

CITY OF AVON PARK

UNIFIED LAND DEVELOPMENT CODE



MARCH 2010

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CITY OF AVON PARK**

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ARTICLE 1
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(To be updated)

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ARTICLE 1
GENERAL PROVISIONS

1.01.00 Title

This document shall be referred to as the "Land Development Code of Avon Park" and may be referred to herein as the "Code."

1.02.00 Authority

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

1.03.00 Applicability

1.03.01 General Applicability

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

1.03.02 Exceptions

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

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

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

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

- (1) the development permit was issued prior to adoption of this Code and development activity has begun or will begin within six (6) months of the date of issuance of the development permit; and
- (2) development activity continues without interruption until the development is complete. If the development permit expires, any further development will conform to the requirements of this Code or any amendments thereto.

1.04.00 Repeal of Conflicting Local Laws

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

Ordinance 643, 8-13-79, Adopting the Code for Avon Park
 Chapter 7, Article IV, Section 7-16 thru 7-24, Planning and Zoning Board
 Chapter 7, Article VII, Code Enforcement Board, Section 7-37 thru 7-46 and amendments
 Chapter 77, Advertising, Sections 77-1 thru 77-5 and amendments
 Special Uses and Approvals, Ordinance 699, 9-28-81;
 Ordinance 684, 3-23-81; and Ordinance 714, 8-23-82
 Board of Adjustment, Ordinance 724, 11-8-82.
 Ordinance 732, 11-14-83, Keeping of Animals and Fowl
 Ordinance 734, 7-25-83, Annexation rules, Section 23-3 (6)
 Ordinance 749, 2-27-84, Subdivision Regs
 Chapter 84, Alcoholic Beverages, Section 84-4 only
 Chapter 137, Fences and Walls, Section 137-4 only
 Chapter 250, Zoning, Sections 250-1 thru 250-63 and amendments
 Ordinance 641, 4-23-79; Ordinance 653, 3-24-80;
 Ordinance 734, 7-11-83; Ordinance 747, 2-13-84;
 Ordinance 849, 3-27-90; Ordinance 751, 3-12-84;
 Ordinance 753, 4-9-84; Ordinance 788, 3-24-86;
 Signs, Ordinance 781, 2-10-86; Ordinance 797, 12-8-86;
 Ordinance 784, 1-27-86
 Chapter 216, Subdivision of Land, Sections 216-1 thru 216-40 and amendments Ordinance 838, 8-14-89; and Ordinance 793, 8-11-86
 Ordinance 847, Subdivision Regs
 Ordinance 848, Rules for Mobile Home Zoning
 Ordinance 852, Board of Adjustment membership
 Ordinance 853, Planning and Zoning Board membership

1.05.00 Interpretation

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

1.06.00 Penalties for Violation

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

1.07.00 Severability

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

1.08.00 Effective Date

These regulations shall be effective June 1993.

1.08.01 Updates

Updates: The following is a list of updates done since original adoption.

1. 1999 Updates:
 - Article 2, Section 2.03.03, Tents: Carports added and (E) added.
 - Article 2, Section 2.03.04, Fruit Stands: new section added.
 - Article 2, Section 2.04.00, Zoning Districts: names of districts updated.
 - Article 2, Section 2.04.01, Table A: Table updated.
 - Article 2, Section 2.04.02, Table B: Table updated.
 - Article 2, Section 2.06.01-2.06.18 Zoning Districts: updated.
 - Article 2, Section 2.06.19 PD Planned Unit Development: added. (This section is also found in Article 7, Section 7.04.00.)
2. Ord. 12-03, 12-22-03: Article 4, Section 4.03.00 (L): Add "Electronic message centers are allowed in C-2 zoning only."
3. The following changes were approved by Ord. 15-04 by the City Council on 11-8-04:

Section Number	Article 2 Changes Approved
After 2.02.01	Move and Renumber Sections 2.02.02 Moving of Buildings; 2.02.03 Lots divided by ROW; 2.02.04 Alteration of Lot Size
	Move Nonconformities section back to Article 7, Section 7.12.00.
2.02.05 (D)	Remove the prohibition against placing principal structures diagonally on a corner lot.
2.02.06	Min. lot size for an affordable housing density bonus: changed from 700 s.f. to 1,100 s.f.
2.02.08	Foster Home, Group Home and Halfway House has been replaced by a section called Adult Family-Care Homes, Family Day Care Homes and Family Foster Homes. Replace the category in the Table of Land Uses with the new name; and reflect that these uses are permitted in Residential Zoning Districts.
2.02.09	Adult Congregate Living Facility and Nursing Home has been replaced by Special Needs Facilities. Replace the category in the Table of Land Uses with the new name; and reflect that these uses are permitted in Commercial Zoning Districts.
2.02.10	Animal Limitations changed to Animal Enclosures. Delete former regs as they are included in the General Code and add in regs from Avon Park General Code 127-7 here, as they are building and setback related.
2.02.11	Fences. Add in Avon Park General Code 137-8 on ventilation as (G).
2.03.13	Move Carports from Commercial Section to General Section
2.03.01 (B) & (C)	Sale of Alcoholic Beverages. Zoning districts where they are allowed are matched to Table of Land Uses.
2.03.02	Remove Carports from this section and leave Temporary Tents.
2.03.03	Add regulations to Fruit stands.
Old Section 2.04.05	Move “Section 2.04.05, Satellite Dishes and Antennas” back to Accessory Uses, Section 2.05.03.
2.04.00	1. Update names of zoning districts to those adopted in 1999; add in PUD. 2. Add in C-3 Commercial Office zoning district.
2.04.01	Add back in four types of symbols in Table of Uses, signifying level of review.
2.04.01 (A) Table of Land Uses	<ol style="list-style-type: none"> 1. “C” has been Changed to “D” unless otherwise noted. 2. The Table was revised to reflect the intent of the zoning districts. 3. A column for PUD has been added, as it is a zoning district. 4. Combine Non-Retail Uses and Light Industrial Uses. 5. Move Lodging uses, which are all commercial businesses, to Retail Commercial. 6. Move all vehicle sales and repairs categories to Automotive Section. 7. Agricultural uses are Conditional in all categories. 8. No RV parks or campgrounds in PI. 11. Add column for C-3 Commercial Office. This district is intended for office parks with little or no retail commercial allowed other than restaurants. Single family attached uses such as townhouses are permitted; multi-family residential

	uses such as apartments and condominiums on some floors or within the office park are permitted.
2.04.01 (B) Table of Dev. Standards	Residential regs added into all three commercial districts. R-2: line added for duplex standards. R-2 single family standards are the same as R-1. R-2 no multi family allowed, when land-used Low Density Residential. R-3: perimeter setbacks as strict as for mobile home parks, which allows for a road around the perimeter of complex; and parking in front of the units. R-3: Add regs for mobile home parks, both the park and the individual units. R-3: Add regs for RV campgrounds, both the park and the individual sites. C-1: No setbacks required for commercial or multi family buildings. Single family regs same as R-1. Small apartment complexes, attached townhouses, etc., are allowed at 4 units per building max. per lot. C-2: Setbacks the same for all types of development. Single family subdivisions are permitted on a minimum of 5 acres. C-3: Same standards as for C-2 except no single family standards, only standards for single family ATTACHED. C-4: No setbacks required for commercial or multi family buildings. Single family regs same as R-1.
2.04.02	This section has a description of each zoning district. (A) is the corresponding Future Land Use classification; (B) is the purpose of the district, listing the density and any major uses allowed in that district; Then, there are 4 generic paragraphs that area placed under each listing: those four paragraphs, (C), (D), (E) and (F) refer the reader to the Table of Land Uses to find out what is “P” Permitted and “S” Requires a Site Development Plan, and about Accessory Uses, and where to find the development standards. Under each of these four paragraphs, additional regulations may be added.
2.04.02.08	Add 2.04.02.08: Add C-3 Commercial Office district. Renumber all sub-sections after this one.
2.05.00 (A)	Setbacks for accessory structures is changed from 5 to 7.5 feet. Add that this regulation is changed to 7.5 feet in order to allow mowing along the property line and maintenance of the lot.
2.05.00 (B)	Accessory structures shall not be larger than principal structures. The maximum size of each accessory structure shall be 25% of the minimum floor area permitted in that zoning district.
2.05.00 (I)	Change the word “mobile home” to manufactured home. After the word “vehicle of any kind” add the words “or any part thereof”.
2.05.00 (J)	Add regulations for private boat houses.
2.05.00 (K)	Add regulations for caretaker’s house or security guard quarters as accessory use on industrial site or school site or in a park.
2.05.00 (L)	Add regulations about dog pens from the Avon Park General Code here.
2.05.00 (L)(2)	Delete the words “or fowl”.

2.05.03 (A)	Setbacks for swimming pools is changed from 5 to 7.5 feet.
2.05.02	Add the word “private” to the first paragraph regarding boat houses.
2.05.03 (G)	Add C-4 back into list. Add the other non-residential categories to this list.

4. The following changes were made by ordinance by the City Council on 5-09-05. Changes were made to Articles 3, 5 8 & 9. They are listed in the following Tables 1-4:

Table 1, Changes to Article 3

Section	Change
Article 3	Add a number for each table, starting with 3.1
3.02.02 (B)	Add “right-of-way” to title and in text.
3.03.01	Add sentence, “ <u>For specific parking regulations on Main Street, see Section 3.03.03.</u> ”
3.03.02 (A)	Add sentence, “ <u>Uses are to be matched with the general categories in the Table.</u> ”
3.03.03	Add new section for parking regulations in Neighborhood Commercial Districts on Main Street and in area of Hal MacRae and South Delaney.
3.03.04	Add the word “vehicle” in the title for (A) and (B).
3.02.07	Bicycle parking requirements moved to end of off-street parking section. Given number. Renumber subsections 3.05.00 and 3.06.00
3.08.04	New standards for Banks.
3.08.06	New standards for Churches.
3.08.08	Delete old tower section and replace with new.
3.08.11	Golf Courses: add a sentence to make it clear that a 100 foot buffer around the golf course when developing adjacent to a non-commercial or non-industrial property.
3.08.13	Manufactured (mobile) home parks are only allowed in R3 and C2.
3.08.14 (B) (2) & (6)	10% airflow rule does not apply. Outdoor storage areas must be screened in Mini-warehouse complexes.
3.08.15 (A)	A landscape buffer is require around power substations.
3.08.16	Changes to Indoor recreation facilities to comply with the City’s new alcohol ordinance.
3.08.18(A)	RV parks are allowed in PR, C2, and PUD zoning districts. Add the word campground in the first sentence to make it clear these pertain to campgrounds.
3.08.18(D)(4)	RVs must be 15 feet apart, not 10 feet.
3.08.20	Add regulations for private schools.
3.09.02(B)(2)	Shopping Centers: Add that the 10% airflow regulation does not apply for walls.
3.09.03	Add the conditional use regulations for Agricultural from the ordinance that passed on 8-19-03.

Table 2, Changes to Article 5

Section	Change
5.04.03	Delete. Because there are no secondary protection zones for lakes, revise this section to omit reference to the secondary zone.
5.04.04	Secondary Protection Zone Deleted. There are no standards for this.
5.05.00	Add section for Erosion Control. Was in original book and should be added back in.
5.06.00	Add section for Conservation Easements. Was in original book and should be added back in.

Table 3, Changes to Article 8

Section	Page	Change
8.07.05	280-282	Add the new regulations for small scale comprehensive plan amendments.

Table 4, Changes to Article 9

Definition	Change Made
Accessory Use	Update to preclude shipping containers, truck beds, etc. being used as an accessory building.
Adult Day Care Center	Delete Adult Day Care Facility and substitute this from the Florida Statutes.
Adult Family Day Care Home	Delete Adult Foster Home and substitute this from the Florida Statutes.
Assisted Living Facility	Formerly Adult Congregate Living Facility.
Child Care	Add a series of child care definitions from 402 F.S.
Communications Antenna	Added as required by Article 3 on Communications Towers.
Communications Tower	Old definition deleted and new added as required by Article 3 on Communications Towers.
Communications Tower Camouflaged Construction	Added as required by Article 3 on Communications Towers.
Day Care Center	Replaced by Child Care Facility.
Disabled Home	Replaced by Family Day Care Home and Family Foster Home.
FAA & FCC	Added as required by Article 3 on Communications Towers.
Foster Care Facility	New definition.

Definition	Change Made
Group Home	New definition.
Halfway House	Delete. No longer used in statute.
Hospice	New definition.
Hospice Residential Unit	New definition.
Nursing Home Facility	Formerly Nursing Home.
Signs	All definitions of signs placed under “Signs”.
Special Needs Facility	Add this definition from Article 2, Section 2.02.09.

[RESERVED]

ARTICLE 2

REGULATIONS FOR SPECIFIC DISTRICTS

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2.02.00 General Regulations for All Zoning Districts

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2.03.02 *Temporary Tents*

2.03.03 *Fruit Stands*

2.04.00 Establishment of Districts

2.04.00.01 Land Use Intensity Standards for Non-Residential Uses

2.04.01 *Zoning District Summary Tables*

2.04.02 *Establishment of Zoning Districts*

2.04.02.01 *R-1AA Low Density Residential*

2.04.02.02 *R-1A Low Density Residential*

2.04.02.03 *R-1 Low Density Residential*

2.04.02.04 *R-2 Medium Density, Single Family Attached and Duplexes*

2.04.02.05 *R-3 High Density Multi-Family Residential*

2.04.02.06 *C-1 Neighborhood Commercial*

2.04.02.07 *C-2 General Commercial*

2.04.02.08 *C-3 Commercial Office*

2.04.02.09 *C-4 Mixed-Use Commercial*

2.04.02.10 *I-1 Light Industry*

2.04.02.11 *I-2 Heavy Industry*

2.04.02.12 *PI Public Institutional*

2.04.02.13 *PR Public Recreation/Open Space*

2.04.02.14 *PC Public Conservation Land*

2.04.02.15 *PUD Planned Unit Development*

2.05.00 General Regulations for Accessory Uses

2.05.01 *Swimming Pools*

2.05.02 *Boat Slips/Ramps, Docks, Boat Houses and Fishing Piers*

2.05.03 *Satellite Dishes and Antennas*

ARTICLE 2

REGULATIONS FOR SPECIFIC DISTRICTS

2.01.00 General Provisions

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

2.02.00 General Regulations for All Zoning Districts

2.02.01 Access to Individually Owned Parcels

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access there from to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

2.02.02 Moving of Buildings

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

2.02.03 Requirements for Lots Divided by a Right-of-Way

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

- (A) Where the land area on each side of the right-of-way meets the minimum size requirement of the applicable zoning district, the property shall be considered two (2) lots for the purposes of this Code.
- (B) Where the land area on one or both sides of the right-of-way fails to meet the minimum size requirement, then the property shall be considered one (1) lot for the purposes of this Code. The principal structure shall be located on the larger portion of the property.

- (C) No subdivision plat that includes a lot divided by a right-of-way shall be approved unless such lot meets the applicable size requirement on at least one side of the right-of-way.

2.02.04 Alteration of Lot Size

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

2.02.05 Setbacks and Locations of Buildings on a Lot

- (A) All principal structures must be set back from the parcel property line as delineated in the Table of Development Standards, Table 2.04.01(B).
- (B) All accessory structures must be set back a minimum of 7.5 feet from all property lines in order to allow mowing between the structure and a fence, and maintenance of the structure. Additional accessory structure regulations are found in Section 2.05.00.
- (C) Structures may not be located in a required landscape buffer or in an easement.
- (D) Structures must orient/locate the front of the building with its entrance on the roadway on which there is access.

2.02.06 Regulations for Historic Sites

- (A) *Criteria for Designation of Historic Sites.* The purpose of this Section is to establish criteria for identifying structures and sites of historical significance in the City of Avon Park. The criteria for site designation shall be based on the criteria established by the National Register of Historic Places for the survey, evaluation, registration, and preservation of cultural resources. The City Council, after receiving recommendation(s) from the Planning and Zoning Board, shall designate historic sites based on the following criteria:
 - (1) The site or structure is associated with events that are significant to local, state, or national history; or the site or structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

- (2) The property is one that, by its location, design, setting, materials, workmanship, feeling and association adds to the City's sense of time and place and historical development.
- (3) The property's design, setting, materials, workmanship, feeling and association have not been so altered that the overall integrity of the site has been irretrievably lost.
- (4) The structure or site is more than 50 years old, unless there is a strong justification concerning its historical or architectural merit, or the historical attributes of the structure or site are considered to be less than 50 years old.
- (5) Proposed historical or archaeological sites must be associated with events that's have made a significant contribution to the broad pattern of the history of the City of Avon Park and/or the surrounding area.
- (6) Proposed historical or archaeological sites must be associated with the lives of persons significant in the City of Avon Park's past.
- (7) Proposed historical or archaeological sites must embody the distinctive characteristics of a type, period, or method of construction that represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- (8) Historical or archaeological sites are required to have yielded, or may be likely to yield, information important in prehistory or history in order to be considered for designation.

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

Structures and buildings classified as Designated Historic Sites shall be entitled to modified enforcement of the Standard Building Code as provided by Chapter 1, section 101.5 of the Standard Building Code Congress International, Inc.

- (B) *Criteria for Modification of Historic Structures.* No demolition, alteration, or relocation of a historic structure shall be permitted except as provided below:

- (1) Work that does not require a construction permit and that is done to repair damage or prevent deterioration or decay of a structure or part thereof as nearly as possible to its condition prior to the damage, deterioration, or decay.
 - (2) Activity approved by the Development Director that restores the structure's original appearance, or a reasonable approximation.
 - (3) Activity approved by the City Council that will not preserve or re-create the structure's original appearance. The Planning and Zoning Board shall review the proposal and make a recommendation prior to the City Council's vote.
- (C) *New Construction on Historic Sites.* All new construction within a Designated Historic Site shall be reviewed by the Planning and Zoning Board and approved by the City Council. New structures, parking lots, drainage facilities, and other objects shall be depicted on a site development plan or sketch plan, which shall be submitted to the Development Director prior to review by the Planning and Zoning Board. All site alterations shall be consistent with the approved site plan.

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

- (D) *Development on Property Adjacent to Historic Sites.* New development on neighboring properties shall be compatible and architecturally consistent with historic sites. Prior to approval of a site development plan or building permit, the Development Director may require building plans, architectural renderings, or other information as to the final appearance of the site. At the Director's discretion, such plans may be submitted to the Planning and Zoning Board and the City Council for review and approval. Any appropriate conditions may be placed on approval to ensure compatibility with surrounding historic sites.

2.02.07 Density Bonuses for Affordable Housing

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

Density bonuses for affordable housing shall be awarded under the following conditions:

- (A) Development site must be located in the Medium Density or Downtown Commercial land use designations, as indicated on the Future Land Use Map of the City of Avon Park Comprehensive Plan.
- (B) Density bonuses shall be considered only in R-1A, R-1, and R-2 districts. In no case shall a density bonus result in a density greater than that permitted in the underlying Future Land Use designation.
- (C) Development site shall include no less than 20 dwelling units. At least 25 percent of all units on the site must qualify as affordable housing.
- (D) Affordable units shall be evenly distributed throughout the site, and shall not be clustered into particular areas. Site development plan or subdivision plat shall note the location of all affordable housing units.
- (E) Affordable units shall be similar in appearance and design with surrounding units, and must be compatible with the balance of the development.
- (F) Where density bonuses are approved, single family development shall meet the following minimum standards, regardless of zoning district:

<i>Maximum Density:</i>	6.0 units per gross acre
<i>Minimum Lot Size:</i>	5,000 s.f.
<i>Minimum Lot Width:</i>	50 feet
<i>Minimum Floor Area:</i>	1,100 s.f. (min. for HUD)
<i>Maximum Lot Coverage:</i>	40%

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

Duplex and single family attached development shall be permitted in R-2 at a maximum density of 16 units per acre. All other appropriate development standards shall apply to development authorized under a density bonus.

- (G) Application for approval of a density bonus shall include a statement indicating the number, type(s) and approximate cost of the units being represented as affordable housing. The Development Director shall determine the maximum allowable cost of units offered either for sale or rent, based on the most recent U.S. Census data or other available information. Units qualifying as affordable housing shall not be rented or sold above this maximum allowable cost for a period of two (2) years following the issuance of certificates of occupancy.
- (H) Density bonuses may be approved administratively upon receipt of all necessary

development plans and documents meeting the standards listed above. However, at the Development Director's discretion, any application for a density bonus may be referred to the Planning and Zoning Board for review and recommendations, and to the City Council for final approval. In such cases, the application may be denied based on potential incompatibility with surrounding development, or approved with any conditions necessary to ensure compatibility.

2.02.08 *Adult Family-Care Home, Family Day Care Home and Family Foster Home*

- (A) Adult Family-Care Homes, Family Day Care Homes, and Family Foster Homes are permitted in residential areas, in owner-occupied homes only, and are not subject to local zoning laws when so located. Licensing, registration, occupancy and other matters are regulated under specific provisions of the *Florida Statutes*. Article 9 of this Code defines each family care or foster care home. In home Occupational Licenses do not apply. They are included as a group in the Table of Land Uses, 2.04.01(A) under the heading "Group Care Facilities," and are permitted in all residential zoning districts.
- (B) Where State Law permits such uses in residential zoning districts, the following applies:
 - (1) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential districts, in accordance with Article 4, "Sign Regulations."
 - (2) No employees are allowed except family members, as allowed for a home occupation;
 - (3) For Adult Family-Care Homes and Family Day Care Homes, on-street or off-street parking and loading areas must be available for drop-off and pick-up of children or adults, unless the facility is incorporated into a complex where a general parking area is provided.
 - (4) Play areas and play grounds for these type facilities shall be shaded a minimum of 50% by canopy trees or awnings. The list of acceptable trees is found in Article 3, Section 3.07.00, Table 3.07A, "Canopy Trees".
- (D) Any violation of applicable state regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use or Special Exception.

2.02.09 *Special Needs Facilities*

- (A) Special Needs Facilities are a Child Care Facility, Adult Day Care Center, Assisted Living Facility, Foster Care Facility, Group Home Facility, or Hospice Residential Unit. These type care facilities are subject to local zoning laws and are a permitted

use in commercial zoning districts and require a Special Exception Approval in residential zoning and Public/Institutional districts, due to their usually large size, need for employees, parking requirements, and special hours offered. Many special needs facilities are open 24 hours per day to accommodate shift workers.

- (B) Special Needs Facilities are licensed or registered by the State of Florida according to separate and specific provisions of the *Florida Statutes*. Article 9 of this Code defines each special needs facility. They are listed as a group in the Table of Land Uses, 2.04.01(A) under the heading “Group Care Facilities.”
- (C) Special Needs Facilities that wish to locate in a residential zoning district are subject to additional regulations. An application must be filed for a Special Exception use in residential zoning districts. In home Occupational Licenses do not apply. The following regulations apply:
 - (1) The facility shall be designed to look like a single family home or shall be located in a single family home.
 - (2) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be allowed in any residential districts, in accordance with Article 4, “Sign Regulations.”
 - (3) No employees are allowed except family members, as allowed for a home occupation;
 - (4) On-street or off-street parking and loading areas must be available for drop-off and pick-up of children or adults, unless the facility is incorporated into a complex where a general parking area is provided.
 - (5) Play areas and play grounds for these type facilities shall be fenced; and, all outdoor activities shall be limited to the hours between one half hour before sunrise to one half hour after sunset;
 - (6) Play areas and play grounds for these type facilities shall be shaded a minimum of 50% by canopy trees or awnings. The list of acceptable trees is found in Article 3, Section 3.07.00, Table 3.07A, “Canopy Trees”.
- (D) Special Needs Facilities that request to locate in a Public/Institutional Zoning District are subject to approval as a Special Exception upon finding by the Board of Adjustment of the following consistent with the requirements of the Unified Land Development Code:
 - (1) A preliminary site plan has been submitted with a Special Exception application and is adequate for determining the impacts of the proposed

use and formulating conditions of approval. Said site plan shall be made part of the approval documentation.

- (2) On-street or off-street parking and loading areas are available for the drop-off and pick-up of children or adults, providing automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - (3) Off-street parking is sufficient for the maximum number of employees on any one shift.
 - (4) Yard areas will be shaded by a minimum of 50 by canopy trees or awnings. The list of acceptable trees is provided in Article 3, Section 3.07.00, Table 3.07A, "Canopy Trees" of the Avon Park Unified Land Development Code.
 - (5) Due consideration has been given to the number, size, character, location and orientation of proposed lighting for the premises, providing traffic safety, elimination of glare, and providing for compatibility with the character of the surrounding area.
 - (6) Due consideration has been given to the required utilities regarding availability and capacity of systems, location of connections, and potential adverse appearance on other adjoining and nearby property and the character of the area.
 - (7) Due consideration has been given to the provision of drainage, with the concern for the effect on adjoining and nearby properties and on the general drainage systems in the area.
 - (8) Due consideration has been given to compatibility with nearby properties. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate to particular circumstances of the case, including screening or buffering, landscaping, control of manner of hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or other such measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area.
- (E) Conditions such as hours of operation and number of employees, may be provided as part of the Special Exception approval.
- (F) Any violation of applicable state regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use or Special Exception.

2.02.10 Animal Enclosures

- (A) In the event that four (4) or more dogs are maintained on a single premises, then they shall be penned properly and in compliance with all Health Department standards.
- (B) Any enclosure for the keeping of animals or fowl shall not be constructed any closer than fifteen feet (15') to an adjoining owner's lot line.
- (C) Dog feces are considered industrial waste and must go to an extended aeration system. The contaminated area must be treated in such a manner as to destroy larvae, inhibit fly breeding, and remove odors.
- (D) The floor of the pen shall be concrete or other acceptable material and shall be properly sloped and connected to a sewer or septic tank, and plumbing shall be trapped before entering the sewer system.

2.02.11 Fence Height Limitations

- (A) No fence or solid wall on any property shall exceed six feet (6') in height in any residential zoning district.
- (B) No fence or solid wall on any property shall exceed eight feet (8') in any commercial or industrial zoning district unless the property in the commercial abuts property zoned for a residential use, which shall require a six (6) feet solid masonry wall along the property line, inside of the buffer yard and be in addition to the vegetation required by the City of Avon Park Landscaping and Buffering Code. When within required structural setback distances from public roads, the height of the wall shall be four (4) feet.
- (C) No fence or other obstruction, including signs (having less than 8' of ground clearance), walls, hedges, or other structures shall exceed four feet (4') in height within 25 feet of a street intersection.
- (D) In residentially zoned areas, no fence or wall from the front building line of a structure forward may exceed four (4) feet in height.
- (E) On a through lot, other than a corner lot, a six foot (6') fence may be placed on the rear property line adjacent to an arterial road, and in such instances, such lot shall not be treated as a through lot for setback purposes. If residential structures on abutting properties face or have access to the arterial road, this exception shall not apply.
- (F) Berms within the front setback, or within 25 feet of a street intersection, used in conjunction with fences or walls, shall be considered as included in the height

restriction for such fences or walls. The height of a fence or wall shall be measured from finished grade prior to berming.

- (G) All fences and freestanding walls shall be constructed of such materials to provide 10% of the space of said wall or said fence as open ventilation for proper passage of air. This section shall not apply to fences and/or freestanding walls set back 7.5 feet or more from any property line.

2.02.12 Clubhouses and Similar Facilities

Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and maintained by a homeowners association. Appropriate development standards will be determined by the Development Director.

2.02.13 Carports

- (A) Add-on carports are pre-made structures that are added on after construction of a principal building and not integrated into the main structure.
- (B) Pre-made carports that are made of canvas materials or fabric of any kind and that are not of rigid metal or wooden construction are not permitted in the City of Avon Park in any zoning district.
- (C) Carports constructed in residential zoning districts shall be compatible with neighborhood characteristics. Carports constructed in any zoning district require a Building Permit.
- (D) Carports may be attached to the principal building in line with or behind the front building line. If the carport is attached to the principal building, the side setback minimum for the parcel must be maintained and cannot be encroached upon.
- (E) Freestanding carports, that is carports not attached to the principal building, are considered accessory structures and must be located a minimum of 7.5 feet from all property lines.
- (F) Freestanding carports may be of sufficient size to accommodate two (2) reasonably sized passenger vehicles. A carport that will exceed the two vehicle limit must obtain a variance from the City of Avon Park prior to the construction of the carport or the issuance of a building permit. Freestanding carports may not be used for the storage of recreational vehicles or any vehicle that is stored on a trailer. Each property owner is limited to one (1) freestanding carport per residential dwelling unit. All construction must comply with local and state building codes as well as any other section of the City of Avon Park Land Development Regulations.

2.02.14 Permitted construction materials and procedures

All buildings for use as a principal building, regardless of the city zoning classification where constructed, shall be constructed in place in accordance with the Outher Building Code and City Building Code unless Modular Buildings are lawful pursuant to Chapter 553, Part 1, of the Florida Statutes.

2.02.15 Modular Buildings

New manufactured (Modular) buildings, as described under Chapter 553, Part 1, Florida Statutes, shall be required to provide “off frame” stemwalls pursuant to Florida Building Code and to provide and maintain sufficient landscaping to buffer stemwalls from view off the applicant’s property.

2.02.16 Portables

Buildings commonly known as ‘portables’ are a form of trailer, and are not allowed within any zoning district within the City of Avon Park. This prohibition does not apply to temporary buildings used no longer than one (1) year as office space or post-disaster housing approved by the Development Director as provided in this Code; buildings already in place prior to the adoption of this ordinance; or governmentally-owned or controlled “relocatables” also known as “factory-built school buildings” or “portables,” located on property zoned and used by a government for schools; or relocatables or portables which are located on non-residential city property by the city, or on a temporary basis by not-for-profit organizations through a contract with the City for a period not to exceed two (2) years. The two year period may be extended through a contract addendum with the City if deemed warranted and approved by the City Council.

2.03.00 General Regulations for Commercial/Industrial Zoning Districts

2.03.01 Sale of Alcoholic Beverages

The sale of alcoholic beverages for consumption on the premises where such beverages are sold is prohibited, except as provided in this subsection. "Bottle clubs" or other establishments where alcoholic beverages are consumed, but not sold, on the premises, shall be prohibited, except as provided below.

- (A) *Private Clubs.* Private clubs, including country clubs and civic or fraternal organizations, may serve alcoholic beverages upon obtaining the necessary licenses and permits from the State of Florida, when such service is incidental to the main use of the property and is limited to the exclusive use of members and guests of the club.

- (B) *Restaurants.* The sale of alcoholic beverages in restaurants shall be permitted in C-1, C-2, C-3, C-4, I-1, I-2, and PUD districts.
- (C) *Drinking Establishments.* The on premises consumption of alcoholic beverages in drinking establishments shall be permitted in C-1, C-2, C-3, C-4, I-1, I-2 and PUD districts. In these districts the sale of alcoholic beverages is subject to the following standards:
 - (1) All public entrances of the establishment are located at least 500 feet from a public or private school.

2.03.02 Temporary Tents

Tents may be erected temporarily on a lot in a commercial district, on property occupied by a place of worship regardless of the zoning district, and on a lot owned by the City or the County, subject to the following requirements:

- (A) Tents may not be erected more than two (2) times per year, for periods not exceeding two (2) weeks.
- (B) No more than 10 percent of any existing parking area is used, and the tent does not block any point of ingress or egress to the development site.
- (C) All electrical connections must be inspected and approved by the Building Department.
- (D) The tent must be inspected and approved by the Fire Department as being in compliance with all relevant Fire Code regulations.

2.03.03 Fruit Stands

Temporary fruit stands are not allowed within the City Limits. Permanent fruit stands are allowed with a site development plan in C-1, C-2 and C-3 zoning districts, subject to the following standards:

- (A) Outdoor display must be a part of a permanent structure built to the adopted building code.
- (B) A handicapped accessible bathroom with a toilet and sink must be provided.
- (C) Must comply with all other applicable regulations.

2.04.00 Establishment of Districts

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

- R-1AA Low Density Residential – 2 SF units per acre
- R-1A Low Density Residential – 3 SF units per acre
- R-1 Low Density Residential – 4 SF units per acre
- R-2 Medium Density, Single-Family Residential – 5 SF units per acre
- R-2 Medium Density, Single Family Attached and Duplex – 6 SF or 8 duplex units per acre
- R-3 High Density Multi-Family Residential-16 Multi-F; 8 or 10 MHP or RV
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Commercial Office
- C-4 Mixed-Use Commercial
- I-1 Light Industry
- I-2 Heavy Industry
- PI Public Institutional
- PR Public Recreation/Open Space
- PC Public Conservation Land
- PUD Planned Unit Development

2.04.00.01 LAND USE INTENSITY STANDARDS FOR NON-RESIDENTIAL USES

The intensity of nonresidential development shall recognize natural environmental constraints, traffic and access, the character of surrounding development, and the necessity of potable water and sanitary sewer installations as a prerequisite to development. Standards of building intensity for non-residential uses are stated in terms of maximum allowable floor area ratios (FARs).

A floor area ratio is a ratio of the gross building square footage permitted on a lot to the net square footage of the lot. For example, on a lot with 10,000 net square feet of land area, a FAR of .50 would allow 5,000 square feet of floor area to be built regardless of the number of stories in the building (e.g., 2,500 square feet per floor on 2 floors or 5,000 square feet on one floor). On the same lot, a FAR of .25 would allow 2,500 square feet of floor area.

