facility is being repaired or maintained, provided [that] the culvert is not placed in a stream or wetland.
7. Existing stormwater management systems that are operated and maintained properly and which pose no threat to public health and safety.

8. Connections to existing stormwater management systems that are owned, operated, and maintained by a public entity, provided [that] the proposed connections comply with a stormwater management plan compatible with the water management district requirements.
9. Development activity within a subdivision if each of the following conditions have been met:
    a. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a preliminary or final plat or development plan; and
    b. Development is conducted in accordance with approved stormwater management provisions submitted with the construction plan.
10. Action taken under emergency conditions to prevent imminent harm or danger to persons or to protect property from imminent fire, violent storms, hurricanes, or other hazards. A report of the emergency action shall be made to the city council and water management district as soon as practicable.

Sec. 7.3. Stormwater management requirements.

7.3.1. Natural drainage system utilized to extent feasible.
To the extent practicable, development shall conform with the natural contours of the land, and natural and pre-existing manmade drainage ways shall remain undisturbed.

7.3.2. Lot boundaries.
To the extent practicable, lot boundaries shall coincide with natural and pre-existing manmade drainage ways within subdivisions to avoid creating lots that can be built upon only by altering such drainage ways.

7.3.3. Developments must drain properly.
Developments shall be provided with a drainage system that is adequate to prevent undue retention of stormwater on the development site. Stormwater shall not be regarded as unduly retained if:

1. Retention results from a technique, practice or device deliberately installed as part of a sedimentation or stormwater runoff control plan approved by the water management district; or
2. Retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage unless such retention presents a danger to health or safety.

7.3.4. Stormwater management general.
Developments shall be constructed and maintained so that post-development runoff rates and pollutant loads do not exceed pre-development conditions. 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-half inch of stormwater runoff shall be treated in an off line retention system or according to other best management practices described in the water management district's Surface Water Management Permitting Manual, as amended. More specifically:

1. No development may be constructed or maintained that impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial damage to such higher adjacent properties; and

2. No development may be constructed or maintained so that stormwaters from such development are collected and channeled onto lower adjacent properties.

7.3.5. Sedimentation and erosion control.

Final plat approval for subdivisions may not be given with respect to development that would cause land disturbing activity subject to the jurisdiction of the water management district unless the water management district has certified to the city either that:

1. The proposed construction plans are approved for permitting by the water management district; or
2. The water management district has examined the preliminary plat for the subdivision, and it reasonably appears that permits for such subdivision improvements can be approved upon submission of the subdivider of construction plans. However, construction of the development may not begin until the water management district issues its permit.

For the purposes of this section, land disturbing activity means:

1. Use of the land in residential, industrial, educational, institutional, or commercial development, or
2. Street construction and maintenance that results in a change in the natural cover or topography or causes or contributes to sedimentation.

7.3.6. Water quality.

The proposed development and development activity shall not violate the water quality standards of F.A.C. Ch. 17-3, as amended.

7.3.7. Design standards.

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

1. Detention and retention systems shall be designed in conformance with the water management district's Surface Water Management Permitting Manual, as amended.
2. Natural systems shall be used to accommodate stormwater to the maximum extent practicable.
3. The proposed stormwater management system shall be designed to accommodate stormwater that both originates within the development and that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.
5. Design and construction of the proposed stormwater management system shall be certified as meeting the requirements of these land development regulations and the water management district's Surface Water Permitting Manual, as amended, by a professional engineer, architect, or landscape architect, registered in the State of Florida.
6. No stormwater may be channeled or directed into a sanitary sewer.
7. The proposed stormwater management system shall coordinate with and connect to the drainage systems or drainageways on surrounding properties or roads where practicable.
8. Use of drainage swales rather than curb and gutter and storm sewers in a subdivision is provided for in article 5 of these land development regulations. Private roads and access ways within

unsubdivided developments shall use curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

9. Stormwater management systems shall be designed and constructed to provide retention of run-off volumes such that the peak discharge from the developed site shall not exceed the equivalent peak discharge from the natural or undeveloped site.
10. The city council may require water retention areas to be fenced and screened by trees or shrubbery.
11. In areas where high groundwater and other conditions exist and it is deemed necessary by the city council, subsurface drainage facilities shall be installed. If a wearing surface (see article 5 of these land development regulations) is required over a subsurface drainage facility, the subsurface drainage facility shall be installed by the subdivider prior to the paving of the street.
12. Required improvements shall be installed so as to maintain natural watercourses.
13. Construction specifications for drainage swales, curbs and gutters are contained in article 5 and Appendix A of these land development regulations.
14. The banks of detention and retention areas shall be sloped to accommodate and shall be planted with vegetation which will maintain the integrity of the bank.
15. Dredging, clearing of vegetation, depending, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be minimized.
16. Natural surface water shall not be used as sediment traps during or after development.
17. For aesthetic reasons and to increase shoreline habitat, shorelines of detention and retention areas shall be curving rather than straight where practicable.
18. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development, if any.
19. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or manmade surface waters.
20. In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by these land development regulations.
21. Detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

Sec. 7.4. Dedication or maintenance of stormwater management systems.

7.4.1. Dedication.

If a stormwater management system approved under these land development regulations will function as an integral part of the city's system, as determined by the city council, the facilities shall be dedicated to the city.

7.4.2. Maintenance by an acceptable entity.

Stormwater management systems that are not dedicated to the city shall be operated and maintained by one of the following entities:

1. A local governmental unit including a school board, special district or other governmental unit.
2. A regional water management agency or an active water control district created pursuant to F.S. Ch. 298, as amended, or drainage district created by special act, or special assessment district created pursuant to F.S. Ch. 170, as amended.
3. A state or federal agency.
4. An officially franchised, licensed, or approved communication, water, sewer, electrical or other public utility.
5. The property owner or developer if:
    a. Written proof as submitted in the appropriate form by either letter or resolution that a governmental entity, as set forth in paragraphs 1--3 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
    b. A surety bond or other assurance of continued financial capacity to operate and maintain the system is submitted to and approved by the city council. The developer shall maintain and repair all improvements which these stormwater management regulations require the developer to construct. The developer shall post a maintenance bond to cover at least ten percent of the estimated costs of all required stormwater improvements (See Appendix A).
6. For-profit or nonprofit corporations, including homeowners associations, property owners associations, condominium owners associations or master associations, if:
    a. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the city, whereby the entity affirmatively takes responsibility for the operation and maintenance of the stormwater management facility.
    b. The association has sufficient powers reflected in its organizational or operational documents to:
        (1) Operate and maintain the stormwater management system as permitted by the water management district.
        (2) Establish rules and regulations.
        (3) Assess members.
        (4) Contract for services.
        (5) 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.

7.4.3. Phased projects.

If a project is to be constructed in phases and subsequent phases will use the same stormwater management systems as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project. In phased developments that have an integrated stormwater management system but which employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities should any entity fail to maintain a portion of the stormwater management system within the project.

7.4.4. Applicant as acceptable entity. 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.

ARTICLE EIGHT – FLOOD DAMAGE PREVENTION REGULATIONS

Sec. 8.1. Standards for reducing flood hazards in the area of special flood hazard.

The standards in the article apply to all development within the areas of special flood hazard as shown in the city's flood insurance rate map.
For the purposes of this section, "substantial improvement" means for a building constructed prior to the effective date of these land development regulations, any repair, reconstruction, or improvement of a building the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs which the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to insure safe living conditions, or
2. Any alteration of a building listed on the National Register of Historic Places or the state inventory of historic places.

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to

ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
9. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of these land development regulations shall meet the requirements of "new construction" as defined in section 2.1.
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this article shall be undertaken only if said nonconformity is not furthered, extended or replaced.

Sec. 8.2. Standards for residential construction.

New construction or substantial improvement of any residential structure shall have the lowest floor, including a basement as defined within section 2.1 of these land development regulations, elevated no lower than one foot above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards herein.

Sec. 8.3. Standards for nonresidential construction.

New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including [the] basement, elevated no lower than one foot above the level of the base flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied.

Sec. 8.4. Standards for elevated buildings.

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood 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.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    a. Provide a minimum two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    b. The bottom of all openings shall be no higher than one foot above grade; and
    c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
2. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
3. Access to the enclosed areas shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Sec. 8.5. Standards for floodways.

Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and which has erosion potential, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article;
3. Prohibit the placement of manufactured homes, except in existing manufactured home parks or subdivisions which existed prior to the adoption of these land development regulations. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards established herein are met.

Sec. 8.6. Standards for streams without established base flood elevations and/or floodways.

Within areas of special flood hazard where small streams exist, but where no base flood data have been provided or where no floodways have been provided, the following provisions shall apply:

1. Where a perennial stream or creek is located, no encroachments, including fill material or buildings, 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 50 feet, whichever is greater;
2. No encroachments, including fill material or structures, shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms with standard hydraulic engineering principles.

Sec. 8.7. Standards for unnumbered A zones.

Within the A zone areas of special flood hazard, areas denoted with the letter "A" with no suffix are referred to as "unnumbered A zones" and are areas where special flood hazards exist but where no base flood data has been provided. The following provisions apply:

1. No encroachments, including fill material or structures, shall be located within areas of special flood hazard unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms with standard hydraulic engineering principles;
2. At a minimum, 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 50 feet, whichever is greater;
3. New construction or substantial improvements of buildings or manufactured homes shall be elevated or floodproofed in accordance with the design standards of this article to:
   a. Elevate structure to one foot above an elevation established in accordance with the best available data of such agencies as the United States Army Corps of Engineers or water management district; or
   b. At least five feet above highest adjacent natural grade.
4. For all development projects, including manufactured home parks and subdivisions greater than five acres or 50 lots, whichever is lesser, base flood elevation information shall be provided in accordance with this article as part of the development proposal; and
5. Accessory or temporary structures shall be permitted as provided within this article.

Sec. 8.8. Standards for areas of shallow flooding.

The following standards apply to areas of shallow flooding located within the area of special flood hazard:

1. The lowest floor of all new construction of and substantial improvements to residential structures shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the flood insurance rate map (at least two feet if no depth number is specified).
2. The lowest floor of all new construction of and substantial improvements to nonresidential structures shall:
   a. Have the lowest floor, including [the] basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including [the] basement, shall be elevated at least two feet above the highest adjacent grade; or
   b. Together with attendant utility and sanitary facilities be completely floodproofed to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Sec. 8.9. Required floor elevation.

No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including any portion of the structure below grade) of the building or improvement is elevated to one foot above the base flood level.

1. Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
2. Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half-inch bolts six feet on center with a minimum of two per side with a force adequate to secure the building is required.

Sec. 8.10. Exemptions from the general standards of this article.

Structures that represent a minimal investment and that are subordinate to an accessory to the primary structure or of a temporary nature, may be exempted from the general standards of this article, provided [that] the following criteria are met:

1. The structure is not used for human habitation.
2. The structure is designed and constructed so as to have a low potential for damage during a flood (e.g. using flood-resistant materials).
3. The structure shall be located on the building site so as to offer the minimum resistance to the flood of floodwaters.
4. The structure is firmly anchored to prevent flotation per the provisions of this article.
5. All electrical service, heating/cooling equipment, and other mechanical or electrical equipment is either elevated above the required elevation of this article or is floodproofed.
6. A temporary structure, such as fruit stands and construction site offices, may remain on the property for not more than 180 days if the structure is mobile, or can be made so, and is capable of being removed from the site with a minimum of four hours warning. The temporary nature of the structure shall be clearly marked on the face of the permit and shall clearly show the expiration date. In addition, a plan for the removal of the structure, providing contacts and the name of individuals responsible for removal of the structure shall be on file with the land development regulation administrator for a period of not less than five years of issue.

Sec. 8.11. Manufactured home criteria.

Notwithstanding any other provision of these land development regulations, no manufactured home may be located within that portion of the floodplain outside of the floodway unless the following criteria are met:

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, shall meet all requirements for new construction including elevation and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision shall be elevated so that:

a. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation on a permanent foundation;
b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at lease an equivalent strength, of no less than 36 inches in height above grade;
c. The manufactured home is securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; or
d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of flood, any manufactured home placed or substantially improved meets the standards of this article.

3. All recreational vehicles placed on sites shall either:
   a. Be fully licensed and ready for highway use; or
   b. Meet all requirements for new construction including anchoring and elevation requirements of this article.

A recreational vehicle is read for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

Sec. 8.12. Stabilization of slopes.

Where a portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

Sec. 8.13. Special provisions for subdivisions.

An applicant requesting the plat approval of a major or minor subdivision shall be informed by the land development regulations administrator of the use and condition restrictions contained within this article and article 5 of these land development regulations. Lands which lie within any "flood hazard area" as shown on the Federal Emergency Management Agency, official flood maps, shall be subdivided and developed only if:

1. All such proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and/or constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. New or replacement water supply systems and/or sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
5. All preliminary subdivision plats shall identify any areas of special flood hazard and the elevation of the base flood.
6. All final subdivision plats shall identify the elevation of proposed structures and pads and the site is filled above base flood, the final pad elevation is certified by a professional engineer or surveyor.

7. Each lot includes a site suitable for constructing a structure in conformity with the standards of articles 7 and 8 of these land development regulations.
8. All agreements for deed, purchase agreements, leases or other contracts for sale or exchange of lots within an area of special flood hazard and all instruments conveying title to lots within an area of special flood hazard prominently publish the following flood hazard warning in the document:

FLOOD HAZARD WARNING

This property may be subject to flooding. You should contact the city land development regulation administrator and obtain the latest information about flood elevations and restrictions before making plans for the use of this property.

Sec. 8.14. Water supply and sanitary sewer systems in floodways and floodplains.

Whenever any portion of a proposed development is located within a floodway or floodplain, the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation and the water management district shall be informed by the subdivider that a specified area within the development lies within a floodway or floodplain. Thereafter, approval of the proposed systems by such agencies shall constitute a certification that:

1. Such water supply system is designed to minimize or eliminate infiltration of floodwaters into it.
2. Such sanitary sewer system is designed to eliminate infiltration of floodwaters into it and discharges from it into floodwaters.
3. Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

Sec. 8.15. Additional duties of the land development regulation administrator related to flood insurance and flood control.

The land development regulation administrator shall:

1. For the purpose of the determination of applicable flood insurance risk premium rates within zone A on the city's flood insurance rate map published by the Federal Emergency Management Agency:
   a. Obtain from the applicant the elevation, which is certified by a registered professional engineer or surveyor (in relation to mean sea level) of the lowest habitable floor (including any portion of the structure below grade) of all new or substantially improved structures; and
   b. Obtain, from the applicant for all structures that have been floodproofed (whether or not such structures contain a portion which is below grade), the elevation, which is certified by a registered professional engineer or surveyor, (in relation to mean sea level) to which the structure was floodproofed.
2. Notify, in riverine situations, adjacent communities, the local district office of the United States Army Corps of Engineers, the State of Florida National Flood Insurance Program Coordinating Office (Florida Department of Community Affairs), the regional planning council and the water management district prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator.

3. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
4. Advised the applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, inform applicant of such permit requirements.
5. Verify actual elevation (in relation to mean sea level) of the lowest floor (including basements of all new or substantially improved structures) is in accordance with these land development regulations.
6. Verify actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed are in accordance with these land development regulations. Include the certification by professional engineer or architect of compliance in the record of the application.
7. Decide boundaries of areas of special flood hazard where mapped boundaries conflict with actual field conditions. Such decision may be appealed in accordance with these land development regulations.
8. Utilize the best available base flood elevation data for instances in which such data is not provided in accordance with these land development regulations. Base flood elevation data shall be provided for subdivision proposals and other proposed development in excess of 50 lots or five acres.
9. Maintain records, available for public inspection, in the office of the land development regulation administrator.

Sec. 8.16. Location of boundaries of floodplain and floodway districts.

As used in this article, the terms "floodplain" and "floodway" refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms in section 2.1.

ARTICLE NINE – HOUSING REGULATIONS AND CODE

9.1. Findings of fact and declaration of necessity.

The city council finds the following:

1. *Existence of conditions.* Premises exist and continue to be established within the city containing blighted dwellings or other structures intended for human habitation, and such dwellings or other structures are blighted because of faulty or undesired design, placement, construction or other factors, or failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate heat, light or ventilation, or improper management, or any combination of these factors, as a result of which such buildings or structures are or have become deteriorated, dilapidated, neglected, overcrowded with occupants or unsanitary as to be unfit for human habitation, thereby imperiling the health, safety or welfare of the occupants thereof or the inhabitants of the surrounding area.

2. *Results if conditions uncorrected.* Such blighted premises, dwellings and other blighted buildings or other structures contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas; and conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services.

3. *Necessity to protect public health, safety and welfare.* The enactment of this article is necessary to protect the public health, safety and welfare of the people of the city by establishing minimum standards governing the facilities, utilities, occupancy, construction, establishment, relocation, repair and maintenance of buildings and grounds used or intended for human habitation.

4. *Remedial application.* This article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes of public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or building, structures or premises used as such. Additionally, it is determined that review and regulations of site development and property line requirements, onsite siting requirements, subdivision control, and review and regulation of architectural and aesthetic requirements for all housing constructed, established, replaced or relocated within or to the city is necessary and appropriate to further the objectives, goals and policies for community planning to promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general

welfare of the City.

9.2. Applicability; violation.

Except as otherwise more restrictive in this Article, other applicable Articles of the LDR, and other applicable local, state, federal laws or regulations, the International Property Maintenance Code, 2003 Edition, as may be amended, shall apply to all existing and proposed residential buildings, structures, and premises and constitute the minimum requirements and standards for such building, structures, and premises. Any person violating the provisions of the International Property Maintenance Code shall be in violation of these Land Development Regulations.

9.3. Maintenance.

1. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Property Maintenance Code shall be the minimum requirements in a building regardless of when erected, altered or repaired, and shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this article.

2. It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage or repair of any inoperable motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the enforcement official.

3. Occupancy and utility related inspections for required maintenance and minimum housing standards shall also include compliance with the following:

    a. House numbers must be posted, placed above or on the door or wall that is most visible from the street upon which such building fronts and is addressed off of. Numerals must be at least 4 inches tall and not hand written.
    b. All doors must be functioning and able to be opened and closed. They cannot be nailed or screwed shut.
    c. All windows must be functioning and able to be opened and closed. They cannot be nailed or screwed shut. All cracked or broken panes must be replaced.
    d. The roof is found to be in good condition – no leaks, loose shingles, or loose metal.
    e. The general condition of the property has been maintained with no trash or overgrown grass.
    f. If a manufactured home, there shall be found a black real property (RP) or a current annual registration sticker affixed to an exterior window as required.

9.4. Housing Standards.

In order to insure that appropriate and consistent architectural and site development elements and standards are in place, and that dwelling units have properly maintained and refurbished or upgraded habitable living areas, the following standards are to be applied and enforced uniformly, without distinctions as to whether such housing is manufactured, modular, mobile, located in a mobile/manufactured home park or subdivision, or built in a conventional manner, subject to specific allowances according to the zoning district assigned to the subject property.

Effective at the date the ordinance is adopted containing this amendment, all types of single-family, duplex and multi-family housing sought to be newly constructed, established, replaced or relocated in or to the city, for which by said date, a current and/or active building permit has not been issued by the City Building Official, shall be required to comply with the following enumerated standards.

1. The Future Land Use Element and associated Future Land Use Plan Map shall continue to control aspects of density, floor area ratio and impervious lot coverage for residential land use classifications.

2. Article 4 of the LDR, which contains the various zoning districts, shall continue to control uses, minimum lot requirements, minimum yard requirements (setbacks), heights, and other standards as found therein, for residential zoning districts.

3. All applications for a permit for any dwelling unit shall begin with a pre-housing development application stating the owner, contractor or installer, parcel identification number, address, and legal description, as well as the desired housing type, to be submitted to the LDR Administrator.

   These will be processed in the order of receipt. Within 10 calendar days, the LDR Administrator shall communicate back in writing as to what the allowances are, and what standards are applicable to the subject property, also with additional information on the process for permit application review.

4. When found to be consistent with the requirements as stated under 1 and 2 above, all housing sought to be constructed, established, replaced or relocated shall further be governed by the following standards and criteria as a condition, in order for a building permit to be issued:

   a. Verification of these standards shall be demonstrated either by review of submitted engineered construction and site plans which show the standards will be met through the conventional construction taking place on-site; and/or through certified third-party manufacturer's design plans which show the dwelling unit was originally constructed at the factory to meet the required criteria. Conventional housing which was previously constructed at another location, which is sought to be relocated to or within the city, shall submit engineered plans which show the dwelling unit was originally constructed at another site to meet the required criteria.

      An applicant may also substitute said design plans with photos and other documentation as required by city staff of said dwelling unit. Dwelling units which

are subsequently found, upon relocation or delivery into the city to not meet the required standards which were documented as part of the permit application, shall be issued a stop work order by the Building Official, and ordered to be removed from the city.

b. Pursuant to the adopted City of Live Oak Comprehensive Plan, the following housing standards are hereby adopted pursuant to:

   OBJECTIVE III.2

   The City shall promote the maintenance of a safe and sanitary housing stock and the elimination of substandard housing conditions, as well as, the establishment of provisions for the structural and aesthetic improvement of housing through adoption of minimum housing standards.

c. New Housing shall mean new construction or establishment of a dwelling unit which is stick built in a conventional manner, or a dwelling unit which otherwise has never been previously titled to any previous owner.

d. Relocated Housing shall mean the moving of any dwelling unit which was constructed: conventionally previously at another site which by nature of its construction has the potential to be moved; or ones which were constructed in a factory which have been previously titled to any previous owner, or one which was previously established at another location for occupancy regardless of ownership, and is sought to be relocated to a new location.

e. Legal Lots eligible for permit consideration shall be in accordance with Section 4.19.7. and 4.1.6.1. of these LDR.

f. Required residential driveway and curb-cut connections for permit consideration shall be according to Section 4.19.3. Access Control.

g. Eligibility for Septic Tank installation and connection for permit consideration shall be according to Section 4.19.30., otherwise, connection to City Water and Sewer is mandatory.

h. Any activities pertaining to the installation, removal or movement of dirt or earth for permit consideration shall be according to Section 3.7. Special Impact Permits.

i. Any residential development proposed on a lot or parcel which contains areas designated as a Flood Zone according to City and FEMA maps, shall be bound by all applicable flood-plain regulations, ordinances and codes.

j. Any legal lot, regardless of zoning or lot size, which at the time of application contains a dwelling unit which does not meet the minimum width which would be required for a replacement home, may propose to replace said dwelling unit with another of the same or greater width, subject to meeting all other requirements as may be applicable. City Planning and Building Department Staff shall inspect and document the existing dwelling unit at the subject location, prior to it being moved and/or applied to be replaced.

k. Combination/mating of additional units: The joining together or two or more manufactured homes or sections of homes, when not originally manufactured and identified as matching units or designated as an expansion unit as designated by the manufactured home manufacturer, shall be prohibited.

l. Anchoring. Each manufactured home shall be located on a stand that will permit each unit to be sufficiently supported and anchored as in compliance with the state standards for anchoring manufactured homes.

In addition, each manufactured home shall have the wheels and axles removed, shall be placed as close to the ground as can be practically accomplished and shall have the tongue or hitch portion of the mobile home removed from the manufactured home unless that portion of the manufactured home is permanently attached in such a manner that it cannot be readily be removed therefrom.

m. Skirting. A skirt or apron, to standards as provided for herein, which is continually and properly maintained by the owner of the manufactured home shall be installed and shall surround each manufactured home between the bottom of the unit and the ground.

Manufactured homes within Federal Emergency Management Agency described 100-year flood prone areas shall install skirting with design features which conform to FEMA standards for such.

n. As a condition for eligibility for permit issuance, manufactured home applicants shall produce verification that said home or home section has displayed and affixed the applicable HUD Label (metal plate), certifying that it was built in accordance with the Federal Manufactured Housing Construction and Safety Standards. If eligible for a move-on permit, city department staff shall also re-inspect for this once a home has been located within the city limits.

o. Minimum living space shall mean that living area which is heated and cooled, exclusive of open porches or attached garages or similar spaces not suited or intended for occupancy as living quarters.

p. Minimum width shall mean, as measured across the narrowest portion, from outside wall to outside wall.

q. Minimum roof pitch shall mean as calculated and measured, a certain distance of roof rise for a related 12 foot of horizontal run. Dwelling units with curved or flat roof structures and no integrated peak or ridge are prohibited.

r. Minimum overhang shall mean as measured from outside wall to fascia board edge. Each ‘leg’ of the home perimeter shall meet the minimum standard. Required overhang shall be that which was incorporated into the original design and construction/manufacturing of the home, except as otherwise provided for.

s. Dwelling units with metal and Masonite/hardboard style siding are prohibited, with the exception of horizontal, lap-style aluminum siding products. Consideration may be given for newly engineered siding products which have or may be created which serve as a replacement to older siding products which have been discontinued,

outlawed or the subject of class-action lawsuits, etc.

t. Foundations and related appendages:

(1) Conventional construction and off-frame modular type dwelling foundations shall be in compliance with Florida Building Codes. Any stem walls shall extend at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the homes; or said home shall be constructed on a permanent slab system foundation. Stem walls exceeding 8 inches in height shall be finished with painted stucco, brick or siding to match that of the home. Dry stacking of stem walls is prohibited;

(2) Manufactured dwellings and on-frame modular dwellings, when permitted by zoning, shall be installed on foundations in compliance with applicable state and national codes and standards, including engineering when necessary;

(3) Manufactured dwellings and on-frame modular dwellings, when permitted by zoning, in: A-1, Rural Residential or RMH-P zoning districts, may have required skirting which is the standard, vertical vinyl type, or any other type which is listed as allowable herein;

(4) Manufactured dwellings and on-frame modular dwellings, when permitted by zoning, in: any single-family zoning district, required skirting shall be constructed as: painted stucco or CMU block, mortared brick or stone, faux brick or rock panels, rigid insulated foam, painted hardi-board, or matching horizontal vinyl siding. Various types of metal, wood products, lattice, and corrugated fiberglass, etc., and standard vertical vinyl style are not allowable skirting materials.

(5) Any home proposed to be placed sixty (60) or more inches above adjacent ground grade, on piers, pylons, columns or other similar structures, which would result an open-air or enclosed area beneath the home, shall be required to apply for and obtain a Special Exception approval pursuant to Section 3.9, prior to consideration for any permit. This shall also apply to homes proposed to be elevated with engineered columns, which may be necessary to develop on parcels in flood zones, etc. where the deposition of fill dirt or mounding is not feasible due to Special Impact Permit requirements.

u. Homes shall be placed on the legal parcel, within allowable setbacks, in such a manner to be orientated with the longer dimension of the home being parallel to the adjacent street frontage.

For corner parcels, the home shall be orientated with the longer dimension of the home to be facing towards one or both of the street frontages.

For through parcels, the home shall be orientated with the longer dimension of the

home being parallel to the street frontage which the majority of neighboring homes face towards.

For multi-family and/or mobile-home park housing developments, any dwelling units located on the periphery of the parcel, which face or front a street frontage, shall be orientated with the longer dimension of the home or building being parallel to the adjacent street frontage; with those in the internal portions of the parcel orientated otherwise to meet spacing and setback requirements.

Any singular legal lot of record less than 80 feet in width, which has its own individual Parcel ID number assigned and recorded prior to the date of this amendment, which cannot be otherwise developed with a dwelling unit with the above stated orientation may receive an administrative approval by the Land Development Regulation Administrator for alternative placement of the home.

v. On un-platted parcels zoned to allow for residential uses, 1 or more acres in size, the Land Development Regulation Administrator may allow for an adjustment of the standards listed under (u) herein, when it is deemed to not conflict with the general housing character of the area.

w. Any lot or parcel for which a permit is sought for a dwelling unit shall provide a certified paper copy of a survey to the city, and shall have all corners staked with survey markers, as part of the application process.

x. All manufactured homes which are found or determined by the City to be in such a state of disrepair or have structural, fire, flood, water, impact, termite or other damage or deterioration to the extent where the integral or inherent components have been compromised, shall be deemed ineligible to be relocated into the city, as certain factory homes come inspected and certified by factory and state inspectors, and cannot be properly or effectively refurbished without being returned to the factory for rebuilding and recertification.

y. All manufactured dwelling units proposed are also bound by applicable City Code of Ordinances, including but not limited to, Chapter 42.

z. Lots and parcels which are the subject property for a proposed dwelling unit shall also be inspected for required code compliance and maintenance being completed prior to permit issuance, including but not limited to: all fencing properly maintained or removed/replaced if in violation; dead trees and limbs removed and all stumps ground down; all trash and debris removed, yard mowed and maintained; accessory buildings /decks/pools, etc. properly maintained and in good condition or demolished and removed; no outside storage or accumulations of debris, materials or articles which would permit vermin harborage; no keeping of animals in violation; all inoperable or untagged vehicles removed or located within enclosed garages; any encroachments of structures from neighboring properties removed; and other violations as may be identified by City Staff.

Protected ‘Live Oak’ trees may not be removed unless applied for and approved as provided for in City Ordinances.

9.4.1 Housing Standards Criteria (this sub-section contains all new proposed text)

(1) The nature of New Housing materials and techniques, regardless of housing type, are hereby deemed to meet the intent and requirements of Section 9.1, Findings of fact and declaration of necessity, Section 9.3, Maintenance, as well as Objective III.2 of the City's Comprehensive Plan, and may be applied for with the standard plan review and permit application process applicable for such, further subject to other requirements herein stated being found to be met.

(3) Any Legal Lot, as applicable, which cannot meet the minimum width required, due to mature growth trees on the lot, as documented by City Staff, which the owner does not wish to have removed, may propose a home which meets the associated criteria for a smaller lot in width in the same zoning district.