Land Use Designation	Development Standards	
	Minimum Lot Area	Maximum Nonresidential FAR
Low Density Residential	7,000 to 12,000 sq. ft.*	0.30
Medium Density Residential	3,000 to 20,000 sq. ft.*	0.70
Downtown Commercial	7,000 sq. ft for single family* 20,000 sq. ft for multi family*	Up to 0.70 FAR for office; Up to 0.80 for other commercial uses
Highway Commercial	7,000 sq. ft for single family* 20,000 sq. ft for multi family*	Up to 0.70 FAR for office; Up to 0.80 for other commercial uses
Neighborhood Commercial	7,000 sq. ft for single family* 20,000 sq. ft for multi family*	Up to 0.70 FAR for office; Up to 0.80 for other commercial uses
Industrial	20,000 sq. ft. or 1 acre**	up to 1.00 FAR
Recreation and Open Space	7,000 sq. ft.	0.30
Public Buildings and Grounds	10,000 sq. ft.	up to 1.00 FAR
Conservation	N/A	up to 0.15 FAR

*minimum lot size within range determined by zoning

** dependent upon I-1 or I-2 zoning

2.04.01 Zoning District Summary Tables

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.04.02. The key to the table is as follows:

P = Permitted Use

D = Site Development Plan required, use is permitted upon approval of a site development plan

S = Special Exception Use, Board action required

C = Conditional Use, Board action required, City Council action required

Table 2.04.01(A), Table of Land Uses

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Single Family Dwelling Units															
Single family detached, std. construction and Modular construction (Factory Built Building Meeting DCA, Not Mobile Home)	P	P	P	P											P
Single family detached, in a minimum 5-acre subdivision							P								
Single family, attached, each w/ a ground floor entry, such as Patio home, Townhouse, Condominium				P	P	P		P	P						P
Single family detached manufactured home (aka mobile home), allowed in parks only					D		D								P
Manufactured (Mobile) Home Park					D		D								P
RV park							D						D		
Residential units above businesses						P	P	P	P			D			P
Agricultural uses w/ or without home	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Duplex, each with a ground floor entry				P	P	P									P
Guesthouse/ Garage Apartment	P	P	P	P	P				D						P
Multi Family Dwelling Units															
Apartment building 1-4 units				P	P	P	P	P	P						P
Apartment building 5 or more units					P		P	P							P
Boarding house				P	P	P		P	P						
Condominiums					P	P	P	P							P
Cottages, tourist use					P	P	P								
Group Care Facilities															
Adult Family Care Home, Family Day Care Home, Family Foster Care	P	P	P	P	P										P
Special Needs Facilities: Child Care Facility, Adult Day Care Center, Assisted Living Facility, Foster Care Facility, Group Home Facility, Hospice Residential Unit	S	S	S	S	S	P	P	P	P			S			P
Nursing home					D	D	P	D	D			P			P
Retail Commercial, NO outdoor storage or activities															
Adult Entertainment Establishment										D					
Antique shop						P	P		P						P
Appliance repair							P		P	P	P				P
Bed & Breakfast Inns			D	D	D	P	P	P	P						P

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Convenience Store, no gas						P	P	P	P	P	P				P
Drinking establishment						P	P	P	P	P	P				P
Funeral home						P	P		P						P
General retail, indoor & less than 5,000 s.f.						P	P		P						P
General retail, indoor and including used machinery and equipment							P								P
Hardware Store, small scale						P	P		P						P
Hotel/motel						D	D	D	D						P
Laundromat						P	P		P						P
Mini warehouse							D			P	P	P			
Restaurant, non drive thru						P	P	P	P	P	P				P
Restaurant, with drive thru or drive thru only							P	P		P	P				P
Restaurant w outdoor setting permitted						P	P	P	P						
Shopping center or stand-alone store of less than 150,000 s.f.						D	D		D						P
Shopping center or BIG BOX of more than 150,000 s.f.							C								P
Veterinary clinic, indoor kennel only						P	P		P	P	P				P
Automotive/Vehicle Sales, Parts, Repairs															
Auto parts, retail sales							P		P	P					P
Auto/Vehicle sales, new or used (auto, truck, boat, RVs); dealerships w/ sales & service							P								P
Filling station (convenience store w/gas)						P	P	P	D	P	P				P
Service station (minor repairs indoors)							P	P	P	P	P				P
Automotive repair							P			P	P				P
Auto/Vehicle salvage yard											D				
Vehicle Repair (other than automotive, such as boat, RVs & manufactured homes)											P				
Junkyard											C				
Retail Commercial, Outdoor Storage and Display Permitted															
Antique shop							P		P						P
Appliance repair							P			P	P				P
BIG BOX retailer w/ outdoor storage							C								P
Boat ramps , docks & marinas, commercial						D	D		D	P	P		P	P	P
Commercial parking lot							D								P

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Day Care Center, commercial							D	D	D						
Flea market											D				
General retail							P								P
Home Improvement Center; Building supply, with outdoor storage and displays							P			P	P				P
Manufactured (mobile) home sales										P	P				
Plant nursery							P			P	P	P			P
Recycling center (outdoor)											P	P			
Repair shops, no vehicles										P	P				
RV campground							D						D		P
Shopping center or stand-alone store of less than 150,000 s.f.						D	D		D						P
Shopping center or BIG BOX of more than 150,000 s.f.							C								P
Truck stop							D			D	D				P
Used Equipment sales							P		P	P					
Veterinary clinic w/kennel; or kennel							P			P	P				P
Office/Financial/Medical Facilities/Clubs															
ATM Walk up or Drive up Unit						P	P	P	P						P
Bank/financial institution, no drive thru						D	P	P	D						P
Bank/financial institution, with drive thru							P	P							P
Business & Office Park								P		P					
Clinic, medical or dental							P	P	P						P
Hospital						D	P	D	D						P
Medical laboratory						D	P	P	D	P	P				P
Non-Profit Organization						P	P	P	D	S					
Professional office						P	P	P	P						P
Real estate/business office						P	P	P	P						P
Light Industrial															
Equipment, Sales/repair of										P	P				
General non-retail and service commercial										P	P				
Manufacture of finished products										P	P				
Mini-warehouse										D	D				
Printing/publishing										D	D				
Propane gas, Sales/minor storage of							P			P	P				
Recycling center (indoor)										D	D	D			

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Recycled materials processing										P	P				
Warehousing										P	P	P			
Welding and fabrication										P	P				
Heavy Industrial – Outdoor Storage Permitted															
Airports/aviation uses										D	D	P			
Building supply, wholesale											P				
Citrus processing plant											P				
Equipment, Sales/repair of										P	P				
Freight/trucking terminal							D			D	P				
Storage of sand/gravel/blocks											D	D			
Warehousing											P				
Wholesale distribution											P				
Public Service Facilities															
Auto license/tag facility						P	P	P	P	P	P	P			
City hall/municipal building								P	P			P			
Communications tower, commercial											D				
Communications tower, governmental												D			
Electric power plant/Co-generation plant											P	D			
Fire station						D	D	P	P	P	P	P			
Police station						P	P	P	P	P	P	P			
Post office							P	P	P	P	P	P			
Power substation	D	D	D	D	D	D	D	D	D	D	D	D			P
Public wellfield w/o treatment												P			
Sewage disposal facility (municipal)							D	D	D		P				
Sewer lift station	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Telephone switching station	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Water plant (on-site, municipal)												P	P		
Water tower							D	D		P	P	P			
Education/Cultural Facilities															
Cemetery												P			P
School (grades K-12)	P	P	P	P	P	P	P	P	P			P			P
School, private (K-12)	D	D	D	D	D	D	D	D	D			D			P
Vocational/Technical school							P	P	P	P	P	P			P
Places of Public Assembly															
Existing Permitted Places of Public Assembly						P	P	P	P	P	P	P	P		P

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Private Club						D	P		P			D			P
Places of Worship	D	D	D	D	D	D	P		P			D			P
Civic Center/Auditorium						D	P		P			D			P
College/University						D	P		P			D			P
Community Center						D	P		P			D			P
Museum						D	P		P			D			P
Public Library						D	P		P			D			P
Activity Oriented Park						D	P		P			D			P
Golf Course						D	P		P			D			P
Recreation, indoor, COMMERCIAL						D	D		D			D			P
Recreation, indoor, ACTIVITY ORIENTED						D	D		D			D			P
Recreation, outdoor, COMMERCIAL						D	D		D			D			P
Recreation, outdoor, ACTIVITY ORIENTED						D	D		D			D			P
Passive Recreation/Conservation Uses															
Private Golf course	D	D	D	D	D	P	P	P	P	P	P	D	D	€	P
Passive Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, indoor, PASSIVE					P	P	P	P	P			P	P	P	P
Recreation, outdoor, PASSIVE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 2.04.01(B), Table of Development Standards

District	Maximum Density (units/ac)	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Floor Area	Setbacks (in feet)			Maximum Lot Coverage	Maximum Bldg. Height (feet)
					Front	Rear	Sides		
R-1AA	3	12,000 s.f.	85	1,500 s.f.	25	25	10	25%	35
R-1A	4	10,000 s.f.	65	1,200 s.f.	25	20	10	30%	35
R-1	6	7,000 s.f.	50	1,100 s.f.	25	20	7.5	35%	35
R-2 SF	6	7,000 s.f.	50	1,100 s.f.	25	20	7.5	35%	35
R-2 Duplex	4 duplexes/ 8 SF units	7,000 s.f.	50	800 s.f./unit	25	20	7.5	35%	35
R-3 MF	16	20,000 s.f./complex	50 ft./ complex	500 s.f./unit*	50/ complex	50/ complex	30/ complex	50%	45
R-3:								35% for all	35ft. for all
MH Park	8	5 acres	150 x 200	--	50	50	30		
MH Park: SW	8	4,000 single wide	40	14 x 60	20	7.5	7.5		
MH Park:DW	8	5,500 dbl wide	55	28 x 60	20	7.5	7.5		
RV Park	10	5 acres	150 x 200	1,200 /site	25	15/25	15/25		
RV Park:MH	10	3,000 for MH	30	N/A	20	7.5	7.5		
RV Camp:RV	10	1,200 pull-thru RV	20 x 40	N/A	20	7.5	7.5		
RV Camp	10	3,000 Park Model R	30	500 sf	20	7.5	7.5		
C-1	--	--	50	300 s.f.	0	0	0	50%	35
C-1 SF	6	7,000 s.f.	50	1,100 s.f.	25	20	7.5	35%	35
C-1 MF	4	20,000 s.f.	70	800 s.f./unit	0	20	0	35%	35
C-2	--	10,000 s.f.	85	300 s.f.	25	30	10	50%	45
C-2 SF	6	7,000 s.f.	50	1,100 s.f.	25	30	10	35%	35
C-2 & C-3 MF	16	Dev. Site=5 ac. Bldg. =20,000 s.f.	70	800 s.f./unit	25	30	10	50%	45
C-3	--	10,000 s.f.	85	300 s.f.	25	30	10	50%	45

District	Maximum Density (units/ac)	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Floor Area	Setbacks (in feet)			Maximum Lot Coverage	Maximum Bldg. Height (feet)
C-3 SF	6	7,000 s.f.	50	1,100 s.f.	25	20	7.5	35%	35
C-3 MF	4	20,000 s.f.	70	800 s.f./unit	0	20	0	35%	35
C-4	--	7,000 s.f.	70	300 s.f.	0	0	0	50%	35
C-4 SF	6	7,000 s.f.	50	1,100 s.f.	25	20	7.5	35%	35
C-4 MF	4	20,000 s.f.	70	800 s.f./unit	0	20	0	35%	35
I-1	--	20,000 s.f.	100	300 s.f.	50	25	25/ 12.5**	50%	45
I-2	--	1 acre	150	300 s.f.	50	50	50	75%	45
PI	16	10,000 s.f.	85	300 s.f.	25	20	10	30%	45
PR	--	7,000 s.f.	70	300 s.f.	25	20	10	NA	35
PC	--	NA	NA	NA	NA	NA	NA	NA	NA
*PUD	16	*	*	*	*	*	*	*	*

SF = Single family dwelling MF = Multi family dwelling s.f. = square feet NA = Not Applicable
SW = Single wide DW = Double Wide MH=manufactured home RV=recreational vehicle

*PUD: See text for regulations, Article 7, Section 7.04.00. **12.5' side yard setback applies in the I-1 zoning district in areas in which an I-1 property abuts another I-1 or I-2 zoned property.

2.04.02.01 R-1AA Low Density Residential

(A) *FLUM Designation:* Low Density Residential

(B) *Purpose:* To establish locations suitable for low-density, single-family residential development up to three units per acre (3 du/ac); to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a low-density residential environment.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(1) Use must be directly related to single-family residential use and may not interfere with existing or future residential use of adjoining properties. No more than one permanent residence is allowed on a single lot meeting the requirements of this ordinance, excluding garage apartments and guesthouses.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.02 R-1A Low Density Residential

(A) *FLUM Designation:* Low Density Residential

(B) *Purpose:* To establish locations suitable for low-density single-family residential development on lots smaller than in R-1AA up to four units an acre (4 du/ac); to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a low-density residential environment.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(1) Use must be directly related to single-family residential use and may not interfere with existing or future residential use of adjoining properties. No more than one permanent residence is allowed on a single lot meeting the requirements of this ordinance, excluding garage apartments or guesthouses.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to

application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.03 R-1 Low Density Residential

(A) *FLUM Designation:* Low Density Residential

(B) *Purpose:* To establish locations suitable for moderate-density single-family residential development on lots smaller than in R-1AA and R-1A up to six units per acre (6 du/ac); to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a low- to moderate-density residential environment.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(1) Use must be directly related to single-family residential use and may not interfere with existing or future residential use of adjoining properties. No more than one permanent residence is allowed on a single lot meeting the requirements of this ordinance, excluding garage apartments and guesthouses.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “S” designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.04 R-2 Medium Density, Single Family Attached and Duplex

(A) *FLUM Designation:* Medium Density Residential, Downtown Commercial, Highway Commercial

(B) *Purpose:* To establish locations suitable for medium-density single family attached development such as duplexes, patio homes, townhouses, and condominiums, all with ground floor entrances, at a maximum of eight units in no more than four buildings per acre (8 du/ac).

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “S” designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for

approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

- (1) For single family *attached* development: minimum lot width shall be 50 feet, and no side setback shall be required on one side only.
- (2) Where platted lots for single family attached units abut a curved right-of-way or cul-de-sac, minimum width at road frontage shall be 20 feet, as measured along the arc of the curve.

2.04.02.05 R-3 High Density Multi-Family Residential

(A) *FLUM Designation:* Medium Density Residential, Downtown Commercial, Highway Commercial

(B) *Purpose:* To establish locations suitable for high density residential development with a maximum of sixteen units per acre (16 du/ac), such as apartments and condominiums; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a high density residential environment.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (1) Accessory Uses such as a clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development; and private garages

and private swimming pools are permitted.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “S” designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

- (1) Where platted lots for single family attached units abut a curved right-of-way or cul-de-sac, minimum width at road frontage shall be 20 feet, as measured along the arc of the curve.

2.04.02.06 C-1 Neighborhood Commercial

(A) *FLUM Designation:* Neighborhood Commercial, Downtown Commercial, Highway Commercial

(B) *Purpose:* This district is intended for neighborhood scale institutional uses, office uses, commercial uses intended to serve the neighborhood rather than the entire City; and residential uses. Single-family attached residential uses integrated into the commercial area are encouraged.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “P” designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

- (1) Within non-residential structures, any number of permitted uses may be conducted at the same time in the principal structure; such as a retail store with spaces rented out to several different businesses, or a business with a living unit above it.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.07 C-2 General Commercial

(A) *FLUM Designation:* Highway Commercial

(B) *Purpose:* To establish areas suitable for general retail, office and personal service activities, generally along US Highway 27; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a community commercial environment. This district is intended for highway commercial uses. All single or multi-family residential shall be within a platted subdivision of five (5) acres or more.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(1) Any number of permitted uses may be conducted at the same time in the principal structure; such as a building with a combination of offices and restaurants and

living units above.

- (2) A permitted use must be compatible with highway commercial uses and not detract from the community character.
- (3) Structures must be compatible in design and not compete with existing uses or must comply with any adopted community policy for highway design and development.
- (4) A dwelling unit within a building and related to the security of the premises is permitted with a minimum of 300 square feet in living area.
- (5) Outdoor sales of food products or other products are permitted when part of a permanent building.
- (6) Automobiles, boats, recreational vehicles, and other vehicles and heavy equipment that are displayed outdoors and offered for sale shall not be kept on a site without a principal structure.
- (7) Outdoor storage areas shall be screened from view with a wall or opaque fence, except where a solid face masonry wall has been constructed along the property line, except for the sale of new vehicles, new machinery, or new equipment.
- (8) Uses that are deemed visually, noise, odor, or pollution nuisances or hazard unless screened and mitigated to the Planning and Zoning Board and City Council's standards.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.08 C-3 Commercial Office

(A) *FLUM Designation:* Highway Commercial

(B) *Purpose:* To establish areas suitable for office parks, generally along US Highway 27; to designate those uses and activities that are appropriate for and compatible with such areas. All single or multi-family residential uses shall be within a platted subdivision of five (5) acres or more.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

Within non-residential structures, any number of permitted uses may be conducted at the same time in the principal structure; such as a an office building with spaces rented out to several different businesses; or an office building with apartments/condominiums on some floors.

(D) *Accessory Uses:*

Accessory uses and structures are customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.09 C-4 Mixed-Use Commercial

(A) *FLUM Designation:* Downtown Commercial

- (B) *Purpose:* To permit residential, office and low-intensity commercial uses in a downtown mixed-use environment in accordance with the goals, objectives and policies of the Comprehensive Plan, the Main Street Program, and the Community Redevelopment Agency. This district is intended to define the central business district and the downtown area for the City of Avon Park. It is intended to protect the character of existing historic structures and features of Avon Park's downtown. It is meant to encourage any development that will enhance the economic and social viability of the downtown area, encourage pedestrian access, and better define the community of Avon Park.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

- (1) Any number of permitted uses may be conducted at the same time in the principal structure; such as, a building with a combination of offices and restaurants, and living units above.
- (2) All businesses must adhere to the CRA's established Minimum Maintenance Standards.
- (3) Permitted uses must be compatible with the existing character of the central business district.
- (4) Structures, including signs, must be compatible in design with the historic character of the existing buildings and any adopted community programs for downtown.

- (5) Dwelling units that are a part of a non-residential use, such as residential units above commercial units, shall be a minimum of 800 square feet in living area.
- (6) All development proposals shall be referred to the City Manager for coordination with the Main Street Program and the Community Redevelopment Agency.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (1) Where commercial and residential uses share a development site, no residential accessory uses shall be permitted.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.10 I-1 Light Industry

(A) *FLUM Designation:* Industrial

- (B) *Purpose:* To permit a variety of commercial and light industrial activities in areas where such uses will create a minimum of adverse impacts on surrounding properties. Light Industry includes but is not limited to business or office parks and warehousing.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also

permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

- (1) Any number of permitted uses may be conducted at the same time in the principal structure, such as service industrial or industrial offices combined.
- (2) Except for the sale of new vehicles, new machinery, or new equipment, outdoor storage areas shall be screened from view with a wall or opaque fence, except where a solid face masonry wall has been constructed along the property line. If fencing is used, materials shall be stored no less than 7.5 feet from side and rear lot lines. Materials may be piled no higher than the wall or fence, so as to be screened from view.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (1) Caretaker's dwelling unit, housing security personnel on the lot; provided all minimum requirements for lot are met; and the dwelling is at least 800 square feet in living area.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.11 I-2 Heavy Industry

(A) *FLUM Designation:* Industrial

(B) *Purpose:* To permit numerous heavy industrial activities in areas where such uses will create a minimum of adverse impacts on surrounding properties.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “P” designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan. This district is intended for intensive industrial uses and distribution. Only Commercial uses that are directly related to industrial uses, or service the industrial and distribution uses, are allowed.

- (1) Use must be compatible with industrial uses and not detract from the public health, safety, or welfare.
- (2) Outdoor storage shall be visually screened from adjacent Residential and Neighbor Commercial Districts, including adjacent across streets, with a masonry wall or opaque fence. If fencing is used, materials shall be stored no less than 7.5 feet from side and rear lot lines. Materials may be piled no higher than the wall or fence, so as to be screened from view.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (1) Caretaker’s dwelling unit, housing security personnel on the lot; provided all minimum requirements for lot are met; and the dwelling is at least 800 square feet in living area.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “S” designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum

Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.12 PI Public Institutional

(A) *FLUM Designation:* Public/ Institutional

(B) *Purpose:* To establish locations for properties and/or facilities owned by government or owned by private entities, and used for purposes related to the public health, safety and welfare.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “P” designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(1) Prohibited Uses

- a. Commercial Uses with the exception of Nursing Homes and Special Needs Facilities. Special Needs Facilities shall be permitted through Special Exception.
- b. Industrial uses not related to a public service.
- c. Unscreened outdoor storage.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(1) Customary uses that are secondary and incidental to principal uses, including caretakers' residences, dining facilities, playing fields and other recreational facilities located on school grounds.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “S” designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.13 PR Public Recreation/Open Space

(A) *FLUM Designation:* Recreation/ Open Space/ Parks

(B) *Purpose:* To establish locations for publicly-owned recreation facilities; and properties reserved for open space to promote the public health, safety, and welfare.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter “P” designates permitted uses. Any number of permitted uses may be conducted at the same time in the principal structure. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for approval of a Site Development Plan.

(1) Prohibited Uses

- a. Commercial uses, except concession stands associated with uses such as community ball fields, public golf courses and the like.
- b. Industrial uses.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (1) Customary uses that are secondary and incidental to principal uses, including caretakers' residences, dining facilities, and playing fields and other recreational facilities located on school grounds.

(E) *Special Exception Uses:*

Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "S" designates such uses. Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Article 7 governs review of an application for approval of a Special Exception.

(F) *Development Standards:*

Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01(B). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.04.02.14 PC Public Conservation Land

(A) *FLUM Designation:* Recreation/ Open Space/ Parks

- (B) *Purpose:* To preserve the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas; to protect natural resources, wildlife, and vegetation; to protect the City's lakes; to be able to offer protection for conservation lands that are annexed into the City; to protect conservation land that has limited public access from other types of development. Only uses that promote conservation and protection of the City's natural resources are allowed.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). The letter "P" designates permitted uses. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Article 7 governs review of an application for

approval of a Site Development Plan.

- (1) Only access uses are permitted. Access is required to be low impact and disturb the site as little as possible. Types of access uses allowed are trails, boardwalks and boat ramps.
- (2) Boat docks and marinas are permitted, provided that all structures and parking areas are above the 100-year flood elevation and are kept to a minimum.
- (3) Structures and facilities, including residential development at a density not to exceed 1 unit per 20 acres for park rangers, security and/or necessary maintenance personnel, are permitted, provided that they further the intent of the district and are necessary for the public appreciation of such areas.
- (4) Prohibited Uses
 - a. Residential uses.
 - b. Commercial uses.
 - c. Industrial uses.
 - d. Recreation uses, except access uses as noted above in (C)(1).
 - e. Development of any kind.

(D) *Accessory Uses:*

Accessory uses that are permitted are: customary uses that are secondary and incidental to principal uses, including restrooms, caretakers' residences, pavilions, boardwalks, and pedestrian/bicycle paths.

2.04.02.15 PUD Planned Unit Development

(A) *FLUM Designation:* Low Density Residential, Medium Density Residential, Commercial, Public Institutional

(B) *Purpose:* The Planned Unit Development (PUD) district is established to provide for well-planned and orderly mixed-use development on a large scale in any area of the City. Further, PUDs are intended to:

- Promote flexibility in development design;
- Promote the efficient use of land;
- Preserve, as much as possible, existing landscape features and amenities;
- Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;
- Combine and coordinate architectural styles, building forms and building relationships within the planned development;
- Lessen the burden of traffic conflict on streets and highways; and

Provide for a balanced land use mixture.

(C) *Permitted Principal Uses & Structures:*

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01(A). Permitted uses are designated by the letter "P" in the column denoted "PUD", and are generally described as follows:

- (1) Single-family detached dwellings.
- (2) Single-family attached dwellings.
- (3) Manufacture (mobile) homes on individual platted lots.
- (4) Multi-family dwellings.
- (5) Recreational facilities and structures intended for the use of the residents of the PUD.
- (6) Golf courses, public or private, that may be calculated as recreation space as is hereinafter required, provided the clubhouse and other structures are located more than 150 feet from any residential structure.
- (7) Off-street parking and garage facilities intended for the exclusive use of the residents of the PUD.
- (8) Model dwelling units erected on the site pursuant to all applicable codes and ordinances of the City.
- (9) Commercial uses permitted in the C-1 district.
- (10) Public Institutional uses.

(D) *Accessory Uses:*

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:*

No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location is noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either

a Permitted or Special Exception Use for the Equivalent Zoning District for that tract. However, any use listed in the Table as a Special Exception may be denied if the City Council determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.

(F) *Development Standards:*

In reviewing the Master Development Plan, the Planning and Zoning Board and City Council shall determine what conventional residential or commercial zoning district most nearly accommodates the proposed use(s) of each tract. Approval of the plan shall include designation of an Equivalent Zoning District for each residential or commercial tract. The Equivalent Zoning District designation implements the development standards of a conventional zoning district on individual tracts; however, the Official Zoning Map shall show the entire development site as a PUD district. Site development plans or subdivision plats for specific tracts shall be designed according to the development standards of the Equivalent Zoning District. No proposed use, or zoning district development standards, shall be approved for a particular location unless consistent with the Future Land Use Map.

Equivalent Zoning Districts for residential or commercial tracts shown on the Master Development Plan shall be limited to R-1AA, R-1A, R-1, R-2, R-3, C-1 and PI. Tracts proposed for uses other than residential or commercial development shall be labeled on the Master Development Plan as to type of use proposed (i.e., recreation, open space, utility sites, etc.) and acreage. Written information as to land use type, density/intensity of land use, and acreage of tracts and rights-of-way shall be included with the PUD application and considered part of the Master Development Plan.

[RESERVED]

2.05.00 General Regulations for Accessory Uses

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

One or more accessory structures may be permitted on a development site, provided that the following requirements are met:

- (A) Accessory structures shall be separated from each other and from the principal building by no less than 7.5 feet, and set back from the lot line no less than 7.5 feet. This regulation is established in order to allow for maintenance and mowing of the lot on which the accessory structure is located.
- (B) Accessory structures shall not be constructed prior to the principal building; and, an accessory structure shall not be larger than the principal building. The maximum size of each accessory structure shall be 25% of the minimum floor area permitted in that zoning district. This regulation does not apply to carports. For information regarding carports, see Section 2.02.13 of the City of Avon Park Land Development Regulations.
- (C) All accessory structures shall comply with the Southern Standard Building Code and all standards of this Code pertaining to the principal use.
- (D) Accessory structures shall not be located in a required landscape buffer nor within public utility or drainage easements alongside and rear lot lines.
- (E) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- (F) All accessory structures shall be shown on a site development plan when required under Section 7.05.00 of this Code.
- (G) In residential districts, accessory structures shall not be located forward of the front building line or, on a corner lot, within the required side street setback area. Within such districts, bathroom facilities in an accessory structure shall not include tubs or showers.
- (H) Accessory structures shall not be served by an electrical or water meter separate from that of the principal use.
- (I) No manufactured (mobile) home, trailer, or vehicle of any kind, or any part thereof, shall be permitted as an accessory building on any development site.

- (J) Private Residential Boat Houses and boat shelters are permitted as an accessory use and require a site development plan in all residential zoning districts.
- (K) Permitted as an accessory use in industrial, institutional and recreation zoning districts: a caretaker's dwelling unit, housing security personnel on the premises; provided all minimum requirements for lot are met; and the dwelling is at least 800 square feet in living area for a freestanding unit or at least 300 square feet for an apartment unit within the principal structure.
- (L) Dog/animal pens are an accessory structure and must comply with the following.
 - (1) In the event that four (4) or more dogs are maintained on a single premise, then they shall be penned properly and in compliance with all Health Department standards.
 - (2) Any enclosure for the keeping of animals shall not be constructed any closer than fifteen feet (15') to an adjoining owner's lot line.
 - (3) Dog feces are considered industrial waste and must go to an extended aeration system. The contaminated area must be treated in such a manner as to destroy larvae, inhibit fly breeding, and remove odors.
 - (4) The floor of the pen shall be concrete or other acceptable material and shall be properly slopped and connected to a sewer or septic tank, and plumbing shall be trapped before entering the sewer system.
- (M) Structures commonly known as "portables" and "Quonset huts" are not allowed within any zoning district within the City of Avon Park. Public Schools are exempt from this regulation. This regulation does not apply to temporary structures used as office space on construction sites or structures already in place prior to the adoption of this ordinance. In the event of the destruction of the primary structure by a natural disaster, a portable may be used as a temporary replacement for the primary structure for a time period not to exceed one (1) year.

2.05.01 Swimming Pools

Swimming Pools are permitted in all residential districts as an accessory use. Pools located in any residential district shall meet the following requirements:

- (A) Swimming pools shall be permitted as an accessory use only, and shall be at least 7.5 feet from any lot line or building, as measured from the edge of the water.
- (B) Swimming pools, including all decking and screen enclosures, shall be located to the rear of the front building line, and shall not encroach into side street setback areas.

- (C) Screen enclosures over and around swimming pools shall be erected so as to conform to setback requirements for accessory buildings; however, such enclosures may be attached to the principal building. Lighting for pools shall be located and installed such that neither direct light nor reflected light is visible on adjoining property.
- (D) Swimming pools shall not be located within public utility or drainage easements along side and rear lot lines. For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screen enclosures.
- (E) All swimming pools shall be completely enclosed by a fence or a wall not less than four (4) feet high and in compliance with State Statutes.
- (F) Pools in residential districts may not be used for commercial purposes.

2.05.02 Boat Slips/Ramps, Docks, Boat Houses and Fishing Piers

Private boat slips/ramps, docks, boathouses and fishing piers are permitted in all residential districts as an accessory use. Private boat slips/ramps and docks may be constructed by the owner on any lot bordering any canal, waterway or lake providing they comply with the following:

- (A) Docks shall not extend into the waterway or lake for a distance greater than fifty (50) feet measured from the water line that may be established by the City Council on any lake that is not a meandering lake.
- (B) In R-1AA, R-1A and R-1 districts, no boat house or permanent covering shall be provided over the dock or boat slip/ramp that is located beyond the water line of any waterway that may be established by the City Council.
- (C) No permit shall be issued for a boat slip/ramp, dock or boathouse, except by the City Council. The applicant shall provide to the City Manager complete plans, specifications and details, at least thirty (30) days prior to the commission meeting at which it is to be considered. The City Manager shall determine if such plans meet all requirements of this ordinance, any state, county or other governmental rules or regulations and transmit his findings to the City Council. The applicant shall post a cash or surety bond, as the City Council may determine, to assure that the work proposed will be completed in a manner not inconsistent with the public interest.

2.05.03 Satellite Dishes and Antennas

- (A) A satellite dish or antenna shall be an accessory use only, and shall not be the principal use of the property.
- (B) Antennas and dishes shall not exceed 30 feet in height.
- (C) Antennas and dishes shall not be located forward of the front building line or within a required side street setback area.
- (D) An antenna or dish not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.
- (E) An Antenna Installation Permit shall be required for all antennas and dishes exceeding 25 feet in height and four (4) feet in diameter. Applications for this permit shall include a site plan, sketch plan or other scaled drawing showing all structures on the property, and the location, height and size of the proposed antenna or dish.
- (F) The following regulations apply to antennas or dishes in R-1AA, R-1A, R-1, R-2 and R-3 districts:
 - (1) A satellite dish or antenna shall be permitted only as an accessory use to a single family detached dwelling unit, or for the common use of the residents of a multiple-family structure or a mobile home park.
 - (2) Roof-mounted satellite dishes or antennas shall be permitted in single-family developments, multi-family developments and mobile home parks. Roof-mounted dishes or antennas in mobile home parks shall be affixed only to buildings of conventional construction.
- (G) The following regulations apply to antennas or dishes in C-1, C-2, C-3, C-4, I-2, PI PR and PC districts.
 - (1) A satellite dish or antenna shall be permitted either as an accessory use or, if permissible in the zoning district, a principal use. However, the dish or antenna shall not be installed prior to construction.
 - (2) More than one dish or antenna per lot is permitted in commercial and industrial districts but prohibited elsewhere.

[RESERVED]

ARTICLE 3

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

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ARTICLE 3

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.01.00 General Provisions

3.01.01 Purpose

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

3.01.02 Responsibility for Improvements

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

3.01.03 Principles of Development Design

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

3.02.00 Transportation Systems

3.02.01 General Provisions

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

3.02.02 Base Building Lines

- (A) *General.* The general purposes and intent of the City in the establishment of base building lines are to provide an efficient and economical basis for acquisition of street rights-of-way; and to provide a convenient and adequate thoroughfare network to meet the present and future needs of residential, commercial and industrial traffic through and around the City.
- (B) *Right-of-Way (ROW) and Base Building Lines Established.* ROW and Base building lines are hereby established for all Principal Arterials and Urban Collectors as shown on the Future Traffic Circulation Map of the City of Avon Park Comprehensive Plan. Base building lines shall run parallel to the right-of-way centerline of such roads at a distance of one-half the right-of-way width required for the applicable roadway functional classification. No structure in any zoning district shall be placed forward of the base building line, regardless of the normal front or side street setback requirement for the district. Right-of-way widths and base building line distances shall be as follows in Table 3.1.

**Table 3.1
ROW Widths and Base Building Lines**

	ROW Width	Base Building Line
Principal Arterials	150 feet	75 feet
Urban Collectors	100 feet	50 feet

- (C) *Base Building Line On State Roads.* Regardless of the provisions of Section 3.02.02(B) or any other provision of this Code, no structure shall be placed within 25 feet of the edge of the right-of-way of any state road located within the City.

3.02.03 Street Design Standards

- (A) *General Design Standards*
 - (1) All streets in a new development shall be designed and constructed pursuant to all engineering design standards adopted by the City of Avon Park. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.
 - (2) The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be

directed toward securing the flattest possible grade near intersections.

- (3) Streets shall be laid out to avoid environmentally sensitive areas.
- (4) No public streets shall be dedicated within 40 feet of the high water elevation of any lake, except where public access to the lake is to be provided.
- (5) Private streets may be allowed within any development, provided they are designed and constructed pursuant all engineering standards applicable to public roads of the same functional classification.
- (6) Private ownership of streets may be permitted with approval by the City Council, if the developer, in writing, assures the City that these private improvements shall be kept in a satisfactory state of repair and maintenance by the developer or by legally established homeowners association, which shall be clearly stated on the face of the final plat.
- (7) The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
- (8) Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.
- (9) Residential streets shall be arranged to discourage through traffic.
- (10) Street shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.

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

**Table 3.2
Pavement Widths**

Type of Street	Curb and Gutter
Major Arterial	48 feet
Local Streets	20-22 feet

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

- (1) Permanent dead-end streets extending more than two (2) lots or more than 125 feet shall provide a cul-de-sac turnaround, the location and specification of which shall be established by the City Engineer and the fire department.
- (2) An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 38 feet shall be provided at the terminus of every permanent cul-de-sac.

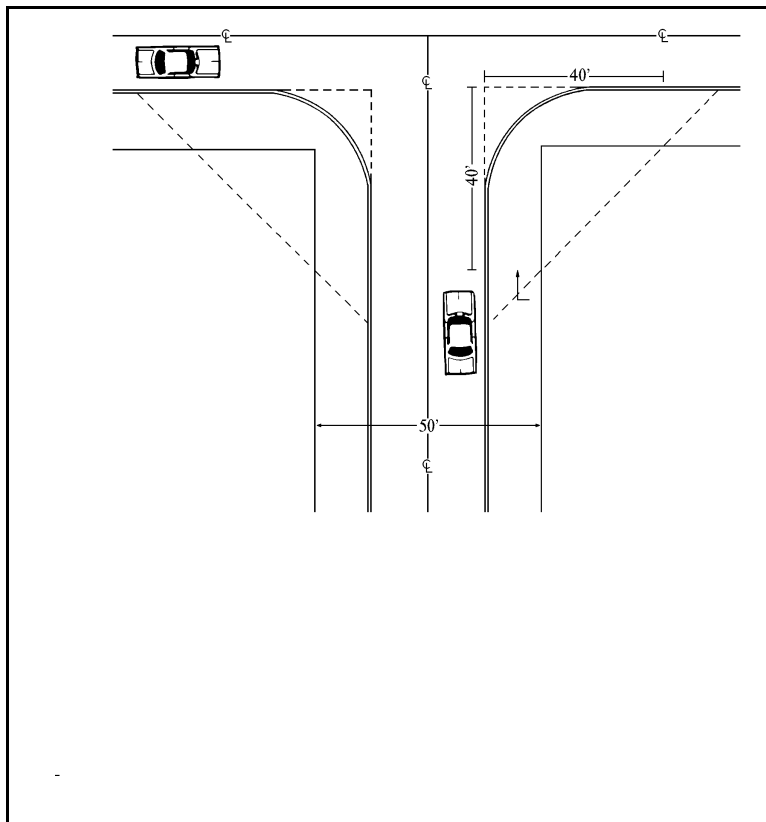
- (D) *Clear Visibility Triangle.* In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

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

**Table 3.3
Distance from Center Line Intersection**

Type of Street	Distance From Center Line Intersection
Principal Arterial	106 feet
Urban Collector	71 feet

- (4) Where roads of different functional classifications intersect, the larger distance requirement shall be observed.
- (5) The foregoing visibility triangle provisions shall not apply within the Residential, Professional, and Business Overlay Area as designated on the Future Land Use Map, City of Avon Park Comprehensive Plan.



Example of Clear Visibility Triangle

- (E) *Signage and Signalization.* The developer shall deposit with the City sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City, based upon City or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual

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

(F) *Blocks*

- (1) Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.
- (2) The lengths, widths, and shapes of blocks shall be consistent with adjacent areas.

3.02.04 Sidewalks and Bikeways

(A) *When Required*

- (1) Projects abutting Urban Collector or Principal Arterial facilities shall provide sidewalks adjacent to such roadways. Location of sidewalks shall be consistent with planned roadway improvements.
- (2) Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is 60 feet or less.
- (3) Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than 60 feet but less than 150 feet.
- (4) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
- (5) Residential projects adjacent to or in the immediate vicinity of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
- (6) Pedestrian-ways or crosswalks, not less than 10 feet wide with a sidewalk meeting the requirements of this Section, may be required to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

- (B) *Design and Construction Standards.* Design and construction of sidewalks, bikeways, or other footpaths shall conform to all applicable engineering requirements adopted by the City of Avon Park, including provisions for access by

physically handicapped persons.

3.02.05 Access Points Onto Streets

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

(A) *Number of Access Points*

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

Table 3.4
Number of Access Points (Driveways)

Lot Width Abutting Road	Number Of Points Of Access (Driveways)
Less than 65 feet	1
65 feet to 200 feet	2
Over 200 feet	2, plus 1 for each additional 200 feet

- (2) In lieu of any two (2) openings onto any one (1) road, there may be permitted a single point of access of up to a maximum width of 48 feet. When this alternative is elected there shall be a permanent median at the center of the opening.
- (3) Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

(B) *Separation of Access Points*

- (1) There shall be a minimum distance of 12 feet between any two openings onto the same street.
- (2) No point of access shall be allowed within 10 feet of the intersection of the right-of-way lines of any public road.
- (3) The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent driveway or roadway.

(C) *Access to Residential Lots*

- (1) No residential lots having a width less than 125 feet shall abut a Principal Arterial without also directly abutting a local or Urban Collector street.
- (2) No lot in a subdivision shall be approved with less than 20 feet of frontage on a public street right-of-way.

3.02.06 Standards for Drive-in Facilities

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

- (A) The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to driveway access to streets and intersections.
- (B) The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
- (C) A by-pass lane shall be provided.
- (D) Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
- (E) Minimum stacking lane distance shall be as follows:
 - (1) Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided that together total 200 feet.
 - (2) All other uses shall have a minimum distance of 120 feet.
- (F) Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-in facilities.
- (G) Where turns are required in the exit lane, the minimum distance from any drive-in station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.
- (H) Construction of stacking lanes shall conform to all engineering design standards adopted by the City of Avon Park.

[RESERVED]

3.03.00 Off-Street Parking and Loading

3.03.01 Applicability

This Section shall apply to all new construction requiring off-street parking, and existing nonconforming parking facilities if on-site renovation, construction or repair exceeds 50 percent of the assessed value of the property. For specific parking regulations on Main Street, see Section 3.03.03.

3.03.02 Table of Number of Required Parking Spaces

- (A) *Number Of Required Spaces.* In all districts, off-street parking shall be provided as set forth in the following table and as may be modified by the provisions following the table. Uses are to be matched with the general categories in the Table.

Table 3.5
Number of Required Parking Spaces

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* or SFGLA**	Per Student/Member Seat/Employee/Etc.
Single family dwelling unit	2.0		
Multi-family	1.7		
Senior citizen multi-family	1.1		
Adult congregate living facility	0.7		
Hotel and motel	1.0		
Office and banks without drive-through		2.5	
Small office (less than 3,000 SFGFA)		3.0	
Bank with drive-through		3.0	
Medical, dental, optical, chiropractor office		3.0	
Medical clinic and professional buildings		4.5	
Neighborhood shopping center (less than 150,000 SFGFA)		4.0	
Community shopping center (150,000 - 500,000 SFGFA)		4.5	
Regional shopping center (more than 500,000 SFGFA)		5.5	

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* or SFGLA**	Per Student/Member Seat/Employee/Etc.
General retail sales		4.0	
Supermarket and discount store		3.5	
Furniture store		1.5	
Bowling alley, per lane			4.5
Day care center/school, per employee			1.3
Putt-putt golf, per hole			1.0
Theaters, freestanding, per seat			0.3
Restaurant, per seat			0.4
Restaurant with lounge, per seat			0.5
Fast food restaurant with drive-in, per seat			0.5
Senior high school, per student			0.4
Elementary and junior high school, per teacher			1.2
University and technical college, per daytime student			1.0
Place of worship, per seat in sanctuary			0.3
Hospital, per bed			2.0
Nursing home, per room			0.5
Industrial park with offices		1.8	
Light industry		1.8	
Manufacturing		1.0	
Warehousing and distribution centers		0.4	
Recreation clubs (golf, yacht, etc.), per member			0.2
Lodges and assembly, per seat			0.2
Stadiums, football and baseball, per seat			0.4

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

**Square Feet, Gross Leasable Area (SFGLA) is defined as the floor area of a building, less

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* or SFGLA**	Per Student/Member Seat/Employee/Etc.
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administrative, public and similar areas.

- (B) *Off-Street Parking for the Physically Disabled.* All development covered by §316.1955 - .1956, Florida Statutes, shall provide parking for the physically disabled pursuant to the requirements of those sections. In addition, all residential developments with greater than 25 required parking spaces shall comply with the requirements of §316.1956, Florida Statutes.

- (C) *Special Parking Restrictions in Residential Districts*
 - (1) Except on active construction sites, the parking of vehicles or motorized equipment exceeding 35 feet in length or 1.5 tons in capacity is prohibited.

 - (2) Within any Residential District, no trucks, trailers or wagons for non-recreational use shall be parked for storage purposes, including overnight, on any public right-of-way or on private property, except within a completely enclosed garage. This restriction shall also apply to empty trailers designed to carry boats or other vehicles.

 - (3) Within any Residential District, recreational vehicles (including collapsible camp trailers), may be parked for storage purposes only within the side yard area not less than five (5) feet from the side property line, and within the rear yard area not less than five (5) feet from the rear property line. No recreational vehicle may be parked between any public street and the living area of the principal building, except on a paved driveway.

3.03.03 Exemption Areas: Neighborhood Commercial Districts

There are two Neighborhood Commercial Districts in Avon Park where the traditional off-street parking regulations do not apply. They are: the historic commercial districts along Main Street and the blocks around the intersection of Hal McRae and South Delaney. These two areas were developed with buildings located on the front property line abutting the sidewalk, in the old style of commercial districts. In keeping with this type of downtown development, off-street parking was not provided for, and customers, as well as employees, were expected to park on the street. The City of Avon Park wishes to preserve the historic area and make it possible for retail and service commercial businesses to use the old buildings. Therefore, the off-street parking regulations do not apply and off-street

parking spaces do not have to be provided as in Table 3.5 above.

In the historic downtown commercial districts along Main Street and the intersection of Hal McRae and South Delaney the following parking regulations shall apply:

- (A) For new or existing buildings with zero foot setbacks facing Main Street: off-street parking is not required to be provided.
- (B) On-street parking along Main Street and on side streets in the first block north and south of Main Street is to be reserved for the general public.
- (C) Employees should be encouraged by employers to park on back streets or in provided parking lots/areas.
- (D) After adoption of this section, when an existing zero lot line structure is sold, or when a new structure is planned, every business owner within a building must provide a parking plan to the City Manager, specifying the number of employees per business and the designated parking area. This information is provided for: 1) security purposes; and, 2) to alert the Community Redevelopment Agency of pending parking space supply problems.
- (E) No new structures will be allowed on Main Street and side streets within the first block north and south of Main Street unless it can be demonstrated that there is adequate customer and employee parking available within a distance set by the City Council.

3.03.04 *Parking Spaces: Location and Parking Lot Requirements*

- (A) *Location of Vehicle Parking Spaces.* Parking spaces required by this Section shall be located as follows:
 - (1) Such parking spaces as required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of single family residences, except as normally exists in driveways.
 - (2) Parking spaces for all other dwellings shall be located on the same development site as the main building.
 - (3) Parking spaces for all other uses shall be provided on the same development site as the main building, or not more than 300 feet distant, as measured along the nearest pedestrian walkway. Such parking area may be located in

an adjacent residential district provided that such parking area is screened so as to prevent headlights from shining on residential properties and to minimize vehicular noise.

- (4) Parking requirements for two (2) or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.

(B) *Required Vehicle Parking Lot Improvements.* Any off-street parking lot serving any use other than dwellings of four (4) units per building or less shall meet the following requirements for off-street parking lot improvements:

- (1) *Buffer and canopy.* The parking area will be buffered and canopy provided pursuant to Section 3.07.00.
- (2) *Surfacing.* For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be provided with a hard surface of all-weather pavement, of asphalt or concrete, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water, and shall be constructed in accordance with standards of the City Engineer.
- (3) *Lighting.* Where lighting facilities are provided for the parking area, they shall be designed and installed so as to direct the light away from any contiguous residential property.

(C) *Parking Deferral*

- (1) To avoid requiring more parking spaces than actually needed to serve a development, the City Council may waive the provision of some portion of the off-street parking spaces required by this Section if the conditions and requirements of this Section are satisfied.
- (2) As a condition precedent to obtaining such a waiver by the City Council, the developer must show any one or more of the following:
 - a. A parking study prepared by a qualified professional indicates that there is not a present need for the deferred parking.
 - b. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be

considered by the City Council include, but are not limited to:

- 1) Private and public car pools and van pools.
 - 2) Charging for parking.
 - 3) Subscription bus services.
 - 4) Flexible work-hour scheduling.
 - 5) Ride sharing.
 - 6) Establishment of a transportation coordinator position to implement car pool, van pool, and transit programs.
- c. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.
- (3) If the developer satisfies one or more of the criteria in (2), the City Council may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.
- (4) A deferred parking plan:
- a. Shall be designed to contain sufficient space to meet the full parking requirements of this Section, shall illustrate the layout for the full number of parking spaces, and shall designate that are to be deferred.
 - b. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.
 - c. Shall include a landscaping plan for the deferred parking area.
 - d. Shall include a written agreement with the City that, one (1) year from the date of issuance of the certificate of occupancy, the deferred spaces will be converted to parking spaces that conform to this Code at the developer's expense, should the City Council determine from

experience that the additional parking spaces are needed.

- e. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken or commissioned by the City to determine the advisability of providing the full parking requirement.
- (5) At any time after one (1) year from the date of issuance of a certificate of occupancy for the development, City Council shall have the authority to require that the deferred spaces be converted to operable parking spaces by the developer.
 - (6) The developer may at any time request that the City Council approve a revised development plan to allow converting the deferred spaces to operable parking spaces.
- (D) *Reduction for Mixed or Joint Use of Parking Spaces.* The City Council shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking, when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements, because of joint use shall be approved, if the following conditions are met:
- (1) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
 - (2) The developer submits a legal agreement, approved by the City Attorney, guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere, in accordance with the provisions of this Section.
- (I) *Reduction for Low Percentage of Leasable Space.* If a use has a very low percentage of leasable space, because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the City Council may reduce the parking requirements, if the following conditions are met:
- (1) The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
 - (2) The developer agrees in writing that the use of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully with this Code.

3.03.05 Off-Street Loading Requirements

Off-street loading spaces shall be provided in accord with the provisions of this Section.

- (A) Every hospital, institution, commercial or industrial building or similar use shall be provided with one (1) loading space for each 20,000 square feet or more of floor area, and requiring the receipt or distribution by vehicles of materials or merchandise shall have at least one (1) permanent off-street loading space for each 20,000 square feet of gross floor area, or fraction thereof, immediately adjacent to the principal building.
- (B) Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than 20,000 square feet shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- (C) Every off-street loading and unloading space shall have a direct access to a public street or alley, and shall have the following minimum dimensions:
 - a. Length: 30 feet;
 - b. Width: 2 feet;
 - c. Height: 4 feet.
- (D) Manufactured (mobile) home and trailer sales establishments shall provide adequate space off of the public right-of-way for the maneuvering of manufactured (mobile) homes and trailers into position on the property without blocking traffic on the abutting street or road.

3.03.06 Design Standards for Off-Street Parking and Loading Areas

- (A) *Location.* Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel as the use itself.
- (B) *Off Street Parking.* The City Council may approve off-site parking facilities as part of the parking required by this Code if:
 - (1) The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
 - a. Proximity of the off-site spaces to the use that they will serve.
 - b. Ease of pedestrian access to the off-site parking spaces.

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

Resident parking:	200 feet
Visitor parking:	250 feet

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

(C) *Size*

- (1) Standard and compact parking spaces shall be sized according to Table 3.7 below.
- (2) Parallel parking spaces shall be a minimum of eight (8) feet wide and 22 feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to 20 feet.

**Table 3.6
Parking Space Dimensions**

A (Degrees)	B (Feet)	C (Feet)	D (Feet)	E (Feet)	F (Feet)
0	9.5	10.0	12.0	23.0	32.0
20	9.5	16.2	12.0	29.2	44.4
30	9.5	18.7	12.0	20.0	49.4
40	9.5	20.5	12.0	15.6	53.0
45	9.5	21.2	12.0	14.1	54.4
50	9.5	21.7	16.0	13.1	59.4
60	9.5	22.3	18.0	11.5	62.6
70	9.5	22.2	20.0	10.6	64.4
80	10.0	21.4	24.0	10.2	66.8
90	10.0	20.0	24.0	10.0	64.0

<p>A = Parking Angle B = Stall Width C = Stall Depth D = Aisle Width E = Curb Length Per Car F = Lot Width</p>

- (3) Tandem parking spaces must be a minimum of nine (9) feet wide and 20 feet long.
- (4) A standard motorcycle parking space shall be four and one-quarter (4¼) feet wide and nine and one-quarter (9¼) feet long.
- (5) The standard off-street loading space shall be 10 feet wide, 25 feet long, provide vertical clearance of 15 feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to 55 feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
- (6) The Board of Adjustment may modify these requirements where necessary to promote a substantial public interest relating to environmental protection,

heritage conservation, aesthetics, tree protection, or drainage. The City Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the Board of Adjustment shall submit a written statement of the public interest served by allowing the modification.

(D) *Layout*

- (1) Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
- (2) Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
- (3) Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
- (4) Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
- (5) Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
- (6) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Development Director based on the size and accessibility of the driveway.
- (7) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
- (8) Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
- (9) No parking space shall be located so as to block access by emergency

vehicles.

- (10) Compact car spaces shall be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters.

3.03.07 Bicycle Parking

- (A) *Number of Spaces Required.* One (1) bicycle parking space shall be provided for every 10 automobile parking spaces, or fraction thereof, required for the use, except as provided below:

**Table 3.7
Bicycle Parking Spaces**

Use	Required Bicycle Spaces
Residential	
Conventional detached	None
Model home	None
Educational	
Elementary and Junior High	5.0 per required auto space
Senior High Schools	1.0 per required auto space
Colleges	.5 per required auto space
Entertainment and Recreation	
Arcades, games, skating, tennis, handball, racquetball, swimming pool	.25 per required auto space

(B) *Design Standards*

- (1) The Building and Zoning Department shall maintain a list of approved bicycle parking facilities.
- (2) Other bicycle parking devices may be used if it is established to the satisfaction of the Department that the standards below are met.
- (3) The rack or other facility shall:
 - a. Be designed to allow each bicycle to be supported by its

- frame.
- b. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
 - c. Be designed to avoid damage to the bicycles.
 - d. Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
 - e. Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
 - f. Be located to prevent damage to bicycles by cars.
 - g. Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.
 - h. Be located in convenient, highly-visible, active, well-lighted areas.
 - i. Be located so as not to interfere with pedestrian movements.
 - k. Be located as near the principal entrance of the building as practicable.
 - l. Provide safe access from the spaces to the right of way or bicycle lane.

3.04.00 Utilities

3.04.01 Requirements for All Developments

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

- (A) *Electricity and Telephone.* Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- (B) *Water and Sewer.* Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup whenever required by the Comprehensive Plan and where the topography permits the connection to a public water or sewer line by running a connecting line no more than 200 feet from the lot to such line.
- (C) *Illumination.* All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting adopted standards of the City of Avon Park.

- (D) *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with the adopted standards of the City of Avon Park.

3.04.02 Design Standards

- (A) *Compliance with Technical Construction Standards.* All utilities required by this Chapter shall meet or exceed the City's adopted minimum standards.
- (B) *Placement of Utilities Underground*
 - (1) All electric, telephone, cable television, and other communication lines (exclusive for transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the adopted minimum standards of the City of Avon Park.
 - (2) Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.
 - (3) Screening of any utility apparatus placed above ground shall be buffered with a "C" buffer yard, where it abuts a residential lot.

3.04.03 Utility Easements

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

3.05.00 Stormwater Management

Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas. The stormwater treatment system or systems can be project specific, or serve sub-areas within the County. The design and performance of all stormwater management systems shall comply with applicable State Regulations (Chapter 17-25 and Chapter 17-302, Florida Administrative Code) and the rules of the Southwest Florida Water Management District stated in Chapter 40D-4, F.A.C. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C. Steps to control erosion and sedimentation shall be taken for all development.

3.05.01 Stormwater Management Requirements

- (A) *Performance Standards.* All development must be designed, constructed and maintained to meet the following performance standards:
- (1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one (1) inch of stormwater runoff shall be treated in an off-line retention system or according to FDER's Best Management Practices.
 - (2) The proposed development and development activity shall not violate water quality standards set forth in Chapter 17-3, Florida Administrative Code.
 - (3) Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
 - (4) Action taken under emergency conditions to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes or other hazards.
 - (5) Agricultural activity, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service Conservation Plan. If the Conservation Plan is not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.
- (B) *Residential Performance Standards.* It is intended that all of the standards in the citations from the Florida Administrative Code are to apply to all development and redevelopment and that exemptions based on project size thresholds and individual

structures do not apply for concurrency determinations. All development must meet F.A.C. and subsequently meet the following performance standards.

- (1) *New Construction.* For the purposes of determining whether residential development of 1-4 units on an individual lot requires retention, all the following standards must be met.
 - a. Structure and all impervious surface can be placed less than 100 feet from the receiving water body; and,
 - b. The topography of the lot is greater than a 6% slope; and
 - c. the total of all impervious surface is 10% or more of the total lot area.
- (2) *Infill development.* Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when the following condition has been met. Infill residential development shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

3.05.02 Design Standards

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

- (A) *Treatment of Stormwater Runoff.* All drainage facilities shall be designed to remove oils, suspended solids, and other objectionable material in stormwater runoff.
- (B) *On-Site Percolation.* Sites shall be developed to maximize the amount of natural rainfall that is percolated into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces shall be diverted into swales or terraces on the lot when possible. Whenever development occurs on land that lies within 200 feet of a lake, and slopes toward said lake, an acceptable barrier shall be provided to minimize stormwater runoff into the lake and to maximize aquifer recharge, such as terraces sloping away from the lake, a tree line, etc.
- (C) *Street Drainage.* Street drainage shall be diverted to a stormwater management system of sufficient capacity to retain at least the stormwater runoff from each drainage area for a 25-year, 24-hour storm event. Existing lakes shall not be used as detention areas. Positive drainage facilities shall be provided for all detention areas

to handle the runoff from storms that exceed the 25-year, 24-hour storm in duration and severity.

- (D) *Retention/Detention.* The actual acreage required will depend on the percolation rate for the specific site and the manner in which the land is developed. All retention/detention areas shall be sodded in accordance with City regulations, and should be planted in trees, shrubs, or other growing plants that take up large volumes of nutrients.
- (E) *Disposition of Stormwater Runoff.* All drainage systems shall include special engineering design features to minimize pollution and oil, suspended solids, and other objectionable material in stormwater runoff within acceptable limits. Treatment facilities shall be designed by a Florida registered engineer to treat adequately the stormwater runoff resulting from rainstorms of the maximum intensity predicted for the area at a 25-year, 24-hour duration.
- (F) *Storm Drainage into Natural Water Bodies.* The first inch of rainfall from each storm shall be retained and percolated into the ground, collected and evaporated, or given chemical-physical treatment wherever an outfall is utilized that discharges into a lake, a canal or stream with a daily mean discharge of less than five (5) cubic feet per second, or a canal or stream that flows into a lake within one (1) mile. Runoff from rainfall in excess of the first inch and outfalls into canals and streams with an average daily flow exceeding five (5) cubic feet per second shall be treated as specified in Section 3.05.02. Outfalls into lakes shall be designed to prevent lake bottom scouring. Acceptable methods include use of an energy dissipator or extending the outfall to discharge at a depth of 10 feet or half the maximum depth of the lake, in accordance with current and amended regulatory permitting practices.
- (G) *Inlet Spacing.* Street inlets shall be spaced so as to accept 100 percent of design runoff. Typically, the maximum allowable gutter run will be 1000 feet on streets with standard curb and gutter, and 500 feet on streets where Miami curbs are used. Actual required spacing will depend on the characteristics of each site.
- (H) *Natural Watercourses.* Should the proposed development area contain an existing natural watercourse, drainageway, channel, or similar drainage feature, such watercourse and associated vegetation shall be maintained and the proposed development designed so as to preserve the same. However, the use of such watercourse to carry runoff from any development shall be permitted, if provision for control of sediment in the excess runoff is made prior to the entrance of the runoff to the watercourse. This does not preclude the use of wetlands for storage and treatment of stormwater runoff, as long as the design drainage system does not measurably degrade the affected area.

3.05.03 Outfall Ditches and Canals

All swales, ditches, or canals shall have sufficient right-of-way provided to allow for the installation of the ditch, plus a minimum of a 20-foot maintenance berm on each side and a 15-foot property setback adjacent to the installation. Areas adjacent to the ditches and canals shall be graded in such a manner as to preclude the entrance of excessive runoff except at locations provided.

The maximum side slope permitted shall be three to one (3:1), with the top ditch bank rounded off. The minimum bottom width of outfall ditches and canals shall be four (4) feet.

All runoff from each individual unit must be handled to a point of positive outfall. No design of an individual unit shall be dependent upon the ultimate installation of a future unit.

3.05.04 Positive Outfall

Where an existing outfall is being utilized and the capacity to handle any additional runoff is in question, data to support the design shall be included in the analysis. All ditches shall be sized using accepted engineering practices. In all cases, sufficient engineering data giving drainage area, velocity, and depth of flow is to be included in the drainage analysis.

Unless unstable or highly erosive soil conditions indicate that a lower design velocity is desirable, or unless erosion protection is provided, the maximum allowable velocity shall be five (5) feet per second. The maximum grade of the outfall ditch, likewise, shall be that grade that will produce a velocity of five (5) feet per second. The minimum grade shall be that grade required to provide for design flow.

3.05.05 Retention/Detention Basins

All retention/detention basins shall be readily accessible from streets or public rights-of-way, and shall be situated so that maintenance can be easily performed. All drainage facilities shall be of a low maintenance type and designed as follows:

- (A) Retention/detention basins shall be so designed that all detained water from the design storm is removed after 72 hours. If this is not accomplished by percolation and evaporation, the basin must include a bleed-down system to relieve the excess amount and return it to the discharge side of the outlet structure.
- (B) The side slopes of all detention basins shall be kept as flat as possible (maximum of four feet horizontal to one foot vertical), providing soil conditions are suitable to sustain plant growth and control erosion. Detention basins shall be enclosed with a gated, six-foot-high, chain-link fence, except when the detention facility is a

man-made lake or is part of a landscaped park or conservation scheme.

3.05.06 Underground Seepage Systems

Underground seepage systems are not allowed.

3.05.07 Tabulations

All submitted stormwater design plans shall include the following tabulations:

- (A) Location and type of structure.
- (B) Type and length of line.
- (C) Drainage area.
- (D) Runoff factor.
- (E) Time of concentration to structure.
- (F) Rainfall intensity.
- (G) Total runoff.
- (H) Hydraulic gradient control elevation.
- (I) Hydraulic grade line, crown elevation, and flow line of each pipe.
- (J) Physical drop in pipe.
- (K) Hydraulic gradient loss.
- (L) Diameter of pipe.
- (M) Hydraulic gradient slope.
- (N) Velocity.

3.05.08 Pipe Materials Permitted

Pipe material shall be reinforced concrete pipe (RCP). The minimum diameter shall be 15 inches.

3.05.09 Inlets, Manholes, and Junction Boxes

All structures shall be constructed of concrete and all fins and irregular projections shall be chipped off flush with the surface immediately following the removal of forms. All projecting wires and nails shall be cut off at least one-half (1/2) inch under the surface. All cavities produced by metal spacers, form tiles, bolts, honeycomb spots, etc., shall be carefully cleaned, saturated with water, and then carefully painted with mortar. All construction and expansion joints in the completed work shall be left carefully tooled and free of mortar and concrete. Joint filler shall be left exposed for its full length with clean edges. Mortar topping for upper horizontal surfaces shall not be used. Paved inserts shall be required.

For all concrete surfaces that are to receive a surface finish, the contractor shall remove the forms and finish the concrete immediately after the concrete has set sufficiently. Minimum manhole diameters for intersecting pipe sizes shall be as follows:

**Table 3.8
Manhole Diameters**

Equivalent Pipe Diameter	Inside Diameter
Up to 48 inches	6 feet
Larger	Special Design

Inlets shall be spaced in such a manner as to accept 100 percent of the design runoff. The actual required spacing will depend on the characteristics of each particular site.

Computation for drainage culverts, ditch sizes, and inlet spacings shall be based on the storm frequency design standards required in this Code and shall be submitted for approval.

3.05.10 Storm Sewer Alignment

All storm sewer layouts shall avoid abrupt changes in direction or slope and shall maintain reasonable consistencies in flow velocity. Where abrupt changes in direction or slope are encountered, provisions shall be made to handle the resultant head loss.

3.05.11 Underdrains

In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains and/or fill or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need shall be made by reference to applicable portions of the most recent edition of Soil Survey and Supplement for Highlands County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, and Soil Survey Supplement, or whatever subsequent authoritative soil survey may be published for Highlands County after adoption of these regulations, or according to information generated by developers prepared by a registered soils engineer.

- (A) Wherever road construction or lot development is planned in areas of the proposed subdivision having soil types with unacceptable water table characteristics, underdrains and/or fill shall be provided and shown on the engineering plans. Underdrains must be designed with free gravity outlet at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points.
- (B) Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface-to-water table relationship that adversely exceeds the degree of limitation stated above, underdrains or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required.
- (C) Wherever roadway construction reveals unexpected water bearing strata that would cause deterioration of the pavement, underdrains or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required, even though not shown on the plans.
- (D) Filtering media shall consist of stone, gravel, or slag, and shall contain no friable materials.
- (E) Wherever underdrain pipe is required, the specifications shall be in accordance with the American Society for Testing and Materials, Designation: D3033-5.

3.05.12 Special Considerations

Special consideration shall be given in the layout of streets, lots, blocks, buildings, and easements to the preservation of resource and specimen individual trees. Special consideration shall also be given to preserving natural drainage methods and natural topography and landscape. Special consideration shall be given to providing special screening, buffers, or berms where developments abut incompatible land uses.

3.05.13 Dedication or Maintenance of Stormwater Management Systems

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

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

operational documents to operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation and maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

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

3.06.00 Performance Standards

3.06.01 General Provisions

All uses shall conform to the standards of performance described within this Article and shall be constructed, maintained and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. Within 100 feet of a residential district, all processes and storage, except for vehicle parking, shall be in completely closed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least six (6) feet in height. Where other ordinances or regulations (whether federal, state, or local) that may be adopted hereinafter impose greater restrictions than those specified herein, compliance with such other ordinances and regulations is mandatory.

3.06.02 Specific Standards

3.06.02.01 Vibration

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

3.06.02.02 Smoke

Every use shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Smoke Chart; provided, however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four (4) minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringelmann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, shall be standard. All measurements shall be at the point of emission. Smoke emission must comply with applicable rules of the Florida Department of Environmental Regulation.

3.06.02.03 Noise

Every use shall be so operated as to comply with the maximum performance standards governing noise described below. Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled or eliminated so as not to become a nuisance to adjacent uses. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

**Table 3.9
Maximum Permitted Sound Level In Decibels**

Octave bands in cycles per second	Along property line abutting a residential district		Along property line abutting an industrial or commercial district
	8:00 am to 6:00 pm	6:00 pm to 8:00 am	
0-75	70	65	79
75-150	65	50	74

150-300	57	43	66
300-600	50	38	59
600-1200	44	33	53
1200-2400	38	30	47
2400-4800	32	28	41
Over-4800	30	26	39

3.06.02.04 Dust and Dirt

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

3.06.02.05 Industrial Sewage and Waste

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

3.06.02.06 Hazardous Wastes

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

3.06.02.07 Odors

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

3.06.02.08 Glare

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

3.06.02.09 Fumes, Vapors and Gases

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

3.06.02.10 Heat, Cold, Dampness, or Movement of Air

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

3.06.02.11 Fire and Safety Hazard

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

3.06.02.12 Radioactive Emission

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

3.06.02.13 Electromagnetic Radiation

- (A) No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, such operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or radiators of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content.
- (B) The determination of abnormal degradation in performance and of good quality and proper design shall be made in accordance with good

engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturer's Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers; (2) Institute of Radio Engineers; (3) Radio Manufacturer's Association.

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

3.07.00 Compatibility, Landscaping and Buffering Standards

The City Council finds that landscaping makes important contributions to the public safety and the general welfare of the City. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees, buffer yards, the conservation of native plants and trees, and the conservation of water resources in the City. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land uses on adjacent land uses. It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally in protecting the health, safety and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the City of Avon Park shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses. The requirements of this Section shall apply to:

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

Prior to issuance of any development permit covered, a Landscape Plan shall be submitted showing tree canopy and buffer yard information required by this Section. The Landscape Plan shall be drawn to a scale with sufficient clarity and detail to indicate the type, nature and character of the improvements on the site, and the relative location of all landscaping in relation to said improvements. The Landscape Plan may be submitted separately, but shall be a part of the site development plan, when a site development plan is required under Section 7.05.00.

3.07.01 *Classification of Land Uses*

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

**Table 3.10
Land Use Classifications for Buffers**

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

3.07.02 Landscaping

Landscaping shall include the conservation of native plants and trees; the selection and planting of canopy trees to shade parking areas and other impervious surfaces; and the design, the selection of trees and shrubbery, the planting and the establishment of buffer yards.

3.07.02.01 Selection of New Trees and Shrubs

Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the City are listed in Tables 3.11 through 3.13. Canopy areas shown in Table 3.11 are for the mature growth canopy of each tree, which shall be the credit for canopy at the time of planting. In order to satisfy the requirements of this Section, trees and shrubs from these lists must be selected for new landscape installations.

3.07.02.02 Preservation of Existing Trees and Shrubs

An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 3.11, whichever is greater. When a buffer is to be provided by preserving existing trees and shrubs, all healthy species growing in the location shall be acceptable to the City, and shall be maintained in their natural setting.

3.07.03 Canopy Trees

Canopy trees shall be required for the purpose of shading impervious surfaces associated with all development in the City, except single-family, detached residences and detached duplex structures. Structures shall not be used in calculating or estimating the area of impervious surface. This subsection requires the calculation of the total impervious surface on a given site and the shading of one-third of that total impervious surface. To standardize the calculation, each paved parking space shall require 200 square feet of canopy area. Loading zones, sidewalks and other paved surfaces, with the exception of swimming pool decks and aprons, shall be calculated separately and one-third of the total area shall be shaded with canopy trees.

- (A) Canopy trees shall be selected from Table 3.11 and planted no closer than five (5) feet to any paved surface.
- (B) Planting areas for canopy trees shall be no less than 100 square feet in area.
- (C) Planting areas under canopy trees shall be planted in compatible shrubs from Table 3.12 or ground covers, but not planted in grass.

**Table 3.11
Canopy Trees**

Species	Common Name	Height (feet)	Canopy (s.f.)
Acer Rubrum	Red maple	35-50	500
Carya glabra	Pignut hickory	80-100	700
Carya Illinoensis	Pecan	60-100	700
Carya tomentosa	Mockernut hickory	80-100	700
Celtis laevigata	Sugarberry (Hackberry)	40-60	1,300
Cinnamomum camphora	Camphor	40-50	700
Fraxinus caroliniana	Pop ash	40-60	500
Liquidambar styraciflua	Sweetgum	60-100	500
Magnolia grandiflora	Southern magnolia	50-100	500
Pinus clausa	Sand pine	60-80	500
Pinus elliottii	Slash pine	80-100	500
Pinus elliottii var. densa	South Florida pine	80-100	500
Pinus palustris	Longleaf pine	80-100	500
Platanus occidentalis	Sycamore	50-80	700
Quercus laurifolia	Laurel oak	60-100	970
Quercus nigra	Water oak	60-100	700
Quercus virginiana	Live oak	50-60	2,000
Tilia Caroliniana	Carolina basswood	50-60	500
Ulmus slata	Winged elm	20-25	500
Ulmus americana	Florida elm	80-100	700

Table 3.12, Small Trees for Buffer Yards

Species	Common Name	Height (feet)	Canopy (s.f.)
Baccharis halimifolia	Groundsel tree salt bush	7-12	50
Betula nigra	River birch	45-65	200
Callistemon viminalis	Weeping bottlebrush	15-20	80
Carpinus caroliniana	American hornbeam	25-35	120
Carya folridana	Scrub hickory	10-20	120
Chionanthus virginicus	Fringe tree	15-25	80
Cornus florida	Flowering dogwood	20-30	200
Crataegus	Hawthorne	15-20	120
Eriobotrya japonica	Loquat, Japanese plum	15-20	80
Eucalyptus cinerea	Silver dollar eucalyptus	15-25	120
Gleditsia aquatica	Water locust	40-60	180
Gordonia lasianthus	Loblolly bay	30-40	200
Ilex attenuata	East palatka holly	25-30	200
Ilex cassine	Dahoon holly	25-30	200
Ilex opaca	American holly	30-45	200
Juniperus silicicola	Southern red cedar	25-30	120
Koelreuteria elegans	Golden rain tree	30-50	320
Lagerstroemia indica	Crepe myrtle	15-25	120
Magnolia virginiana	Sweetbay magnolia	30-60	200
Osmanthus americana	Wild olive, Devilwood	15-30	50
Osmanthus megacarpa	Scrub olive	12-15	80
Parkinsonia aculeata	Jerusalem thorn	20-30	200
Persea borbornia	Red bay	20-60	120
Prunus caroliniana	Cherry laurel	30-40	120
Prunus serotina	Wild black cherry	50-65	320
Quercus chapmanii	Chapman oak	15-20	180
Quercus geminata	Sand live oak	15-30	120
Quercus incana	Bluejack oak	20-30	120
Quercus laevis	Turkey oak	40-50	180
Quercus myrtifolia	Myrtle oak	15-20	80
Taxodium distichum	Bald cypress	60-100	320
Ulmus parvifolia	Drake elm, Chinese elm	30-40	320

Table 3.13, Shrubs

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

3.07.04 Buffer Yards

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

3.07.04.01 Establishment of Buffer Yards

Table 3.14 establishes the buffer yard between a proposed and an existing land use. Table 3.15 establishes the buffer yard between a proposed land use and a vacant property. A buffer is required for vacant property based on its zoning district classification at the time of the proposal to develop the abutting property. Buffer yards are intended as landscaped open space, therefore, they shall be free of pavement and permanent structures other than fences, play equipment, unpaved pedestrian paths, and drainage and retention facilities.

3.07.04.02 Buffer Yard Width and Landscaping Requirements

The number of trees and shrubs required in a buffer yard depends on the nature of the adjoining land uses. The standards for buffer yard width and the associated number of trees and shrubs are set forth in Figures A, B, C, and D at the end of this Section that specify the number of each type of plant required per 100 linear feet. For each buffer yard standard several options as to the width are offered and different numbers of each type of plant are specified, depending on the width. As buffer yard width increases, planting requirements are reduced. Trees and shrubs may be spaced evenly along the length of the buffer yard or grouped to best display the plant material. When natural plant material is present, it counts toward fulfilling the total requirement for trees and shrubs.

In all commercial zoning districts, whenever new development in any commercial district abuts property zoned for residential use, a 6-foot solid masonry wall shall be constructed along the property line, inside the buffer yard, and be in addition to the vegetation required in the buffer yard. Within required structural setback distances from public roads, the height of the wall shall be 4 feet.

**Table 3.14
Landscape Requirements Between Proposed and Existing Land Uses**

Class		Existing								
		I	II	III	IV	V	VI	VII	VIII	IX
Proposed Use	I. Single family detached dwellings.	N	N	N	A	B	B	B	C	C
	II. Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	A	N	N	N	A	A	B	C	C
	III. Prof. offices with up to 8 parking spaces; and child care centers in converted residential structures.	A	N	N	N	N	N	A	B	C
	IV. Duplex, s.f. attached, manufactured (mobile) home parks and m.f. developments at 4-8 units/acre.	B	A	N	N	N	A	B	B	C
	V. Manufactured (mobile) home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	C	B	A	A	N	N	A	B	B
	VI. Prof. offices with 9+ off-street parking spaces; places of worship; schools; government facilities; and commercial development sites with up to 10 parking spaces.	C	B	A	B	A	N	N	B	B
	VII. Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	C	C	B	C	B	A	N	N	B
	VIII. Light industry; governmental public works storage/equipment facilities.	D	D	C	C	C	C	A	N	N
	IX. Heavy industry; water and sewer treatment facilities.	D	D	D	D	C	C	C	A	N
	N = No landscaping required									

**Table 3.15
Landscape Requirements Between Proposed Land Uses and Vacant Property**

Class		Principal Use Permitted by Zoning District on Vacant Adjoining Property								
		I	II	III	IV	V	VI	VII	VIII	IX
Proposed Use	I. Single family detached dwellings.	N	N	N	N	A	A	A	B	B
	II. Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	N	N	N	N	N	N	A	B	B
	III. Prof. offices with up to 8 parking spaces; and child care centers in converted residential structures.	N	N	N	N	N	N	N	A	B
	IV. Duplex, s.f. attached, manufactured (mobile) home parks and m.f. developments at 4-8 units/acre.	A	N	N	N	N	N	A	A	B
	V. Manufactured (mobile) home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	B	A	N	A	N	N	N	A	A
	VI. Prof. offices with 9+ off-street parking spaces; places of worship; schools; government facilities; and commercial development sites with up to 10 parking spaces.	B	A	N	A	N	N	N	A	A
	VII. Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	B	B	A	B	A	N	N	N	A
	VIII. Light industry; governmental public works storage/equipment facilities.	C	C	B	B	B	B	N	N	N
	IX. Heavy industry; water and sewer treatment facilities.	C	C	C	C	B	B	B	N	N

N = No landscaping required

3.07.05 Installation, Irrigation and Maintenance

- (A) *Installation of Plants.* All plants shall be "Florida No. 1" or better, and shall be healthy and free of diseases and pests, and shall be selected from Tables 3.11 through 3.13. The trunks of canopy trees shall be a minimum of 3 inches in diameter, 12 inches above the ground; and small trees shall be a minimum of 1½ inches in diameter, 12 inches above the ground.

- (1) Plants shall be installed during the period of the year most appropriate for planting the particular species. If this requirement results in the planting of some or all of the landscaping subsequent to development approval, a performance bond shall be posted prior to the issuance of a certificate of occupancy that will be sufficient to pay the costs of the required landscaping.
 - (2) Landscape plants shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
 - (3) The developer shall provide an appropriate planting soil medium for required plants and shall irrigate plant materials to sustain healthy growth of all plants to maturity. Required plants that die shall be replaced before the next growing season.
- (B) *Irrigation and Maintenance.* All landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein. Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action.
- (1) All required plants shall be maintained in a healthy, pest-free condition.
 - (2) Within 6 months of a determination by the City Council that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

3.07.06 Exemptions

The following shall be exempted from all landscaping provisions of this Section:

- (1) Single family and duplex development on individual lots.
- (2) Alteration of an existing development site that qualifies as a minor modification under Section 7.05.08.