	Zoning District	Minimum Living Space (sf)	Minimum Width (actual feet)	Minimum Roof Pitch	Minimum Overhang (actual inches)
New Housing (1)	A-1 / Rural-Residential	350 (Park Model)	12-16	n/a	n/a
	A-1 / Rural-Residential	700	13-19	2:12	2
	A-1 / Rural-Residential	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-1	700	13-19	2:12	2
Legal lots 71' or more feet in width (3)	RSF or RSF/MH-1	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-2	600	13-19	2:12	2
Legal lots 71' or more feet in width (3)	RSF or RSF/MH-2	800	20+	3:12	5
Legal lots 60' or less in width	RSF or RSF/MH-3	600	13-19	2:12	2
Legal lots 61' or more feet in width (3)	RSF or RSF/MH-3	800	20+	3:12	5
	RMH-P	350 (Park Model)	12-16	n/a	n/a
	RMH-P	600	13+	n/a	n/a
	RMF	500	15	n/a	6
	R-O, O-I	500	15	n/a	6
	C-D, PRD, PUD	400	n/a	n/a	n/a

(2) Any Relocated Housing, regardless of housing type, has the potential to conflict with the intent and requirements of Section 9.1, Findings of fact and declaration of necessity, Section 9.3, Maintenance, as well as Objective III.2 of the City's Comprehensive Plan, and thus is deemed to require additional documentation and review, with possible improvements required, in order to effectively satisfy the intent and requirements of these sections, further subject to other requirements herein stated being found to be met.

(3) Any Legal Lot, as applicable, which cannot meet the minimum width required, due to mature growth trees on the lot, as documented by City Staff, which the owner does not wish to have removed, may propose a home which meets the associated criteria for a smaller lot in width in the same zoning district.

	Zoning District	Minimum Living Space (sf)	Minimum Width (actual feet)	Minimum Roof Pitch	Minimum Overhang (actual inches)
Relocated Housing (2)	A-1 / Rural-Residential	350 (Park Model)	12-16	n/a	n/a
	A-1 / Rural-Residential	700	13-19	2:12	2
	A-1 / Rural-Residential	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-1	700	13-19	2:12	2
Legal lots 71' or more feet in width (3)	RSF or RSF/MH-1	1,000	20+	3:12	5
Legal lots 70' or less in width	RSF or RSF/MH-2	600	13-19	2:12	2
Legal lots 71' or more feet in width (3)	RSF or RSF/MH-2	800	20+	3:12	5
Legal lots 60' or less in width	RSF or RSF/MH-3	600	13-19	2:12	2
Legal lots 61' or more feet in width (3)	RSF or RSF/MH-3	800	20+	3:12	5
	RMH-P	350 (Park Model)	12-16	n/a	n/a
	RMH-P	600	13+	n/a	n/a
	RMF	800	18	n/a	6
	R-O, O-I	800	18	n/a	6
	C-D, PRD, PUD	400	n/a	n/a	n/a

(2) Any relocated housing dwelling unit applied for shall provide a detailed packet of color photos of: all portions of all interior rooms (ceilings, walls, floors, fixtures, cabinets, appliances, etc.), and all exterior walls, and all areas which comprise the roof (materials, vents, fascia, eves, etc.) of the dwelling unit as part of their standard permit application. The packet shall contain an enumerated list of any owner, dealer or contractor refurbished components of the home.

The packet shall also contain a full written narrative of the home with supporting documentation, including but not limited to: titles, registrations and other documents pertaining to the home; a history of the home; where it was previously installed or located; how many past owners had title to or possession of it; if it has sustained any flood, fire, or wind damage; has it been totaled out by the DMV or an insurance carrier; and how and when it was it acquired.

Said packet shall be reviewed by the City Manager and up to 3 City-Staff designees in order for a determination to be made if the home meets the intent of LDR Sections 9.1., 9.3, and Objective III.2 of the City's Comprehensive Plan. If found to be met, the permit application will then be processed according to standard procedure. If found not to be met, City Staff shall communicate to the applicant what actions will be needed, or if the home is ineligible for permit issuance in the City Limits. The City Manager shall have final authority for such decisions, with appeal to the Board of Adjustment, as provided for in Section 3.8.1. (1.).

Sufficient maintenance (properly maintained with no damage or deficiencies and in good condition and/or functional/working order, aesthetically appealing, sanitary and safe) shall include, but it not limited to: no structural or compromised deficiencies in structural elements of home; no mold or insect damage, etc.; exterior: roofing, fascia/soffit/drip-edge, matching siding, windows/screens, doors and storm-doors, paint/pressure-washed, shutters, lighting, outlets, etc.; interior: ceilings, walls and flooring; light fixtures, switches and outlets, faucets, sinks, toilets, tubs/showers, cabinets, doors, shelving, etc.; appliances; central HVAC; electric; plumbing; and other components as determined by city staff.

At the discretion of the City Manager, consideration may be given for housing which has greater original or factory overhangs on one side(s) and lesser factory overhang on alternate side(s), which average overall to the required amount.

If a home fails to meet the factory built overhang requirement, said dealer, installer or contractor may enlist a licensed roofing contractor to re-roof with all new shingles, drip-edge, etc., and at the same time modify said roof eves and gables, etc.; or said roofing contractor may also roof-over the entire existing roof with new drip-edge, and vertical standing-seam metal panels. If this is proposed, the required overhang shall be double that which is required in the associated chart section(s). Gutters are recommended and preferred but shall not be used for minimum measurement purposes.

The dealer, installer or contractor may submit a proposal for such, to be done prior to delivery. Said proposal must contain a copy of all licenses and material lists as part of their application. Prior to any permit being issued, before and after photos of the roof job shall be submitted to the City for review. For homes located in the city limits, the licensed roofer shall obtain a permit from the City, and inspections and documentation of the completed work will be done by City Staff. As an alternative, said dealer, installer or contractor may propose as part of their permit application, to set-up said home on-site and for the work to be completed on-site as a condition of the Certificate of Occupancy. In that case, the licensed roofer shall obtain a permit from the City, and inspections and documentation of the completed work will be done by City Staff.

ARTICLE TEN – HAZARDOUS BUILDINGS REGULATIONS

Sec. 10.1. Article Remedial.

This article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incidental to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

Sec. 10.2. Scope.

[10.2.1. Reserved.]

10.2.2. Scope.
The provisions of this article shall apply to unoccupied and unsafe buildings or structures as herein defined and shall apply equally to new and existing conditions.

10.2.3. Alterations, repairs or rehabilitation work.

1. Alterations, repairs or rehabilitation work may be made to an existing building without requiring the building to comply with all requirements of the city building code, provided [that] the alteration, repair or rehabilitation work conforms with the requirements of the city building code for new construction. The land development regulation administrator shall determine, subject to appeal to the board of adjustment, the extent, if any, to which the existing building shall be made to conform to the requirements of the city building code for new construction.
2. Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in section 2.1 of these land development regulations.
3. If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the city building code for the new occupancy classification as established by the land development regulation administrator.
4. Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing

nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.

10.2.4. Special historic buildings and districts.
The provisions of this article relating to the construction alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified as historic buildings by the city's comprehensive plan and these land development regulations when such buildings or structures are judged by the land development regulation administrator to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts. The applicant shall submit complete architectural and engineering plans and specifications bearing the seal of a professional engineer or architect registered in the State of Florida.

Sec. 10.3. Organization.

10.3.1. Enforcement officer.
The land development regulation administrator shall be the enforcement officer of the provisions of this article.

10.3.2. Restrictions on employees.
An officer or employee connected with the city shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he or she is the owner of such building. Such officer or employee shall not engage in work which is inconsistent with his or her duties or with the interests of the city.

10.3.3. Records.
The land development regulation administrator shall keep, or cause to be kept, a record of the actions related to this article.

Sec. 10.4. Powers and duties of the land development regulation administrator.

10.4.1. Right of entry.
The land development regulation administrator shall enforce the provisions of this article, and such land development regulation administrator, or his or her duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours. In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, entry may be at any hour.

10.4.2. Inspections.
The land development regulation administrator or his or her authorized representative is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

10.4.3. Liability.
An officer or employee of the city charged with the enforcement of this article, acting for the city in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from personal liability for damage that may accrue to persons or property as a result of an act

required or permitted in the discharge of duties. A suit brought against an officer or employee because of such act performed in the enforcement of a provision of this article shall be defended by the city attorney until the final termination of the proceedings.

Sec. 10.5. Appeals to the board of adjustment.

(Refer to Article 3 of these land development regulations.)

Sec. 10.6. Inspections.

10.6.1. General.
The land development regulation administrator shall inspect or cause to be inspected a building, structure or portion thereof which is or may be unsafe.

10.6.2. Action required.
After the land development regulation administrator has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the unsafe condition by repair or demolition.

Sec. 10.7. Notice.

10.7.1. The land development regulation administrator shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure.

1. The notice shall contain, but not be limited to, the following information:
   a. The street address and/or legal description of the building, structure, or premises.
   b. A statement indicating the building or structure has been declared unsafe by the land development regulation administrator and a report adequately documenting the conditions which rendered the building or structure unsafe under the provisions of this article.
   c. The corrective action required as determined by the land development regulation administrator.
2. If the building or structure is determined repairable, the notice shall require all necessary permits be secured and the work commenced within 60 days and continued to completion within such time as the land development regulation administrator determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the city building code, in accordance with the provisions of this article.
3. If the building or structure is determined to be a candidate for demolition, the notice shall require all required permits for demolition be secured and that the demolition be completed within 90 days except as provided under "extension of time" found within this article.
4. The notice shall state that any person having a legal interest in the property may appeal the notice by the land development regulation administrator to the board of adjustment in writing in the form specified by the city. Such form shall be filed with the land development regulation administrator within 30 days from the date of the notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal.

5. The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the land development regulation administrator to serve a person herein indicated to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve a person served from any obligation imposed on him or her.
6. The notice shall be served by certified mail, postage prepaid, return receipt requested, to the property owner at the last address appearing on the official public records. If addresses are not available for a person to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of a person to receive notice, other than the owner of record, shall not invalidate the proceedings under this section. Service by certified mail as herein described shall be effective on the date the notice is received as indicated on the return receipt, or when returned refused or unclaimed.
7. Proof of service of the notice shall be by written declaration on the return receipt indicating the date, time and manner in which service is made or by postal service indication of refusal or not claimed.

Sec. 10.8. Standards for compliance.

When ordering the repair or demolition of an unsafe building or structure, the land development regulation administrator shall order that repair work be performed in accordance with the city building code or demolition at the option of the owner with full deference to public health, safety and welfare.

Sec. 10.9. Compliance.

10.9.1. Failure to respond.
A person who, after the order of the land development regulation administrator or the decision of the board of adjustment becomes final, fails or refuses to respond to the direction of such order shall be prosecuted in accordance with article 15 of these land development regulations.

10.9.2. Failure to commence work.
When the required repair or demolition is not commenced within 60 days after the effective date of an order, the building, structure or premises shall be posted as follows:

UNSAFE BUILDING - DO NOT OCCUPY
It shall be punishable by law to occupy this building or remove or deface this notice.
Land Development Regulation Administrator

10.9.3. [Repair or demolition.]
Subsequent to posting the building, the land development regulation administrator may cause the building to be repaired to the extent required to render it safe or, if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premises. The cost of such repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

10.9.4. [Monies received from sale or demolition.]
Monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

Sec. 10.10. Extension of time.

The board of adjustment may approve one or more extensions of time as it may determine to be reasonable to initiate or complete the required repair or demolition. However, such extension or extensions shall not exceed a total of 90 days. Such request for extensions shall be made in writing stating the reasons therefore.

Sec. 10.11. Interference.

No person shall obstruct or interfere with the implementation of an action required by the final notice of the land development regulation administrator. A person found interfering or obstructing such actions shall be prosecuted in accordance with article 15 of these land development regulations.

Sec. 10.12. Performance of work.

The repair or demolition of an unsafe building as required in the notice by the land development regulation administrator or the final decision by the board of adjustment shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this article and applicable provisions of these land development regulations, other codes and ordinances of the city and accepted engineering practice standards.

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ARTICLE ELEVEN

-RESERVED-

Text previously found in this Article 11, which was entitled Historic Sites and Structures Preservation Regulations, can be found, as amended and renumbered, in Article 3.

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ARTICLE TWELVE:

-RESERVED-

Text previously found in this Article 12, which was entitled Appeals, Special Exceptions, Variances and Interpretations, can be found, as amended and renumbered, in Article 3.

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ARTICLE THIRTEEN:

-RESERVED-

Text previously found in this Article 13, which was entitled Hearing Procedures for Special Exceptions, Variances, Certain Special Permits, Appeals and Applications for Amendment, can be found, as amended and renumbered, in Article 3.

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ARTICLE FOURTEEN – PERMITTING AND CONCURRENCY MANAGEMENT

Sec. 14.1. General.

The Land Development Regulation Administrator shall administer and enforce these Land Development Regulations directly or through aides and assistants. In the performance of his or her duties, the Land Development Regulation Administrator may request the assistance of any officer or agency of the City.

The Land Development Regulation Administrator shall use best endeavors to prevent violations or to detect and secure the correction of violations. He or she shall investigate promptly complaints of violations and report findings and actions to complainants.

If the Land Development Regulation Administrator finds a provision of these Land Development Regulations is being violated, he or she shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

The Land Development Regulation Administrator shall order either:

1. Discontinuance of illegal use of land, buildings, or structures;
2. Removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;
3. Discontinuance of illegal work in process; or
4. Shall take other lawful action authorized by these Land Development Regulations sufficient to ensure compliance with or to prevent violations of these Land Development Regulations.

It is the intent of these Land Development Regulations that questions of interpretation and enforcement shall first be presented to the Land Development Regulation Administrator and that such questions shall be presented to the board of adjustment only on appeal from a decision of (or failure to render a decision by) the Land Development Regulation Administrator.

The Land Development Regulation Administrator shall maintain written records which shall be public records of official actions regarding:

1. Land Development Regulation administration;
2. Complaints and actions taken with regard to the Land Development Regulations; and
3. Violations discovered by whatever means, with remedial action taken and disposition of all cases.

Sec. 14.2. Land Development Regulation Action on Building Permits.

The Land Development Regulation Administrator shall determine whether applications for building permits required by the Building Code of the City are in accord with the requirements of these Land Development Regulations, and no building permit shall be issued without written certification that plans submitted conform to applicable Land Development Regulations.

No building permit shall be issued by the Land Development Regulation Administrator except in conformity with the provisions of these Land Development Regulations, unless the Land Development Regulation Administrator shall receive a written order in the form of an administrative review, interpretation, special exception, or variance as provided by these Land Development Regulations, or unless he or she shall receive a written order from a court of competent jurisdiction.

Sec. 14.3. Application for Building Permit.

14.3.1. Information necessary for application. (See also Article 3 Site and Development Plan Review) The following procedures for building permit application apply except where they may differ from the procedures of the City's Building Code in which case the latter shall take precedence. Applications for building permits required by the Building Code of the City shall be accompanied by two copies of the plot and construction plans drawn to scale showing:

1. Actual shape and dimensions of the lot to be built upon;
2. Exact sizes and locations on the lot of existing structures, if any;
3. Exact size and location on the lot of the buildings or structures to be erected or altered;
4. Existing use of buildings or structures on the lot, if any;
5. Intended use of each building or structure or parts thereof;
6. Number of families the building is designed to accommodate;
7. Location and number of required off-street parking and off-street loading spaces; and
8. Such other information with regard to the lot and existing and proposed structures as may be necessary to determine and provide for the enforcement of these Land Development Regulations.

At the discretion of the Administrator, the application shall be accompanied by a survey of the lot prepared by a Land surveyor or engineer registered in Florida. Required property stakes shall be in place at the time of application.

14.3.2. Public record.

One (1) copy of the plot and construction plans shall be returned to the applicant by the Land Development Regulation Administrator, after marking such copy either approved or disapproved, and attested by the Land Development Regulation Administrator's signature on the plans. The second copy of the plot and construction plans, similarly marked, shall be retained by the Land Development Regulation Administrator as part of the public record.