Figure A

Buffer Yard

A

Plant Material / 100'

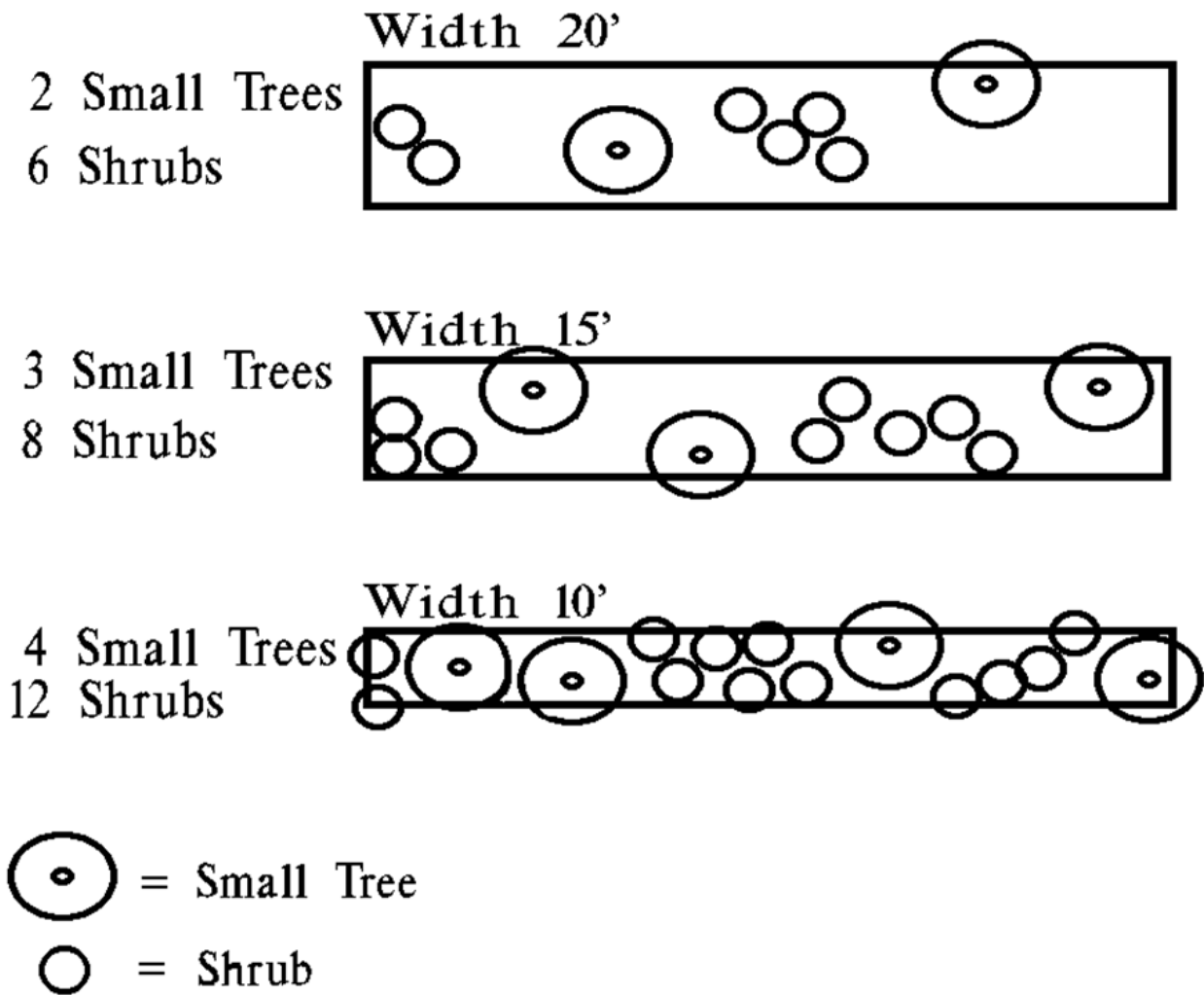
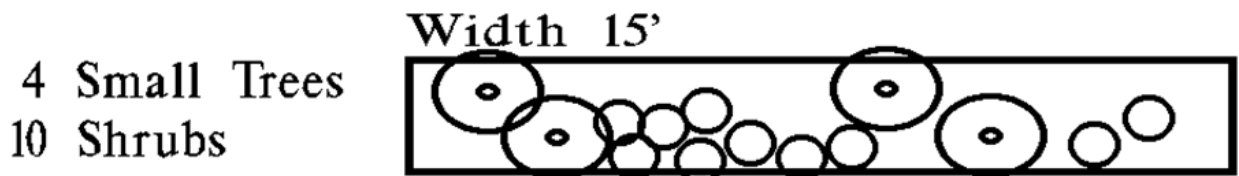
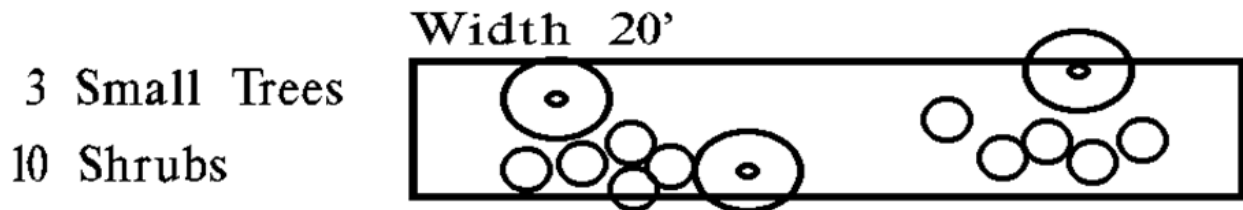
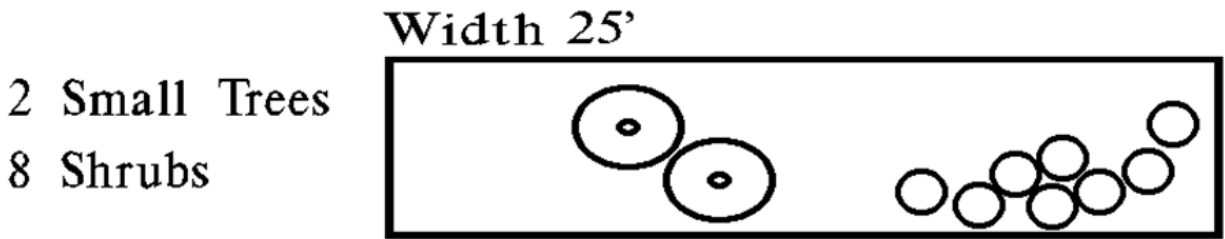



Figure B

Buffer Yard B

Plant Material / 100'



 = Small Tree


 = Shrub

Figure C

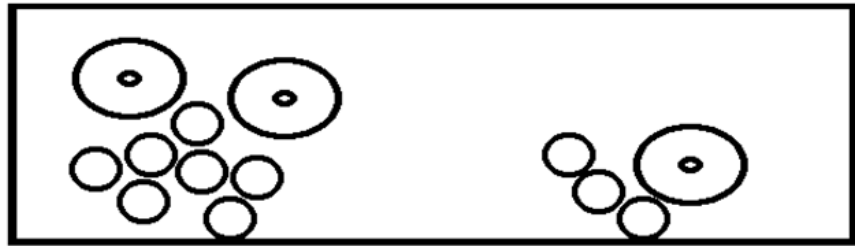
Buffer Yard

C

Plant Material / 100'

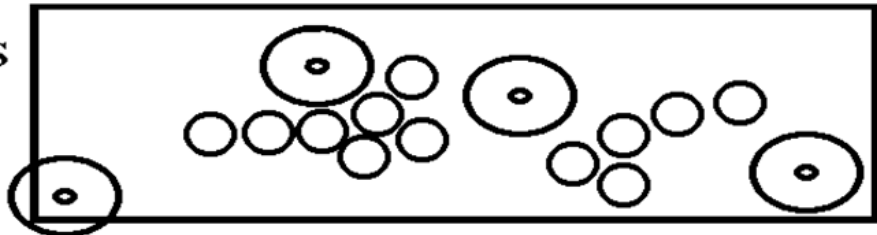
Width 30'

3 Small Trees
10 Shrubs



Width 20'

4 Small Trees
12 Shrubs



Width 15'

5 Small Trees
15 Shrubs

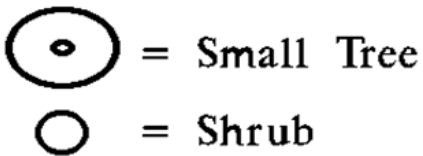
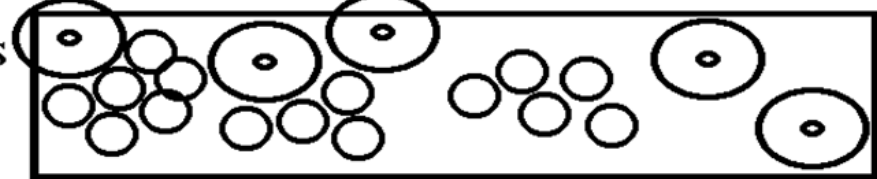
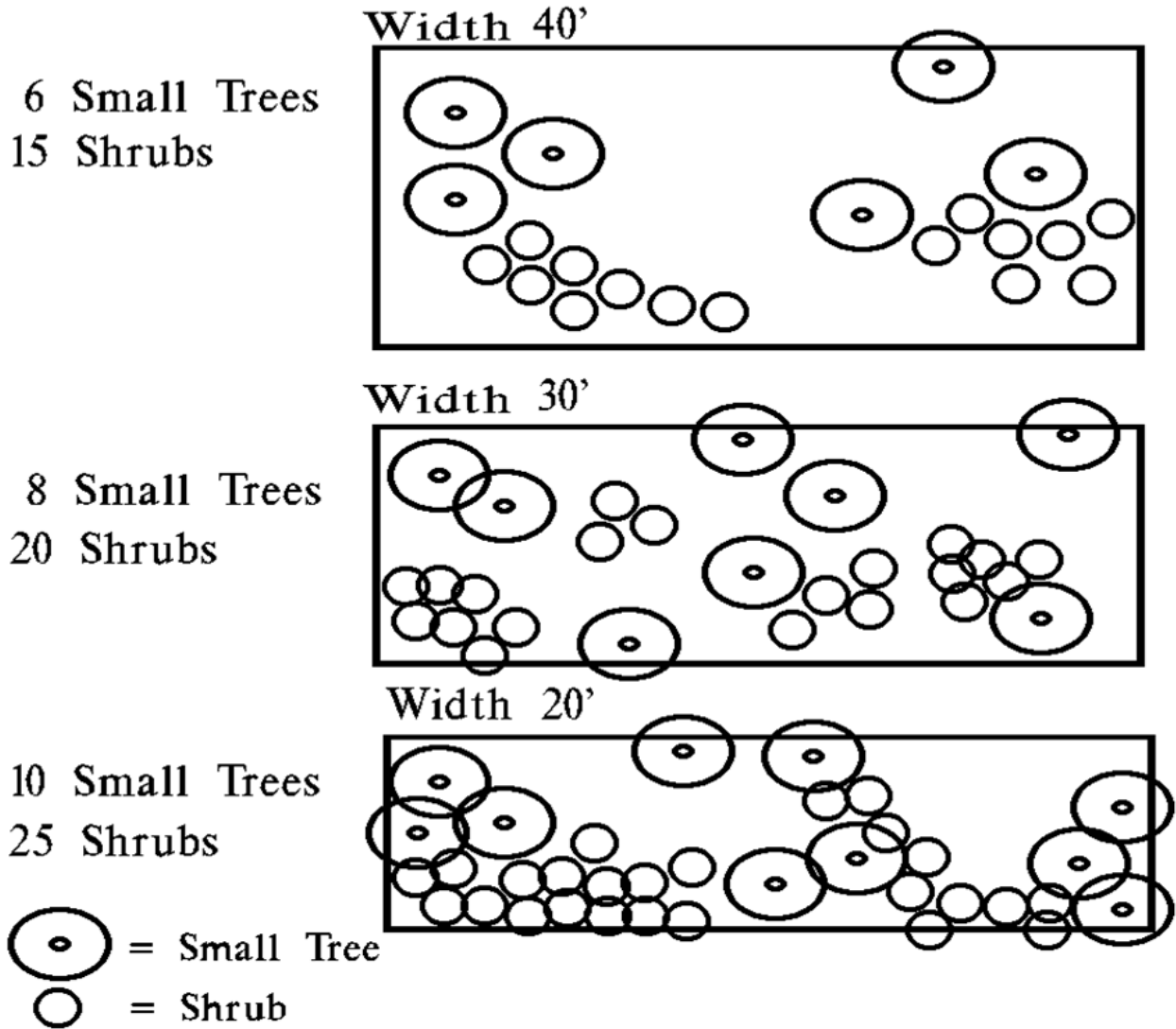


Figure D

Buffer Yard

D

Plant Material / 100'



3.08.00 Development Standards for Uses Requiring a Site Development Plan

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

[NOTE: LISTED IN ALPHABETICAL ORDER]

3.08.01 Adult Entertainment Establishments

- (A) *New Establishments.* New adult entertainment establishments shall be permitted in districts subject to the following standards:
 - (1) No adult entertainment establishment shall be located within 500 feet of any property zoned or agricultural or residential use.
 - (2) No adult entertainment establishment shall be located within 2,000 feet of any day care center or public recreation facility.
 - (3) No adult entertainment establishment shall be located within 2,500 feet of any place of worship or school.
 - (4) No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

- (B) *Non-Conforming Establishments.* Adult entertainment establishments legally in operation prior to the effective date of this Code may continue to operate as a non-conforming use in accordance with Section 7.12.00.

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

- (1) The rezoning of property within the City of Avon Park or unincorporated Highlands County for agricultural or residential use.
- (2) The placement of a day care center or public recreation facility within 2,000 feet.
- (3) The establishment of a place of worship or school within 2,500 feet.

- (C) *Measurement of Distances.* Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
- (D) *Applicability of Other Laws and Ordinances.* Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code or other applicable law or regulation. Additionally, nothing in this Code shall be construed to authorize, allow, or permit the establishment of any business, the performance of any activity, or the possession of any item, that is obscene under the judicially established definition of obscenity.

3.08.02 Airports and Airport Uses

- (A) Landing strips and heliports (accessory hangers and sheds) are subject to the intensity class performance criteria applicable to the underlying zoning district.
- (B) The area proposed for this use shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency.
- (C) Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Agency.
- (D) There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
- (E) No existing or planned approach areas shall be permitted over existing residential areas or over vacant areas zoned for future residential development; however, approach areas may be allowed over such vacant areas if deed restrictions or other mechanisms insure that they will not be developed for residential uses.
- (F) Off-street parking required: one (1) space for every plane space within the hangers plus one (1) space for every tie-down space plus one (1) for every two (2) employees.
- (G) Building setback: any building, hanger, or other structure shall be at least one hundred (100) feet from any street or lot line.
- (H) All repair of airplanes and machinery shall be done inside hangers.
- (I) Residential uses shall not be located within the approach path or the noise zone.

3.08.03 Auto Salvage Yards

(A) *Storage of Materials*

- (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
- (2) In no case shall material that is not salvageable be buried or used as fill.
- (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
- (4) Recyclable material that cannot be stored in bins or containers may be stored in the open.

(B) *Screening.* All salvage yards shall comply with the following screening requirements:

- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight (8) feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
- (2) Gates at entrance or exit shall be of a material without openings.
- (3) The screen shall be constructed of the same type of material throughout.
- (4) No screen shall be constructed of metal that will rust.
- (5) Screens shall be maintained and in good repair at all times.

(C) *Buffer In Lieu of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Council after a finding that the proposed buffer would provide screening equivalent to that required in (B) above.

3.08.04 Bank

- (A) Development site shall have frontage on an arterial or collector road. Major points of ingress/egress shall connect to such road.
- (B) Structures shall be set back at least 30 feet from any property zoned or designated on the Future Land Use Map for residential use.

3.08.05 Bed and Breakfast Inns

- (A) Bed and Breakfast Inns are permitted in residential zoning districts with an approved site development plan provided that:
 - (1) The property fronts on a collector or arterial roadway;
 - (2) Primary points of ingress-egress shall connect to such a roadway;
 - (3) Signs shall be in accordance with regulations in Article 4;
 - (4) Parking requirements are met: one (1) space per unit for rent and must be available on-street or off-street.

3.08.06 Places of Public Assembly Including Places of Public Worship

- (A) The Site Development Plan shall be approved by the Public Safety Officer for ingress/egress.
- (B) The Site Development Plan shall show the necessary amounts of parking spaces and their location. Some parking may be designated on-street in Residential Zoning Districts, provided the Public Safety Officer for fire and police deem the roadway wide enough for emergency vehicles to pass. All parking must be delineated on the Site Development Plan, whether off-street or on-street.
- (C) In order to counteract the heat generated by large expanses of asphalt, and in order to blend in with the residential character of a neighborhood more effectively, large expanses of parking may be sodded rather than paved, or perforated pavers may be used; or a combination of the two.
- (D) In a Residential Zoning District, the principal structure shall be set back no less than 50 feet from any adjoining property under different ownership.
- (E) In a Residential Zoning District, the site shall be landscaped and shall be landscaped compatible with the residential setting.
- (F) In Residential Zoning Districts, each new place of public assembly/place of worship may have one ground-mounted sign with reader board in the front yard, not to exceed the maximum for a commercial sign, which is 96 square feet. The sign must be set back a minimum of 10 feet from the front property line. In addition, each place of public assembly/place of worship may have its name and established date painted on the building or delineated with letters attached to the surface of the building.

3.08.07 Commercial Parking Lot

- (A) Minimum lot size shall be two (2) acres.

- (B) All points of ingress/egress shall connect to a collector or arterial road.
- (C) Parking areas shall be stabilized with a smooth, dust-free surface.
- (D) Landscaping shall be provided in accordance with Section 3.07.00.

3.08.08 Communications Towers and Antennas

- (A) *Receive Only Antennas/Residential Personal Wireless Services.* This section shall not apply to antennas that are used exclusively to receive signals, such as those that receive video programming services via multi-point distribution services, and those which receive television broadcast signals. Further, this section shall not apply to antennas attached to single family dwelling units that are utilized, solely, to provide personal wireless services to the occupants of the single family dwelling unit. Regulations for those type of antennas and dishes are found in Article 2, Section 2.05.03.
- (B) *Site Development Plan.* Communications Towers and Antennas shall be permitted with the approval of a Site Development Plan and only in I-2 zoning district, as designated in Article 2, Section 2.04.00, Table 2.04.01(A) “Table of Land Uses” of this Code. The Site Development Plan shall be accepted and reviewed under the regulations set forth in Article 7, Section 7.0500 for Site Development Plans except as noted here under (I), (J) and (K).
- (C) *Purpose.* The purpose of this section is to provide for the siting, performance, and construction standards and general regulations governing communications towers and antennas; and to:
 - (1) Minimize adverse visual impacts of communications towers and antennas through appropriate design, siting, and landscape screening; and
 - (2) Accommodate the growing need for communications towers and antennas, while promoting and encouraging collocation of antennas on new and existing tower structures as a primary option rather than construction of additional single use towers.
- (D) *Definitions.* Definitions for *Camouflaged Construction*, *Communications Tower*, *Communications Antenna*, *FAA* and *FCC* shall be added to Article 9. As used in this section, the following terms shall have the meanings as set forth below:
 - (1) *Height* shall mean, when referring to a communications tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

- (2) Camouflaged construction: Methods of design and construction of communication towers which permit such towers to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a communication tower. Notwithstanding the camouflaged construction, the structure shall continue to be considered a communication tower for purposes of this Code.
 - (3) Communications antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.
 - (3) Communications tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, camouflaged towers, and any support structures thereto.
- (E) *Applicability.* All new communications towers and communications antennas located in the City shall be subject to the regulations contained in this section except as provided herein.
- (F) *Exceptions*
- (1) *Amateur radio station operators.* This section shall not apply to any communications tower or communications antenna that is owned and operated by a federally licensed amateur radio station operator that is less than the maximum height allowed in any zoning district. In addition, the said owner/operator must comply with any and all applicable federal and state laws, regulations and standards and the installation and use of the equipment must be in accordance with manufacturer's specifications, and grounding standards in conformance with those established by the National Electric Safety Code.
 - (2) *AM Array.* For purposes of this section, an AM array, consisting of one or more tower units and supporting ground system that functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM Array. Additional tower units may be added within the perimeter of the AM Array.
 - (3) *Communication Towers and Antennas installed prior to this amendment.* All communications towers and communications antennas legally installed in the City

prior to the effective date of this amendment to the Unified Land Development Code shall be considered “permitted nonconforming uses” and allowed to continue their usage as they presently exist. An existing tower or antenna installed prior to the adoption of this Section 3.08.08 may be rebuilt in its entirety on a nonconforming lot and is exempt from the provisions of Article 7, Section 7.12.00 “Nonconformities”. However, all rebuilt towers and antennas must comply with these regulations without exception when rebuilt (Section 3.08.08).

- (4) *Government owned and/or operated antennas.* This section shall not apply to communications towers and communications antennas approved by the City and that are governmentally owned and/or operated and primarily used for public health and safety.

(G) *Regulations for Communications Antennas*

- (1) To encourage collocation and to minimize the number of communications towers within the City, communications antennas shall be considered a permitted **accessory use** when placed on or attached to any structure which constitutes a principal use, including existing communications towers (whether or not such tower is considered a principal or accessory use). Subject to the height restrictions for each zoning district and set forth in the Table of Development Standards, Article 2, Table 2.04.01(B) for communications towers, communications antennas height restrictions shall be as follows:
 - a. In approved zoning districts, communications antennas shall not extend more than the district height maximum requirement as listed in Table 2.04.01(B).
- (2) Communications antennas shall not be placed on, or attached to, any structure used as a single family dwelling unit;
- (3) Communications antennas, including any supporting electrical and mechanical equipment, must be operated and installed in accordance with all applicable state or federal laws, regulations and standards, including applicable FCC regulations relating to radio frequency emissions and manufacturer standards.
- (4) Communications antennas and any supporting electrical and mechanical equipment shall be designed and installed to blend into or meet the aesthetic character of the principal structure to which it is attached. Other than camouflaged communication antennas, communications antennas shall not be placed on historic landmarks, recognized by federal, state, local law or ordinance, or listed in the National Register of Historic Places.
- (5) If a communications antenna is installed on a structure other than a tower, the

antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (6) Communications antennas, including any supporting electrical or mechanical equipment, shall comply with the minimum accessory building setback requirements of the district in which they are located.

(H) *Regulations for Communications Towers*

- (1) *Lot size.* For purposes of determining whether the installation of a communications tower complies with the Table of Development Standards, Section 2.04.01(B) in any zoning district, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lot. Any further development on the lot would have to be setback from the tower as per Table 1 in Section (H)(6).
- (2) Communications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Communications towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a noncontrasting blue or gray finish. The color should be selected so as to minimize the equipment's obtrusiveness.
- (3) The design of the buildings and related structures at a tower site shall, to the extent practicable, use materials, colors, and textures that will blend them into the natural setting and surrounding buildings.
- (4) *Building Codes and Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that communications towers, and any accessory structures are designed, constructed, and maintained in compliance with the City's codes and to the extent not in conflict therewith, the applicable standards that are published by the Electronic Industries Association, as amended. Designs for new communications towers shall be signed and sealed by an engineer registered in the State of Florida.
- (5) *Setbacks.* Communications tower setbacks shall be measured from the base (including foundations above ground level) of the tower or protruding accessory building structure at the base of the tower, whichever is closest to the property line of the parcel on which it is located.

Each tower shall be set back from all property lines a distance equal to its height. Alternatively, a statement from a registered engineer in the State of Florida may

be provided to certify that, in the event of structural failure, the tower would fall within the boundaries of the property on which it is located. In no case shall the tower be set back a distance of less than 50 percent of its height.

- (6) *Separation from off-site uses/Designated areas.* The following separation from off-site uses/designated areas shall apply to all communications towers. Communications tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area as specified in Table 1 below.

Table 1 for Communications Towers

Off-site Use/Designated Area	Separation Distance
Single family or duplex residential units, including modular homes and mobile homes used for living purposes.	200 feet or 300% height of tower, whichever is greater.
Vacant land zoned residential single family or duplex, which is either platted or has preliminary subdivision plan.	200 feet or 300% height of tower, whichever is greater. Separation is measured from base of tower to closest residential lot line.
Vacant unplatted residentially zoned lands. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex; and Land zoned for parks of any type.	100 feet or 100% height of tower, whichever is greater.
Existing multi-family residential units of a greater density than duplex units; and Commercially zoned property.	100 feet or 100% height of tower, whichever is greater.
All lands zoned or used other than for residential.	None; only setbacks set forth in subsection (5) "Setbacks."

- (7) *Separation distances between communications towers.* Separation distances between communications towers shall be measured between the proposed tower and the preexisting tower and shall be as specified in Table 2 below. The separation distance shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan.

Table 2 for Communications Towers

	Lattice	Monopole or Guyed Greater than 75 feet	Monopole, Camouflaged, or Guyed up to 75 feet
Lattice: Not allowed in	Not allowed	1500 feet	750 feet

	Lattice	Monopole or Guyed Greater than 75 feet	Monopole, Camouflaged, or Guyed up to 75 feet
City	in City		
Monopole or Guyed greater than 75 feet	1500 feet	1500 feet	750 feet
Monopole, Camouflaged, or Guyed up to 75 feet	750 feet	750 feet	750 feet

- (8) *Security fencing.* Communications towers and accessory structures, shall be enclosed by security fencing not less than six feet in height. The tower and the fence shall be equipped with an appropriate anti-climbing device.
- (9) *Landscaping.* Landscaping, as required by this section, shall be installed on the outside of security fences. Further, existing vegetation shall be preserved to the maximum extent and may be used as a substitute of or in supplement towards meeting landscaping requirements. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent. In cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Further, in cases where the tower is sited on paved or impervious surfaces, such as parking lots, the placement of landscaping required by this subsection may be modified so long as equivalent screening is provided. The following landscaping and buffering of communications towers shall be required around the perimeter of the tower and accessory structures:
- a. A row of trees a minimum of eight feet tall and a maximum of twenty-five feet apart shall be planted around the perimeter of the fence and be in place when the tower is completed; and
 - b. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced above; and
 - c. All landscaping shall be of the evergreen variety; and once installed, shall be preserved and maintained in an appropriate manner.
- (10) *Height.* No communications tower, whether freestanding or installed on another structure, shall exceed 200 feet in height from ground level. An existing communications tower may be modified to a taller height, not to exceed 200 feet in total height, to accommodate the collocation of an additional communications antenna(s); provided however, that any communications tower modified by greater than 40 feet must continue to be in compliance with all requirements of this section.

The height of a communication tower may be further regulated by the Avon Park Airport Zoning Board, as our City primarily lies within the 20,000 foot airport buffer zone. Tower height will be regulated by the City by distance zones from the airport. Zone A will not permit towers; Zone B will permit towers of 100 feet or less; Zone C will permit towers of 150 feet or less; and Zone D will permit towers of 200 feet. See the attached map. Any variance must be requested from the City of Avon Park Board of Adjustment. An additional approved variance will be required from the Avon Park Airport Zoning Board for height beyond zone regulations. A variance for height over 200 feet must be reviewed and approved by the FAA.

- (11) *Type of Construction.* Communications towers shall be monopole, guyed or camouflaged construction.
- (12) *Signs and Advertising.* The use of any portion of a communications tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.
- (13) *Illumination.* Communications towers shall not be artificially lighted except to assure human safety or as required by the FAA. Strobe lighting is prohibited.
- (14) *Collocation*
 - a. Monopole communications towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
 - b. Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
 - c. Communications towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers.
 - d. Onsite relocation. Before onsite relocation is allowed, a tower must be deemed conforming. This section does not apply to nonconforming towers. A communications tower which is being rebuilt to accommodate the collocation of an additional communication antenna may be moved onsite within 50 feet of its existing location; however, the tower shall meet the setback requirements of this section. After the communications tower is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of this section.
- (15) *Noninterference.* No communications tower or communications antenna shall

interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety systems and/or public safety entities.

(I) *Procedure for review of Site Development Plan.* **In addition to** the requirements of Article 7, Section 7.05.00 “Site Development Plan”, the following items are required.

- (1) *Site Plan.* A site plan, scaled at a standard engineering scale, clearly indicating the location, type and height of proposed tower, on-site land uses and zoning, adjacent land uses and zoning, separation distances as set forth in Tables 1 and 2 of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of proposed tower and any other structures, topography, parking, and any other information deemed by the City to be necessary to assess compliance with this section;
- (2) Separation distances between proposed tower and nearest residential unit; and between the proposed tower and other existing towers within one mile of the site including information about the nearest tower including height and design;
- (3) Proposed landscape plan;
- (4) Method of fencing, finished color, and if applicable, the method of camouflage and illumination;
- (5) A notarized statement of the applicant as to whether construction of the tower will accommodate collocation of additional communications antennas for future users.
- (6) Identification by map of applicant’s existing communications towers within the City; and
- (7) A description of the applicant’s authorized radio frequencies.

(J) *Approval by the Planning and Zoning Board.* In determining whether to approve the Site Development Plan pursuant to this section, the Planning and Zoning Board shall consider the following factors:

- (1) Height of proposed tower;
- (2) Nature of uses on adjacent and nearby properties and the proximity of the tower to all adjacent land uses.
- (3) Surrounding topography;
- (4) Surrounding tree coverage and foliage;

- (5) Design of the tower and particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as camouflaged construction;
- (6) Proposed ingress and egress;
- (7) Availability of suitable existing towers, other structures, not requiring the use of towers; and
- (8) The Board **shall not** consider the environmental effects of radio frequency emissions, to the extent that the proposed tower, and attached communication antennas and related structures comply with the FCC's regulations concerning such emissions.
- (9) *Availability of Suitable Existing Towers or Other Structures.* No additional towers will be allowed unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed communications antenna(s). In this regard, an applicant shall submit information which may consist of the following:
 - a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height.
 - c. Existing towers do not have sufficient structural strength to support equipment.
 - d. The applicant's proposed communications antenna would cause electromagnetic interference with the antenna on the existing tower or vice versa.
 - e. The fees, costs, contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing tower and structures unsuitable.
- (K) *Denial by the Planning and Zoning Board.* Any decision by the Planning and Zoning Board to deny the Site Development Plan shall be in writing and supported by competent, substantial evidence contained in a written record.

- (L) *Abandonment.* In the event the use of any communications tower or communications antenna has been discontinued for a period of 180 consecutive days, the tower or antenna shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower or antenna shall have an additional 180 days within which to reactivate the use, transfer the ownership/operation to another actual user, or dismantle the tower. In no case shall a tower remain in the state of abandonment for more than one calendar year. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the City may initiate legal proceedings to do so and assess the costs against real property.

3.08.09 Filling Station (Convenience Store with Gas)

- (A) *Site.* The minimum frontage on an arterial street shall be 150 feet. The minimum area of a service station development site shall be 15,000 square feet. Construction on site of minimum area shall include no more than two (2) service bays and two (2) pump islands. One (1) service bay and one (1) pump island may be added for each additional 2,000 square feet.
- (B) *Service Area.* Service areas shall be provided as follows:
- (1) *Paving.* The entire area of service station sites not covered by structures and landscaping shall be paved; either concrete or asphaltic concrete shall be used for the paved areas.
 - (2) *Curb.* At the property line, face each street side of the service area that is not included in a driveway with a concrete vertical curb six (6) inches wide by 13 inches deep with a top six (6) inches above the finished pavement grade except where a transition is made to a driveway.
 - (3) *Equipment.* Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to a City standard sand and grease trap, drain field and dry well.
 - (4) *Off-Street Parking.* The service area shall include no less than one (1) employee parking space for each two (2) employees, with a minimum of two (2) employee parking spaces.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in underground tanks.
- (D) *Structures.* Structures shall conform to the following standards:
- (1) **Building.** The building shall be set back a minimum of 40 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used,

and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhang shall not project more than 10 feet from the canopy vertical supports.

- (2) Pump Islands. Pump islands shall be set back a minimum of 25 feet from any property line.
 - (3) Exterior Lighting. Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor displays shall be limited to the following:
- (1) Racks containing cans of lubricating oil may be displayed on each service island.
 - (2) One (1) rack or pedestal for the display of no more than one (1) tire may be placed on each service island and along any side of the main entrance.
 - (3) One (1) stationary storage cabinet may be located no more than four (4) feet from the wall of the main structure.
 - (4) The display of standards, banners, flags, and any sign not specifically authorized by City ordinance is prohibited except that one (1) permit for the display of standards, banners and flags for not more than 30 days may be issued to a newly constructed service station.
 - (5) The service area shall drain into a catch basin on the site and thence to a storm sewer if a storm sewer is available. If no storm sewer passes the site, a drainage plan approved by the City Engineer shall be used.
- (F) *Shopping Centers.* One (1) service station may be constructed at a shopping center having a building development with a floor area of not less than 150,000 square feet and having a land area of not less than 15 acres; provided, however, that such service station shall only be operated as an adjunct to a tenant's regular business and shall not comprise a major part thereof.
- (G) *Storage, Sale and Rental of Vehicles and Trailers.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one (1) vehicle or trailer may be stored for each 200 square feet of land over 15,000 square feet of lot area. The sale of vehicles and trailers shall be prohibited. The rental of vehicles or trailers shall be permitted provided that an additional 200 square feet of lot area is provided for each rental vehicle and/or trailer.

3.08.10 Flea Market

It is the purpose of these standards to provide minimum development guidelines for a flea market in a General Commercial district, to protect established or permitted uses under these regulations in the vicinity of such a facility, and to protect and promote the orderly growth and development of the City of Avon Park.

(A) *General*

- (1) A site development plan is required for a flea market.
- (2) Flea markets shall be permitted only on property fronting on a principal arterial road, with all major points of ingress\egress connecting to that road.
- (3) At least one enclosed building of 300 square feet or more in size shall be constructed on the property.

(B) *Development Site Requirements*

- (1) **Minimum Lot Size.** An area not less than five (5) acres, with a minimum width of 200 feet and a minimum depth of 300 feet.
- (2) **Setbacks**

Front:	50 feet
Side:	100 feet if contiguous to property designated for residential use on the Future Land Use Map. 30 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.
Rear:	100 feet if contiguous to property designated for residential use on the Future Land Use Map. 30 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.
- (3) **Maximum Lot Coverage.** No more than 40 percent of the development site shall be covered by structures.

(C) *Design Requirements*

- (1) **Lighting.** All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to

discourage vandalism and theft. Reference Section 3.05.00, Performance Standards, for applicable glare and lighting standards.

- (2) Fencing. Where a property line abuts and is contiguous to property zoned for residential use, a 6-foot solid masonry wall shall be constructed along the property line. Within required structural setback distances from public roads, the height of the wall shall be 4 feet.
- (3) Signs. Signs are permitted according to the standards established in Article 4.
- (4) Parking. Required off-street parking spaces shall be required in accordance with Section 3.03.00. Parking areas shall have a smooth, stabilized and dustless surface, provided that no more than 50 percent of the required parking spaces may be grass or other suitable material in overflow and remote locations. Parking spaces within 150 feet of any structure on the development site shall be paved with asphalt, concrete or other rigid paving material.
- (5) Landscaping. Landscaping of vehicle use areas shall be in accordance with Section 3.07.00. Landscaping shall be provided in all setback areas according to Landscape Standard "D," except where a solid face masonry wall is required.

3.08.11 Golf Courses

- (A) Golf courses require a site development plan in all residential zoning districts. Private golf courses are permitted in conjunction with platted subdivisions of 50 lots or more.
- (B) Golf courses in residential zoning districts must be built on a minimum of 80 acres of land.
- (C) Golf courses must be built with a 100-foot landscaped buffer between the golf course and any non-commercial or non-industrial property not within the golf course development.

3.08.12 Home Improvement Center; Building Supply Sales with Outdoor Storage

- (A) Property shall be at least one (1) acre in size.
- (B) Building materials shall be stored no less than 20 feet from side and rear lot lines.
- (C) Storage areas shall be screened from view with a wall or opaque fence, except where a solid face masonry wall has been constructed along the property line.

3.08.13 Manufactured (Mobile) Home Parks

The purpose of this Section is to establish locations suitable for manufactured (mobile) home

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

Manufactured (mobile) home parks may be permitted in R-3, C-2 or PUD zoning districts with a site development plan. However, the development standards set forth in this Section shall supersede normal development standards applicable in residential districts.

(A) *Development Standards*

(1) Minimum Lot Requirements

- a. Minimum size for development site: 5 acres, with a width of not less than 150 feet and a depth of not less than 200 feet.
- b. Minimum size for manufactured (mobile) home site: 4,000 s.f., with a width of not less than 40 feet.

(2) Maximum Building Height: 35 feet

(3) Minimum Floor Area: 500 s.f.

(4) Minimum Yard Requirements:

- a. No manufactured (mobile) home or structure shall be placed less than 50 feet from the front lot line or 30 feet from other lot lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.
- b. Manufactured (mobile) homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.
- c. Manufactured (mobile) homes and freestanding structures serving as common facilities shall be at least 15 feet apart. No carport or other appurtenant structure may be installed on a manufactured (mobile) home less than 10 feet from another manufactured (mobile) home or appurtenant structure. This distance shall be measured between the closest points of the units.

(B) *Allowable Accessory Uses:*

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

- (2) No more than 1 single family home, at least 600 s.f. in size, for the use of a resident manager.
- (3) Carports, porches, and awnings that are physically attached to manufactured (mobile) homes. Such structures shall not exceed a cumulative total of 300 s.f. Freestanding cabanas, storage sheds, and other detached structures for private use are prohibited.
- (4) Storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured (mobile) home sites or on park roads.

(C) *Other Requirements:*

- (1) *Ownership.* Manufactured (mobile) home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land that are deeded separately from the rest of the park. The City of Avon Park shall not be responsible for maintenance and/or repair of common facilities within a manufactured (mobile) home park.
- (2) *Parking.* For each manufactured (mobile) home site, two (2) paved off-street parking spaces of 10 feet by 20 feet each shall be provided.
- (3) *Common Open Space.* An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- (4) *Nonconformities.* No new manufactured (mobile) homes may be added to an existing manufactured (mobile) home park in any zone that does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Section 7.12.00.
- (5) *Site Development Plan.* No manufactured (mobile) homes, structures or facilities shall be installed or constructed until a site development plan meeting the requirements of Section 7.05.00 of this Code has been submitted to and approved by the City of Avon Park. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.

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

3.08.14 Mini-Warehouses

A site development plan is required for a mini-warehouse. It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under these regulations in the vicinity of such a facility.

A mini-warehouse shall be the sole use of the property. Other activities in place of or in addition to mini-warehouse shall not be permitted. No storage bay or unit in a mini-warehouse shall be used as a place of business by persons renting storage space, and no occupational license shall be approved for the property other than that of the mini-warehouse owner/operator.

(A) Development Site Requirements

(1) *Minimum Lot Size.* An area not less than 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

(2) *Setbacks*

Front: 35 feet.

Side: 40 feet if contiguous to property designated for residential use on the Future Land Use Map.

10 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

Rear: 40 feet if contiguous to property designated for residential use on the Future Land Use Map.

20 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

(3) *Maximum Lot Coverage.* No more than 40 percent of the development site shall be covered by structures.

(B) Design Requirements

(1) *Lighting.* All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to

discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.

- (2) *Wall Required.* Where a property line abuts and is contiguous to any Residential land use classification, a six-foot solid face masonry wall shall be constructed along the property line between the two. The 10% airflow requirement does not apply in this instance. All setbacks must be met in order for a wall to be constructed.
- (3) *Signs.* A single sign shall be permitted for each abutting road right-of-way, not to exceed 15 feet in height or 40 square feet in gross surface area. No other signs shall be permitted on the property, except traffic directional signage. Signs shall be set back at least 15 feet from all property lines.
- (4) *Landscaping.* Landscaping shall be provided in all required setback areas according to the standards of Section 3.07.00.
- (5) *Parking.* There shall be a maximum of two (2) parking spaces, which shall be located in proximity to the business or manager's office on the site.
- (6) Outdoor storage areas, whether for rent or for storing materials, shall be screened from view with a wall or opaque fence, except where a solid face masonry wall has been constructed along the property line. If fencing is used, materials shall be stored no less than 7.5 feet from side and rear lot lines. Materials may be piled no higher than the wall or fence, so as to be screened from view, but does not apply to outdoor storage for rent for boats or RVs.

3.08.15 Power Substation

- (A) Facility shall be surrounded by a fence at least six feet (6') in height to prevent unauthorized entry. However, a minimum Landscape Buffer four feet (4') wide shall be placed on the outside of the fence, with the fence located at the back (away from the roadway) so the landscaping can be seen from the roadway.
- (B) All structures and/or equipment shall be set back not less than 15 feet from all property lines.

3.08.16 Recreation: Indoor and Commercial

Such facilities shall be subject to the following requirements:

- (A) All activities shall be conducted entirely within an enclosed structure.
- (B) No structure shall be located within 50 feet of any property line.

- (C) No bowling alley or skating rink serving alcoholic beverages shall be maintained or operated within 500 feet of a school in accordance with State statute.
- (D) Lighting to illuminate buildings, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.

3.08.17 Recreation: Outdoor and Commercial

Such facilities shall be subject to the following requirements:

- (A) No outdoor amusement enterprise shall be located within 300 feet of existing residential development or property designated for residential use on the Future Land Use Map of the Avon Park Comprehensive Plan. This distance shall be measured from the boundary of the property on which the proposed outdoor amusement enterprise would be located.
- (B) Minimum lot size shall be one (1) acre.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.
- (D) Outdoor amusement activities shall be subject to applicable performance standards provided in Section 3.06.00.
- (E) No building, manufactured (mobile) home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.

3.08.18 Recreational Vehicle (RV) Parks and Campgrounds

It is the purpose of these standards to provide minimum development guidelines for a recreational vehicle park and a recreational vehicle campground designed only to accommodate the recreational vehicle. For the purposes of this ordinance, a recreational vehicle park is defined as a development in which recreational vehicles and/or "park model" manufactured (mobile) homes are permanently sited and occupied year round. A recreational vehicle campground, on the other hand, is a development for overnight or limited vacation-season type. These provisions are intended to protect established or permitted uses in the vicinity of such a park or campground, and to protect and promote the orderly growth and development of the City of Avon Park.

(A) *General Requirements:*

Recreational vehicle parks shall be permitted in PR district and may be permitted in C-2 and PUD districts with a site development plan. Development standards provided in this Section shall supersede those of the underlying zoning district.

A recreational vehicle campground meeting the required design and locational standards shall accommodate the traveling public for a defined maximum time period associated with the specialized seasonal vacation and transient characteristics of such development, as contrasted to the more permanent and extended stay characteristics of a manufactured (mobile) home park.

(B) *Environmental Requirements:*

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

(C) *Tract Requirements:*

- (1) The tract shall have at least 75 feet of frontage on a Principal Arterial road, as designated on the Future Traffic Circulation Map of the City of Avon Park Comprehensive Plan.
- (2) Minimum tract size for a recreational vehicle park development shall be five (5) acres.
- (3) Minimum width of the tract shall be 150 feet at the front building setback line.
- (4) Minimum depth of the tract shall be 200 feet.
- (5) Minimum perimeter setbacks shall be as follows:

- a. Front: 25 feet, measured from property line to the most forward projection of any structure or vehicle.
 - b. Side and rear: 15 feet. Where a public right-of-way abuts a side or rear property line, the minimum setback shall be 25 feet.
- (6) Where any property line of a recreational vehicle park abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along said property line a continuous visual buffer with a minimum height of six feet. The buffer shall be a compact evergreen hedge or other type of foliage screening or shall be a combined wooden fence and shrubbery screen, the latter facing the residential zone or permitted residential use.

(D) *Vehicle Site Requirements:*

- (1) The minimum vehicle site area shall be 1,200 square feet.
- (2) For the purpose of determining vehicle site width and depth, the width of a vehicle site shall be measured at right angles to and between the designated side boundary lines. The depth of a vehicle shall be measured at right angles to and between the designated front and rear boundary lines.
 - a. The minimum vehicle site width shall be 20 feet.
 - b. The minimum vehicle site depth shall be 40 feet.
- (3) Maximum density shall be 10 sites per gross acre.
- (4) The minimum distance between recreational vehicles shall be 15 feet. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.
- (5) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- (6) The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original recreational vehicle, shall be expressly prohibited.

(E) *Recreational and Open Space Requirements:*

There shall be provided within a recreational vehicle park at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10 percent of the entire tract area or 15,000 square feet, whichever is greater.

(F) *Street System and Off-Street Parking Requirements:*

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

Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle, if any.

(G) *Service Requirements:*

- (1) Utilities
 - a. *Water Supply System.* Connection to a potable public supply of water is required. Provision of water supply, water storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida.
 - b. *Watering Stations.* Each recreational vehicle park or campground shall be

provided with one or more easily accessible water supply outlets for filling recreational vehicle water storage tanks in accordance with design and construction requirements established by the State of Florida.

- c. *Sewage Disposal System.* The recreational vehicle park or campground sewerage system shall be connected to the City's public sewage system. The distribution system shall be designed, constructed and maintained in accordance with requirements of this Code and by the State of Florida.
- d. *Sanitary Connections.* Each recreational vehicle park or campground shall be provided with individual connections to each vehicle site in the recreational vehicle park or campground.
- e. *Electrical and Gas Systems.* Each recreational vehicle park or campground shall be provided with an electrical or gas system that shall be installed and maintained in accordance with applicable codes and regulations.
- f. *Lighting.* Adequate lighting shall be provided for all roads, walkways, service buildings, watering and sanitary stations, and other facilities subject to nighttime use in accordance with requirements established by appropriate County departments and in the Standard Lighting Guide published by the Illuminating Engineering Society.

(H) *Refuse Handling:*

- (1) *General.* The storage, collection and disposal of refuse (garbage, ashes, and rubbish) in a recreational vehicle park or campground shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.
- (2) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 150 feet of any vehicle.
- (3) *Collection.* All refuse containing garbage shall be collected at least twice weekly, in accordance with requirements established by the State of Florida.

(I) *Service Buildings and Facilities:*

- (1) *General.* The requirements of this section shall apply to service buildings, recreation buildings and other service facilities, such as:
 - a. Management offices, repair shops and storage areas.

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

(J) *General Operating Requirements*

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

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

(K) *Permit Procedures and Requirements*

- (1) *Site Development Plan.* Any applicant for the required permits to establish, construct, alter or extend a recreational vehicle park or campground in Avon Park shall first request and receive approval of a Site Development Plan in accordance with the provisions of Article 2 and Section 7.05.00 of this Code.
- (2) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed recreational vehicle park from Highlands County and the State of Florida in accordance with the requirements of appropriate agencies.
- (3) *Building Permit.* Upon completion of (A) and (B) above, application shall be made to the Building Director for the building permit to construct, alter, or extend a recreational vehicle park or campground in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of a recreational vehicle park or campground, the Building Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

3.08.19 Recycling Center: Indoor

The following regulations shall apply.

- (A) All processing activities, as well as associated machinery or equipment, shall be located inside a permanent structure.
- (B) No recycled materials shall be stored outdoors, either before or after processing.
- (C) Facility structure shall be set back no less than 40 feet from all property lines.

3.08.20 Schools, Private (K-12)

For all new construction or conversion of other uses to a private school, and located or applying to locate in any Residential Zoning District, the following apply:

- (A) The Site Development Plan shall be approved by the police and fire departments for ingress/egress.
- (B) The Site Development Plan shall show the necessary amounts of parking spaces and their location. Some parking may be designated on-street in Residential Zoning Districts,

provided the police and fire departments deem the roadway wide enough for emergency vehicles to pass. All parking must be delineated on the Site Development Plan, whether off-street or on-street.

- (C) In order to counteract the heat generated by large expanses of asphalt, and in order to blend in with the residential character of a neighborhood more effectively, large expanses of parking may be sodded rather than paved, or perforated pavers may be used; or a combination of the two. At a minimum, 50% of the required parking spaces must be paved to include all required handicapped parking spaces.
- (D) The principal structure shall be set back no less than 50 feet from any adjoining property under different ownership.
- (E) The site shall be landscaped and shall be landscaped compatible with the residential setting.
- (F) When a private school is seeking to locate in a Residential Zoning District, hours of operation must be in accordance with a residential use. In general, hours of operation shall not be later than 9:00 pm Sunday through Thursday, except for infrequent, special, advertised events.
- (G) In Residential Zoning Districts, each new private school may have one ground-mounted sign with reader board in the front yard, not to exceed the maximum for a commercial sign, which is 96 square feet. The sign must be set back a minimum of 10 feet from the front property line. In addition, each private school may have its name and established date painted on the building or delineated with letters attached to the surface of the building.

3.08.21 Storage of Sand/Gravel/Blocks

- (A) Minimum lot size shall be one (1) acre.
- (B) Stored materials shall be completely screened from view by an opaque fence no less than 10 feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.
- (C) All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.05.00, Performance Standards, for applicable glare and lighting standards.

3.08.22 Truckstop

- (A) Development site shall be at least one (1) acre in size, and shall have no less than 85 feet of frontage on U.S. 27.

- (B) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use.
- (C) No loading or unloading of freight shall be permitted on the site.
- (D) Mechanical work shall be limited to minor automotive repairs, as defined under "Service Station" in Article 9.

[RESERVED]

3.09.00 Development Standards for Conditional Uses

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

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

3.09.01 Junkyards

(A) *Storage of Materials*

- (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
- (2) In no case shall material that is not salvageable be buried or used as fill.
- (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
- (4) Recyclable material that cannot be stored in bins or containers may be stored in the open.
- (5) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the Florida Department of Environmental Regulation (DER).
- (6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1½ cubic feet or more from which the door has not been removed.

(B) *Screening.* All junkyards shall comply with the following screening requirements:

- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of

which shall be a minimum of eight (8) feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.

- (2) Gates at entrance or exit shall be of a material without openings.
- (3) The screen shall be constructed of the same type of material throughout.
- (4) No screen shall be constructed of metal that will rust.
- (5) Screens shall be maintained and in good repair at all times.

(C) *Buffer In Lieu of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Council after a finding that the proposed buffer would provide screening equivalent to that required in (B) above.

3.09.02 Shopping Center (more than 150,000 s.f.)

It is the purpose of these standards to provide minimum development guidelines for a shopping center of greater than 150,00 square feet of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of the City of Avon Park.

(A) *Development Site Requirements*

- (1) **Minimum Lot Size.** An area not less than 550,000 square feet, with a minimum frontage of 1,000.
- (2) **Setbacks**

Front: 75 feet.

Side: 50 feet if contiguous to property designated for residential use on the Future Land Use Map.

30 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

Rear: 75 feet if contiguous to property designated for residential use on the Future Land Use Map.

40 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

- (3) Maximum Lot Coverage. No more than 27 percent of the development site shall be covered by structures.

(B) *Design Requirements*

- (1) Lighting: All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
- (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within ten (10) feet, of the property line. The 10% airflow requirement does not apply in this instance. All setbacks must be met in order for a wall to be constructed.
- (3) Signs: A single sign shall be permitted for each abutting road right-of-way, not to exceed twenty (20) feet in height and 150 square feet in gross surface area. No other free-standing signs shall be permitted on the property, except traffic directional signage. Signs shall be set back ten (10) feet from all property lines.
- (4) Landscaping: Canopy and buffer yards shall be provided in accordance with the standards of Section 3.07.00.
- (5) Parking: There shall be a minimum of 5.5 parking spaces per 1,000 SFGLA.
- (6) Off-Street Loading: There shall be a minimum of one off-street loading space for each 25,000 SFGLA in the center.

3.09.03 Agricultural Use

Conditional Land Use for Groves: All Present and Future Groves

- (A) Definition. The definition of Agriculture for these purposes is defined as fruit crops that grow on trees, shrubs or vines; all agriculture livestock is prohibited.
- (B) Area of Operation. All agriculture use must make provision for all production, and harvesting activities, equipment, and personnel parking, etc. to take place on the confines of said property, unless the property owner can document the use of another production or harvesting equipment use area that does not cause the roadways or right-of-ways of the City of Avon Park to be adversely impacted.

(C) Care Taking/Maintenance. All agriculture production practices shall follow the Best Management Practice (BMP) prescribed by the University of Florida’s IFAS, and Florida State Statutes. This includes all machinery used to maintain crops and property. The operation of agricultural equipment shall be restricted during the time period of two hours after sunset to one hour before sunrise. Such equipment shall comply with allowable noise levels as set by the noise ordinance of the City of Avon Park.

- a. Spraying – PTO (power take off) and engine driven spraying are only allowed.
- b. Burning – Shall require a permit number from the Florida Division of Forestry and notification of the City of Avon Park Fire Department; all burning shall be conducted in accordance with the Florida Statutes. Citrus and other larger piles should be located in a place of greatest distance from existing homes, roads, businesses and where outside activities are conducted.
- c. Watering – If an irrigation system is connected to city water, the landowner shall adhere to the city’s watering guidelines; otherwise follow the SWFWMD (Southwest Florida Water Management District) guidelines on watering. The use of electric motors shall be encouraged when practical, and the use of other power units may not be allowed more than 2 hours after sunset or before sunrise unless that unit complies with the allowable noise levels permissible under the noise ordinances of the City of Avon Park.

The property owner shall be allowed an exemption from this policy for the use of an irrigation system equipment for frost and freeze protection only.

(D) Greenbelt Tax Exemption. Permitted in this district are newly annexed parcels with agricultural uses that have been previously qualified for the Agricultural Tax Exemption as defined by F.S. 193.461, “which includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee, pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production.”

3.10.00 Development Standards for Special Exceptions

The purpose of this section is to set criteria for the approval of Special Exceptions. Special Exceptions shall be granted in accordance with the provisions of Section 7.09.00 of this regulation. Special Exceptions are approved by the Board of Adjustment, which may impose conditions for each special exception use in addition to the conditions listed in this section.

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

3.10.01 Churches

The following conditions shall be imposed on this use:

- a. Special Exception shall be granted only for churches located in rented or leased property.
- b. Special Exception shall accrue to the original applicant and shall expire if the property is not used as a church for a period that exceeds ninety (90) days. The Special Exception shall not be transferrable.
- c. Special exceptions would be reviewed on a periodic basis to ensure that any conditions imposed are being met.
- d. The provisions of Section 2.03.01 of this code, Sale of Alcoholic Beverages, shall not apply to churches operating under a Special Exception.

3.10.02 Nonprofit Organizations

The following conditions shall be imposed on this use:

- a. Special Exception shall be granted only for nonprofit organizations located in rented or leased property.
- b. Special Exception shall accrue to the original applicant and shall expire if the property is not used as a nonprofit organization for a period that exceeds ninety (90) days. The Special Exception shall not be transferrable.
- c. Special exceptions would be reviewed on a periodic basis to ensure that any conditions imposed are being met.

[RESERVED]

ARTICLE 4
SIGN REGULATIONS

4.01.00 General Provisions

4.02.00 Exempted Signs

4.03.00 Prohibited Signs

4.03.01 Non-Conforming Signs

4.04.00 Permitted Signs

4.04.01 On-Site Commercial Signs

4.04.02 Special Event Signs

4.04.03 Flags

4.05.00 Measurement of Sign Area

4.06.00 Maintenance

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ARTICLE 4

SIGN REGULATIONS

4.01.00 General Provisions

These sign regulations are intended to complement the requirements of the adopted building and electrical codes. In case of an inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

4.02.00 Exempted Signs

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

- (A) Signs that are not designed or located so as to be visible from any street or adjoining property.
- (B) Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4.03.00 of this Code.
- (C) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property.
- (D) Legal notices and official instruments.
- (E) Holiday lights and decorations provided such items are removed no later than 30 days after the holiday being celebrated.
- (F) Memorial signs or tablets containing names of buildings, dates of erection and other information when inscribed in a masonry surface or metal plaque and permanently affixed to the side of a building.
- (G) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (H) Signs carried by a person.

- (I) Religious displays erected on places of worship grounds.
- (J) Construction signs not exceeding 16 square feet in size.
- (K) Real estate yard signs not exceeding six (6) square feet in size.
- (L) Signs indicating yard sales or garage sales, provided that such signs are removed within 48 hours.

4.03.00 Prohibited Signs

The following types of signs are prohibited in all districts:

- (A) Billboards.
- (B) Abandoned signs.
- (C) Signs that are in violation of the adopted building or electrical codes.
- (D) Any sign that, in the opinion of the Development Director, constitutes a safety hazard.
- (E) Blank temporary signs.
- (F) Signs imitating or resembling official traffic or government signs or signals.
- (G) Signs attached to trees, telephone poles, public benches, streetlights, or signs placed on any public property or public right-of-way.
- (H) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- (I) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (J) Any sign obstructing traffic visibility.
- (K) Signs with moving, revolving or rotating parts, except trademark signs at least 12 feet in height and rotating at no more than two (2) revolutions per minute.
- (L) Signs with lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color except on theater marquees and time-temperature-date signs. Electronic message

centers are allowed in C-2 and PI, Public Institution zoning only.

- (M) Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard or nuisance to occupants of any property because of glare or other characteristics.
- (N) Signs emitting sound, odor, smoke, or steam.
- (O) No sign shall be constructed or erected in a manner that interferes with any utility, communications or cable infrastructures without the prior authorization of the applicable utility, communications, or cable company.
- (P) Any sign that constitutes a traffic or pedestrian hazard or a detriment to traffic or pedestrian safety by obstructing the vision of pedestrians.
- (Q) Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.
- (R) Any sign which is obscene or constitutes a public nuisance.
- (S) More than two (2) national or state government flags displayed per principal building.
- (T) Signs that emit audible sound, odor or visible matter.
- (U) Pole Signs. A pole sign shall be defined as a sign supported on the ground by a pole and not attached to any building or other structure.

4.03.01 Non-Conforming Signs

A person may continue to maintain a nonconforming sign; provided, however, that nonconforming signs are disfavored and that on occurrence of the first of any of the following events, the person shall make the sign conform to this section:

- (A) The sign is enlarged, repainted, reworted or the message of the sign changed (except only an exempt sign, or any changeable sign or a time and temperature sign), redesigned or altered pursuant to subsection d below.
- (B) The sign is abandoned, removed, dismantled or relocated.
- (C) The sign is determined by the director to be a hazard to life, safety, property or welfare of the public;

(D) The sign has deteriorated or is damaged and the cost of repair or restoration, including actual market cost of labor and materials, of the sign equals or exceeds fifty (50) percent of the current value of the sign as determined by the Highlands County Property Appraiser's Office.

(E) The sign is a primary or secondary sign which advertises or calls attention to an occupant, a business, service, product or performance or event no longer in existence or available on the premises.

(F) When there is a change in ownership of the sign or the property on which the sign is located.

4.04.00 Permitted Signs

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

4.04.01 On-Site Commercial Signs

On-site commercial signs are permitted accessory to commercial or industrial structures on property zoned for such uses.

- (A) *Monument Signs.* Developed lots and sites shall be permitted one (1) freestanding ground (monument) sign. Such sign shall not be pole mounted. The height of such freestanding ground sign shall not exceed seven (7) feet in height, including the sign pedestal, with a maximum area of 72 square feet. A monument sign shall be defined as a three-dimensional, self-supporting, solid base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- (A) *Number of Signs Permitted.* Except as provided in this Paragraph, no more than one (1) sign shall be permitted for each development site. For lots or parcels situated at intersections, one (1) sign is permitted on a lot or parcel for each frontage of 75 feet or more on a publicly maintained road. For parcels having 200 feet or more of frontage on a single road, two (2) signs may be permitted along the longest frontage. No more than three (3) on-site commercial signs may be permitted on any commercial or industrial development site.
- (B) *Design Standards.* Except as otherwise provided, no on-site commercial sign shall exceed 96 square feet in size. On-site commercial signs not exceeding 192 square feet shall be permitted as a conditional use in shopping centers under development standards provided in Article 3. Maximum height for a sign shall be the same as permitted building height for the applicable zoning district. Each sign shall be set back from all property lines and all other structures a distance equal to or greater

than its height; however, no sign shall be set back less than 10 feet from any property line or structure.

- (C) *Signs Affixed to a Building.* Commercial signs that are affixed to a building but extend above the roof of the structure, are not mounted flush with a wall, or project beyond the edge of a wall, are limited to 48 square feet in size. No more than one (1) such sign shall be mounted on any structure. No sign protruding above the roof of a structure may extend more than 10 feet above the roof, as measured from the elevation of the forward edge of the roof to the highest point of the sign, or its frame or supporting structure, whichever is higher. Under no circumstances shall a sign on a building exceed the highest restriction for the zoning district.

4.04.02 Special Event Signs

The following signs or objects may be allowed on a temporary basis in connection with a special event by permit issued by the Development Director. Such permit shall be valid for a specified period not to exceed 30 days, after which time the sign or object shall be removed.

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

4.04.03 Flags

National and state flags, as the term "flag" is defined in section 256.08, Florida Statutes, shall be displayed in accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress, approved July 7, 1977, and chapter 256, Florida Statutes.

4.05.00 Measurement of Sign Area

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

Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces. Where four sign faces on a single sign structure are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.

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

Where a sign is composed of letters or pictures attached directly to a facade or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the sum of areas within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of each letter or picture.

4.06.00 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Avon Park, and shall present a neat and clean appearance. Such maintenance shall include periodic painting and replacement, including both the sign area and structure, or supporting structure, when necessary to achieve the substantially similar appearance as the originally permitted signs. The owner shall promptly repair, replace or remove any broken, worn or illegible elements of a sign, or sign awing or canopy. Any and all damaged plastic faces of an existing legally nonconforming sign may be replaced without the entire sign having to come into compliance with the existing regulations. If the entire sign has sustained damage greater than fifty (50) percent of replacement value said sign must comply with existing regulations. This includes destruction of signage by a natural disaster. If the owner of the sign and the owner of the premises on which the sign is located are not the same, each shall be jointly or severally responsible for sign maintenance. Additionally, the vegetation around, in front of, behind, and underneath the base of ground signs for a distance of 10 feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

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ARTICLE 5

RESOURCE PROTECTION STANDARDS

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ARTICLE 5

RESOURCE PROTECTION STANDARDS

5.01.00 Development in Flood-Prone Areas

5.01.01 Purpose and Intent

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

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

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

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

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

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

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

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

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

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

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.

- (B) *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the flood protection elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - (2) Place the bottom of all openings no higher than one (1) foot above grade.
 - (3) Equip openings with devices, such as screens, louvers, or valves that permit the automatic entry and exit of floodwater. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (i.e. a garage door) or storing equipment used to maintain the premises (i.e. a standard exterior door), or entering the living area (i.e. a stairway or elevator). The interior of the enclosed area shall not be partitioned or finished into separate rooms.

- (C) *Residential Structures*
 - (1) All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the flood protection elevation.
 - (2) For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater.

Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect, or meet or exceed the following minimum standards:

- a. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - b. Place the bottom of all openings no higher than one (1) foot above grade.
 - c. Equip openings with devices, such as screens, louvers, or valves that permit the automatic entry and exit of floodwater. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (i.e., a garage door) or storing equipment used to maintain the premises (i.e., a standard exterior door), or entering the living area (i.e., a stairway or elevator). The interior of the enclosed area shall not be partitioned or finished into separate rooms.
- (3) Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.
- (D) *Nonresidential Structures.* New construction and substantial improvements of existing construction of nonresidential structures shall either comply with Section 5.01.03(C) of this Section, or be constructed, including attendant utility and sanitary facilities, to meet the following standards:
- (1) Walls below the flood protection elevation shall be substantially impermeable to the passage of water.
 - (2) Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) Be certified as meeting the standards of this section by a registered professional engineer or architect.

(E) *Subdivisions*

- (1) All preliminary subdivision proposals shall identify the area of special flood hazard and the elevation of the base flood.
- (2) All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
- (3) All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
- (4) Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.

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

(A) *Standards for Areas of Shallow Flooding.* The following standards apply to Areas of Shallow Flooding located within the area of special flood hazard.

- (1) Residential Structures. The lowest floor of all residential structures, including new construction and substantial improvements to existing structures, shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least 2 feet if no depth number is specified).
- (2) Nonresidential Structures. The lowest floor of all new construction of and substantial improvements to non-residential structures shall:
 - a. Be elevated as prescribed in Section 5.01.04(A)(1) above; or
 - b. Be constructed, together with attendant utility and sanitary facilities, so that any walls below the level prescribed in Section 5.01.04(A)(1) above shall be substantially impermeable to the passage of water and any structural components below that level shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(B) *Standards for Streams Without Established Base Flood Elevations.* The following standards apply to small streams in the area of special flood hazard for which no base flood data have been provided.

- (1) Encroachments. No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank, or 20 feet from the top of each bank, whichever is greater, unless a registered professional engineer demonstrates and certifies that the encroachments would not result in any increase in flood levels in a base flood.
- (2) Elevation. New construction of or substantial improvements to structures shall be elevated or flood-proofed to minimize risks of flooding reasonably to be expected based on the best available data.

5.01.05 Administration and Enforcement

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

- (A) *Designation and Duties of Development Director.* The Development Director shall administer and implement the provisions of these flood hazard management regulations. In addition to duties assigned elsewhere, the Development Director shall:
 - (1) Review all proposed developments to assure that the requirements of these regulations have been met.
 - (2) Review all certificates submitted to satisfy the requirements of these regulations.
 - (3) Notify adjacent communities, the Southwest Florida Water Management District, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and, if applicable, provide evidence of such notification to FEMA.
 - (4) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by this Section.
 - (5) Interpret the boundaries of the Areas of Special Flood Hazard and Areas of Shallow Flooding.
 - (6) Maintain all records pertaining to the implementation of these flood damage prevention regulations.
- (B) *Certification of As-Built Elevations*

- (1) For development activity that includes structures, and in areas where base flood elevations are available, the developer shall submit to the Development Director a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
- (2) The Development Director shall review submitted floor elevation survey data and inform the applicant of deficiencies within five (5) working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Development Director. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.
- (3) Upon submittal of certified elevations and/or a determination by the Development Director that the development meets all of the applicable requirements of this Section, the Development Director shall issue a certificate of compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

(C) *Enforcement*

- (1) Any violation of this Section is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In addition to any remedy or penalty provided herein or by law, any person who violates the provisions of these flood damage prevention regulations shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.
- (3) Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

5.02.00 Potable Water Wellfield Protection from Hazardous Materials

5.02.01 Purpose and Intent

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Avon Park by providing for regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells, thereby providing protection of the principal source of water for domestic use. The availability of an adequate and dependable supply of potable quality water is of primary importance to the future of the City. Therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

5.02.02 Establishment of Wellfield Protection Zone

Development regulations provided in this Section shall be applicable to designated cones of influence for all municipal public supply wells. Prior to designation of, or in the absence of sufficient information to identify cones of influence, the Zone of Protection shall consist of a radius of 150 feet around each of the City's public supply potable water wells, as provided in Future Land Use Policy 6.1 of the Comprehensive Plan. An official map of the Zone of Protection shall be maintained in the office of the Development Director.

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

5.02.03 Wellfield Protection Zone Uses

Except as otherwise provided, no person shall construct, modify, install or replace a hazardous substance storage system within a protection zone.

5.02.04 Wellfield Protection Restrictions

- (A) *Zone of Protection.* Unless otherwise provided in this Section, new non-residential use, handling, production or storage of hazardous substances shall be prohibited within the wellfield protection zone. Any such use existing prior to adoption of this Code, including the use, handling, production or storage of hazardous substances of more than five (5) gallons in connection with a residential use, shall cease such use within one year of the adoption of this Code.
- (B) *Existing Activity.* Any person with existing non-residential activity shall have a period of one (1) year from the adoption of this Section to apply for a permit without

a fee. Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code.

(C) *Exemptions.* The following activities or uses are exempt from the provisions of this Section:

- (1) The transportation of any hazardous substance through the Zone of Protection.
- (2) Agricultural uses, except that said uses shall comply with Chapter 487.011 et. seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and Rule 5E-2.011 et seq. ~~and Rule 5E-9.001 et seq.~~, Florida Administrative Code.
- (3) The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
- (4) Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
- (5) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
- (6) Office uses, except for the storage, handling or use of hazardous substances.
- (7) Repairing or maintaining any facility or improvement on lands within the Zone of Protection.
- (8) Storage tanks that are constructed and operated in accordance with the storage tanks regulations as set forth in Chapter 17-61, Florida Administrative Code.
- (9) Geotechnical borings.
- (10) Residential activities.

(D) *Containment Standards.* Primary and secondary levels of containment shall be required for all new and previously existing hazardous materials storage systems, except those exempted under subsection 5.02.04(C) and those that are the object of modified requirements under Section 5.02.05. Containment standards shall apply to all areas of use, production, and handling; to all storage areas; and to above-ground and underground storage areas.

- (1) Primary Containment. All primary containment shall be product-tight.

(2) Secondary Containment. All secondary containment shall be:

- a. Constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the discharged hazardous substances;
- b. Equipped with leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment;
- c. Adequate in capacity to handle 111 percent of the total volume of the container(s) in order to contain all spills, leaks, overflows, and precipitation until appropriate action can be taken;
- d. Constructed of materials of sufficient strength to preclude loss of any hazardous substances to the external environment; and
- e. Sheltered so that the intrusion of precipitation is inhibited.

(E) *Monitoring Capacity.* All storage systems to which these regulations apply shall be designed with the capability of visually detecting that a hazardous substance stored in primary containment has entered secondary containment. Non-visual techniques may be approved by the City Council where such techniques are proven to be reliable.

(F) *Miscellaneous Requirements*

- (1) Devices or materials to absorb or contain the hazardous substances shall be available in sufficient supply so as to control and collect the total quantity of hazardous substances on the site. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of hazardous substances plus absorbent material.
- (2) Procedures shall be established by the applicant for periodic in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be provided to the Development Director in writing. A checklist and schedule of regular maintenance shall be established and a log shall be kept of inspections and maintenance. Such logs and records shall be kept available for inspection by the Development Director.

5.02.05 Modification of Requirements

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

Should an abandoned storage system be located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the Development Director. Provided, however, such reasonable time for filing shall be not more than three (3) months.

5.02.06 Maintenance, Repair, or Replacement

- (A) *Modification or Repair.* Any modification or repair of a storage system, other than minor repairs or emergency repairs, shall be in accordance with plans to be submitted to the Development Director and approved prior to the initiation of such work.
- (B) *Emergency Repairs.* A facility owner or operator may make emergency repairs to a storage system in advance of seeking an approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment.
- (C) *Replacement.* Replacement of any existing storage system for hazardous substances must be in accordance with the new installation standards.

5.02.07 Out-of-Service Storage Systems

- (A) *Systems Temporarily Out of Service.* Storage systems that are temporarily out of service, and are intended to be returned to use, shall continue to be monitored and inspected. Any storage system that is not being monitored and inspected in accordance with this Section shall be closed or removed in a manner approved by the Development Director.
- (B) *Closure of Facilities.* Upon closure of a hazardous substance storage system for any reason, the facility owner or operator shall file an application with the Development Director of intention to close the storage system. Said application shall be processed as provided in 5.02.03(A) of this Section. By signing the wellfield protection permit application, the owner is held responsible to adhere to the closure procedures outlined in this Section. An application to close a hazardous substance storage facility shall include the following:
 - (1) A schedule of events to complete the closure of this activity that does or did

store, handle, use, or produce hazardous substances. As a minimum, the owner/applicant shall address the following:

- a. Disposition of all hazardous substances and contaminated containers.
 - b. Cleanup of the activity and environs to preclude leaching of hazardous substances into the aquifer.
 - c. Certification by the Development Director that disposal and cleanup have been completed in an acceptable manner. Certification may be waived if the applicant provides evidence to the Development Director that all of the following conditions apply to the subject land use facility or activity:
 - 1) The entire operation is maintained inside the building(s) of the facility.
 - 2) The method of removing operating waste is not a septic tank, sewer main, or floor drain.
 - 3) There is no evidence of spills permeating floors or the environs.
 - 4) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial or special waste.
 - 5) There is no evidence of past contamination in the public drinking water well(s) associated with a facility located in the Zone of Protection.
 - 6) The applicant shall provide a sworn statement that disposal and cleanup have been completed in a manner acceptable to the Development Director.
- (2) The Development Director shall inspect the facility to determine whether or not the requirements of this subsection have been met.
- (C) *Abandoned Systems.* Whenever an abandoned storage system is located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the Development Director. Provided, however, such reasonable time for filing shall be not more than six (6) months.

5.02.08 Appeals

Determinations of the Development Director may be appealed in writing within 30 days of said determination to the City Council by the applicant. The City Council may uphold, modify or reverse the determination of the Development Director.

5.02.09 Fee Resolution

The City of Avon Park may, at its option, adopt a fee schedule by resolution to provide for the funding for the administration of this Section.

5.03.00 Wetlands Protection

5.03.01 Purpose and Intent

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

5.03.02 Relationship to Other Requirements Relating to Wetlands Protection

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

5.03.03 Protection Zones Established

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

- (A) *Wetland Zone.* There is hereby created a wetland protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:
 - (1) Areas within the dredge and fill jurisdiction of the Department of Environmental Regulation (DER) as authorized by Section 403 of the

Florida Statutes.