14.3.3. Display of permit.

Building permits shall be issued in duplicate, and one (1) copy shall be kept on the premises affected prominently displayed and protected from the weather when construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been properly displayed, nor shall he or she perform building operations of any kind after notification the building permit has been revoked.

14.3.4. Expiration of building permit.

A building permit becomes invalid unless the work authorized by such permit is commenced in the form of actual construction within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after time the work is commenced; provided that extensions of time for periods not exceeding ninety (90) days each may be allowed. Such extensions shall be in writing by the Land Development Regulation Administrator.

14.3.5. Construction and use to be as provided in applications; status of permit issued in error. Building permits issued on the basis of plans and specifications approved by the Land Development Regulation Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. A use, arrangement, or construction different from that authorized shall be deemed a violation of these Land Development Regulations and punishable as found in article 15 these Land Development Regulations.

Statements made by the applicant on the building permit application shall be deemed official statements. Approval of application by the Land Development Regulation Administrator shall in no way exempt the applicant from strict observance of applicable provisions of these Land Development Regulations and all other applicable regulations, ordinances, codes, and laws.

A building permit issued in error shall not confer any rights or privileges to the applicant to proceed with construction, and the City Council shall have the power to revoke such permit if construction has not commenced.

Sec. 14.4. Certificate of Land Development Regulation Compliance.

14.4.1. General.

It shall be unlawful to use or occupy, or permit the use or occupancy of, any building or premises or part of any building or premises created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Land Development Regulation Compliance has been issued by the Land Development Regulation Administrator stating that the proposed use of the structure or land conforms with the requirements of these Land Development Regulations. No permit for erection, alteration, moving, or repair of a building shall be issued until an application has been made for a Certificate of Land Development Regulation Compliance, and the Certificate shall be issued in conformity with the provisions of these Land Development Regulations upon completion of the work.

14.4.2. Temporary Certificate of Land Development Regulation compliance.

A temporary Certificate of Land Development Regulation Compliance may be issued by the Land Development Regulation Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may

include such conditions and safeguards as are necessary in the circumstances to protect the safety of occupants and the general public.

14.4.3. Records; violations.

The Land Development Regulation Administrator shall maintain a record of all Certificates of Land Development Regulation Compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Land Development Regulation Compliance shall be a violation of these Land Development Regulations and punishable as provided by article 15 of these Land Development Regulations.

Use, arrangement, or construction different from that authorized is hereby deemed a violation of these Land Development Regulations and punishable in accordance with article 15 of these Land Development Regulations.

Sec. 14.5. Assurance of Completion of Public Improvements.

To ensure required public improvements will be constructed in a properly and timely manner, the following procedures and regulations shall govern. Before a building permit may be issued, the applicant shall be required to present satisfactory evidence that full provision has been made for public improvements including, but not limited to, utility lines, sanitary sewers, storm sewers, construction or reconstruction of streets or alleys, streets signs, and traffic devices or signals. Where such public improvements are to be constructed by the applicant, the City Council herewith requires security in the amount of one hundred and ten (110) percent of the [engineer's certified] estimated costs of completing such improvements and satisfactory to the City Council in the form of:

1. A deposit in cash or cashier's check, or
2. A performance and payment bond.

The purpose of this requirement is to ensure to the City Council that the public improvements required will be properly and timely completed and paid by the applicant. The form of such bond or sureties thereon shall be subject to the approval of the City Attorney as to legal form and correctness prior to the issuance of a building permit.

Sec. 14.6. Reserved.

-RESERVED-

Text previously found in this Section 14.6., which was entitled Special Permits for Bulkheads, Docks, and Similar Structures, can be found, as amended and renumbered, in Article 3.

Sec. 14.7. Reserved.

-RESERVED-

Text previously found in this Section 14.7., which was entitled Special Permits for Land and Water Fills, Dredging, Excavation, and Mining, can be found, as amended and renumbered, in Article 3.

Sec. 14.8. Special move-on permits for manufactured homes.

It shall be deemed a violation of these Land Development Regulations for any person, firm, corporation, or other entity to place or erect a manufactured home on a lot or parcel of land within the City for private use without first having secured a manufactured home move-on permit from the Land Development Regulation Administrator. Such permit authorizes placement, erection, and use of the manufactured home only at the location specified in the permit.

The responsibility of securing a manufactured home move-on permit shall be that of the person causing the manufactured home to be moved. The move-on permit shall be posted prominently on the manufactured home before such manufactured home is moved onto the site.

Sec. 14.9. Reserved.

Sec. 14.10. Special Use Permits for Temporary Uses.

Certain uses are temporary in character, varying in type and degree as well as length of time involved. Such uses may have little impact on surrounding and nearby properties, or they may present conflicts involving potential incompatibility of the temporary use with existing, abutting, adjacent or nearby uses.

The following Regulations shall govern temporary uses:

14.10.1. Special Use Permits issued by the Land Development Regulation Administrator.

Certain uses are of short duration and may not create incompatibility during the course of the use.

Therefore, the Land Development Regulation Administrator is authorized to approve Special Use Permits for the following activities, after it is determined that:

1. The owner has authorized use of the premises, via submission of a notarized letter of authorization for the proposed use and duration; and
2. The proposed use is compatible with existing, abutting, adjacent or nearby uses; and
3. There is sufficient open space available at the location to conduct the proposed use; and
4. Any nuisance or hazardous feature involved is suitably separated from adjacent uses; and
5. Excessive vehicular traffic will not be generated on minor residential streets; and
6. A vehicular parking problem will not be created:

    a. In any zoning district: special events, up to 4 days in duration.
    b. In any zoning district: Christmas tree, pumpkin, watermelon, and similar sales lots operated by nonprofit, eleemosynary organizations, up to 45 days in duration.
    c. In any zoning district: other uses which are similar to subsections (a) and (b) above and which are of a temporary nature where the period of use will not extend beyond 30 days.
    d. In any zoning district: a single manufactured home, travel trailer or modular building used as a residence, temporary office, security shelter, or shelter for materials of goods incident to construction on or Development of the premises upon which said structure is located. May also include a fenced outdoor storage yard for materials and equipment.
    Such uses shall be strictly limited to the time construction or development is actively underway, up to 12 months in duration.

e. In any zoning district: temporary religious or revival activities in tents, up to 7 days in duration.
f. In agricultural, commercial, and industrial districts: commercial circuses, carnivals, outdoor concerts, and similar uses, up to 7 days in duration.
g. In agricultural or rural zoning districts: On any un-platted legal parcel of record 2 or more acres in size - in addition to the principal residential dwelling, one additional mobile home used as an accessory residence, provided that such mobile home is occupied by persons related by blood, adoption, or marriage to the family occupying the principal residential use.

   Such mobile home is exempt from lot area requirements, however shall not be located within required yard areas.

   Such mobile home shall not be located within 50 feet of any building. A temporary use permit for such mobile home may be granted for a time period up to five years. When the temporary use permit expires, the applicant may reapply for a new temporary use permit.

Requests for such a permit shall be submitted in writing on city supplied forms and with supporting documentation, authorizations, and site plans showing locations of proposed uses to the Land Development Regulation Administrator, together with such reasonable fees as the City Council may determine in accordance with Article 1 of these Land Development Regulations.

Appropriate conditions and safeguards may be imposed by the LDR Administrator as deemed necessary and appropriate. Violation of such conditions and safeguards, when made a part of the terms under which the Special Use Permit is granted, shall be deemed a violation of these Land Development Regulations and punishable as provided in article 15 of these Land Development Regulations.

If the proposed use or location is determined by the LDR Administrator to be incompatible, or does not meet one or more of the required points of consideration, the request may be denied.

14.10.2. Special Use Permits issued by the City Council.

Certain uses may be proposed which are beyond the scope or duration of that which the LDR Administrator has the authority to approve administratively. Therefore, the City Council is authorized to approve Special Use Permits for the following activities, after it is determined that:

1. The owner has authorized use of the premises, via submission of a notarized letter of authorization for the proposed use and duration; and
2. The proposed use is compatible with existing, abutting, adjacent or nearby uses; and
3. There is sufficient open space available at the location to conduct the proposed use; and
4. Due consideration has been given to any testimony and evidence provided to the City Council at the public hearing, either for or against the request; and
5. Any nuisance or hazardous feature involved is suitably separated from adjacent uses; and
6. Excessive vehicular traffic will not be generated on minor residential streets; and
7. A vehicular parking problem will not be created:

   a. Any of the enumerated uses as listed under Section 14.10.1., (a. – f.), which are proposed to be greater in scale or scope, or for a longer duration, than that which is provided for, for a time certain duration as determined by the City Council.

b. In any zoning district: extraordinary uses proposed by any agency of municipal, county, state, or federal government, on publically owned property, for a time certain duration as determined by the City Council.

Requests for such a permit shall be submitted in writing on city supplied forms and with supporting documentation, authorizations, and site plans showing locations of proposed uses to the LDR Administrator, together with such reasonable fees as the City Council may determine in accordance with Article 1 of these Land Development Regulations.

The LDR Administrator shall post the subject property with public hearing signage as required in Article 3, and shall agenda the item on the next available City Council meeting agenda for consideration.

Appropriate conditions and safeguards may be imposed by the City Council as deemed necessary and appropriate. Violation of such conditions and safeguards, when made a part of the terms under which the Special Use Permit is granted, shall be deemed a violation of these Land Development Regulations and punishable as provided in article 15 of these Land Development Regulations.

If the proposed use or location is determined by the City Council to be incompatible, or does not meet one or more of the required points of consideration, the request may be denied.

Sec. 14.11. Special permits for essential services.

Essential services are permissible by special permit in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, solid waste disposal, telephone, television, radio, and electrical systems, including substations, lift stations, towers and antennas and pumping, aeration, or treatment facilities necessary for the performance of these services; provided, however, that:

1. Poles, wires, mains, hydrants, drains, pipes, conduits, telephone booths, school bus shelters, bicycle racks, bus stop benches, newspaper delivery boxes, mail boxes, police or fire call boxes, traffic signals and other similar structures, but not including buildings, are exempt from the definition of essential services. Such structures are permitted by right in any zoning district and are exempt from district setbacks.
2. For the purpose of these Land Development Regulations, gas and electrical generating plants shall not be considered to be essential services. These uses are barred from all zoning districts except where they are specifically permitted or permissible.
3. This section shall not be deemed to permit the erection of structures for:
   a. Commercial activities such as sales or the collection of bills, or
   b. Service establishment such as radio or television stations or studios in districts from which such activities would be otherwise barred.
4. The requirements of this section shall not apply to communication towers which are:
   a. Used for governmental purposes and located on property, rights-of-way, or easements owned by any governmental entity;
   b. All communication towers existing on the effective date of these Regulations shall be allowed to continue to be used as they presently exist. Routine maintenance, including replacement of lights and modifications to accommodate the collocation of an additional user (or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate collocation on an existing communication tower, shall comply with the requirements of this section.

For purposes of this section, a communication tower that has received final approval in the form of either a special permit or building permit, but has not yet been constructed shall be considered an existing tower so long as such approval is otherwise valid and unexpired.

No rezoning, special permit or variance shall be required to locate a communication antenna on an existing structure; provided, however, that the communication antenna does not extend more than ten feet above the existing structure. Such structures may include, but not limited to, buildings, water towers, existing communication towers, recreational light fixtures and other essential public utility structures. In addition, no special permit shall be required to locate a communication antenna used by amateur radio operators, including citizens band, Very High Frequency and Ultra High Frequency Aircraft/Marine, or similar radio operators, or such antenna, which is exempt, or local authority preempted by federal or state law.

Notwithstanding anything herein to the contrary, this section shall not be construed to exempt communication towers or antenna for compliance with other City ordinances and Regulations such as building permit requirements.

Where permanent structures are involved in providing essential services, such structures shall conform insofar as possible to the character of the district in which the property is located, as to architecture and Landscaping characteristics of adjoining properties.

The following standards shall apply to all new or expanded communication towers, except as exempted above:

14.11.1. Location:

Communication towers are allowed in all zoning districts, including residential districts, when the following requirements are met:

1. Every reasonable effort shall be made to locate the communication tower in a nonresidential zoning district, where feasible, based on engineering and economic considerations;
2. Where the applicant seeks to locate a communication tower in a residential district, the applicant shall demonstrate that no other industrial, commercial or agricultural zoned property is available to the applicant for this intended use;
3. If the proposed location is within a residential district, the proposed location will reasonably minimize the impact of the communication tower due to the height, use or appearance of the adjacent structures or surrounding area;
4. There are no existing building structures located within the area that are reasonably available to the applicant for this intended purpose and serve the applicant's propagation needs. Where existing building structures are located within the area, communication antennas may be attached thereto subject to the following:
    a. Communication antennas may be located on existing structures with a height of 20 feet or greater, so long as the antennas do not extend more than ten feet above the highest point of the existing structure, and as limited by subsection 3 below;
    b. Communication antennas may be located on existing structures with a height of less than 20 feet, so long as the antennas do not extend more than five feet above the highest point of the existing structure, and as limited by subsection 3 below;
    c. Notwithstanding subsections 1 and 2 above, communication antennas, as defined in section 2.1, shall not be located on single-family structures;

d. Communication antennas to be located on existing structures in public road rights-of-way may only be located in collector, arterial or limited access road rights-of-way;
e. No advertising shall be allowed on an antenna;
f. No signals, lights, or illumination shall be permitted on an antenna, unless required by any applicable federal, state or local rule, regulation or law;
g. Antennas shall comply with all applicable Federal Communications Commission emission standards;
h. Design, construction, and installation of antennas shall comply with all applicable local building codes; and
i. Accessory equipment buildings used in conjunction with antennas, if located on the ground, shall comply with the minimum accessory building setback requirements.

5. No other existing communication tower meeting the applicant's needs is located within the area is reasonably available to the applicant for purposes of co-location. Further, owners of communication towers must provide access and space for government-owned antennas where possible on a basis not less favorable than is required for private co-location; and
6. The proposed height of the communication tower is the minimum necessary by the applicant to satisfy the applicant's communications system needs at the location.

14.11.2. Design and Construction

The following criteria shall apply to the design and construction of communication towers:

1. All other applicable permits must be obtained, including Federal Communication Commission and City building permit approvals before construction. All tower facilities shall comply or exceed current standards and Regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the federal or state government with the authority to regulate towers and antennas. If such standards and Regulations are changed, the owner(s) shall bring such tower or antennas into compliance with such revised standards and Regulations to the extent required by such governmental agency;
2. All communications towers shall be designed and constructed to Electronic Industries Association/Telecommunications Industries Association 222-E Standards or greater (at the option of the applicant) as published by the Electronic Industries Association, as may be amended from time to time. Communication tower owners shall be responsible for periodic inspections of such towers at least every two years to ensure structural integrity. Such inspections shall be conducted by a structural engineer with a current license issued by the State of Florida. The results of the inspection shall be provided in writing to the Land Development Regulation Administrator upon request;
3. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely within the parcel or property where the tower is located. However, the applicant may apply for a waiver of this restriction upon showing of need and adequate safety of surrounding property;
4. All communication tower supports and peripheral anchors shall be located within the parcel or property where all the tower is located;
5. Communication towers shall be marked and lighted as required by Federal Aviation Administration, or other state or federal agency of competent jurisdiction;
6. All accessory buildings or structures shall comply with other applicable provisions of the Land Development Regulations;

7. Setbacks for communication tower accessory buildings and structures shall comply with those required for the zoning district in which the tower is located. The City Council may reduce this setback by fifty (50) percent to allow placement of an additional equipment building or permitted accessory structure to encourage co-location/shared use of tower structures. Setbacks will be measured as provided within these Land Development Regulations. However, no communication tower shall be sited within 500 feet from the property line of any established permitted use for group living facility, school or hospital;
8. Communication towers and antennas shall be lighted with dual red and white lighting. No white lighting or strobe lighting shall be permitted after sunset or before sunrise;
9. The perimeter base of all communication towers must be enclosed within a security fence no less than eight feet in height with access secured by a locked gate; and
10. All communication tower facilities shall be identified by use of a metal plate or other conspicuous marking giving the name, address and telephone number of the communication tower owner and lessee if different from the owner and operator. Such identification shall also include the telephone number of a contact person.