- (2) Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
 - (3) Areas within the jurisdiction of the Southwest Florida Water Management District pursuant to Rule 40D-4, Florida Administrative Code.
 - (4) Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, DER, and the Southwest Florida Water Management District (SWFWMD), shall have the most restrictive agency wetlands boundary determination recognized by the City as the wetlands boundary. The term most restrictive is used here to mean the boundary covering the largest area.
 - (5) In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
 - (6) In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other relevant historical information.
- (B) *Upland Zone.* There is hereby created an upland transitional zone adjacent to each wetland zone. The upland zone is an area having a direct ground- or surface water influence and functions as a buffer between wetlands and development. The purpose of this zone is to minimize the adverse effects of development upon the wetland itself. This zone shall encompass all land within 200 feet of the boundary of the wetland zone unless the applicant is able demonstrate to the City Council's satisfaction that the functions of the wetland can be protected with a smaller upland transitional zone. In no case, however, shall an upland zone of less than 30 feet be approved.

5.03.04 Permits Required

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

5.03.05 Exemptions

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

- (A) Nonmechanical clearing of vegetation from an area of less than 10 percent of the protected zone.
- (B) Minor maintenance or emergency repair to existing structures of improved areas.
- (C) Cleared walking trails having no structural components.
- (D) Timber catwalks and docks four (4) feet or less in width.
- (E) Utility crossings.
- (F) Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way.
- (G) Bona fide mosquito control activities.
- (H) Activities approved by a federal, state, or regional agency prior to adoption of this Section.

5.03.06 Development Standards

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

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

- (1) Scenic, historic, wildlife, or scientific preserves.
- (2) Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
- (3) Cultivating agricultural or horticultural products that occur naturally in the wetland.
- (4) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.

- (5) Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapters 17-25, Florida Administrative Code.
 - (6) Construction of foot bridges and vehicular bridges.
- (B) *Upland Zone.* All development in an upland zone shall be in accordance with the Future Land Use Map of the Comprehensive Plan and the zoning classification, and shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent wetland. Where a development site lies partly within the wetland zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be allowed on a site. This development potential shall be transferred from the wetland zone to the upland zone.

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

- (1) Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist. The minimum width of the buffer shall be twenty-five (25) feet and the average of all wetland buffers shall be forty (40) feet. No structures shall be located in such areas. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water. Where a natural buffer area does not exist, an equivalent buffer shall be created.
- (2) The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
- (3) The City Council may require other reasonable protective measures to be undertaken within the upland zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
 - a. Maintaining natural drainage patterns.
 - b. Limiting the removal of vegetation.
 - c. Minimizing the amount of fill used in the development activity.
 - d. Prohibiting or limiting the use of septic tanks.

5.03.07 Mitigation

The City Council may require mitigation of adverse impacts on wetlands as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands areas.

A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the City. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan shall address the following circumstances as they apply to the specific condition of the proposal.

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

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

5.03.08 Prohibited Ongoing Activities

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

- (A) *Clearing.* Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (B) *Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes.* No fuel or toxic substances shall be stored, transferred, or sold in a wetland or an upland

zone.

- (C) *Fertilizers, Herbicides, or Pesticides.* Fertilizers, herbicides, or pesticides shall not be applied in a wetland zone except for projects conducted under the authority of Sections 373.451 - 373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

5.04.00 Lake Protection

5.04.01 Purpose and Intent

It is the purpose of this Section to maintain lake water quality and reduce nutrient loading in the City's lakes. In order to achieve this, the following standards restrict the amount of clearing or removal of shoreline vegetation and require additional stormwater treatment.

5.04.02 Relationship to Other Requirements Relating to Lake Protection

In addition to meeting the requirements of this Section, development plans shall comply with applicable federal, state and water management district regulations. In all cases the strictest of the applicable standards shall apply.

5.04.03 Shoreline Protection Zone Established

A Shoreline Protection Zone for all lakes in the City of Avon Park is hereby established. The Shoreline Protection Zone extends from the water's edge to a point fifty (50) feet landward of the Ordinary High Water Line.

5.04.04 Development Standards for Shoreline Protection Zone

All development in the Shoreline Protection Zone, including marinas, boat launching facilities and ramps, docks, piers, walkways and boat houses, permitted in conformance with other applicable requirements of this Code, shall be designed, constructed and maintained to avoid adverse effects on the lakes of the City of Avon Park. In order to achieve this, all development proposed to be located in the Shoreline Protection Zone shall comply in all respects with the following requirements. Except through the following provisions, no development shall be undertaken within the Shoreline Protection Zone.

(A) Permitted Activities and Development Types

- (1) Emergency repairs on existing facilities where such repairs are necessary for the preservation of life, health, or property and are taken to accomplish the purposes of this Section.

- (2) Activities connected with maintenance of a structural stormwater or drainage control system, where such activities do not constitute major construction or rebuilding.
- (3) Lawn mowing, trimming of vegetation, and other lawn-maintenance activities that will not result in the clearance of shoreline vegetation.
- (4) Maintenance of lakefront property whose shoreline has previously been cleared, provided that the clearing has been continuously maintained. However, if shoreline vegetation has been allowed to reestablish itself, a permit must be obtained to clear it.
- (5) Activities carried out by government agencies.
- (6) Non-mechanical clearing of vegetation from an area of less than 10 percent of the primary shoreline protection zone from the water's edge to the landward extent of the primary shoreline protection zone.
- (7) Minor maintenance or emergency repair of existing structures in improved areas.
- (8) Clearing of shoreline vegetation from the water's edge to the landward edge of the primary shoreline protection zone, to create a walking trail having no structural components, not to exceed four (4) feet in width.
- (9) Timber catwalks, docks, and trail bridges that are less than or equal to four (4) feet wide, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (10) Utility crossings.
- (11) Bona fide mosquito control activities.
- (12) Scenic, historic, wildlife, or scientific preserves.
- (13) Commercial or recreational fishing, hunting or trapping, and creation and maintenance of temporary blinds.
- (14) Constructing fences where no fill activity is required.
- (15) Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative Code.

- (16) All docks, piers and boat houses developed in conformance with applicable requirements of this Code.
- (17) Water dependent activities that cannot feasibly be located outside the primary shoreline protection zone. The following are permissible water dependent activities:
 - a. Marinas and other projects not exceeding 10,000 cubic yards of material placed in or removed from watercourses, water bodies or wetlands.
 - b. Installation of channel markers, signs, and fences.
 - c. Installation of underwater utility lines or facilities, including water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in (not exceeding 10,000 cubic yards of dredging), laid on, or embedded in bottom waters.
 - d. Construction of foot bridges and vehicular bridges.
 - e. Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.

The water dependent activity shall be designed, constructed, and maintained so as to minimize adverse impacts on the shoreline protection zone. Marinas and other appropriate developments shall post the following signs where they are readily visible to all users of the development:

- 1) Regulations pertaining to handling and disposal of waste, sewage, or toxic materials.
- 2) Regulations prohibiting the use of vessel toilets unless these toilets are self-contained or have an approved treatment device.
- 3) Regulations prohibiting the disposal of fish cleaning wastes or unused bait in or near the development.

Marinas shall include boat launch facilities unless the applicant can demonstrate that providing such facilities is not feasible, or it is determined by the City that the ramp would be excessively damaging to the aquatic environment.

(B) *Clearing of Shoreline Areas*

- (1) A permit shall not be required for clearing less than 25 feet of shoreline.
- (2) The Development Director shall grant a permit only if the applicant demonstrates that the planned clearing:
 - a. Meets erosion control requirements of Section 5.05.01(A).
 - b. Will utilize alternative vegetation to ensure that the nutrient level in the lake is not raised by the removal of existing vegetation.
 - c. Will not otherwise violate the intent and purpose of this Section.
- (3) All mechanically cleared or trimmed vegetation shall be removed from the lake and shoreline within 24 hours of cutting.

5.05.00 Erosion Control

5.05.01 Required Soil Conservation Measures

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

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

5.06.00 Conservation Easements

As a condition for approval of a development permit or development order, or as part of a development agreement established under Section 6.02.00 of this Code, any person, corporation or entity owning property in the City of Avon Park may create a conservation easement. Conservation easements shall be subject to the provisions of Section 704.06, F.S., and may be used to prevent or prohibit the following activities:

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

Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by the exercise of the power of eminent domain. They may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements. Conservation easements run with the land and are binding on all subsequent owners of the property. Conservation easements entitle holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(s) of the easement. All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

[RESERVED]

ARTICLE 6

PUBLIC FACILITY MONITORING AND PERMITTING

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ARTICLE 6

PUBLIC FACILITY MONITORING AND PERMITTING

6.01.00 Concurrency

6.01.01 General Provisions

The purpose of this Section is to ensure that any facilities and services needed to support development are available concurrent with the impacts of development.

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

- (A) *Potable Water, Sewer, Solid Waste, and Drainage.* The concurrency requirement may be met through one of the following conditions or actions:
- (1) The necessary facilities and services are in place at the time a development permit is issued; or
 - (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - (3) The necessary facilities are under construction at the time a permit is issued; or
 - (4) The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions 1-3 above. An enforceable development agreement shall include, but is not limited to, the provisions of Section 163.3227, F.S., or shall be a development order issued pursuant to Sections 163.3227-3243, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (B) *Roads.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, and by complying with the following standards:
- (1) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be financially feasible.

- (2) The 5-Year Schedule of Capital Improvements must include roads necessary to maintain the adopted level of service standards to serve the proposed new development.
 - (3) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be based on currently available revenue sources that must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit.
 - (4) The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion.
 - (5) The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the five-year schedule.
- (C) *Parks and Recreation.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, or by complying with the following standards:
- (1) At the time the development permit is issued, the necessary recreation facilities and services are the subject of a binding executed contract that provides for the commencement of the actual construction of the facilities within one year of the issuance of the building permit; or
 - (2) The necessary recreation facilities are guaranteed in an enforceable development agreement that requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the building permit. An enforceable development agreement may include, but is not limited to, the provisions of Section 163.3227, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

6.01.02 Concurrency Management System

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

- (A) *Concurrency Test Statement.* Concurrency Test Statements shall be filed with and

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

(B) *Procedure.* The following procedure shall be carried out in order to obtain a determination of concurrency:

- (1) Prepare Concurrency Test Statements on forms available at the City Clerk's office.
- (2) Completed Concurrency Test Statements shall include the following information:
 - a. A legal description of the site proposed to be developed along with a map identifying the site in relationship to the City's boundaries.
 - b. A narrative description of the proposed development identifying the type of development and all land uses proposed within the site.
 - c. Identification of all roadways adjacent to the site by name, pavement width, functional classification, jurisdiction (i.e., state, county or City jurisdiction), current capacity and existing LOS.
 - d. Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s).
 - e. Projected potable water demand generated by the proposed development and identification of the service provider.
 - f. Projected wastewater demand generated by the proposed development and identification of the service provider.
 - g. Projected solid waste generation and identification of the service provider.
 - h. Description of the stormwater management system for the proposed development. This description shall include the drainage basin in which the proposed project is located, method of treatment, system design parameters, and location of outfall.
 - i. Identification of required park and recreation facilities, if any, and method of providing said facilities.

- j. A development schedule identifying the proposed date for the start of construction and the date of project completion.

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

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

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

The applicant shall be notified within seven (7) working days as to whether the proposed development meets the concurrency requirement. If the proposal is determined to meet concurrency, the applicant may proceed with the development process as set forth in other sections of this Code. Proposals not meeting concurrency shall not be processed for review until and unless an agreement has been reached by the City and the developer to mitigate the identified deficiency.

6.01.03 Fees

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the City Council.

6.01.04 Developments to be Consistent with Concurrency Test Statements

All development proposals submitted to the City for review shall be consistent with the data established in the Concurrency Test Statement. Where deficiencies have been identified, development plans based on an agreement to provide needed facilities and/or services shall be processed with the agreement as a condition of development approval. However, the City shall not be required to approve a development plan that meets the concurrency requirement, but does not satisfy other provisions of this Code.

6.01.05 Allocation of Municipal Services

Allocations of public facility and service capacities shall be on a first-come, first-served basis. Services shall be allocated at the following stages:

- (A) *Subdivisions.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five (5) years from the date of final plat approval.
- (B) *Conditional Use Permit.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five (5) years from the date of final plat approval.
- (C) *Site Development Plan.* Those developments that are processed under the site development plan review procedures shall be allocated service capacities upon approval of the site development plan. Allocation of service capacity shall be valid for six (6) months from the date of site development plan approval.
- (D) *Single Family Residential on Existing Lots.* Prior to receiving a building permit for single family structures on platted lots existing before the adoption of this Code, or on non-subdivision lots established by metes and bounds legal description, the builder or property owner shall secure a Certificate of Concurrency from the Development Director. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a certificate of occupancy.

6.01.06 Levels of Service

Through the Concurrency Management System, Avon Park shall maintain the following levels of service for public facilities:

Facility	Level of Service
Sanitary Sewer	90 gallons per capita per day
Potable Water	169 gallons per capita per day (gpcd) 1993: 150 gpcd 1997: 140 gpcd 2001: 130 gpcd
Solid Waste	6.8 pounds per person per day
Principal Arterial Roads	C
Minor Arterial Roads	D
Urban Collector Roads	D
Other Local Roads	D

Facility	Level of Service
Recreation and Open Space	3 acres per 1000 people
Buildings	At or above the 100-year flood elevation
Drainage	25-year 24-hour storm event for new development. Stormwater treatment and disposal facilities pursuant to Section 17-25.025, F.A.C. Stormwater discharge pursuant to Section 17-3.051, F.A.C.

All development that was not approved through a subdivision plat, conditional use permit, site development plan, or the issuance of a building permit prior to the date of adoption of this Code shall be subject to an Adequacy Determination through the Concurrency Management System. An Adequacy Determination shall also be required for existing development where any improvement, expansion, or other change is proposed that may result in a greater demand for those public facilities addressed in this Section. The Development Director shall determine whether a proposed change in existing development requires an Adequacy Determination.

6.01.07 Required Determinations

As part of the Adequacy Determination, findings shall be made as to the amount of available capacity in those public facilities that are addressed in this Section.

(A) Adequacy of the Road System

The adequacy of the road network shall be evaluated according to conditions at the time the development plan or building permit is approved. Initial measurement of roadway capacities shall be carried out using data and methodology accepted by FDOT or other traffic analysis techniques that are technically justifiable as determined by the Development Director. Capacity ratings on the state highway network shall be approved by FDOT.

All proposed developments shall be required to address the adequacy of City roads compared to the projected traffic volumes generated by the development. If any affected road segment lacks capacity to accommodate the additional traffic generated at the adopted LOS, it shall be determined whether such capacity will be available if all of the transportation improvements contained in the City's Comprehensive Plan and/or that of Highlands County are completed.

Where roadway capacities are found to be inadequate to support a proposed development, the application may be granted with an express condition regarding the adequacy of the City's transportation network. At the sole discretion of the City Council, such condition shall require one of the following:

- (1) That the applicant shall construct the necessary improvements proportional to the share of the additional capacity that is needed to accommodate traffic generated by the applicant's development; or
- (2) That the applicant deposit money into a "road fund" equal to the share of the cost of the improvements that would otherwise be required.

A determination of facility deficiency shall be based on methodology presented in the 1985 or most recent edition of the *Highway Capacity Manual* of the Transportation Research Board of the American Association of State Highway and Transportation Officials (AASHTO) Research Council, Washington, D.C. It shall be the applicant's responsibility to provide the transportation data and analysis necessary for an Adequacy Determination.

At the Development Director's option, and where adequate capacity appears to be available, an alternate methodology may be used to establish non-deficiency. Table 6.1, "Maximum Peak Hour Volume for Each Level of Service by Facility Type," may be used as a general indicator of current level of service and future level of service based on approval of the proposed development. This methodology may be used as a basis for development approval only if the calculated new level of service is higher than the adopted level of service standard. Where a capacity analysis using Table 6.1 indicates the proposed development would create a new level of service equal to or below the adopted standard, a more detailed analysis shall be performed using the *1985 Highway Capacity Manual* methodology. The final Adequacy Determination shall be based on the latter analysis.

Properties served by local roads or other roads for which traffic count information is unavailable shall be evaluated for impact on the nearest road(s) for which levels of service can be measured. The impact on the transportation system shall be determined by utilizing the trip generation standards set forth in the *ITE Trip Generation Manual*, 4th Edition, or most recent. The estimated number of trips generated by the proposed development shall be subtracted cumulatively from the available capacity on the roadway to determine whether the roadway's capacity is adequate to support the development based on the impacted roadway's level of service.

Table 6.1 Maximum Peak Hour Volume For Each Level of Service By Facility Type						
		Level of Service				
Facility		A	B	C	D	E
Divided Arterials	2 lanes	1,190	1,390	1,580	1,780	1,980
	4 lanes	2,160	2,520	2,880	3,240	3,600

	6 lanes	3,340	3,900	4,460	5,010	5,570
Undivided Arterials	2 lanes	940	1,100	1,260	1,410	1,570
	4 lanes	1,630	1,900	2,180	2,450	2,720
One-Way Arterials	2 lanes	820	950	1,090	1,220	1,360
	3 lanes	1,310	1,530	1,740	1,960	2,180
	4 lanes	1,940	2,270	2,590	2,920	3,240
Divided Collectors	2 lanes	1,010	1,180	1,350	1,520	1,690
	4 lanes	1,730	2,020	2,300	2,590	2,880
Undivided Collectors	2 lanes	720	840	960	1,080	1,200
	4 lanes	1,150	1,340	1,540	1,730	1,920

Source: Tampa Bay Regional Planning Council, adapted from the FDOT District I 1986 General Highway Capacities table.

The calculation of total traffic generated by a proposed non-residential or mixed use project will assume 100 percent build-out and occupancy of the project. Credit against the trip generation of non-residential land uses may be taken utilizing the percentages shown in Table 6.2. Any capture of trips from passing traffic in excess of these percentages must be justified by the applicant.

For mixed use development, the applicant shall justify any trips that will be absorbed internally by the project.

The procedures outlined in Chapter 5 of the ITE Trip Generation Manual, 4th Edition, pages 10-16, can be used to quantify pass-by trips. Avon Park may consider these procedures in conjunction with locally derived data and Table 6.2.

Table 6.2 Trip Capture Ratios	
Use	Percent
Shopping Center (>400,000 s.f.)	25
Shopping Center (100,000-400,000 s.f.)	25
Shopping Center (<400,000 s.f.)	34

Table 6.2 Trip Capture Ratios	
Supermarkets	25
Hardware Stores	5
Convenience Stores	40
Fast Food Restaurants	35
Cocktail Lounges/Bars	30
Restaurants	15
Banks	46
Day Care Centers	10
Service Stations/Car Washes	58
Offices	0
Industrial Uses/Warehouses	0

(B) Adequacy of Drainage

The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a water management system to serve the proposed development and adjacent public rights-of-way in a manner that conforms to sound engineering standards. All developments shall meet the following LOS standards, where applicable:

- (1) Road Protection. Residential streets shall have crown elevations equal to the 100-year flood elevation.
- (2) Buildings. The lower floor elevation for buildings shall be no lower than one (1) foot above the 100-year elevation.
- (3) Off-Site Discharge. Off-site discharge is not to exceed the standards allowed by the Southwest Florida Water Management District and this Code.
- (4) Storm Sewers. The design frequency applicable to storm sewers is the 25-year, 24-hour storm event.

(C) Adequacy of Potable Water Service

Potable water service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of way, easements, and any other areas that may be needed for the installation and maintenance of a potable water distribution system that will meet all applicable building, health, and environmental regulations, including Chapter 17-22, F.A.C.

Where adequate potable water capacity is available, certification shall be made by the appropriate City official. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate potable water service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a water treatment facility that will have sufficient capacity to provide for the needs of the development.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of potable water plant or network capacity, or a commitment to provide service.

(D) Adequacy of Wastewater Treatment and Disposal Services

Sanitary sewer service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of way, easements, and any other areas that may be needed for the installation and maintenance of a wastewater treatment and disposal system that will meet all applicable building, health, and environmental regulations.

Where adequate sanitary sewer capacity is available in the City of Avon Park's municipal wastewater treatment system, the Concurrency Test Statement shall include a certification from the appropriate village official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate sanitary sewer service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a wastewater treatment facility that will have sufficient capacity to provide for the needs of the development.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of wastewater treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of wastewater plant or network capacity, or a commitment to provide service.

(E) Adequacy of Parks and Recreational Facilities

Park and recreational facilities shall be available prior to development approval for any residential development to meet the needs of that development at the adopted LOS. Calculations shall be based on average household size figures provided in the Housing Element of the Comprehensive Plan.

A finding that park and recreational facilities are available to serve a proposed residential development must be based upon a level of service calculation that includes other such developments, existing and permitted, for which capacity has been reserved. If existing capacity is not available, conditional approval may be granted if it is shown that there is a financially feasible plan to expand park and recreational facilities so that sufficient capacity will be available at the time that certificates of occupancy are issued.

If sufficient capacity does not exist for park and recreational facilities at the time that he seeks development approval, the developer may elect to donate land of suitable size, topography and general character to serve as a recreation facility that will meet the adopted LOS standard for park and recreational facilities, or make payment in lieu of land dedication.

6.01.08 Monitoring

The Concurrency Management System shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be added to the capacity totals. Any developer-sponsored facility or service placed into service shall also be included in the calculations. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the City Council in the first year of its 5-Year Schedule of Capital Improvements shall be added to the relevant capacities. The sums of all aforementioned calculations shall be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

	Available Capacity
+	Programmed Improvements (1st year S.C.I.)
-	Development Approved during year
	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> Available Capacity (Nth year)

If capital projects identified in the first year of the City's 5-Year Schedule of Capital Improvements were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the Capital Budget, removed from capacity available for concurrency purposes. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of monies to construct necessary facilities, or the construction of necessary facilities.

Any subdivision plat or site development plan for which construction has not begun within the time frame specified in this Code shall be considered lapsed and shall forfeit any allocation of service capacity. Upon forfeiture, all capacities so allocated shall be returned to the service/facility provider. The Concurrency Management System shall be approved by Resolution of the City Council on the first regularly scheduled City Council meeting in September of each year.

6.01.09 *Appealing City's Adequacy Determination*

A developer may challenge any concurrency determination made by the City by appealing the decision to the City Council. The appeal shall be accompanied by substantial, competent evidence that sufficient capacity does exist by virtue of the following:

- (A) The impacts of the proposed development will differ from the impacts estimated by the City as a result of special circumstances of that development;
- (B) The information on which the City's analysis was based is erroneous or inadequate;
- (C) In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels of service than indicated by the City's analysis. Methodology for such travel speed/distance/time studies shall be certified by a licensed professional traffic engineer. In the event the travel speed/distance/time studies are warranted, the City or its agent shall conduct or commission such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of

the study.

6.01.10 Options for Achieving Compliance

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows.

- (A) *Plan Amendment.* The developer may propose a plan amendment that lowers the adopted level of service standard for the affected facilities and/or services.
- (B) *Reduce Impact of Development.* The developer may propose a reduction in the scale or impact of the proposed development.
- (C) *Phasing of Development.* The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- (D) *Development Agreement.* The developer may propose a development agreement assuring that the required facility capacity will be provided. Any development agreement must provide one or more of the following assurances, acceptable to the City in form and amount, to guarantee the applicant's pro rata share of the cost of providing any public facilities and services that may be necessary to maintain the adopted level of service standards for the subject property:
 - (1) cash escrow;
 - (2) irrevocable letter of credit;
 - (3) prepayment of capacity/connection charges.

Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the City shall do one of the following:

- (1) contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
- (2) obtain assurances from other sources similar to those described above in this Section; or

- (3) amend the Comprehensive Plan to modify the adopted level of service standard so as to reduce the required facility to equal the applicant's needs.
- (E) *Alternative Transportation Study.* Where a developer disagrees with the results obtained by the City in its concurrency review regarding transportation, a transportation study may be performed at the option and expense of the developer. The results of the study shall be considered by the City in subsequent determinations regarding the development's compliance with concurrency requirements.
- (F) *Other Transportation Studies.* For those roadway facilities that indicate a lower LOS than the adopted standard of the City of Avon Park Comprehensive Plan, the City shall allow applicants to perform an operating LOS assessment based upon procedures outlined in the 1985 Highway Capacity Manual. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant.

6.02.00 Development Agreements

6.02.01 General Provisions

The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning. Assurance to a developer that upon receipt of his development permit he may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

It is the intent of this Section to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Avon Park Comprehensive Plan and the Local Government Comprehensive Planning and Land Development Regulation Act.

6.02.02 Authority

This intent is effected by exercising the authority granted the City to enter into development agreements with developers under F.S. Sections 163.3220 through 163.3243. This Section

shall be regarded as supplemental and additional to the powers conferred upon the City by other laws and shall not be regarded as in derogation of any powers now existing.

6.02.03 Procedures

- (A) *Application for Development Agreement.* The developer shall make application for a development agreement through the Development Director and pay an application fee set by resolution.
- (B) *Public Hearing.* Before entering into, amending or revoking a development agreement, the City shall conduct at least two (2) public hearings, one of which shall be held by the Planning and Zoning Board.
 - (1) Notice of Hearing. Notice of intent to consider a development agreement shall be advertised approximately seven (7) days before each public hearing in a newspaper of general circulation and readership in Highlands County. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
 - (2) Contents of Notice. The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

6.02.04 Contents and Duration of Development Agreement

- (A) *Contents.* A development agreement shall include the following:
 - (1) A legal description of the land subject to the agreement and the names of its legal and equitable owners.
 - (2) The duration of the agreement.
 - (3) The development uses permitted on the land, including population densities, and building intensities and height.
 - (4) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.

- (5) A description of any reservation or dedication of land for public purposes.
 - (6) A description of all local development permits approved or needed to be approved for the development of the land.
 - (7) A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.
 - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
 - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
 - (10) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
- (B) *Duration of Agreement.* The duration of a development agreement shall not exceed five (5) years. It may be extended by mutual consent of the City and the developer, subject to a public hearing in accordance with 6.02.03(A) above.

6.02.04.01 Applicability of Laws

- (A) *Consistency with Plan and Regulations.* A development agreement and authorized development shall be consistent with the City's Comprehensive Plan and land development regulations.
- (B) *Development Governed by Laws in Effect at Execution.* The City's laws and policies governing the development of land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.
- (C) *Applicability of Subsequent Laws.* The City may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the City has held a public hearing and determined:
 - (1) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;
 - (2) They are essential to the public health, safety, or welfare, and

expressly state that they shall apply to a development that is subject to a development agreement;

- (3) They are specifically anticipated and provided for in the development agreement;
- (4) The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
- (5) The development agreement is based on substantially inaccurate information supplied by the developer.

(D) *Rights Vested Pursuant to Common Law.* This Section does not abrogate any rights that may vest pursuant to common law.

6.02.05 Review, Amendment, Termination

- (A) *Periodic Review of Agreements.* The City shall inspect land subject to development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the City finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the City.
- (B) *Amendment or Cancellation of Agreement.* A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- (C) *Modification or Revocation to Comply with Subsequent State and Federal Law.* If state or federal laws are enacted after the execution of a development agreement that are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

6.02.06 Recording and Enforcement

- (A) *Recording of Agreement.* Within 14 days after the City enters into a development agreement, the City shall record the agreement with the clerk of the circuit court. A copy of the recorded development agreement shall be submitted to the Department of Community Affairs within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affect person as defined in F.S. 163.3215(2), or the Department of Community Affairs, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement.

6.03.00 Development Exactions and Dedications

6.03.01 Dedication of Sites for Public Uses or Fee In Lieu

(A) Parks

- (1) Where an evaluation under the Concurrency Management System indicates that additional usable recreation land and facilities are needed to maintain the adopted level of service standard, the developer shall dedicate land of suitable size, topography and general character to the City or pay a fee that is equal to the fair market value of the land otherwise required to be dedicated. The required acreage or fee shall be determined by the Development Director based on information supplied in the Concurrency Test Statement submitted in connection with the proposed development.

Conditions for the City's acceptance of dedicated recreation land shall be established in a Development Agreement under the provisions of Section 6.02.00.

- (2) Where dedication of recreation land is not required to maintain the adopted level of service, the City may refuse to accept such land, or establish reasonable conditions for acceptance. Proposed recreational uses must be consistent with the Future Land Use Map of the Avon Park Comprehensive Plan. Other conditions may include, but are not limited to, the following:
- a. Land must be readily accessible and usable for recreational purposes.
 - b. Land must be fully or partially developed for recreational use at time of acceptance.
 - c. The facility would meet a specific recreational need of the City (i.e., picnic areas, boat launch facilities).

- (B) *Right-Of-Way.* Right-of-way required to serve all development shall be dedicated in accordance with the requirements of Article 3 of this Code. Where subdivisions are bordered by public right-of-way, additional right-of-way shall be dedicated so as to meet minimum widths specified in the comprehensive plan. Where dedicated right-of-way is extended to an adjoining property or street, there shall be no reserved

strips affording private control of future access. The City may require public reserved strips where such reservations promote the public health and safety and implement the comprehensive plan.

Where right-of-way has been dedicated independent of any requirement of this Code or the Comprehensive Plan, the City may refuse to accept such right-of-way, or establish such conditions for acceptance as the City Council determines to be reasonable.

6.03.02 *Dedication of Utility Easements*

Except where alleys are provided for the purpose of access and utility placement, easements of no less than 15 feet in width, or wider as the City Engineer deems necessary, shall be dedicated for the installation of underground utilities by the City or franchised utility providers. Easements for watercourses or drainageways traversing a subdivision shall be of a width sufficient to convey the volume of stormwater projected to be generated by the 25-year storm event. Such easements shall be approved by the City Engineer.

APPLICATION FOR CONCURRENCY EVALUATION
City of Avon Park

This application, together with all required attachments, shall be completed and filed with the Development Director prior to making application for site development plan, subdivision, or building permit approval. A finding of non-deficiency only entitles the owner to apply for development permits pursuant to the time parameters established in Article 6 of the City of Avon Park Land Development Code.

Type or Print the following information.

Owner	Applicant	
Address	Address	
Zip	Zip	
Phone #	Phone #	
<i>PROPERTY DESCRIPTION</i>		
Adjacent Road(s)		
Township	Range	Section
Subdivision Name	Block	Lot/Parcel
Plat Book / Page Number (if applicable)		
<i>PROPOSAL</i>		
<input type="checkbox"/> Site Development Plan <input type="checkbox"/> Subdivision <input type="checkbox"/> Building Permit		
<i>DEVELOPMENT INFORMATION</i>		
Acreage / Lot Dimensions	Zoning District	
<input type="checkbox"/> Residential Development		
Type(s) of Units	Maximum Number of Units	
<input type="checkbox"/> Non-Residential Development		
Specific Use(s)	Floor Area or Acreage*	
<small>* Other measures of intensity may be substituted as appropriate for the proposed use, such as number of students (schools), seating capacity (places of worship and theaters), etc.</small>		

CONCURRENCY EVALUATION WORKSHEET

<i>TRANSPORTATION FACILITIES</i>	
Primary Access Street(s)	
Classification	Current PHT
Current V/C and LOS	Adopted LOS Standard
Required facility improvement scheduled in: <input type="checkbox"/> 5-Year Schedule of Capital Improvements <input type="checkbox"/> FDOT 5-Year Work Program (no later than 3rd year) <input type="checkbox"/> No facility improvement needed	
Potential PHT generated by development	V/C ratio & LOS with development
Further evaluation of traffic impacts needed <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>POTABLE WATER FACILITIES</i>	
Is proposed development within an existing potable water service area? <input type="checkbox"/> Yes (Capacity Certification attached) Supplier of potable water service _____ <input type="checkbox"/> No	
Are facility expansions or improvements needed to service the development? <input type="checkbox"/> Yes <input type="checkbox"/> Needed facilities included in 5-Year Schedule of Capital Improvements <input type="checkbox"/> Needed facilities will be provided by applicant <input type="checkbox"/> Needed facilities will be provided by other means (explain below) _____ _____ <input type="checkbox"/> No	
<i>SANITARY SEWER FACILITIES</i>	
Is proposed development within an existing sanitary sewer service area? <input type="checkbox"/> Yes (Capacity Certification attached) Supplier of sanitary sewer service _____ <input type="checkbox"/> No (Attach copy of Septic Tank Permit)	
Are facility expansions or improvements needed to service the development? <input type="checkbox"/> Yes <input type="checkbox"/> Needed facilities included in 5-Year Schedule of Capital Improvements <input type="checkbox"/> Needed facilities will be provided by applicant <input type="checkbox"/> Needed facilities will be provided by other means (explain below) _____ _____ <input type="checkbox"/> No	
<i>PARKS AND RECREATION FACILITIES (Residential proposals only)</i>	

Potential population of development proposal	
Existing Level of Service	Level of Service based on proposal's potential
Additional recreation property/funding required to service development <input type="checkbox"/> Yes <input type="checkbox"/> No	

<i>SOLID WASTE DISPOSAL</i>
Solid Waste facility to be used:
Adequate facility capacity is available to service the development <input type="checkbox"/> Yes (Capacity Certification attached) <input type="checkbox"/> No
<i>DRAINAGE</i>
This development is designed such that post-development runoff does not exceed pre-development runoff for a 25-year storm even of 24-hour duration. <input type="checkbox"/> Yes (Engineering plans or certification attached) <input type="checkbox"/> No

SUMMARY OF CONCURRENCY EVALUATION RESULTS

Using the information provided in items A through F of the worksheet, will the development proposal be served by the following facilities and services with the adopted Level of Service Standards of the City of Avon Park Comprehensive Plan?

	Yes	No	Unknown (Explain below)
Transportation			<hr/> <hr/> <hr/>
Potable Water			<hr/> <hr/> <hr/>
Sanitary Sewer			<hr/> <hr/> <hr/>
Solid Waste			<hr/> <hr/> <hr/>
Parks/Recreation			<hr/> <hr/> <hr/>
Drainage			<hr/> <hr/> <hr/>

ARTICLE 7
DEVELOPMENT APPROVAL PROCESS

7.01.00 *Pre-Application Conference*

7.02.00 *Comprehensive Plan Amendments*

7.02.01 Intent and Purpose

7.02.02 Contents of the Application for Plan Amendments

7.02.03 Planning and Zoning Board Standards for Evaluation

7.02.04 Public Hearings

*7.02.05 Findings and Recommendation to Approve a Plan
Amendment*

*7.02.06 Findings and Recommendation to Deny a Plan
Amendment*

7.02.07 Decision By City Council

7.03.00 *Rezoning*

7.03.01 Purpose and Intent

7.03.02 Contents of the Application

7.03.03 Planning and Zoning Board Standards for Evaluation

7.03.04 Public Hearings

7.03.05 Findings and Recommendation to Approve a Rezoning

7.03.06 Findings and Recommendation to Deny a Rezoning

7.03.07 Decision By City Council

7.04.00 *Planned Unit Development*

7.04.01 Intent and Purpose

7.04.02 Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Applicable Regulations

7.04.03 General Regulations and Requirements

7.04.04 Procedures for Obtaining PUD Zoning Designation

7.04.05 Development Conditions

7.04.06 Approval

7.04.07 Development Within PUDs

7.04.08 General Requirements

7.05.00 Site Development Plan

7.05.01 Intent and Purpose

7.05.02 Site Development Plan Review

7.05.03 Content of the Application

7.05.04 Development Site to be Unified

7.05.05 Planning and Zoning Board Review and Action

7.05.06 Approval of Site Development Plans

7.05.07 Effect of Site Development Plan Approval

7.05.08 Modification of Site Development Plans

7.05.09 Integration of Other Review Procedures

7.05.10 Non-Compliance

7.06.00 Subdivision Regulations

7.06.01 General

7.06.01.01 Purpose and intent

7.06.01.02 *Applicability*
7.06.01.03 *Variances*

7.06.02 *Procedure*

7.06.03 *Concept Plan Review*

7.06.04 *Administrative Approval of Minor Subdivisions*

7.06.05 *Preliminary Subdivision Plat*

7.06.05.01 *Submission of Preliminary Subdivision Plat*
7.06.05.02 *Term of Preliminary Subdivision Plat*

7.06.06 *Construction Plans*

7.06.06.01 *Submission of Construction Plans*
7.06.06.02 *Construction Prior to Platting*
7.06.06.03 *Performance Bond*
7.06.06.04 *Construction Inspection*
7.06.06.05 *Engineering drawings*
7.06.06.06 *Maintenance Guarantee*

7.06.07 *Final Plat*

7.06.07.01 *Submission of Final Plat*

7.06.08 *Vacating of Plats and Replats*

7.06.08.01 *Vacating of Plat by Owner*
7.06.08.02 *Vacating of Plat by City*

7.06.09 *Access to Individually Owned Parcels*

7.07.00 Cluster/Zero Lot Line Development

7.07.01 *Cluster Subdivision*

7.07.02 *Zero Lot Line Development*

7.08.00 Conditional Use Permits

7.08.01 *Purpose and Intent*

7.08.02 *Conditional Uses in the City of Avon Park*

7.08.03 *General Standards of Review*

7.08.04 *Application*

7.08.05 *Review Of Proposed Conditional Use*

7.09.00 Procedure for Obtaining a Special Exception

7.09.01 *Application*

7.09.02 *Review of Proposed Special Exception*

7.09.03 *Expiration or Abandonment of Special Exception Use*

7.10.00 Home Occupations

7.10.01 *Procedure for Approval of a Home Occupation*

7.11.00 Variances

7.11.01 *Criteria for Granting a Variance*

7.12.00 Nonconformities

7.12.01 *Nonconforming Uses*

7.12.02 *Nonconforming Lots of Record*

7.12.03 *Nonconforming Structures*

7.12.04 *Nonconforming Mobile Home Parks*

7.12.05 *Nonconforming Mobile Homes*

ARTICLE 7

DEVELOPMENT APPROVAL PROCESS

7.01.00 Pre-Application Conference

A pre-application conference will be held for each new site development plan or subdivision plat submitted to the City for approval. The Development Director will conduct pre-application conferences as needed and, at his discretion, will summon various members of City staff and other persons whose expertise is relevant to a particular project.

Persons participating in pre-application conferences shall have knowledge and experience in one or more of the following areas: planning and/or zoning, public works, downtown redevelopment, law enforcement, fire/emergency services, parks and recreation, traffic engineering, environmental protection, community development, or others as appropriate

A pre-application conference will be scheduled upon submission of preliminary development plans and payment of the pre-application review fee. The applicant may waive the pre-application conference if he so chooses; however, the fee may not be waived without approval of the City Council.

The pre-application review fee and conference shall not be required for proposals involving existing development sites and meeting the following conditions:

- (A) Site Development Plan: proposed change does not generate the need for additional parking spaces.
- (B) Subdivision Plat: proposed change does not create more than two (2) additional lots.

Such proposals shall be considered amendments to existing plans rather than new ones; however, all other provisions of this Code shall apply.

7.02.00 Comprehensive Plan Amendments

7.02.01 Intent and Purpose

An amendment to the Comprehensive Plan may either be a change to the goals, objectives and policies of the Comprehensive Plan; or, the amendment of a land use classification shown on the Future Land Use Map. A Plan Amendment may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendments to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.

The Comprehensive Plan may only be amended twice each calendar year, however Small Scale Plan Amendments, the criteria for which is detailed in Section 8.07.05 of this Code, do not count against standard. The City Council transmits approved Plan Amendments to the Florida Department of Community Affairs for review, but may adopt a Small Scale Amendment before transmission.

7.02.02 Contents of the Application for Plan Amendments

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the City Council.

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
 - (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.
- (B) *Application Contents for Amendments Effecting Land Use, Development Standards, & Maps.* The application shall contain the following items, as applicable:
- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
 - (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.
 - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
 - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.

(C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.

(1) Inventory and Analysis of Site Characteristics

- a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
- b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.
- c. An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds and reptiles) common to this site.
- d. A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grasslike plants.

(2) Inventory and Analysis of Land Use: location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.

(3) Inventory of Public Facilities: location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

7.02.03 Planning and Zoning Board Standards for Evaluation

The Planning and Zoning Board shall review every Plan Amendment. In reviewing and formulating recommendations to the City Council on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning and Zoning Board shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Avon Park Comprehensive Plan. Objectives and policies of the Plan may be proposed for modification by the Amendment.
- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City. Said analysis must address land uses as they now exist, **and as they may exist in the future**, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.
- (D) The proposed Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Avon Park and also in the immediate area in Polk County or another municipality.
 - (1) The proposed Plan Amendment shall not result in either a detrimental over concentration of a particular use within the City or within the immediate area.
 - (2) The Plan Amendment contains sufficient proof to convince the Planning and Zoning Board and the City Council that the proposed Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.

7.02.04 Public Hearings

No Plan Amendment may be considered by the Planning and Zoning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code.

7.02.05 Findings and Recommendation to Approve a Plan Amendment

The Planning and Zoning Board may recommend approval of an application for a Plan Amendment only when all of the following conditions are met.

- (A) The proposed Plan Amendment is, or proposes objectives and policies, that will be consistent with the City of Avon Park Comprehensive Plan.
- (B) The proposed Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) There is a community need for the proposed Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of land uses both within the City of Avon Park and also in the immediate area of Polk County.

7.02.06 Findings and Recommendation to Deny a Plan Amendment

The Planning and Zoning Board may recommend denial of any application for a Plan Amendment for one or more of the following reasons:

- (A) The proposed Plan Amendment is inconsistent with the City of Avon Park Comprehensive Plan.
- (B) The proposed Plan Amendment will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) No community need can be demonstrated for the proposed Plan Amendment at the proposed location.

7.02.07 Decision By City Council

Within thirty (30) days of receipt of the Planning and Zoning Board recommendation, the City Council shall hold a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning and Zoning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Councilers voting.

Plan Amendments are subject to review by the Florida Department of Community Affairs (DCA) under Chapter 163, Florida Statutes. The City Council therefore, does not act to "adopt" a Plan Amendment, but rather to "transmit" the Plan amendment for review. For guidance in the submission of amendments for review by the State, see Article 8, Section 8.07.00. In the case of a Small Scale Plan Amendment, the City Council does adopt the Amendment, transmit it to DCA, but may proceed to consider rezoning without waiting for

the conclusion of State review. Small Scale Amendment criteria are contained in Section 8.07.05 of this Code.

7.03.00 Rezoning

7.03.01 Purpose and Intent

A rezoning may be initiated by the City, or by a property owner or agent of a property owner. The basis for review of application for rezoning entails a review of data and analysis in support of the rezoning; analysis of the impact of the rezoning on public facilities Levels of Service; and an analysis of the need for the proposed rezoning in relation to the goals, objectives and policies of the Comprehensive Plan.

7.03.02 Contents of the Application

Rezoning requests shall be submitted to the Development Director on an application form provided by the City, together with applicable fees, which shall have been established by resolution of the City Council. The application shall contain, at a minimum, the following information:

- (1) A legal description of the property, including the size of the area in acres.
- (2) A description of the proposed rezoning, specifying the goals, objectives and policies of the Comprehensive Plan that it supports and advances.
- (3) A detailed map showing the location of the property in the City, existing land use, existing surrounding land uses; existing zoning and boundaries of the zoning district, and the proposed boundaries of the rezoned district.
- (4) A description and generalized site plan of any proposed development including; the number of units proposed and resulting net density; number of required parking spaces and location; footprint of all proposed buildings and structures on the site, including setbacks; required landscape and buffer yards; and sign locations.
- (5) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities will serve the new development.
- (6) The functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with current and estimated future daily traffic volumes.

- (7) The location of all public and private streets, driveways and utility easements within and adjacent to the site.
- (8) A description of the terrain and the vegetation on the site, including a topographic map, when available.
- (9) An inventory and description of surface water and wetlands; and any flood plains on the site.
- (10) A general inventory of plant and animal species common to the area, any endangered plant and animal species, and habitats present on the site.
- (11) A inventory of trees with an estimate of canopy that they provide, and an inventory of stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

7.03.03 Planning and Zoning Board Standards for Evaluation

The Planning and Zoning Board shall review every request for rezoning. In reviewing and formulating recommendations to the City Council on rezoning applications, the Planning and Zoning Board shall specifically consider and evaluate the proposed rezoning against the following standards.

- (A) *Consistency with the Comprehensive Plan.* The proposed rezoning is consistent with the goals of the City of Avon Park Comprehensive Plan.
- (B) *Concurrency Analysis.* The proposed rezoning contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) *Impact Analysis.* The proposed rezoning has been analyzed to identify future adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City.
- (D) *Zoning and Use of Nearby Property.* An analysis of the range of development that will occur as a result of the rezoning, in comparison to the existing pattern of development, and the future pattern established by the Comprehensive Plan. Depending on the uses permitted in the proposed zoning district, inconsistency in the two patterns may be created.
- (E) *Substantial Changes in Land Use Circumstances.* Analysis of the effect of significant changes in land use in the vicinity of the proposed rezoning. Such changes are substantial if they include: widening of a street, expansion of existing

permitted uses, the completion of a subdivision that was previously platted, the construction of a new public facility, such as a park, or any number of other examples. One such change may not be significant and may not justify the rezoning, but several would be and may justify rezoning to higher intensities.

- (F) *Time Vacant.* If the property (site) is vacant, an analysis of the length of the vacancy versus the present zoning classification is important. In particular, an analysis should have been done to compare the rate of land development in the vicinity of the property and the conversion of vacant land to development in the same zoning district in other parts of the City.
- (G) *Effect on Property Values.* An analysis of the effect of the proposed rezoning on property values.

7.03.04 Public Hearings

Due Public Notice. No request for rezoning may be considered by the Planning and Zoning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing must be followed as delineated in Article 8, Section 8.06.00 of this Code.

7.03.05 Findings and Recommendation to Approve a Rezoning

The Planning and Zoning Board may recommend approval of an application for a rezoning only when **all** of the following conditions are met.

- (A) The proposed rezoning is consistent with the City of Avon Park Comprehensive Plan.
- (B) The proposed rezoning will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) The proposed rezoning and all permitted uses are compatible with development on surrounding property; **or** compatibility can be achieved by the imposition of conditions, buffers or limitations on the uses within the zone, which are specified in the Board's recommendation. By this analysis the Planning and Zoning Board determines whether or not the proposed rezoning provides "appropriate use" of the property.

7.03.06 Findings and Recommendation to Deny a Rezoning

The Planning and Zoning Board may recommend denial of any application for a rezoning for one or more of the following reasons:

- (A) The proposed rezoning is inconsistent with the City of Avon Park Comprehensive Plan.
- (B) The proposed rezoning will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) The Public Welfare benefits in maintaining the present zoning classification are so great, that any hardship imposed on the property owner by denying the request for rezoning, is justified.

7.03.07 Decision By City Council

Within thirty (30) days of receipt of the Planning and Zoning Board recommendation, the City Council shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning and Zoning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of an application for rezoning shall be granted unless approved by a majority of the Councilers voting.

7.04.00 Planned Unit Development

7.04.01 Intent and Purpose

The Planned Unit Development (PUD) district is established to provide for well-planned and orderly mixed-use development on a large scale in any area of the City. Further, PUDs are intended to:

- (A) Promote flexibility in development design;
- (B) Promote the efficient use of land;
- (C) Preserve, as much as possible, existing landscape features and amenities;
- (D) Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;
- (E) Combine and coordinate architectural styles, building forms and building relationships within the planned development;

- (F) Lessen the burden of traffic conflict on streets and highways.
- (G) Provide for a balanced land use mixture.

7.04.02 Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Applicable Regulations

The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities in a PUD shall not exceed the permitted densities established in the plan.

Where there are conflicts between these special PUD provisions and other regulations in this Code, these special regulations shall apply. Where no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in other sections of this Code shall apply. In a unique situation where no standard is specified, the City Council shall determine the appropriate standard.

7.04.03 General Regulations and Requirements

- (A) *Minimum Site Area.* Property proposed for development as a Planned Unit Development shall be at least 5 acres in size. While the PUD site may include water bodies, wetlands and areas within the 100-year floodplain, no such areas may be counted toward the 5-acre minimum site size or individual minimum lot sizes within the PUD.
- (B) *Unified Control.* All land included for the purpose of development within a Planned Unit Development shall be owned or under the control of the applicant, whether that applicant is an individual, partnership or corporation, or a group of individuals, partnerships or corporations.
- (C) *Subdivision of Property.* Property in a Planned Unit Development shall be platted in accordance with Section 7.06.00 prior to the issuance of building permits. In the case of lands that have been platted prior to the adoption of this Code, the landowner shall be required to vacate the previous plat or pre-platted lands before any rezoning and Master Development Plan approval will be considered. In addition, all payments, easements, and dedications required by this Code and other City ordinances will be applicable to any development within a Planned Unit Development, whether vacating an existing plat or replatting, or unplatted lands, so that all new development within the City will bear its fair share of provision of public services.

7.04.04 Procedures for Obtaining PUD Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Council may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the Development Director or the City Council may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may be taken into consideration by the City Council. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- (A) *Master Development Plan.* Development requirements in a PUD are established through an approved Master Development Plan (MDP), to be consistent with the City's Comprehensive Plan and the development standards of specific zoning districts. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.

In reviewing the Master Development Plan, the Planning and Zoning Board and City Council shall determine that conventional residential or commercial zoning district most nearly accommodates the proposed use(s) of each tract. Approval of the plan shall include designation of an Equivalent Zoning District for each residential or commercial tract. The Equivalent Zoning District designation implements the development standards of a conventional zoning district on individual tracts; however, the Official Zoning Map shall show the entire development site as a PUD district. Site development plans or subdivision plats for specific tracts shall be designed according to the development standards of the Equivalent Zoning District. No proposed use, or zoning district development standards, shall be approved for a particular location unless consistent with the Future Land Use Map.

Equivalent Zoning Districts for residential or commercial tracts shown on the Master Development Plan shall be limited to R-1A, R-1B, R-1C, R-2A, R-2B, R3, R-4, and C-1. Tracts proposed for uses other than residential or commercial development shall be labeled on the Master Development Plan as to type of use

proposed (i.e., recreation, open space, utility sites, etc.) and acreage. Written information as to land use type, density/intensity of land use, and acreage of tracts and rights-of-way shall be included with the PUD application and considered part of the Master Development Plan.

- (B) *Master Development Plan Conference.* At the option of the applicant, the Development Director shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline his proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural issues relative to the review of the request.
- (C) *Requirements for Master Development Plan Review.* The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning and Zoning Board and City Council concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses.

In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:

- (1) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative.
- (2) Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
 - a. Abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.
 - b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated and maintained at general public expense.
 - c. Bind his development successors in title to any commitments made as a condition of development approval.

- d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.
- (3) A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
 - (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, and the accurate legal description of the property in metes and bounds and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one year prior to filing.
 - (5) Five (5) copies of a scaled Master Development Plan of the entire proposal showing the following information:
 - a. A key map at a convenient scale showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the City of Avon Park Comprehensive Plan and all relevant laws, ordinances, and regulations.
 - b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.
 - c. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.
 - d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 250 feet of outside boundaries and proposed alterations to said features.

- e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
- f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
- g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at Development Director's discretion).
- h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).
- i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - 1) Size and/or scope of development.
 - 2) Projected Population.
 - 3) Proposed timing and phases of development.
 - 4) Proposed ownership and forms of organization to maintain common open space and facilities.
- j. A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).
- k. A map of Soil Conservation Service Soil Classification by Soil Associations.
- l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.

- m. Delineation of all wetland areas on the site including type (i.e., FDER jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.
- n. The most recent aerial photograph available, with the areas to be modified delineated.
- o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.
- p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- q. Any other reasonable information that may be required by the Development Director that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the Development Director shall transmit copies of relevant materials to the various City and county officials and agencies as appropriate. The Development Director shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations into the record.

When review of the proposed PUD is complete, the Development Director shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Director shall include with his recommendations the zoning application and a written report that shall include all pertinent documents, comments of the reviewing City officials, and any other applicable documentation or graphics.

- (D) *Planning and Zoning Board Review and Recommendation.* The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing, and recommend to the City Council whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings

as to:

- (1) The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.
- (2) Conformity of the proposed development with the Comprehensive Plan of the City of Avon Park.
- (3) Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
- (4) Compatibility with surrounding land uses.
- (5) All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:

- (1) Evidence of unified control of the overall development site.
- (2) Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
- (3) The need for such instruments or for amendments in those which have been proposed.

(E) *Action by City Council.* Upon completion of required action by the Planning and Zoning Board, the Development Director shall transmit the application to the City Council and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Director's report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Council. The City Council may:

- (1) Deny the application.
- (2) Phase the application to insure compliance with the standards herein and other standards and requirements in this Code.
- (3) Modify the application so that these standards are met.

- (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Council deems necessary to insure compliance with these standards or maximum mitigation of the adverse impacts of the development.

7.04.05 Development Conditions

Conditions placed on a request by the City Council may include requiring the applicant, at his cost and expense, to:

- (1) Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- (2) Finance or construct potable water, wastewater or drainage facilities.
- (3) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

7.04.06 Approval

Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the City Council.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval under Section 7.06.00 (Subdivision Regulations) or Section 7.05.00 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further subdivision plats or site development plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.

7.04.07 Development Within PUDs

All development within a PUD district shall comply strictly with its approved Master Development Plan, the Land Development Code and the Comprehensive Plan. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Section 7.06.00. Development on individual sites, other than single family development, shall be reviewed and approved according to the requirements of Section 7.05.00, Site Development Plans.

(A) *Permitted Uses.* Within any PUD District the following uses shall be permitted:

- (1) Single-family detached dwellings.
- (2) Single-family attached dwellings.
- (3) Mobile homes on individual platted lots.
- (4) Multiple family dwellings.
- (5) Recreational facilities and structures intended for the use of the residents of the PUD.
- (6) Golf courses, public or private, that may be calculated as recreation space as is hereinafter required, provided the clubhouse and other structures are located more than 150 feet from any residential structure.
- (7) Off-street parking and garage facilities intended for the exclusive use of the residents of the PUD.
- (8) Model dwelling units erected on the site pursuant to all applicable codes and ordinances of the City.
- (9) Commercial uses permitted in the C-2 district.

(B) *Special Exception Uses.* No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location is noted on the Master Development Plan. Allowable uses for any tract within a PUD shall

include those listed in the Table of Land Uses as either a Permitted or Special Exception Use for the Equivalent Zoning District for that tract. However, any use listed in the Table as a Special Exception may be denied if the City Council determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.

7.04.08 General Requirements

The following requirements shall apply to all Planned Unit Developments:

(A) *Common Properties.* Common properties that serve as amenities to the residents of a PUD shall be provided and classified as follows:

(1) Designated Open Space. Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan. The minimum open space required in a PUD shall be 30 percent of the gross site area, and may include, but shall not be limited to, the following:

- a. Common Recreation Areas, as defined in subparagraph (2) below.
- b. Areas equivalent to no more than 50 percent of the total acreage of wetlands, lakes, drainage retention/detention areas, and other permanent or semi-permanent water bodies.
- c. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.
- d. Golf courses.
- e. Stormwater retention/detention areas, but not ditches and swales.

Designated open space shall not include the following:

- a. lands designated for residential or commercial use (regardless of density or intensity of these uses)
 - b. parking areas except those accessory to recreational uses
 - c. utility easements and road rights-of-way
-

- d. perimeter setback areas, unless developed with bicycle or pedestrian trails
- e. sewer and/or water treatment plant sites
- f. land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities)

(2) Common Recreation Area. Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design.

Common Recreation Area shall constitute not less than one-half of the total area qualifying as designated open space as defined in (1) above. Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.

Common Recreation Area may include the following uses and associated facilities:

- a. swimming pools, tennis courts and playing fields
- b. playgrounds
- c. picnic areas and pavilions (up to 20 percent of total required Common Recreation Area acreage)
- d. golf courses (up to 50 percent of total required Common Recreation Area acreage)
- e. rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas)

The following shall not be included in Common Recreation Areas:

- a. Streets, road right-of-way, and parking areas
- b. All easements

- c. Water bodies and wetlands, except within designated right-of-way for nature trails
- d. Ditches, swales, retention areas and other stormwater management facilities
- e. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.

(B) *Commercial Uses.* The PUD designation allows those commercial uses that are permitted in the C-2 district. Commercial development shall adhere to development standards established in that district. Such uses shall be permitted only on parcels or tracts labeled on the Master Development Plan as being for commercial use, and shall be subject to Site Development Plan requirements established in Section 7.05.00. Commercial uses shall primarily serve residents of the development, and shall not be located adjacent to the perimeter of the PUD site. Commercial structures shall be located not less than 150 feet from the boundary of any property outside the PUD zoned for residential use.

No more than 5 percent of the overall PUD site shall be designated for commercial use. Clubhouses, swimming pools, community centers, and other recreational facilities owned in common by residents of the PUD shall not be included in this limitation. However, nothing stated in this Code shall preclude the establishment of a public golf course in a PUD.

No building permit for a commercial use will be issued until at least 50 percent of the approved dwelling units in the PUD have received Certificates of Occupancy.

(C) *Density.* The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, drainage facilities, road rights-of-way, and areas proposed for commercial use. These units may be clustered or otherwise arranged according to sound planning principles throughout the PUD site, providing a mixture of housing types, densities, and price ranges in a creative development design that is appealing to residents and beneficial to the City as a whole.

Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Low Density Residential and Medium Density Residential), separate dwelling unit calculations shall be made, using the appropriate permitted density value for each. Where a PUD site lies partially within the Commercial land use designation, densities within these areas shall not exceed 12 units per acre.

Dwelling units permitted under each category shall be located on portions of the site

lying within the respective land use designation. This requirement may be waived by the City Council upon recommendation of the Planning and Zoning Board. In this situation, both bodies shall find that the distribution of residential units without regard to land use designation boundaries is in harmony with the intent of the Comprehensive Plan, will not create adverse impacts on surrounding properties, and is justified in order to fulfill a beneficial development concept. In no case, however, shall the total number of units exceed the number allowable under the provisions of the Comprehensive Plan.

(D) *Development in Stages.* Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

- (1) Developer must submit a construction schedule covering all phases of the PUD to the Development Director. This schedule may be revised from time to time as necessary.
- (2) All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.
- (3) At least 30 percent of the total acreage of each stage shall qualify as Designated Open Space, as defined in paragraph 1(a) above. No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in paragraph 1(b) above. All recreation facilities shall be completed and available for use prior to issuance of building permits.
- (4) No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.

(E) *Ownership and Maintenance of Common Property.* The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Avon Park for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase and subject to approval of the City Council.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable

order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (4) To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
- (5) To provide for the operation and financing of the association;
- (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

- (F) *Private Roads.* Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of paragraph (E) above. However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

The City of Avon Park shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and in conformity with all codes and standards in effect at the time of dedication.

If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The City shall have no liability for injury or loss of life resulting from restricted access to the development.

- (G) *Model Homes.* All model dwelling units shall be subject to the following restrictions:

- (1) Model dwelling units shall not be used for a period of longer than one year; however, the City Council may grant an extension for a period not to exceed one year.
- (2) The number of model dwelling units shall not exceed eight (8) in number, and shall not be connected to water and sewer facilities until a plat of record has been provided for the subdivision area in which the models are located.
- (3) At least two off-street parking spaces per model unit shall be provided on the same lot as the model dwelling unit or on contiguous lots, and shall be maintained as long as the model dwelling unit is used as such.

- (H) *Bonding.* Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the office of the Development Director:

- (1) A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
- (2) A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary

Subdivision Plan or Site Development Plan within one (1) year.

- (3) A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two (2) years following acceptance by the City of the final construction of said public improvements.
- (4) In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof is approved by the City Council.

All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements described in Subsections 1 and 2 above, said performance and payment bonds shall be released.

- (I) *Amendment or Termination of a PUD.* Once PUD approval is granted, all development within the PUD development site shall be in conformity with the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require approval according to the following:

- (1) Major Amendment. Submission for review and approval by the Planning and Zoning Board and City Council.
- (2) Minor Amendment. Submission for review and approval by the Development Director.

The Development Director shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The Development Director may, at his discretion, forward any application for plan amendment to one or more individual departments for review

and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

- (J) *Perimeter Setback.* No structure shall be located less than 35 feet from the perimeter of the PUD development site.
- (K) *Public Easements.* The City of Avon Park shall be granted easements allowing access to and use of tracts designated for open space, recreation, drainage facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.
- (L) *Access.* All residential and commercial properties shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.
- (M) *Landscaping*
 - (1) Landscaping requirements shall be as set forth in Section 3.07.00.
 - (2) Along public or private rights-of-way, including those bordering the perimeter of the PUD, one canopy tree shall be planted for every 50 feet of right of way. Such trees shall be no less than 10 feet in height at the time of planting, and shall be placed within 5 feet of the right-of-way. Along internal roads, the trees shall be planted alternately on either side of the street.
 - (3) The City Council shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.

7.05.00 Site Development Plan

7.05.01 Intent and Purpose

The site development plan procedure shall be required for all uses designated by the letter "D" in the Table of Land Uses in Article 2.04 to ensure that site-specific development projects meet the requirements of this Code prior to the issuance of a building permit. It is the intent of this Section that the site development plan process be a part of the building permit application process, in that the site development plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and certificate of occupancy shall be issued. Site development plan approval shall be required prior to the issuance of a building permit for the following:

- (A) Division of an existing development site (such a division shall result in a new or modified site development plan for previously existing development, in addition to a separate plan for new development).
- (B) An expansion or reconfiguration of any of those types of development that are subject to site development plan requirements.

7.05.02 Site Development Plan Review

Those developments subject to site development plan review shall submit six (6) copies of the site development plan, with a completed application form, all necessary attachments and the requisite application fee to the Development Director to initiate processing of the plan. Additional plans shall be provided for review by other state, regional and county agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where the proposed development site is five (5) acres in size or larger, the site development plan shall be prepared by an architect or engineering professional. At the Development Director's discretion, the same requirement may be applied to sites of less than five acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with variance, special exception or other zoning-related applications shall not be accepted for review as a site development plan unless prepared in accordance with the guidelines of this section. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

- (B) *Completeness of Plans.* Completeness of site development plans shall be determined within five days by the Development Director, and if complete shall be scheduled for a Pre-Application Conference according to the requirements of Section 7.01.00.
- (C) *Staff Review.* The Development Director, the Planning and Zoning Board's Technical Review Committee, and other appropriate City staff members shall review the site development plan with specific regard to the codes and ordinances of the City of Avon Park.

The staff review shall identify matters of development policy concern to which the developer shall address particular attention. Specific comments to be addressed based on staff's review of the plan shall be provided in writing. The applicant shall be permitted to respond to staff comments at this stage of review.

- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit to the Development Director revised site development plans in which all concerns of the staff have been addressed.

When the Development Director determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, state and federal regulations have been met, he shall place the plan on the agenda for the next regular meeting of the Planning and Zoning Board.

7.05.03 Content of the Application

Site development plans for sites in excess of five (5) acres and those determined by the Development Director to require the detail, shall be drawn to a minimum scale of one inch equals 100 feet on an overall sheet size not to exceed 22 by 36 inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site development plans respectively:

- (A) Site development plan name.
- (B) The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner. In addition, it shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.
- (C) The engineer's name, address, telephone number and registration number.
- (D) North arrow, scale and date prepared.
- (E) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, if available, and the accurate legal description of the property with a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one year prior to filing.
- (F) Zoning district assigned to the property that is the subject of the site plan and to the properties contiguous thereto.
- (G) Identification of watercourses, wetlands, and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

- (H) Number of units proposed, if any, and resulting net density.
- (I) Floor area of non-residential uses.
- (J) Open space expressed in square feet and as a percentage of the overall site.
- (K) Number of parking lots and spaces required and proposed.
- (L) Location of all public and private streets, driveways and utility easements, within and adjacent to the site.
- (M) The footprint of all proposed buildings and structures on the site, including setbacks.
- (N) Required landscape and buffer yards.
- (O) Sign locations.
- (P) Phase lines, if the development is constructed in phases.
- (Q) Provisions for both on- and off-site stormwater drainage and detention related to the proposed development.
- (R) Existing topography with a maximum contour interval of one foot.
- (S) Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.
- (T) The delineation of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
- (U) Delineation of all environmentally sensitive areas as determined by any appropriate agency.
- (V) All existing and proposed utilities, including but not limited to:
 - (1) Water and sanitary sewer pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.
 - (2) Telephone, electric, gas and other utilities.
- (W) Location of major solid waste receptacles.

7.05.04 Development Site to be Unified

When requesting site development plan approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole. The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted site development plan approval, shall be divided except through the site development plan modification process established in Section 7.05.08.

7.05.05 Planning and Zoning Board Review and Action

The Planning and Zoning Board shall review and approve or disapprove any site development plan. The Planning and Zoning Board shall review and evaluate the site development plan with specific regard to the Comprehensive Plan, applicable City codes, and the advisory recommendations of City staff. The Planning and Zoning Board shall approve, approve with conditions, or deny the site plan.

In the alternative, the Planning and Zoning Board may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site development plan. In the event a site development plan is denied, the reason(s) for the denial shall be noted.

- (A) Where the proposed development involves only the expansion of existing structures, the Planning and Zoning Board may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:
 - (1) No existing structure will be expanded by more than 30 percent of its total floor area and/or seating.
 - (2) No change in the existing use of the site is proposed.
 - (3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
 - (4) The development site will not be reduced in size.
- (B) Under no circumstances shall any site development plan be approved that is inconsistent with any term contained in this development code unless a variance or waiver has been authorized in accordance with the provisions of Section 7.10.00 of

this Code.

7.05.06 Approval of Site Development Plans

On approval of a site development plan, a minimum of eight (8) copies, and any additional copies as may be required by the City, of the approved site development plan shall be submitted to the Development Director prior to processing of a building permit. The Development Director shall forward copies of the plan to appropriate City staff. The City Clerk shall retain and file one copy of the site development plan to constitute a permanent record of the site development plan. A minimum of three copies of the plan shall be reserved for the applicant, two of which shall accompany the application for building permit submitted to the Building Director, and one copy to be available for inspection at the job site.

7.05.07 Effect of Site Development Plan Approval

Approved site development plans shall remain valid if a building permit is obtained subject thereto within one year after final approval. Granting of extensions for approval may be made by the Development Director for a single period up to one year from the date when a site development plan would otherwise expire. An extension may be granted if the Official concludes that the recipient of the approved site development plan has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than 30 days before the expiration of the approved site development plan stating the reason for the time extension request.

Upon approval of the site development plan, the applicant may proceed to submit construction drawings to the appropriate City staff for permitting. These shall include, but are not limited to, building plans, drainage and stormwater management facilities, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the City from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to stamped approval of a site development plan, subject to such conditions as may be established by the City relative to such pre-plan certification processing.

In such instances, no building permit will be issued until the site development plan has been stamped approved and is on file in the Building Office. All building and construction permits issued for any project requiring site development plan review shall be consistent with the stamped approved site development plan. The approval of a site development plan shall not, under any circumstances, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site development plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

7.05.08 Modification of Site Development Plans

Any modification, variation or adjustment of a stamped approved site development plan shall require approval of a site development plan amendment.

The Development Director shall determine whether a proposed site development plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

The Development Director may approve a minor modification. If the proposed change or amendment is determined to be other than a minor modification, the Development Director shall forward any revisions to appropriate members of City staff, outside consultants, and schedule a hearing by the Planning and Zoning Board to consider approval of the change.

7.05.09 Integration of Other Review Procedures

Any development involving the following provisions of this code shall be coordinated as set forth below:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the site development plan and on all subsequent site development plans. Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of development. A site development plan must be submitted for each successive phase of the development.
- (B) *Variance or Special Exception Uses.* For developments requiring approval of a Variance or a Special Exception, a request for such approval shall be submitted to the Planning and Zoning Board and City Council, and the Special Exception shall be approved prior to final approval of the site development plan. A site development plan and a Special Exception request may be processed concurrently.

7.05.10 Non-Compliance

Failure to comply with a stamped approved site development plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a stamped approved site development plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the

provisions of this Section for a site plan shall constitute a violation of this Code and may be subject to a stop-work order.

7.06.00 Subdivision Regulations

7.06.01 General

7.06.01.01 Purpose and intent

The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that regulates and requires the platting of land for development; to further the goals and policies of the Avon Park Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the City. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions or rules adopted by the City, those provisions that are more restrictive and impose higher standards or requirements shall govern. Subdivision approval procedures are set forth herein as a three-step process, the concept plan review, that is optional, preliminary plat review and final plat approval. This process is intended to permit comprehensive review by the City and to benefit the developer by identifying potential problems and their solutions at appropriate times during the process. As with all stages of the development approval process, it is the responsibility of the developer to check all State and local regulations governing the subdivision of land and to adhere strictly to the procedures therein.

7.06.01.02 Applicability

These regulations shall apply to all subdivisions, including those intended for commercial and industrial development. The provisions of this Section are applicable to the division of a parcel of land, that is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into three or more parcels, lots, tracts or sites for the purpose of transfer of ownership or building development.

7.06.01.03 Variances

At the preliminary plat approval stage, and subject to final approval by the City Council, certain variances may be considered. Where the Planning and Zoning Board find that extraordinary hardships may result from the strict application of the planning and engineering standards set forth in these regulations, it may consider those variances that are recommended by the City Manager and that the Planning and Zoning Board determines are necessary to ensure that substantial justice is done and the public interest is upheld. Provided however, that the effect of the variance

shall not be to nullify the purposes and intent of these regulations nor the Comprehensive Plan of the City of Avon Park.

7.06.02 Procedure

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or his authorized agent, shall apply for and secure approval of the proposed subdivision through submission of the following documents:

- (A) Concept Plan Review (Optional)
- (B) Preliminary Subdivision Plat
- (C) Construction Plans

Final Subdivision Plat. Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

7.06.03 Concept Plan Review

The developer may present a subdivision concept plan to the Development Director who shall review the plan as to its conformance to the comprehensive plan, zoning and other applicable land development regulations. The plan shall show, at the minimum:

- (A) Proposed use
- (B) Basic street layout
- (C) Typical lot sizes
- (D) Boundaries
- (E) Significant physical conditions

The concept plan may be a sketch, but must be drawn to scale. Comments by the Development Director, City engineer, fire official and other City staff reviewing the concept plan shall be detailed in a letter to the developer not less than ten (10) working days after submission, and shall form the basis for preparing the preliminary plat.

7.06.04 Administrative Approval of Minor Subdivisions

- (A) The intent of this division is to establish an administrative review and approval process for small scale residential development and land subdivision.
- (B) Within three days of submittal of plans for a building or land development permit, the Development Director shall determine if minor subdivision approval is applicable and shall State any requirements in a letter or memorandum, that shall be attached to the permit application.
- (C) In requesting the administrative approval of a minor subdivision, the applicant shall provide the following information:
 - (1) A copy of the deed to the property. If the applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.
 - (2) A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
 - (3) A certified survey.
 - (4) Any established application fee plus the per lot fee for subdivision shall be charged.
- (D) The Development Director may administratively approve a minor subdivision property for residential use under the following conditions:
 - (1) The approval does not result in the creation of more than four new lots.
 - (2) The approval does not create a lot, or lots, that do not meet applicable zoning district standards for width, depth, and area.
 - (3) Each lot has frontage on a public road, and no new public streets are needed to serve either property.
 - (4) No extension of a public water or sewer system is needed.
 - (5) There will be no necessity for drainage facilities serving other properties to cross either the lot affected by the administrative approval. Certification shall be provided by a professional engineer registered in the State of Florida.
- (E) In granting approval, the Development Director may impose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this Section. The Development Director may require any division or

combination of previously platted property to comply with the complete platting process as set forth in this Section.

- (F) The developer shall agree to prepare and submit a final minor subdivision plat to the Development Director within 45 days of the issuance of a land development permit. The Development Director shall be responsible for placing all minor subdivision plats on the City Council agenda for approval and acceptance. The plat shall be recorded with the Clerk of the Circuit Court of Highlands County prior to issuance of a certificate of occupancy.
- (G) The minor subdivision plat for recording shall conform to all requirements set forth in F.S. 177.

7.06.05 Preliminary Subdivision Plat

The developer may present a preliminary subdivision plat at any time after receiving the comments of the Development Director, the Consulting City Engineer, fire official and other City staff in response to the submission of a concept plan. The preliminary plat shall demonstrate the manner in which the comments from the concept plan review, if conducted, have been incorporated into the plat.

The purpose of the Preliminary Subdivision Plat is to provide sufficient information regarding a proposed development to enable the City to evaluate the proposed subdivision as it relates to the Comprehensive Plan and the Unified Land Development Code.

7.06.05.01 Submission of Preliminary Subdivision Plat

- (A) *Submittal.* The Preliminary Subdivision Plat review shall be initiated when the following items have been submitted:
 - (1) Completed application forms with all necessary attachments.
 - (2) The preliminary subdivision review fee, as established by resolution of the City Council.
 - (3) Four (4) copies of the Preliminary Subdivision Plat, a survey and a topographic map.
- (B) *Required Information.* The Preliminary Subdivision Plat shall be drawn to a scale appropriate to displaying the proposal on a single 36" x 60" sheet and shall include the following:
 - (1) Name, address, and telephone number of the applicant and the person preparing the plan.