Communication towers or antennas existing on the effective date of these regulations that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced, provided [that] the type, height and location of the tower on-site shall be of the same type, intensity (or lesser height or intensity e.g., a monopole in substitution for a lattice tower) as the original facility approved. Building permits to rebuild any such tower shall otherwise comply with the applicable City building code requirements together with the design and construction criteria required herein, and shall be obtained within one (1) year from the date the tower is damaged or destroyed. If no permit is obtained or said permits expires, the communication tower shall be deemed abandoned as specified in this section.

Any communication tower or antenna found not to be in compliance with Code standards, or found to constitute a danger to persons or property, upon notice to the owner of the communications facility, such tower or antenna shall be brought into compliance or removed within ninety (90) days. In the event the use of any communication tower has been discontinued for a period of one (1) year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Land Development Regulation Administrator who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional ninety (90) days within which to:

1. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
2. Dismantle and remove the tower.

At the earlier of one (1) year from the date of abandonment without reactivation or upon completion of dismantling and removal, any special permit and/or variance approval for the tower shall automatically expire.

The procedure in connection with the application and granting of special permits for essential services shall generally conform to that outlined herein; provided, however, that the criteria for the granting of a special permit for essential services shall be limited to a showing of the need for such services in the requested location, that it is in the public interest that such special permit be granted, and in compliance with the other provisions heretofore set out in this section.

Meeting the requirement of this section shall not excuse the applicant from otherwise complying with the Comprehensive Plan and these Land Development Regulations.

In addition, an application for a special permit for any communication tower or use of an alternative tower structure shall be made to the Land Development Regulation Administrator. Incomplete applications shall not be considered. A complete application shall contain the following items:

1. Inventory of existing communication towers owned/operated by applicant in the City. Each applicant for a tower site shall provide the City with an inventory of its existing communication towers that are either within the jurisdiction of City or within one-half (½) mile of the border thereof, including specific location, height and design of each tower. The City staff may share such information with applicants seeking to locate communication towers within City;
2. Description of area of service for the communication tower identifying the use of the tower or antenna for coverage or capacity;
3. Photographic simulations of the proposed telecommunications facilities illustrating the potential visual impact;
4. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), accessory buildings or uses, access, parking, fences, landscaped screening & buffer areas per buffer standards, and adjacent Land use;
5. Show legal description of the parent tract and leased parcel (if applicable). The location of the proposed communication tower in digital format compatible with the geographic information system of the City, if the City has such system or similar system in place at the time. Certification by a Florida licensed Land surveyor of the mean sea level elevation and topography;
6. Utilities inventory indicating the location of all water, sewer, drainage and power lines impacting the proposed tower site;
7. Report from a professional structural engineer, licensed in the State of Florida documenting the following:
    a. Tower height and design, including technical engineering, and other pertinent factors governing the proposed tower design. A cross section of the tower structure shall be included;
    b. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated; and
    c. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain possible debris.
8. Written statement from the Federal Aviation Administration, the Federal Communication Commission and any appropriate state review authority stating that the proposed tower site complies with Regulations administered by that agency or that the tower is exempt from such Regulations;
9. Letter of intent to lease excess space on the tower structure and to lease additional excess Land on the tower site under the shared use potential of the tower is absorbed, where feasible, and subject to reasonable terms. The term "where feasible", as it applies to collocation, means the utilization of tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair utilization of the communication tower by existing users, would not unduly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower and tower site that may be imposed by the owner include requirement for a reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and Land, rental and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the

tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites;

10. Evidence of applicant inability to collocate on a reasonable basis on an otherwise suitable existing communication tower for the location of proposed antenna;
11. Evidence that the communication tower is needed to meet the applicant's propagation requirements; and
12. The applicant shall provide any additional information which may be reasonable as requested by the City within 30 days from application in order to fully evaluate and review the proposed communication tower site and the potential impact of a proposed communication tower and/or antenna.

Sec. 14.12. Reserved

-RESERVED-

Text previously found in this Section 14.12., which was entitled Site and Development Plan Approval, can be found, as amended and renumbered, in Article 3.

Sec. 14.13. Consistency with the City's Comprehensive Plan.

These Land Development Regulations are required by law to be in conformance with the City Comprehensive Plan. Therefore, development subject to these Land Development Regulations shall conform to the City Comprehensive Plan.

14.13.1. Generally.

No development may be approved unless the proposed development conforms to the City Comprehensive Plan, and certain public facilities will be available at prescribed levels of service concurrent with the impacts of the proposed development on those facilities.

14.13.2. Determining conformance with the City comprehensive plan.

If a Development proposal is found to meet all requirements of these Land Development Regulations, it shall be presumed to be in conformance with the City's Comprehensive Plan in all respects except for compliance with the concurrency requirement. Any aggrieved or adversely affected party may, however, question the consistency of a development proposal with the City Comprehensive Plan. If a question of consistency is raised, the Land Development Regulation Administrator or any of the appointed boards or the City Council, depending on which is responsible for approving the development, shall make a determination of consistency or inconsistency and shall support that determination with written findings.

14.13.3. Maintaining level of service standards.

The City shall require a concurrency review be made on applications for development approval and a Certificate of Concurrency be issued prior to development. The review shall analyze the development's impact on levels of service of traffic circulation, sanitary sewer, solid waste, drainage, potable water, and recreation and open space. If the application is deemed concurrent, a Certificate of Concurrency will be issued by the Land Development Regulation Administrator.

If the development requires any other development permit, a copy of the Certificate of Concurrency shall be included with future applications for development permits. A separate concurrency review shall not be

required for each development permit for the same project. Concurrency review addresses only the availability of public facilities and capacity of services, and a Certificate of Concurrency does not represent any other form of required Development approval.

The burden of meeting the concurrency test and showing compliance with the adopted levels of service shall be upon the applicant. If the application for development is not concurrent, the applicant shall be notified in writing that a certificate cannot be issued for the development.

Development approval shall be granted only if the proposed development does not lower the existing levels of service of public facilities and services below the adopted levels of service in the Comprehensive Plan.

14.13.3.1. Generally.

1. The adopted level of service shall be maintained. Development activity may be approved provided certain public services are available at prescribed levels of service concurrent with the impacts of Development although prescribed levels of service may be degraded during construction of new facilities if, upon completion, the prescribed levels will be met.
2. For purposes of these Land Development Regulations, the available capacity of a facility shall be determined by adding together:

    a. The total excess capacity of the existing facilities with the total capacity of new facilities. The capacity of new facilities may be counted only if one (1) or more of the following is shown:

        (1) Construction of new facilities are under way at the time of application.
        (2) The new facilities are the subject of a binding executed contract for the construction of facilities or provision of services at the time the development permit is issued.
        (3) The new facilities are included in the City annual capital budget.
        (4) The new facilities are guaranteed in an enforceable development agreement which include, but is not limited to, Development agreements pursuant to F.S. §§ 163.3220--163.3243, as amended, or an agreement or Development order pursuant to F.S. Ch. 380, as amended. Such facilities shall be consistent with the capital improvements element of the City comprehensive plan and approved by the City Council.
        (5) The developer has contributed funds to the City necessary to provided new facilities consistent with the capital improvements element of the City comprehensive plan. Commitment that the facilities will be built must be evidenced by a budget amendment and appropriation by the City or other governmental entity.

    b. Subtracting from subsection a. (above) the sum of:

        (1) The service demand created by existing Development or previously approved Development orders; and
        (2) The new demand for the service created concurrent with the proposed Development by the completion of other presently approved Developments.

3. The burden of showing compliance with these level of service requirements shall be upon the developer. To be eligible for approval, applications for Development shall provide sufficient information showing compliance with these standards.

14.13.4. Procedures for concurrency determination.

Public facilities and services for which level of service standards have been established are:

1. Traffic circulation,
2. Sanitary sewer,
3. Solid waste,
4. Drainage,
5. Potable water,
6. Recreation and Open Space, and
7. Public School Facilities.

Tests for concurrency are:

1. For traffic circulation:

    a. The City shall provide level of service information from the most recent Data and Analysis Report in support of the City comprehensive plan. If this level of service information indicates a level of service failure, the applicant may either:

        (1) Accept the level of service information found in the most recent data and analysis report supporting the City comprehensive plan, or
        (2) Prepare a more detailed highway capacity analysis as outlined in the Highway Capacity Manual, Special Report 209 (1985), or a speed and delay study following the procedure outlined by the Florida Department of Transportation, Traffic Engineering Office, in its Manual for Uniform Traffic Studies.

    b. If the applicant chooses to prepare a separate analysis, he or she shall submit the completed alternative analysis to the Land Development Regulation Administrator who shall review the alternative analysis for accuracy and appropriate application of methodology.
    c. If the Land Development Regulation Administrator determines the alternative methodology is appropriate and accurate and indicates an acceptable level of service, it shall be used in place of the most recent data and analysis in support of the City comprehensive plan.
    d. Proposed Development generating more than 750 trips a day shall be required to provide a trip distribution model in addition to requirements outlined above.

2. For sanitary sewer, solid waste, drainage, potable water, and recreation and open space:

    a. The City shall provide level of service information from the most recent data and analysis report in support of the City comprehensive plan.
    b. If such level of service information indicates the proposed project will not result in a level of service failure, the concurrency determination will indicate that adequate facility capacities at acceptable levels of service are available.
    c. If such level of service information indicates the proposed project will result in a level of service failure, the concurrency determination will indicate that adequate facility capacity at acceptable levels of service is not available on the date of application or inquiry.

14.13.5. Determination of project impact.

The impact of proposed development activity on available capacity shall be determined as follows:

14.13.5.1. Building permits.

The issuance of a building permit has more of an immediate impact upon levels of service for public facilities than may be the case with the issuance of other types of development orders. Therefore, building permits shall be issued only when the necessary facilities and services are in place. The determination of the existence of the necessary facilities and services being in place shall be made by the Land Development Regulation Administrator as part of the Certificate of Concurrency compliance procedure. For traffic circulation, this determination shall apply to the adopted level of service standards for streets within the City jurisdiction. Public facility impacts shall be determined based upon the level of service of the facility throughout the facility geographic service area.

14.13.5.2. Other types of development orders.

Other types of development orders include, but are not limited to, approval of subdivisions, special permits, and site and development plan approval. These other types of development orders have less immediate impacts upon public facilities and services than the issuance of a building permit. However, public facilities and services are to be available concurrent with the ultimate impacts of these other types of development orders. Therefore, subject to the final development approval authority determining the necessary facilities or services are in place and are maintaining the adopted level of service, the following concurrency management requirements shall apply for the issuance of such other types of development orders.

1. Provisions shall be included within the Development order which require the construction of additional and sufficient public facility capacity where public facilities, due to projected impacts of the development proposal, will not meet adopted levels of service; and
2. Such expansion of public facility capacity shall be constructed by the developer at the developer's expense or by the public or private entity having jurisdictional authority over the facility in a sufficiently timely manner so that necessary facilities and services will be in place when the impacts of the development occur and will be in conformance with the five-year schedule of improvements found in the current City Capital Improvements Element.

14.13.6. Development orders and permits.

For Development orders and permits, the following determination shall apply:

1. If an applicant requests, the Land Development Regulation Administrator shall make an informal, nonbinding determination of whether or not sufficient capacity exists in applicable public facilities and services to satisfy the demands of the proposed project including a determination of what public facilities or services will be deficient if the proposed project were approved.
2. Certain petitions such as land use amendments to the comprehensive plan and rezoning requests are ineligible to receive concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. Those development approvals may receive a non-binding concurrency determination.
3. A concurrency determination, whether or not requested as part of an application for development approval, is a nonbinding determination of what public facilities and services are available on the date of inquiry. The issuance of a Certificate of Concurrency Compliance is the only binding action which reserves capacity for public facilities and services.

14.13.7. Certificate of concurrency compliance.

A Certificate of Concurrency Compliance shall only be issued upon final development approval and shall remain in effect for the same period of time as the development order or permit granting final development approval. If the development approval does not have an expiration date, the Certificate of Concurrency Compliance shall be valid for twelve (12) months from the date of issuance.

14.13.8. Application priority.

In cases of competing applications for public facility capacity, the following order of priority shall apply:

1. Issuance of a building permit based upon previously approved development orders permitting redevelopment;
2. Issuance of a building permit based upon previously approved Development orders permitting new Development;
3. Issuance of new Development orders permitting redevelopment;
4. Issuance of new Development orders permitting new development.

14.13.9. Concurrency management system.

The following conditions apply to the City's concurrency management system:

1. Amendments to the City Comprehensive Plan can be made twice each year, and, as otherwise permitted, as small scale amendments. In addition, changes can be made to the capital improvements element of the City Comprehensive Plan by ordinance if they are limited to technical matters listed in F.S. §§ 163.3161--163.3215, as amended.
2. No development order or development permit shall be issued which would require the City Council to delay or suspend construction of a capital improvement on the Five-Year Schedule of the Capital Improvements Element of the City Comprehensive Plan.
3. If, by issuance of a development order or development permit, a substitution of a comparable project on the five-year schedule is proposed, the applicant may request the City Council to consider an amendment to the five-year schedule in one (1) of the twice annual amendment reviews.
4. A development failing to meet the required level of service standards for public facilities shall require a halt to the affected development or a reduction of the level of service standard which will require an amendment to the City Comprehensive Plan.

Sec. 14.14. Level of Service Standards.

The City Council shall use the following level of service standards for making concurrency determinations:

14.14.1. Traffic circulation.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for traffic circulation as established in the traffic circulation element of the City comprehensive plan:

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
1	U.S. 90/Howard Street – W (From City of Live Oak west limits to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Principal Arterial	Urban	D
2	U.S. 90/Howard Street – E (From U.S. 129/S.R. 51/Ohio Avenue to City of Live Oak east limits)	2-U	Principal Arterial	Urban	D
3	U.S. 129/S.R. 51/Ohio Avenue (From City of Live Oak north limits to intersection of S.R. 51/11th Street)	4-D	Principal Arterial	Urban	D
4	U.S. 129/Ohio Avenue (From City of Live Oak south limits to S.R. 51/11th Street)	2-U	Principal Arterial	Urban	D
5	C.R. 795/C.R. 249/Houston Avenue (From City of Live Oak north limits to U.S. 90/Howard Street)	2-U	Urban Collector	Urban	D
6	S.R. 51 (From City of Live Oak west southwest limits through the Round-A-Bout to U.S. 129/Ohio Avenue)	2-U	Minor Arterial	Urban	D
7	C.R. 249/Nobles Ferry Road (From City of Live Oak north northwest limits to C.R. 795/Houston Avenue)	2-U	Urban Collector	Urban	D
8	C.R. 136/Duval Street (From City of Live Oak east limits to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Urban Collector	Urban	D
9	C.R. 136/11th Street (From City of Live Oak west limits to S.R. 51 and Walker Avenue at the Round-A-Bout)	2-U	Urban Collector	Urban	D
10	C.R. 10A/Helvenston Street (From City of Live Oak east limits to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Urban Collector	Urban	D
11	Walker Avenue and Winderweedle Street (From U.S. 90/Howard Street north on Walker Street to the intersection with Winderweedle Street, then east to U.S. 129/S.R. 51/Ohio Avenue	2-U	Urban Collector	Urban	D
12	C.R. 258/Pinewood Drive (From S.R. 51 to U.S. 129/ Ohio Avenue)	2-U	Urban Collector	Urban	D
13	Georgia Avenue and Fir Street (From C.R. 136/Duval Street to U.S. 129/S.R. 51/Ohio Avenue)	2-U	Urban Collector	Urban	D
14	Lee Avenue (From C.R. 136/Duval Street to Helvenston Street)	2-U	Urban Collector	Urban	D
15	Parshley/7th Street and Woods Avenue (From U.S. 129/S.R. 51/ Ohio Avenue on Parshley Street west to Woods Avenue, then north to U.S. 90/Howard Street	2-U	Urban Collector	Urban	D
16	Walker Avenue	2-U	Urban Collector	Urban	D

	(From U.S. 90/Howard Street to C.R. 136/11th Street)				
17	Houston Avenue (From U.S. 90/ Howard Street to S.R. 51/11th Street)	2-U	Urban Collector	Urban	D
18	White Avenue (From C.R. 10A/Helvenston Street to U.S. 90/Howard Street)	2-U	Urban Collector	Urban	D
19	Railroad Avenue and Miller Street (From U.S. 90/Howard Street south to Miller Street, then west to U.S. 129/Ohio Avenue)	2-U	Urban Collector	Urban	D

14.14.2. Sanitary sewer.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer systems as established in the Sanitary Sewer Element of the City Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Individual Septic Tanks	Standards as specified in Chapter 64E-6 F.A.C., in effect on January 1, 2006.
City of Live Oak Community Sanitary Sewer System	134 gallons per capita per day.

14.14.3. Solid waste.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for solid waste facilities as established in the public facilities element of the City comprehensive plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	0.64 tons per capita per year.

14.14.4. Drainage.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for drainage systems as established in the drainage element of the City comprehensive plan:

LEVEL OF SERVICE STANDARD

For all projects which fall totally within a stream, or open lake watershed, detention systems must be installed such that the peak rate of post-development runoff will not exceed the peak rate of pre-development runoff for storm events up through and including either:

1. A design storm with a ten-year, 24-hour rainfall depth with Soil Conservation Service Type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational uses; or
2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational uses.

All other stormwater management projects shall adhere to the standards as specified in Chapter 62-25, F.A.C., (rules of the Florida Department of Environmental Regulation) and Chapter 40B-4, F.A.C., (rules of the Suwannee River Water Management District), in effect on January 1, 2006.

Any Development exempt from Chapter 62-25, F.A.C., and which is adjacent to, or drains into, a surface water, canal, or stream, or which empties into a sinkhole, shall first allow the runoff to enter a grassed swale or other conveyance designed to percolate 80 percent of the runoff from a three-year, one-hour design storm, within 72 hours after a storm event.

14.14.5. Potable water.

New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water systems as established in the Potable Water Element of the City Comprehensive Plan:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private Individual Water Wells	Standards as specified in Chapter 62-22, F.A.C., in effect on January 1, 2006.
City of Live Oak Community Potable Water System	164 gallons per capita per day, 20 pounds per square inch of volume.

14.14.6. Recreation and Open Space.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreation facilities as established in the Recreation and Open Space Element of the City Comprehensive Plan:

FACILITY or AREA DESIGNATION	LEVEL OF SERVICE STANDARD
Nature Reserve	.50 acres per 1,000 population.
Neighborhood Parks with Playgrounds	.50 acres per 1,000 population.
Regional/Community Parks	1.0 acres per 1,000 population.
Parkway	No parkways are located within the City Limits Therefore the threshold is not applicable.
Beaches and Public Access to Beaches	No beaches are located within the City Limits Therefore the threshold is not applicable.

Open Spaces	1.0 acres per 1,000 population.
Waterways	No waterways are located within the City Limits Therefore the threshold is not applicable.
Other Multi-function Recreational Areas or Facilities	4.0 acres per 1,000 population.

14.14.7. Public School Facilities.

New Development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the public school facilities as established in the Public School Facility Element of the City Comprehensive Plan:

ACTIVITY	LEVEL OF SERVICE STANDARD
Elementary Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.
Middle Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.
Middle/High Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.
High Schools	100 percent of permanent Florida Inventory of School Houses capacity as adjusted by the School Board annually to account for measurable programmatic changes.

Sec. 14.15. Authorization to adopt Development agreements pursuant to chapter 163, F.S.

14.15.1. Authority.

The City Council may, enter into Development agreements in accordance with the provisions of this section and sections 163.3220--163.3243, F.S., as amended.

14.15.2. Application.

A proposed Development agreement may be presented to the City Council only upon payment of an application fee of $2,500.00. The application shall set forth all of the items required to be included in a Development agreement pursuant to section 14.15.7.

14.15.3. Hearings. (See also Article 3)

The City Council shall conduct one public hearing on an application for Development agreement. Prior to the City Council public hearing, the planning and zoning board and local planning agency shall each hold one public hearing on the proposed Development agreement and forward their recommendations to the City Council.

14.15.4. Notice of hearings.

Notice for intent to consider a Development agreement shall be provided, as follows:

1. By placement of a public hearing sign prominently located on the land subject to the development agreement, at least ten days before any public hearings.
2. By publication, at least five days before any public hearing as provided for in section 14.15.3, in a newspaper of general circulation in the city.
3. Notice shall specify the location of land subject to the Development agreement; the proposed Development uses; the proposed population densities; the proposed building intensities; and, shall specify a place where a copy of the proposed Development agreement can be obtained.
4. The day, time, and place at which the public hearing before the City Council will be held shall be announced at the public hearing held before the local planning agency.

14.15.5. Criteria for review.

In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Council shall determine:

1. Whether the Development agreement and the authorized Development is consistent with the comprehensive plan and Land Development Regulations; and
2. Whether it furthers the public health safety and welfare to enter into the Development agreement.

14.15.6. Contents of adopted development agreements.

An approved Development agreement shall contain, at a minimum, the following items:

1. A legal description and boundary survey of the Land subject to the Development 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 heights and intensities;
4. A description of public facilities that will serve 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. Findings to show how the development permitted or proposed is consistent with the City's Comprehensive Plan and Land Development Regulations of the City;
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; and

9. A statement indicating that the failure of the development 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, terms or restrictions.

Requirements that the entire Development or any phase thereof be commenced or completed within a specific period of time may be prescribed within the terms of the development agreement.

14.15.7. Duration of a Development agreement.

The duration of a Development agreement shall not exceed ten years. It may be extended by mutual consent of the City Council and the developer, subject to public hearings before the planning and zoning board, local planning agency and City Council in accordance with section 14.15.3.

No Development agreement shall be effective or be implemented by the City unless the comprehensive plan and plan amendments implementing or related to the agreement are found in compliance by the Florida Department of Community Affairs in accordance with sections 163.3184, 163.3187 or 163.3189, F.S., as amended.

14.15.8. Consistency with the comprehensive plan and Land Development Regulations.

A Development agreement and authorized development shall be consistent with the Comprehensive Plan and the Land Development Regulations of the City.

14.15.9. Municipal laws and policies governing development agreements.

The laws and policies of the City governing the development of the land at the time of execution of the Development agreement shall govern the development of the land for the duration of the development agreement. The City may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the City Council 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; or,
2. They are essential to public health, safety, and welfare, and expressly state that they shall apply to a development that is subject to a development agreement; or,
3. They are specifically anticipated and provided for in the development agreement; or,
4. Substantial changes have occurred in pertinent conditions existing at the time of the approval of the development agreement; or,
5. The development agreement is based on substantially inaccurate information supplied by the developer.

Prior to conducting a public hearing to consider the application of subsequently adopted laws and policies, the City shall provide, 30 days written notice to all parties to the development agreement. No provision of section 14.15.9 shall abrogate any rights that may vest pursuant to common law.

14.15.10. Recordation and effectiveness.

The City shall record the development agreement, within 14 days of entering into the development agreement, with the clerk of the county. A copy of the recorded development agreement shall be

submitted to the Florida Department of Community Affairs within 14 days after the development agreement is recorded. A Development agreement shall not be effective until it is properly recorded in the public records of the county, and until 30 days after having been received by the Florida Department of Community Affairs pursuant to this section. The burdens of the Development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement.

14.15.11. The City Council shall review land subject to a development agreement at least once every 12 months to determine if there has been a demonstration of good faith compliance with the terms of the development agreement. For each annual review conducted during the years six through ten of a development agreement, the review shall be incorporated into a written report, which shall be submitted to the parties to the development agreement and the Florida Department of Community Affairs.

If the City Council finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the City Council may revoke or modify the development agreement.

14.15.12. Amendment or cancellation of a Development agreement.

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

14.15.13. Modification or revocation of a Development agreement to comply with subsequently enacted state and federal law.

If state or federal laws are enacted after the execution of a development agreement which 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.

14.15.14. Enforcement.

Any party, any aggrieved or adversely affected person as defined in section 163.3215(2), F.S., as amended or the Florida Department of Community Affairs may file an action for injunctive relief in the circuit court of competent jurisdiction to enforce the terms of a Development agreement or to challenge compliance of the Development agreement with the provisions of sections 163.3220--163.3243, F.S., as amended.

Sec. 14.16. Proportionate Fair-Share Transportation Program.

14.16.1. Purpose and intent.

The purpose of this section is to establish a method whereby the impacts of Development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share transportation program, as required by and in a manner consistent with section 163.3180(16), F.S.

14.16.2. Applicability.

The proportionate fair-share transportation program shall apply to all Developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City concurrency management system, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the concurrency requirements of this article of the Land Development Regulations. The proportionate fair-share transportation program does not apply to Developments of regional impact using proportionate fair-share under section 163.3180(12), F.S., or to Developments exempted from concurrency as provided in the comprehensive plan and this article of the Land Development Regulations, and/or section 163.3180, F.S., regarding exceptions and de minimis impacts.

14.16.3. General requirements.

1. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:

    a. The proposed Development is consistent with the comprehensive plan and applicable Land Development Regulations, and
    b. The five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the concurrency management system. The provisions of paragraph (2) of this general requirements subsection herein may apply if a project or projects needed to satisfy concurrency are not presently contained within the capital improvements element of the comprehensive plan or an adopted long-term schedule of capital improvements for an adopted long-term concurrency management system.

2. The City may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share transportation program by contributing to an improvement that, upon completion, will satisfy the requirements of the concurrency management system, but is not contained in the five-year schedule of capital improvements in the capital improvements element or a long-term schedule of capital improvements for an adopted long-term concurrency management system, where the following apply:

    a. The City adopts, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or long-term schedule of capital improvements for an adopted long-term concurrency management system no later than the next regularly scheduled annual capital improvements element update. To qualify for consideration under this section, the proposed improvement must be reviewed by the local planning agency, and determined to be financially feasible pursuant to section 163.3180(16)(b)1., F.S., consistent with the comprehensive plan, and in compliance with the provisions of this section. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.
    b. If the funds allocated for the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of Development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more

improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.
The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term schedule of capital improvements for an adopted long-term concurrency management system at the next regularly scheduled annual capital improvements element of the comprehensive plan update.

3. Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the Florida Department of Transportation for the state highway system.

14.16.4. Intergovernmental coordination.

Pursuant to policies in the intergovernmental coordination element of the comprehensive plan and applicable policies in the North Central Florida Strategic Regional Policy Plan, the City shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the City. An interlocal agreement may be established with other affected jurisdictions for this purpose.

14.16.5. Application process.

1. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair-share transportation program pursuant to the requirements of this section.
2. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the strategic intermodal system, then the Florida Department of Transportation will be notified and invited to participate in the pre-application meeting.
3. Eligible applicants shall submit an application to the City that includes an application fee, as established by a fee resolution, as amended, by the City, and the following:
   a. Name, address and telephone number of owner(s), developer and agent;
   b. Property location, including parcel identification numbers;
   c. Legal description and survey of property;
   d. Project description, including type, intensity and amount of Development;
   e. Phasing schedule, if applicable; and
   f. Description of requested proportionate fair-share mitigation method(s).
4. The City shall review the application and certify that the application is sufficient and complete within 30 calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share transportation program as described in this section, then the applicant will be notified in writing of the reasons for such deficiencies within 30 calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 calendar days of receipt of the written notification, then the application will be deemed abandoned. The City Council may, in its discretion, grant an extension of time not to exceed 60 calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

5. Pursuant to section 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for Development impacts to facilities on the strategic intermodal system requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.
6. When an application is deemed sufficient, complete and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City and delivered to the appropriate parties for review, including a copy to the Florida Department of Transportation for any proposed proportionate fair-share mitigation on a strategic intermodal system facility, no later than 60 calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than 15 calendar days prior to the City Council meeting when the agreement will be considered.
7. The City shall notify the applicant regarding the date of the City Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Council.

14.16.6. Determining proportionate fair-share obligation.

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of Land, and construction and contribution of facilities.
2. A Development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in section 163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed Development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."
OR
Proportionate Fair-Share = $\sum[[(\text{Development Trips}_i)/(\text{SV Increase}_i)] \times \text{Cost}_i]$
Where:

Development Trips i =	Those trips from the stage or phase of Development under review that are assigned to roadway segment "I" and have triggered a deficiency per the Concurrency Management System;
SV Increase i =	Service volume increase provided by the eligible improvement to roadway segment "I" per section E;
Cost i =	Adjusted cost of the improvement to segment "T". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical Development costs directly associated with construction at the anticipated cost in the year it will be incurred.

4. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvements element of the comprehensive plan, or the Florida Department of Transportation Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods.
    a. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the City Council. In order to accommodate increases in construction material costs, project costs shall be adjusted by the following inflation factor:

Costn = Cost0 × (1 + Cost_____growth3yr)n

Where:

Cost n =	The cost of the improvements in year n;
Cost 0 =	The cost of the improvement in the current year;
Cost_____growth 3yr =	The growth rate of costs over the last three years;
n =	The number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula:

Cost_____growth3yr = [Cost_____growth-1 + Cost_____growth-2 + Cost_____growth-3]/3

Where:

TABLE INSET:

Cost_____growth 3yr =	The growth rate of costs over the last three years;
Cost_____growth -1 =	The growth rate of costs in the previous year;
Cost_____growth -2 =	The growth rate of costs two years prior;
Cost_____growth -3 =	The growth rate of costs three years prior.

    b. The most recent Florida Department of Transportation Costs report, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted Florida Department of Transportation Work Program shall be determined using this method in coordination with the Florida Department of Transportation.

5. If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
6. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the City property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the Land and a Certificate of title or title search of the Land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that Development, then the applicant must

also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the Florida Department of Transportation for essential information about compliance with federal law and Regulations.

14.16.7. Proportionate fair-share agreements.

1. Upon execution of a proportionate fair-share agreement the applicant shall receive City concurrency approval. Should the applicant fail to apply for a Development permit within 12 months of the execution of the proportionate fair-share agreement, then the proportionate fair-share agreement shall be considered null and void, and the applicant shall be required to reapply.
2. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final Development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months after the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to the determining proportionate fair-share obligation subsection herein and adjusted accordingly.
3. All developer improvements authorized under this section must be completed prior to issuance of a Development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any required improvements shall be completed before issuance of building permits.
4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final Development order or recording of the final plat.
5. Any requested change to a Development project subsequent to a Development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the proportionate fair-share agreement. The application fee and any associated advertising costs to the City are non-refundable.

14.16.8. Appropriation of fair-share revenues.

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the capital improvements element of the comprehensive plan, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the City Council, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.
2. In the event a scheduled facility improvement is removed from the capital improvements element of the comprehensive plan, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of Development pursuant to the requirements of this section.

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in section 339.155, F.S., and then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions

and public contributions to seek funding for improving the impacted regional facility under the Florida Department of Transportation's Transportation Regional Incentive Program. Such coordination shall be ratified by the City Council through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

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ARTICLE FIFTEEN – ENFORCEMENT AND REVIEW

Sec. 15.1. Complaints Regarding Violations.

When the land development regulation administrator receives a written, signed complaint alleging a violation of these land development regulations, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing the action taken or to be taken.

Sec. 15.2. Persons Liable.

The owner, tenant, or occupant of a building or land or part thereof or an attorney, architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains a situation that is contrary to the requirements of these land development regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Sec. 15.3. Procedures Upon Discovery of Violations.

1. If the land development regulation administrator finds a provision of these land development regulations is being violated, he or she shall send a written notice to the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the land development administrator's discretion.
2. The final written notice (the initial written notice may be the final notice) shall state what action the land development administrator intends to take if the violation is not corrected and shall advise that the land development regulation administrator's decision or order may be appealed to the board of adjustment in accordance with Article 3.
3. Notwithstanding the foregoing, in cases when delay would pose a danger to the public health, safety, or welfare, the land development regulation administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this article.

Sec. 15.4. Penalties and Remedies for Violations.

1. A violation or an act in process constituting a violation of a provision of these land development regulations or a failure to comply with any of its requirements, including violation of a condition or safeguard established in connection with granting a variance, special exception or special permit, shall constitute a misdemeanor of the second degree, punishable as provided in F.S. ch. 775, as amended. A person, firm or corporation who violates these land development regulations or fails to comply with any of its requirements shall, upon conviction of a misdemeanor of the second degree, be fined or imprisoned, or both, as provided for in F.S. § 125.69, as amended, and, in addition, shall pay all costs and expenses involved in the case.
2. If the offender fails to pay a penalty imposed in accordance with the foregoing within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the

nature of debt. A civil penalty may not be appealed to the board of adjustment if the offender was sent a final notice of violation in accordance with this article and did not take an appeal to the board of adjustment within the prescribed time.

3. Each day a violation continues after notification by the land development regulation administrator that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified in this article.
4. Any one, all, or combination of the foregoing penalties and remedies may be used to enforce these land development regulations.

ARTICLE SIXTEEN:

-RESERVED-

Text previously found in this Article 16, which was entitled Amendments, can be found, as amended and renumbered, in Article 3.

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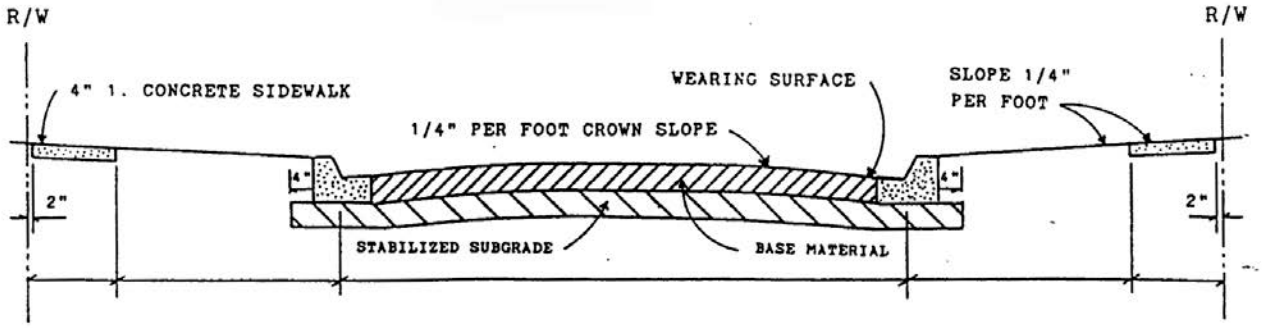
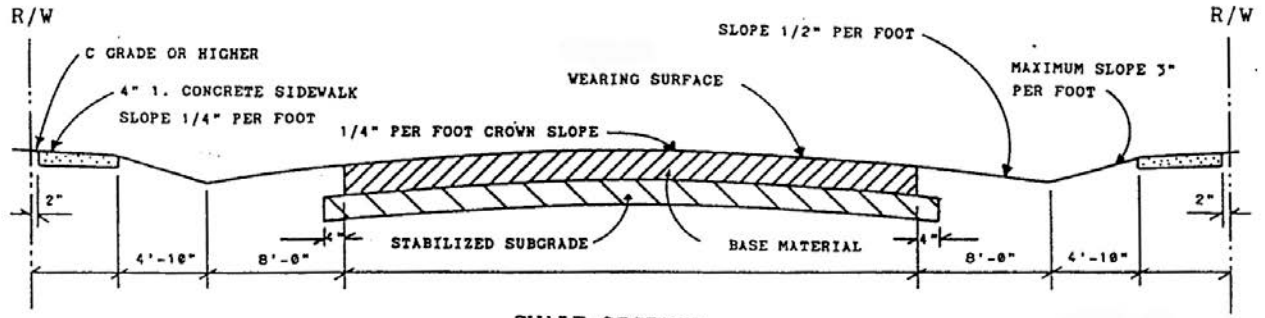
APPENDIX A

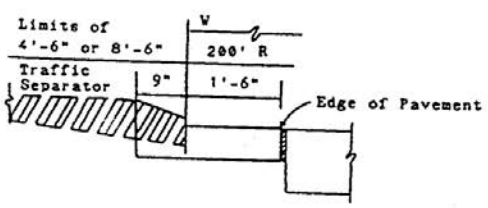
STREET CROSS SECTION AND CURB STANDARDS



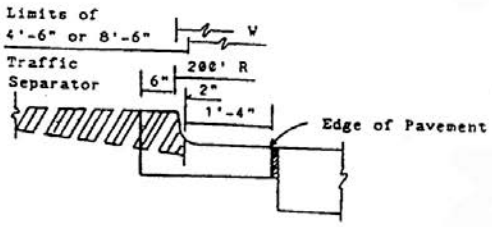
CURB SECTION



SWALE SECTION



TYPE E CURB AND GUTTER



TYPE F CURB AND GUTTER

ALTERNATE CURB SECTIONS

NOTE: CURB AND SIDEWALKS SHALL BE CAST OF 2,500 P.S.I. CONCRETE

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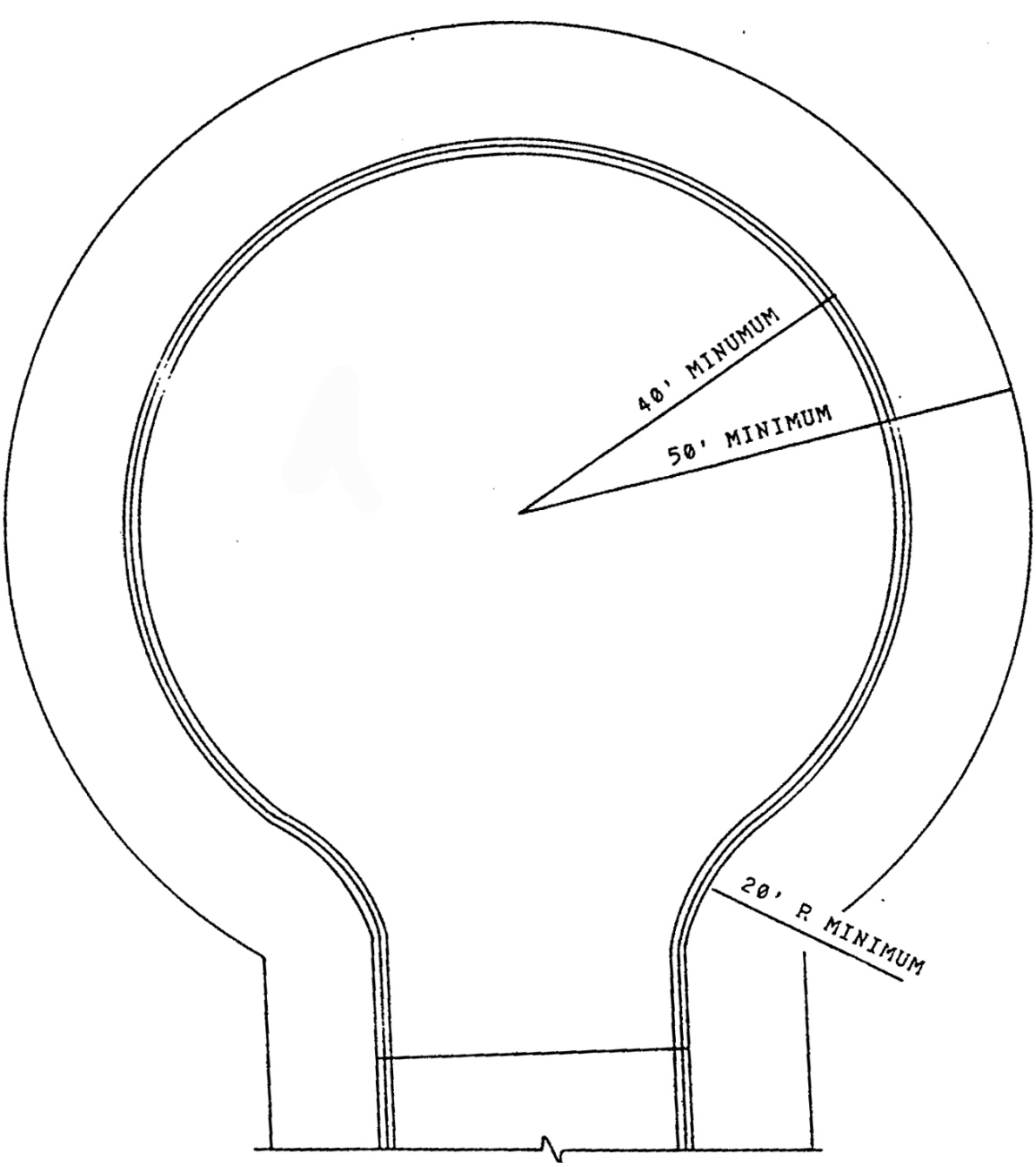
CUL-DE-SAC DETAIL



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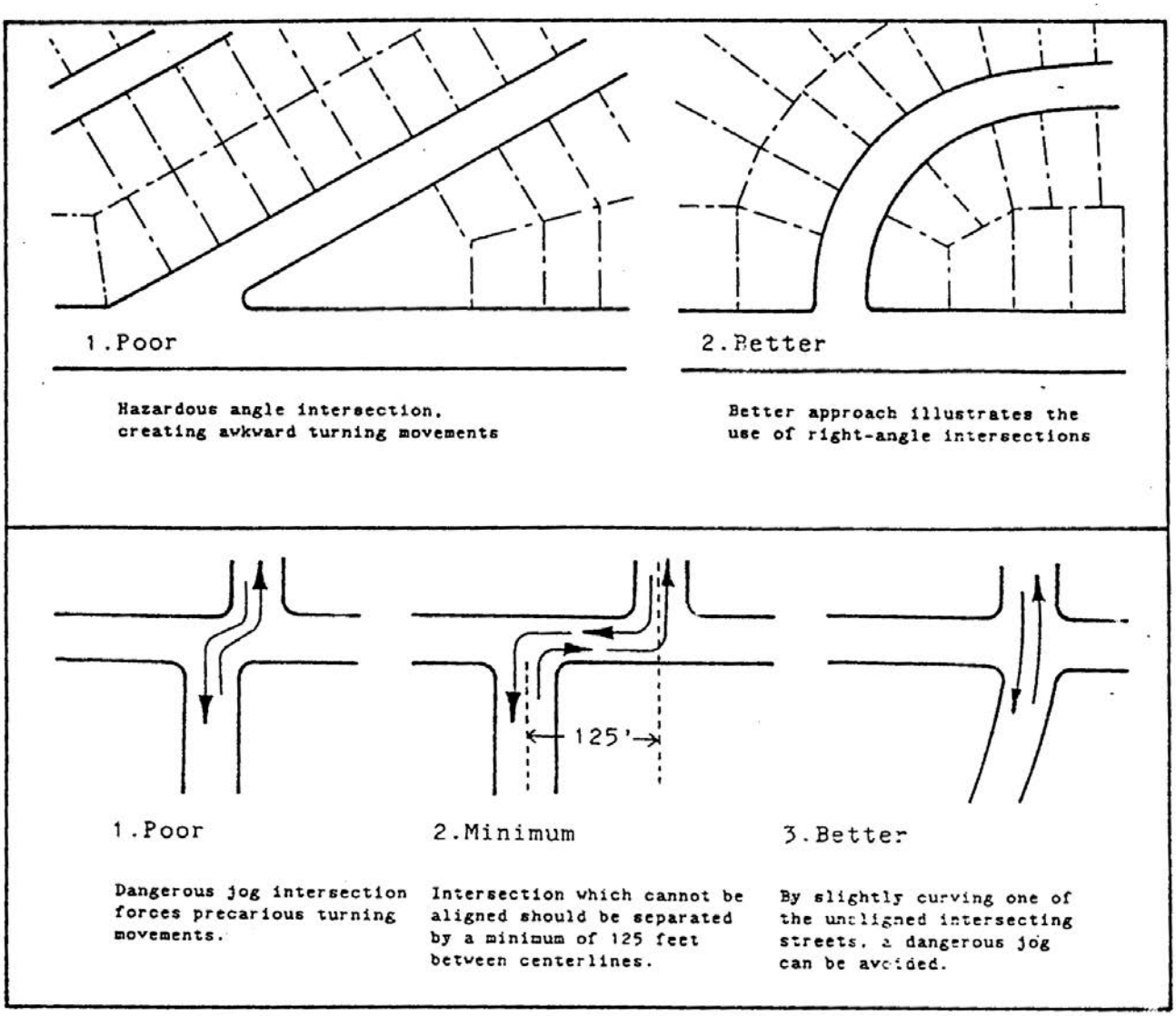
INTERSECTION DESIGN STANDARDS



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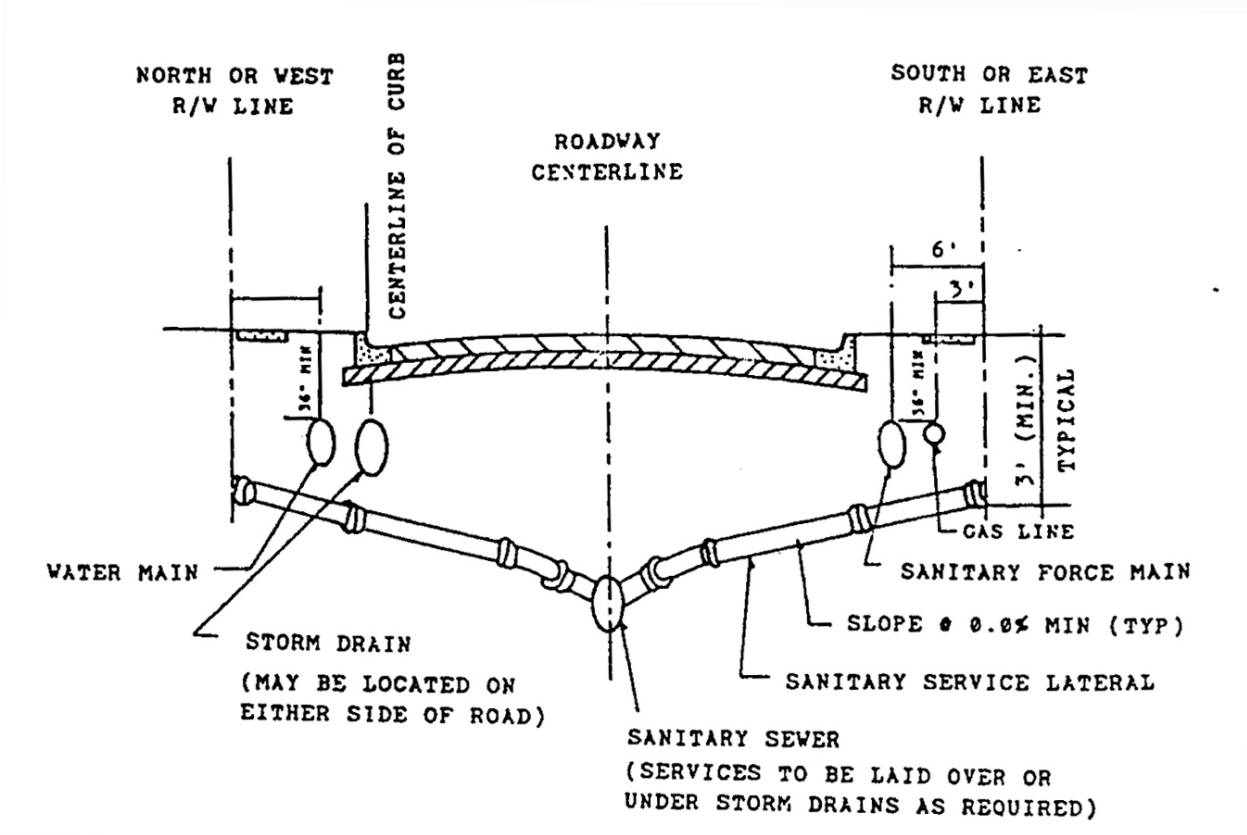
UTILITY LOCATION



TYPICAL SECTION LOCAL AND COLLECTOR STREETS

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CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered land surveyor, as provided under F.S. Ch. 472, and is in good standing with the Board of Land Surveyors, does hereby certify that on _____, _____, he completed the survey of the lands as shown in the foregoing plat or plan; that said plat is a correct representation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed as shown thereon as required by F.S. Ch. 177; and that said land is located in Section _____, Township and Range _____, City of Live Oak, Florida.

NAME_____

DATE _____ Registration Number_____

CERTIFICATE OF THE SUBDIVIDER'S ENGINEER

THIS IS TO CERTIFY, that on _____, _____, Registered Florida Engineer, as specified within F.S. Ch. 471, License No. _____, does hereby certify that all required improvements have been installed in compliance with the approved construction plans and, as applicable, any submitted "as-built" blue prints in accordance with the requirements of the city council of the City of Live Oak, Florida.

_____(SEAL)
Registered Florida Engineer

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CERTIFICATE OF APPROVAL BY COUNTY HEALTH DEPARTMENT

Examined on _____

AND

Approved by _____
County Health Department

CERTIFICATE OF APPROVAL
BY THE ATTORNEY FOR THE CITY OF LIVE OAK, FLORIDA

Examined on _____

AND

Approved as to legal form and sufficiency by Approved by

_____
City Attorney

CERTIFICATE OF APPROVAL BY CITY COUNCIL OF THE CITY OF LIVE OAK, FLORIDA

THIS IS TO CERTIFY, that on _____ the foregoing plat was approved by the City of Live Oak, Florida.

_____ Attest: _____
Mayor City Administrator

Filed for record on: _____ By:_____
City Clerk

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CERTIFICATE OF ESTIMATED COST

I, _____, Registered Florida engineer, as specified within F.S. Ch. 471, License No. _____, do hereby estimate that the total estimated cost of installing all required improvements for the proposed subdivision to be titled _____, is $_____.

_____(SEAL)
Registered Florida Engineer

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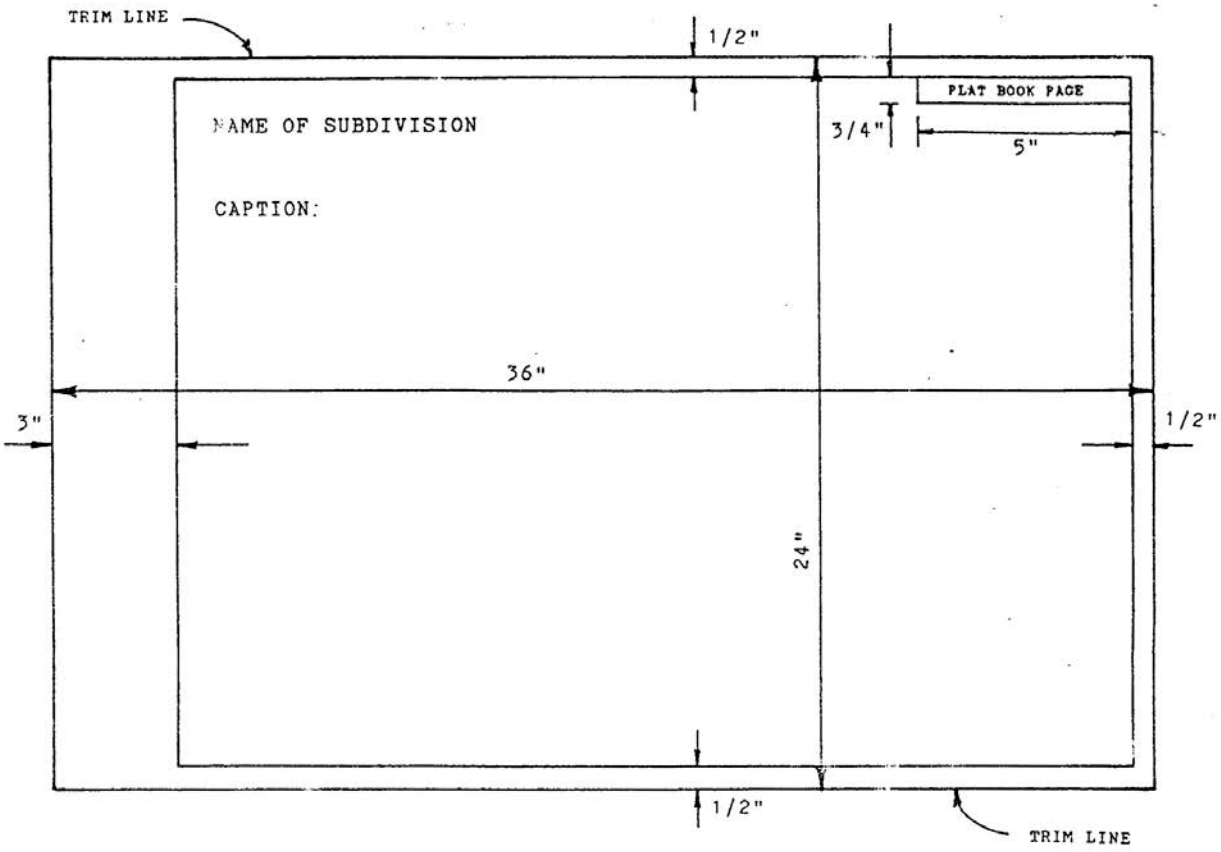
PRELIMINARY AND FINAL PLAT SIZE SPECIFICATIONS



SIZE OF SHEET FOR RECORD PLAT

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MAINTENANCE BOND – PAGES A-17 to A-22

CITY OF LIVE OAK
SUBDIVISION
MAINTENANCE BOND

DATE POSTED: _____
EXPIRATION DATE: _____

RE: _____Subdivision/Plat/Permit No.:_____
Owner/Developer/Contractor: _____
Project Address: _____

KNOW ALL PERSONS BY THESE PRESENTS: That we, _____ (hereinafter called the "Principal"), and _____, a corporation organized under the laws of the State of _____, and authorized to transact surety business in the State of Florida (hereinafter called the "Surety"), are held and firmly bound unto the City of Live Oak, Florida, in the sum of _____ _____ dollars ($_____), lawful money of the United States of America, for the payment of which sum we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents. THE CONDITIONS of the above obligation are such that:

WHEREAS, the above named Principal has constructed and installed certain improvements in connection with a project as described above within the City; and

WHEREAS, in order to provide security for the obligation of the Principal to repair and/or replace said improvements against defects in workmanship, materials or installation for a period of tweve (12) months after written and final acceptance of the same and approval by the City; and

WHEREAS, in order to enable the City to release the performance bond filed by the Principal with the City in connection with such improvements;

NOW, THEREFORE, this Maintenance Bond has been secured and is hereby submitted to the City. It is understood and agreed that this obligation shall continue in effect until released in writing by the City of Live Oak, but only after the Principal has performed and satisfied the following conditions:

A. The work or improvements installed by the Principal and subject to the terms and conditions of this Bond are as follows: (insert complete description of work here)

_____
_____
_____

B. The Principal and Surety agree that the work and improvements installed pursuant to the Performance Bond or other security instrument filed with the City in the above-referenced project shall remain free from defects in material, workmanship and installation (or, in the case of

landscaping, shall survive,) for a period of twelve (12) months after written and final acceptance of the same and approval by the City. Maintenance is defined as acts carried out to prevent a decline, lapse or cessation of the state of the project or improvements as accepted by the City during the twelve (12) month period after final and written acceptance, and includes, but is not limited to, repair or replacement of defective workmanship, materials or installations.

C. The Principal shall, at its sole cost and expense, carefully replace and/or repair any damage or defects in workmanship, m aterials or installation to the City-owned real property on which improvements have been installed, and leave the same in as good condition as it was before commencement of the work.

D. The Principal and the Surety agree that in the event any of the im provements or restoration work installed or com pleted by the Principal as desc ribed herein, fail to rem ain free from defects in materials, workmanship or installation (or in the case of landscaping, fail to survive), for a period of twelve (12) m onths from the date of acceptance of the work by the City, the Principal shall repair and/replace the sam e within ten (10) days of demand by the City, and if the Principal should fail to do so, then the Surety shall:

1. Within twenty (20) days of demand of the City, make written commitment to the City that it will either:

   a). remedy the default itself with reasonable diligence pursuant to a time schedule acceptable to the City; or

   b). tender to the City within an additi onal ten (10) days the amount necessary, as determined by the City, f or the City to rem edy the def ault, up to the total bond amount.

   Upon completion of the Surety' s duties under either of the options above, the Surety shall then have fulfilled its obligations under this bond. If the Surety elects to fulfill its obligation pursuant to the requirements of subsection B(1)(b), the City shall notify the Surety of the actual cost of the rem edy, upon completion of the remedy. The City shall return, without interest, and overpayment made by the Surety, and the Surety shall pay to the City any actual costs which exceeded the City's estim ate, limited to the bond amount.

2. In the event the Principal fails to make repairs or provide maintenance within the time period requested by the City, then the City, its employees and agents shall have the right at the City's sole election to enter onto said property described above for the purpose of repairing or maintaining the im provements. This provision shall not be construed as creating an obligation on the part of the City or its representatives to repair or maintain such improvements.

E. Corrections. Any corrections required by the City sh all be commenced within ten (10) days of notification by the City and co mpleted within thirty (30) days of the date of notification.

If the work is not performed in a timely manner, the City shall have the right, without recourse to legal action, to take such action under this bond as described in Section D above.

F. Extensions and Changes. No change, extension of time, alteration or addition to the work to be performed by the Principal shall affect the obligation of the Principal or Surety on this bond, unless the City specifically agrees, in writing, to such alteration, addition, extension or change. The surety waives notice of any such change, extension, alteration or addition thereunder.

G. Enforcement. It is specifically agreed by and between the parties that in the event any legal action must be taken to enforce the provisions of this bond or to collect said bond, the prevailing party shall be entitled to collect its costs and reasonable attorney fees as a part of the reasonable costs of securing the obligation hereunder. In the event of settlement or resolution of these issues prior to the filing of any suit, the actual costs incurred by the City, including reasonable attorney fees, shall be considered a part of the obligation hereunder secured. Said costs and reasonable legal fees shall be recoverable by the prevailing party, not only from the proceeds of this bond, but also over and above said bond as a part of any recovery (including recovery on the bond) in any judicial proceeding. The Surety hereby agrees that this Agreement shall be governed by the laws of the State of Florida. Venue of any litigation arising out of this Agreement shall be in Suwannee County Superior Court.

H. Bond Expiration. This bond shall remain in full force and effect until the obligations secured hereby have been fully performed and until released in writing by the City at the request of the Surety or Principal.

DATED this ____ day of _____ , 200_____.

SURETY COMPANY DEVELOPER/OWNER

(Signature must be notarized) **(Signature must be notarized)**

By: _____ By _____

Its _____ Its _____

Business Name: _____ Business Name: _____

Business Address: _____ Business Address: _____

City/State/Zip Code: _____ City/State/Zip Code: _____

Telephone Number: _____ Telephone Number: _____

CITY OF LIVE OAK

By: _____ Date: _____
Its _____

City of Live Oak
101 White Avenue S.E.
Live Oak, Florida 32064
(386) 362-2276

APPROVED AS TO FORM:

_____
Office of the City Attorney

FORM P-1 / NOTARY BLOCK
(Use For Individual/Sole Proprietor Only)

STATE OF FLORIDA)
) ss.
COUNTY OF SUWANNEE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated:

_____

_____
(print or type name)
NOTARY PUBLIC in and for the
State of Florida, residing
at:_____

My Commission expires: _____

FORM P-2 / NOTARY BLOCK (Use For Partnership or Corporation Only)

(Developer/Owner)
STATE OF FLORIDA)
) ss.
COUNTY OF SUWANNEE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged as the _____ of _____that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

_____

_____

(print or type name)

NOTARY PUBLIC in and for the
State_of_Florida, residing_at:

_____

My Commission expires: _____

(Surety Company)
(STATE OF FLORIDA)
) ss.
(COUNTY OF SUWANNEE)

_____

I certify that I know or have satisfactory evidence that is person who appeared before me, and said person acknowledged as the _____ of _____that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

_____

_____

(print or type name)

NOTARY PUBLIC in and for the
State_of_Florida, residing at

_____

My_Commission expires: _____