- (2) A statement as to the ownership and title of the property and whether any mortgages exist on the same.
- (3) Title block identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Highlands County, Florida.
- (4) Date, north arrow, and scale.
- (5) Site location block or map on the drawing showing the subdivision's relationship to City limits and major roads.
- (6) Legal description of the property, U.S. survey section, township and range lines.
- (7) Layout and dimensions of proposed lots.
- (8) Layout of proposed streets.
- (9) Locations of adjoining subdivisions, streets, and platted rights-of-way, whether or not the platted streets have been built.
- (10) Survey or scaled drawings showing existing property lines, streets, water or drainage courses, sewers, water mains, fire hydrants and easements within the boundaries and those improvements and dedications that are adjacent to and within 500 feet of the subdivision.
- (11) A topographic map of the site, showing vertical elevations of not more than one-foot intervals, or at intervals deemed necessary by the City engineer to ensure positive drainage; and the location and the elevation of all water, wetland and flood-prone areas.
- (12) All existing restrictions on the use of the land, including easements, rights-of-way, jurisdictional wetlands areas, either assumed or confirmed.
- (13) Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, total number of lots, acres in stormwater management, and acres of site in common area, open space and recreation use.

- (14) A sketch survey of all trees having a measured trunk diameter of five (5) inches or more, four (4) feet above grade.
- (15) A draft of any protective covenants proposed for the subdivision.
- (16) Zoning classification.

(C) *Procedure.*

- (1) **Planning and Zoning Board Action:** At its regular monthly meeting, the Planning and Zoning Board shall review exhibits, staff reports and comments by reviewing agencies and individuals and shall approve, approve with conditions or disapprove the preliminary plat. Approval of the preliminary plat shall be deemed an expression of approval of the subdivision layout, and shall be reported to the City Council in the form of a recommendation for approval of the preliminary plat. When approved by the City Council, the preliminary plat shall be the guide to preparation of a final plat.
- (2) **City Council Action:** The City Council shall review the action of the Planning and Zoning Board and take action to approve, approve with conditions or disapprove the preliminary plat. Approval of the preliminary plat authorized the developer to prepare construction plans for public infrastructure improvements. After approval of the construction plans by the Consulting City Engineer, the developer may proceed with construction of the infrastructure improvements.

7.06.05.02 Term of Preliminary Subdivision Plat

Preliminary Subdivision Plats shall remain valid for one year from the date of approval. Extensions for approval may be granted for a single period up to one year from the date the plan would otherwise expire. An extension may be granted if the Planning and Zoning Board concludes that the owners or successors of the preliminary subdivision plat have proceeded with due diligence and in good faith and the conditions have not changed substantially as to warrant a new application. All such requests for extensions shall be submitted in writing not less than thirty (30) days before the expiration of the preliminary subdivision plat, stating the reason for the time extension request. Upon expiration of a preliminary subdivision plat, municipal services allocated thereto shall be forfeited.

Any amendment, variation or adjustment of a Preliminary Subdivision Plat shall require approval of an amended plat. The Development Director shall determine whether a proposed modification amounts to an amendment to the Preliminary Plat.

The determination shall be based on, but not limited to the following: any substantial change to the plat, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes to the plat. The proposed amendment shall, after staff review be placed on the agenda for review and approved, approved with conditions, or disapproved.

7.06.06 Construction Plans

After approval by the City Council of the preliminary plat and prior to the review of the final plat by the Planning and Zoning Board, the developer shall prepare and submit eight copies of the construction plans to the Engineer. The purpose of the construction plan is to allow City staff to review and approve all proposed site improvements prior to construction.

The construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, the establishment of a construction schedule, and site improvement permitting.

7.06.06.01 Submission of Construction Plans

- (A) *Submittal.* Construction Plans review will be initiated when the following information has been provided.

- (B) *Required Information.* The construction plan shall be drawn to a scale of not more than 1 inch = 50 feet. The size of sheets shall be 24 inches by 36 inches and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:
 - (1) Name, address, and seal of registered engineer and surveyor responsible for the plan and accepted data.
 - (2) Final alignments, dimensions, grades and profiles of proposed streets, utilities, drainage and other improvements to be constructed.
 - (3) Such other calculations, computation and details as may be necessary to determine the limits of wetlands, the groundwater table, off-site impacts of the proposed development, and other technical matters that may be specified by the Consulting City Engineer.
 - (4) Any permit or permits from an agency or agencies approving access to State, county, or local roadways.
 - (5) Any permit or permits from an agency or agencies approving the

proposed stormwater management system.

(6) Any permits permitting agencies approving the utilities plan.

(C) *Procedure.*

Upon approval of construction plans, the applicant may proceed with permitting for installation of improvements. Improvements shall include tree removal, clearing and grubbing, installation of streets and utilities and installation of stormwater management systems. Stormwater management facilities shall be constructed for the entire area of the plan regardless of any phasing plans relative to final plat recording. Final certificates of occupancy for models shall not be issued until the Final Plat has been accepted by the City and recorded with the Clerk of the Circuit Court for Highlands County.

If the subdivider proceeds with permitting and installation of improvements prior to recording of the plat, a contract with the City for the construction of the required improvements, establishing a financial guarantee that all required improvements shall be constructed, shall be executed. An acceptable guarantee for required improvements shall be in an amount not less than the estimated cost of the improvements, as approved by the Consulting City Engineer, but may be reduced from time to time in proportion to the work completed, and may take one of the following forms, subject to the approval of the Consulting City Engineer and the City Attorney.

7.06.06.02 Construction Prior to Platting

Construction of streets, drainage facilities, and/or other subdivision improvements prior to actual platting shall be permitted only upon specific application therefor and upon specific approval by the City Council. In granting any such approval, the City Council may impose such conditions, restrictions, and/or time schedules as may be deemed necessary in the public interest.

7.06.06.03 Performance Bond

If at the time of application for final plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as sufficient to secure to the City the satisfactory construction, installation and dedication of all required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council as part of the approval action on the final plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final City

approval. The City Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.

7.06.06.04 Construction Inspection

The City shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

7.06.06.05 Engineering drawings

Three (3) sets of City-approved engineering as-built drawings shall be submitted with the final plat. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

7.06.06.06 Maintenance Guarantee

The developer shall guarantee the materials and workmanship of pavement, curb and gutter, sidewalks, water system, wastewater (sewage) system and the drainage system in the subdivision for a period of one (1) year after final acceptance by the Development Director. A bond shall be required for the maintenance and repair requirements to cover faulty plans, materials or workmanship. The bond shall be effective for one (1) year and in an amount set by the City Manager, in consulting with his Consulting City Engineer.

7.06.07 Final Plat

Upon the acceptance by the Consulting City Engineer of all subdivision improvements, the developer may present a final plat for approval. The intent of the final plat is to establish a legal record of the subdivision. The Final Plat may not be approved unless it is in strict conformance to details of the preliminary plat and any changes required by, and approved by the City.

7.06.07.01 Submission of Final Plat

(A) *Submittal.* An application for final plat approval shall be submitted with an

appropriate fee established by the City and with accompanying documents as specified herein to the Development Director. The Development Director shall forward copies of the final plat and the approved preliminary plan to the City attorney, and other staff, as appropriate, for their review and comments, and shall place the applications on the agenda of the Planning and Zoning Board for final review and approval.

(B) *Required Information.* Although it may constitute only that portion of the preliminary plat that the developer proposes to record and develop at the time, the final plat for recording shall be prepared in conformance with the requirements specified herein. Eight (8) copies of the final plat shall be submitted with the request for approval, and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:

- (1) The final plat shall be drawn on a linen tracing cloth or stable base film at least three (3) mils thick, twenty-four (24) inches wide by thirty-six (36) inches long. Preferred scale of the final plat is one inch equals one hundred feet (1" = 100'). If a different scale is used for the recorded plat, a facsimile scaled to one inch equals one hundred feet (1" = 100") on stable base film shall be provided to the Development Director.
- (2) Name of plat.
- (3) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
- (4) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the Consulting City Engineer. The final plat shall not be approved by the Planning and Zoning Board without proper submission of the final permits and approvals.
- (5) All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
- (6) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
- (7) A statement shall be included on the final plat indicating the final

length of roads, water and sewer lines installed.

- (8) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon.
 - (9) In the event the plat includes open space, clubhouses, playgrounds or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association that shall be responsible for such facilities.
 - (10) All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
 - (11) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
 - (12) City signature spaces for the Mayor, City Clerk, Consulting City Engineer, and the Chairman of the Planning and Zoning Board.
 - (13) The Clerk of the Circuit Court of Highlands County of the Circuit Court certificate and the land surveyor's certificate and seal.
- (C) *Plat Documentation Requirements.* The following documentation shall accompany the Final Plat:
- (1) The final plat for recording shall conform with all requirements set forth in Florida Statutes, Chapter 177, including dedications and reservations executed by the developer and certification by a registered land surveyor.
 - (2) A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the Final Plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Plat.
 - (3) Certification by a registered land surveyor that the plat represents a

survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.

(4) Certification that all real estate taxes have been paid.

(D) *Procedure.*

- (1) **Planning and Zoning Board.** The Planning and Zoning Board shall review the final plat and staff comments pertaining thereto, and shall take action to approve or disapprove the plat. Any conditions of approval shall be stated with the motion to approve the plat and shall be made clear to the developer. The Planning and Zoning Board may defer action if additional information, staff review, subdivision improvements or completion assurances are needed. In any case, the Planning and Zoning Board shall be provided with a written statement by the building official to the effect that all required public improvements have been completed to his satisfaction or that satisfactory guarantees of completed installation have been provided.
- (2) **City Council Action.** The City Council shall review the action of the Planning and Zoning Board and take action on the final plat. Approval of the plat and acceptance of public improvements and dedications shall be by resolution and shall authorize the Mayor and City Clerk to sign the copy of the plat to be recorded.
- (3) **Recording.** Upon approval by the City Council, the final plat shall be filed and recorded with the City clerk. The developer shall be responsible for recording the final plat and for returning one reproducible copy of the recorded plat to the building official. The Final Plat shall be recorded prior to the issuance of any building permits within the subdivision.

7.06.08 Vacating of Plats and Replats

7.06.08.01 Vacating of Plat by Owner

The owner of any land subdivided into lots may petition the City under the provisions of Chapter 177.101, Florida Statutes, to remove (vacate and annul) the existing plat, or portion thereof, from the official records of the City of Avon Park and Highlands County. The applicant vacating a plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, Statement of taxes and resolution, and shall pay the appropriate filing fee as established by Resolution of the City Council. Following review by the appropriate City departments and recommendation by the Planning and Zoning Board, the petition shall be acted on by the City Council. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Highlands County.

7.06.08.02 Vacating of Plat by City

The City Council may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements, provided that:

- (A) The subdivision plat was lawfully recorded not less than five (5) years before the date of such action by the City Council; and
- (B) No more than 10 percent of the total subdivision, or part thereof, has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Council that the proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the City, and the public health, safety, and welfare will be promoted.

Before acting on a proposal for vacation and annulment of subdivided land the Council shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S. Notwithstanding these provisions, the City may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

7.06.09 Access to Individually Owned Parcels

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

7.07.00 Cluster/Zero Lot Line Development

The purpose of this Section is to encourage creative development design in the City of Avon Park and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the City's residents. It may be used in implementing various policies of the Comprehensive Plan.

Cluster/zero lot line development may be granted in any district where single family detached development is permitted as a principal use. The City Council may limit the approval to permit cluster subdivision development only, or zero lot line development only; or, both techniques may be authorized for use in conjunction with each other.

7.07.01 Cluster Subdivision

Clustering of single family detached dwelling units on a development site may be permitted where the Comprehensive Plan requires preservation of a natural resource, where land is needed for open space or low-intensity recreational use, or where the developer wishes to create an amenity for residents of the site or for the City as a whole. Approval or denial of the clustering concept at a particular location shall be based on consistency with the Comprehensive Plan, compatibility with surrounding land uses, and compliance with the following requirements:

(A) Density

Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.04.01(B). For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the City.

(B) Development Site To Be Unified

In making application for approval of a for cluster development, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The site shall have the zoning designations required to accommodate the principal residential uses proposed.

(C) *Platting*

Information supplied to the Development Director in support of the application for a cluster/zero lot subdivision shall include a Preliminary Subdivision Plat that fulfills all of the requirements of section 7.06.05. The application for a cluster/zero lot line subdivision shall be procured and reviewed in conjunction with each other, unless the Preliminary Subdivision Plat has been previously approved.

The Development Director may subsequently approve minor changes to the development concept that do not involve increases in density, additional points of access to existing roads, or substantial rearrangement of lots.

(D) *Lot Size and Lot Coverage*

The normal minimum residential lot size and lot coverage requirements established in Table 2.04.01(B) shall be waived under this section. Where cluster subdivision development is proposed, minimum lot requirements shall be as follows:

District	Min. Lot Size	Min. Lot Width	Max. Lot Coverage
RE	10,000	80 feet	55%
R-1AA	8,000 s.f.	70 feet	35%
R-1A	7,000 s.f.	60 feet	40%
R-1	6,000 s.f.	50 feet	45%
R-2	4,500 s.f.	40 feet	50%

(E) *Open Space*

The preliminary and final subdivision plats for the cluster subdivision shall designate a specific parcel as an open space tract, that will encompass the natural feature(s) or open space area that the developer intends to preserve. No residential, commercial, industrial, or public institutional use shall be permitted within an amenity tract.

Open space shall primarily consist of undisturbed natural land, with passive or low-intensity recreation facilities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off-street parking and utilities shall be prohibited.

The minimum size of the an open space tract shall be one (1) acre, or one (10)

percent of the total area of all platted residential lots and streets.

Where natural features are being preserved, open space tracts may include wooded areas, wetlands and floodplains. However, lands not in their natural state may be used for recreational purposes and shall be free of waste or debris, dangerous or hazardous materials, and all structures not related to the property's designated use. Open space tracts may include drainage or utility sites and facilities. Water bodies may be included, but shall not count toward the minimum land area for an open space tract. Other areas may be excluded if, in the Development Director's opinion, the use of such areas in an open space tract would be inconsistent with the intent of this subsection.

Prior to submitting the final subdivision plat for approval, the Development Director shall verify that the plat includes a notation indicating the ownership and maintenance responsibility for the open space tract, including all recreation facilities, existing or planned. No open space tracts or associated facilities shall be dedicated to the City of Avon Park, unless specifically accepted by the City Council.

7.07.02 Zero Lot Line Development

The purpose of this subsection is to promote architectural design flexibility and efficient use of land in residential subdivisions. Under this concept, the dwelling unit may be placed against a side lot line in order to maximize usable open area within each residential lot. The requirements provided below shall apply in addition to those of Article 3 and Section 7.06.00.

(A) *Lot Sizes*

The permitted lot sizes in a zero lot line development shall be those permitted for cluster/zero lot line subdivision per section 7.07.01.

(B) *Platting*

Building permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.06.00 have been met.

(C) *Building Envelope and Maintenance Easements*

All zero lot line subdivision plats shall show building envelopes wherein all structures shall be located. No structures shall be placed outside the designated building envelope. No windows, doors, air conditioning units, or other openings or projections of any kind shall be permitted where the structure meets the side lot line. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common fire wall or by porches, garages or privacy fence/wall.

For each unit constructed along a side lot line, an easement five (5) feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned.

(D) *Setbacks*

Each dwelling unit in a zero lot line subdivision shall be set back 15 feet from one side lot line. No setback is normally required from the opposite lot line, but a setback may be provided such that the unit is detached in a conventional sense. On corner lots, the front setback requirement shall apply to both road frontages.

Front and rear setbacks for principal structures shall be those required by the zoning district.

Detached accessory structures shall be limited to a total of 400 square feet, regardless of their number.

7.08.00 Conditional Use Permits

7.08.01 Purpose and Intent

Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be accurately determined in advance of the use being proposed for a particular location. As a result, a Conditional Use is subjected to the highest standard of review, and combines the analysis and considerations required for amending the Comprehensive Plan, rezoning, review of a Site Development Plan, and other standards detailed in this Article. **A Conditional Use is rezoning, and therefore may only be abandoned or revoked by amending the Comprehensive Plan, by rezoning, or by action of a Court of jurisdiction that may set the action aside.** It is the purpose of this Section to identify the uses that shall be considered Conditional, and to describe the standards and the review process for a Conditional Use.

7.08.02 Conditional Uses in the City of Avon Park

Uses designated as Conditional Uses are identified in the Table of Land Uses 2.04.01(A), Article 2. Conditional Uses are designated by the letter "C" and require approval of an application by the Planning and Zoning Board and City Council as outlined in the following sections. Development Standards for Conditional Uses are found in Article 3, Section 3.09.00.

7.08.03 General Standards of Review

At the time of a proposal for a particular Conditional Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed Conditional Use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of;

- (A) Whether and to what extent, the Conditional Use at the particular location for which it is proposed, is necessary or desirable and in the interest of furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Avon Park and Highlands County.
- (B) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Conditional Use on the immediate vicinity and on the public health, safety, and welfare in general.
- (C) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Conditional Use.
- (D) Whether and to what extent, existing zoning and land use in the vicinity of the Conditional Use require special considerations and conditions.

7.08.04 Application

All requests for Conditional Uses shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the City Council.

- (A) *Contents.* The application shall contain the following items, as applicable:
 - (1) A legal description and street address of the property.
 - (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.

- (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures in Article 6 of this Code.
- (4) A detailed Site Development Plan drawn to scale showing:
 - a. The dimensions of the property;
 - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
- (5) A tabular summary describing the proposed use of the property including:
 - a. Existing and proposed use of property;
 - b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
 - c. Area of the property, pervious and impervious areas, and existing and proposed structures.
 - d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

7.08.05 Review Of Proposed Conditional Use

- (A) *Completeness Review.* Within fifteen (15) working days of receipt of an application for a Conditional Use, the Development Director shall:

- (1) Determine that the plan is complete and proceed with the following procedures.
 - (2) Determine that the information submitted as the application is not complete and inform the developer in writing of any deficiencies.
 - a. The developer shall submit any required information within fifteen (15) working days, or submit a letter indicating that in his/her judgement the application is complete. In the second case, the developer shall specifically request that the review go forward.
 - b. If as a result of the Development Director's comments the developer chooses to submit an amended application, he/she shall do so within sixty (60) working days without payment of an additional fee. If more than sixty (60) working days pass, the developer shall file a new application, that may be subject to additional fees.
- (B) *Report To Planning and Zoning Board.* The Development Director shall submit a written report containing his/her recommendations on the proposed Conditional Use to the Planning and Zoning Board prior to the meeting of the Planning and Zoning Board at which the application will be heard. A copy of the report shall be made available to the applicant. The Planning and Zoning Board review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.
- (C) *Planning and Zoning Board Hearing.* Within thirty (30) days of acceptance of the application, the Planning and Zoning Board shall hold a public hearing on the application for a Conditional Use and shall forward its recommendations to the City Council. The Planning and Zoning Board review and recommendations shall specifically address:
- (1) Concurrency management issues and considerations associated with the proposed Conditional Use, pursuant to the standards and procedures in Article 6 of this Code.
 - (2) The need to formally amend the Comprehensive Plan. Should the Planning and Zoning Board find that a Plan Amendment is required, then the Plan Amendment review shall be conducted in accordance with the standards and procedures set forth in Article 7.02.00 of this Code. Depending on the nature of the Plan Amendment, further consideration of the application for a Conditional Use may be placed on hold until the amendment is adopted.

- (3) Rezoning issues and recommended conditions for the proposed Conditional Use pursuant to Article 7.03.00 of this Code.
 - (4) Site Development Plan issues and conditions for the proposed Conditional Use pursuant to Article 7.05.00 of this Code.
- (D) *Findings and Recommendation to Approve a Conditional Use.* The Planning and Zoning Board may recommend approval of an application for a Conditional Use only when all of the conditions below are met.
- (1) The proposed Conditional Use is consistent with the City of Avon Park Comprehensive Plan.
 - (2) The proposed Conditional Use would not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan.
 - (3) The proposed Conditional Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; **Either** as they now exist or as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan.
 - (4) There is a community need for the proposed Conditional Use at the proposed location. This finding must be based on an analysis of existing and proposed uses of a similar nature in the area, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Avon Park and also in the immediate area of the proposed use. To reach a conclusion on this finding, the two standards below must be addressed in the affirmative.
 - a. The proposed Conditional Use in the proposed location will not result in either a detrimental over concentration of a particular use within the City or within the immediate area, and
 - b. The area for which the Conditional Use is proposed is not better suited for, or likely to be needed for, uses that are permitted as a matter of right within that district and are in accordance with the

goals, objectives and policies of the Comprehensive Plan.

- (5) The proposed Conditional Use meets all of the standards and requirements of this Code that are applicable to it.
 - (6) Reasonable conditions can be derived and agreed upon that will address the concerns of the Planning and Zoning Board and mitigate adverse impacts of the proposed Conditional Use.
- (E) *Findings and Recommendation to Deny a Conditional Use.* The Planning and Zoning Board may recommend denial of any application for any Conditional Use for one or more of the following reasons:
- (1) The proposed Conditional Use is inconsistent with the City of Avon Park Comprehensive Plan.
 - (2) The proposed Conditional Use would degrade the Level of Service of one of more public facilities and services, and contains no commitment to make improvements to maintain acceptable Levels of Service.
 - (3) No community need can be demonstrated for the proposed Conditional Use at the proposed location.
 - (4) The proposed Conditional Use does not meet all of the standards and requirements of this Code that are applicable to it.
 - (5) The proposed Conditional Use at the proposed location results in an adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and no reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and mitigate the impact of the proposed Conditional Use.
- (F) *Decision By City Council.* Within thirty (30) days of receipt of the Planning and Zoning Board recommendation, the City Council shall hold a public hearing after due public notice on all recommendations associated with a Conditional Use from the Planning and Zoning Board. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Conditional Use shall be granted unless approved by a majority of the commissioners voting.
- (G) *Conditions And Safeguards.* The development and use of the site of an approved

Conditional Use shall be in accordance with the approved Site Development Plan and application materials. The approved Site Development Plan shall be filed with the Development Director, and all development shall be in compliance with that plan. The Planning and Zoning Board may recommend and the City Council may impose on the grant of any Conditional Use any conditions or safeguards found to be necessary to ensure the compatibility of the conditional use with surrounding properties or the community in general. These may include, but are not limited to:

- (1) Requiring restrictions on hours of operation and size of buildings,
- (2) Requiring additional landscape and buffer areas,
- (3) Limiting vehicular access points,
- (4) Prescribing the location of off-street parking, and
- (5) Other conditions that are reasonable and necessary to preserve the General Welfare of the City of Avon Park.

Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any conditional use permit, in addition to any other remedy for such violation provided in this Code.

(H) Denial

The City Council may deny any application for conditional use, for one or more of the following reasons:

- (1) It is inconsistent with the City of Avon Park Comprehensive Plan.
- (2) It would degrade the Level of Service of one or more public services and facilities and contains no commitment to make improvements to maintain acceptable concurrency management standards.
- (3) It does not meet all of the standards and requirements of this Code that are applicable to the proposed Conditional Use.
- (4) No reasonable conditions can be derived or agreed upon that will address the concerns of the City Council and mitigate the impact of the proposed Conditional Use.

(I) Findings. The City Council shall make written findings of its decision, which shall be furnished to the applicant within five (5) working days of the action. Any conditions adopted as a part of the approval of a Conditional Use shall be explicitly

stated in the correspondence, and shall be the basis for any subsequent Development Agreement or Development Order associated with the Conditional Use. In the instance of a denial, the written finding shall state the reason or reasons, for the denial from the list above, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of the City of Avon Park.

7.09.00 Procedure for Obtaining a Special Exception

Special exceptions shall be granted only for those activities specified as Special Exception uses in the Table of Land Uses 2.04.01(A), Article 2.

The Board of Adjustment shall hear and decide applications for special exceptions authorized under this Code in the manner prescribed below.

7.09.01 Application

- (A) *Application; Fees.* All requests for special exceptions shall be submitted in writing to the Development Director, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
 - (1) A legal description and street address of the property.
 - (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.
 - (3) Site plan or sketch plan drawn to scale showing:
 - a. The dimensions of the property;
 - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
 - (4) A tabular summary describing the proposed use of the property including:

- a. Existing and proposed use of property;
- b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
- c. Area of the property, pervious and impervious areas, and existing and proposed structures.
- d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

7.09.02 Review of Proposed Special Exception

- (A) *Completeness Review.* Within five (5) working days of receipt of an application for a special exception, the Development Director shall:
- (1) Determine that the information is incomplete and inform the applicant in writing of the deficiencies.
 - (2) Determine that the plan is complete and proceed with the following procedures.
- (B) *Report to Board of Adjustment.* The Development Director shall submit a written report containing his/her recommendations on the proposed special exception to the Board of Adjustment prior to the meeting at which the application will be heard. A copy of the report shall be made available to the applicant. The Board of Adjustment review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.
- (C) *Board of Adjustment Hearing.* The Board of Adjustment shall hold a public hearing on each application.
- (D) *Denial.* The Board of Adjustment may recommend denial of any application for any special exception, for one or more of the following reasons:
- (1) It is inconsistent with the City of Avon Park Comprehensive Plan.
 - (2) It would violate the concurrency management standards in Article 6 of this Code.
 - (3) It does not meet the requirements of the applicable special exception regulations.

- (E) *Findings.* The Board of Adjustment shall make written findings, based on one or more of the reasons listed above, in support of a denial of an application for a special exception.

7.09.03 Expiration or Abandonment of Special Exception Use

If a special exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. Once initiated, the special exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for 180 days, it shall expire.

7.10.00 Home Occupations

Authorized home occupations shall comply with all of the following provisions:

- (A) No person other than a member of the family residing on the premises shall be employed in the home occupation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the unit for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.
- (C) No sign or display shall be provided to indicate from the exterior that the building is being used in whole or in part for any purposes other than that of a dwelling.
- (D) Business activities associated with a home occupation, including storage of merchandise and materials, shall take place only in the principal structure.
- (E) No home occupation shall occupy more than a total of 500 square feet of floor area.
- (F) Traffic shall not be generated by the home occupation in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Section 3.03.00.
- (G) No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio or television receivers or causes fluctuations in line voltages off the premises.
- (H) No articles or materials pertaining to the home occupation shall be stored on the premises,

except inside the principal structure.

7.10.01 Procedure for Approval of a Home Occupation

A home occupation may be approved administratively by the Development Director upon payment of a review fee established by the City Council and submission of an application containing the following information and documentation:

- (A) Name(s) of owner(s) and a copy of the deed to the property.
- (B) Legal description of the property.
- (C) Complete written description of the activity proposed as a home occupation.
- (D) Copy of Highlands County Property Appraiser's map showing subject property and all surrounding properties within a 100-foot radius of subject property's boundaries.
- (E) Certified survey of subject property (at Development Director's discretion).
- (F) Signatures of all property owners within 100 feet on a petition indicating no objection to the home occupation.

The Development Director may refer the matter to the Planning and Zoning Board for approval if signatures from all property owners within 100 feet of the subject property cannot be obtained, or for any other reason that may justify such referral. Home occupation approvals shall be handled through the same process as a zoning district change or special exception approval.

7.11.00 Variances

Any person, firm or corporation owning property in the City of Avon Park may apply for a variance from specific provisions of this Code, excepting those relating to permitted land uses, concurrency and consistency with the Comprehensive Plan. Variances shall be granted only by the Board of Adjustment in a public hearing that has been advertised in accordance with Section 8.06.00 of this Code. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions that the Board deems appropriate.

7.11.01 Criteria for Granting a Variance

The granting of a variance shall be based on a determination by the Board of Adjustment that the request will not be contrary to the public interest and the

intent of this Code. It is the applicant's burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification. Such limitations could arise from such characteristics as steep slopes, wetlands, or parcel shape that limits the reasonable use of property.
- (B) The special conditions and circumstances do not result from the actions of the applicant. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other property owners in the identical land use classification and will constitute an unnecessary hardship on the applicant. What determines a "hardship" shall be determined from the facts and circumstances of each individual case.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Board of Adjustment shall approve, and the chairman shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

7.12.00 Nonconformities

Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

7.12.01 Nonconforming Uses

Nonconforming uses shall not be:

- (A) Enlarged, increased or expanded to occupy a greater land or floor area than at the effective date of this Code or amendment to the Code, whichever date created the nonconformity.
- (B) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code.
- (C) Re-established if destroyed or if use is discontinued for 90 consecutive days.
- (D) Moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Code.

Nonconforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within two (2) years of the adoption of this Code or amendment thereto, whichever date rendered the use nonconforming.

7.12.02 Nonconforming Lots of Record

Lots not meeting the standards established in this Code for minimum width, depth and area but recorded in the public records of Highlands County prior to the date of adoption of this Code or amendment thereto may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 square feet in size without a variance authorized by the Board of Adjustment.
- (B) All other structures shall be built on lots of no less than 60 feet in width and 6,000 square feet in size without a variance authorized by the Board of Adjustment.

- (C) Contiguous lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable land use classification, shall be considered a single lot for development purposes.
- (D) Nonconforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Board of Adjustment.
- (E) All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

7.12.03 Nonconforming Structures

Structures qualifying as nonconforming shall not be:

- (A) Moved in whole or in part, if nonconforming by use, to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code.
- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code.
- (D) Rebuilt, repaired or renovated in excess of 50 percent of the assessed value of the structure, as determined by the Highlands County Property Appraiser.
- (E) For residences that are considered a nonconforming use due to the application of incorrect land use and zoning designations. The residence on the subject property must have been existing prior to the application of the incorrect land use and zoning designation on the property.

These nonconformities have caused difficulties in the past when property owners have sought financing, insurance, and other forms of assistance during reconstruction after natural disasters.

In order to assist property owners with this problem, the City of Avon Park will allow property owners in these areas to reconstruct their residences if the following conditions are met:

- (1) Any construction must comply with local and Florida Building Codes.
- (2) If the residential use is to be continued, the property owner must have a building permit within one year of the occurrence of the natural disaster.

- (3) If the residential use is reconstructed, it must be by the owner of record when the natural disaster destroyed the residence.

Structures that are nonconforming by size, but not by use, may be enlarged if the addition will reduce a nonconformity of floor area and will meet required setbacks. Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

7.12.04 Nonconforming Mobile Home Parks

Existing mobile home parks that are nonconforming by use shall not be redesigned, expanded in area, or modified to accommodate additional mobile homes. Replacement of existing mobile homes in such parks shall be prohibited.

Mobile home parks that are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The Development Director may authorize additional mobile home sites in such parks upon submission of a site development plan showing a redesign of the park that substantiates the following:

- (A) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of this Code.
- (B) An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- (C) No new mobile home will be placed within 20 feet of any property line.
- (D) Where possible, all development standards of the zoning district have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.

A redesign proposal that does not include the addition of new mobile home spaces shall not be subject to conditions A and B above.

7.12.05 Nonconforming Mobile Homes

The replacement of an existing mobile home on property that is not designated for mobile home use on the Official Zoning Map shall be prohibited.

[RESERVED]

ARTICLE 8
ADMINISTRATION AND ENFORCEMENT

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ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

8.01.00 Development Officials

8.01.01 Development Director

The Development Director shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issuance of permits, and code enforcement. He/she shall perform duties prescribed by this Code, as well as any others assigned by the Mayor or the City Council. The Development Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Development Director shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code, and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Development Director may be made to the Board of Adjustment.

Other specific duties of the Development Director are as follows:

- (A) Advise and cooperate with the City Manager in the implementation, amendment and enforcement of this Code and the Comprehensive Plan.
- (B) Attend all public hearings at which zoning and comprehensive planning matters are discussed, including meetings of the Planning and Zoning Board, Board of Adjustment, and City Council. He will attend meetings of the Code Enforcement Board when necessary.
- (C) Accept and process all applications for amendments to the Comprehensive Plan, zoning actions, and variances.
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto.
- (E) Collect and account for all required application fees for zoning actions.
- (F) Grant such administrative approvals as are allowed under the provisions of this Code.
- (G) Determine whether a proposed use that is not listed in this Code may be permitted in C-2, C-3, C-4 or I-1 districts. At his discretion, the matter may be referred to the Planning and Zoning Board for a final decision.

- (H) Receive applications and application fees for Site Development Plan, subdivision plat and Conditional Uses approval.
- (I) Evaluate each proposed Site Development Plan, subdivision plat, and Conditional Uses for consistency with this Code and the Comprehensive Plan.
- (J) Evaluate each application for a development order, including building permits, to determine whether it meets applicable Concurrency requirements.
- (K) Ensure that all time limits prescribed by this Code are met.
- (L) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
- (M) Any other duties assigned by the City Manager.

8.01.02 Building Director

The Building Director shall be responsible for review of building construction plans, the issuance of building permits and certificates of occupancy, and the inspection of construction sites and buildings under construction. He/she shall have a working knowledge of the Standard Building Code and be familiar with electrical, fire, zoning and other codes having a bearing on building construction in the City of Avon Park. The Building Director shall have experience as an architect, engineer, building inspector or building contractor. Alternatively, the City may retain a licensed professional contractor/builder on a part-time basis to perform technical review of building activities.

8.02.00 Administrative Approvals by the Development Director and Building Director

The Development Director and Building Director shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code:

- (A) *Setback Adjustments.* In single-family land use classifications only, the Development Director may approve reduction of side and rear setbacks for principal and accessory structures (excluding swimming pools) by no more than 10 percent subject to the following conditions:
 - (1) The setback requirement is established by the land use classification and no other section of this Code;
 - (2) The total structural coverage of the lot or building site shall not exceed 25 percent;
 - (3) The approval would not result in the encroachment of a structure into an existing

utility or drainage easement held by the City;

- (4) A certified survey shall be submitted by the applicant verifying building locations and structural coverage;
- (5) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.

At his discretion, the Development Director may deny the approval and refer the application to the Board of Adjustment as a variance.

- (B) *Temporary Office or Construction Trailer.* The Building Director may authorize the use of a mobile home or other temporary structure not meeting the requirements of the Standard Building Code at the construction site of an approved Site Development Plan. The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.

The applicant shall designate the exact location of the temporary structure on the Site Development Plan, and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the development site, and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first. If a mobile home is to be used, the wheels and axles shall not be removed.

- (C) *Temporary Mobile Home for Use During Construction of a Residence.* The Building Director may authorize the use of a mobile home as a temporary residence during construction of a permanent residence under the following conditions:

- (1) The lot or building site is at least one-half (1/2) acre in size;
- (2) The applicant has received approval of a building permit for construction of a single family residence on the property;
- (3) The foundation and rough plumbing for the permanent structure have been completed and approved by a City building inspector.
- (4) The mobile home shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure.
- (5) The unit must be connected to a public sewer system or have received a septic tank permit from the Highlands County Health Department.
- (6) Wheels and axles shall not be removed.

- (7) The mobile home shall be removed from the building site prior to issuance of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first.
 - (8) This administrative approval may not be renewed or granted a second time for the same building site.
- (D) *Commercial Use Zoning Permits for Occupational Licenses.* The Development Director shall issue a Commercial Use Zoning Permit to each applicant for an occupational license within the City. This permit shall not attest to the applicant's ownership or legal right to make use of the property, but shall serve only as notice to the City Clerk that the proposed business is a permitted use at the specified location. The owner(s) of the property, if different from the applicant, may request revocation of the Commercial Use Zoning Permit at any time.
- (1) The applicant shall provide:
 - a. A description of the proposed or existing business;
 - b. Exact legal description and address of the property on which the business will be located; and,
 - c. Floor area of the building in which the business will operate.
 - (2) Commercial Use Zoning Permits shall not be granted for property without an existing structure at least 300 square feet in size.
 - (3) The Development Director may revoke a Commercial Use Zoning Permit if it is determined that the applicant provided incorrect information prior to approval.
 - (4) In cases where the business is a nonconforming use, the applicant must provide documentation or otherwise satisfy the Development Director that the commercial operation was established legally and meets all the requirements of Section 7.12.00 (Nonconformities).

8.03.00 Development Boards

8.03.01 Planning and Zoning Board

(A) *Functions, Powers and Duties*

- (1) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes, and perform all functions and duties prescribed in the statute.
- (2) Obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the City.
- (3) Review, hear, and make recommendations to the City Council regarding applications for amendments to the Official Zoning Map, as provided for in Sections 7.03.00 (Rezoning) and 7.04.00 (Planned Unit Development Rezoning) of this Code.
- (4) Review, hear, and make recommendations to the City Council regarding applications for Conditional Uses, as provided for in Section 7.08.00 of this Code.
- (5) Review and approve or disapprove site development plans for all uses designated in the Table of Land Uses 2.04.01(A) as permitted upon approval of a site development plan, per procedures prescribed under Section 7.05.00 of this Code.
- (6) Review, decide, and make recommendations to the City Council regarding preliminary subdivision plats, final plats, and plat vacations, as provided for in Section 7.06.00 (Subdivision Regulations) of this Code.
- (7) Consider the need for revision of the Comprehensive Plan; review, hear, and make recommendations to the City Council regarding applications and administrative requests to amend the Comprehensive Plan, as provided for in Section 7.02.00 of this Code.
- (8) Authorize specific variances from appropriate provisions of this Code as will not be contrary to the public interest, in cases where literal enforcement of the Code will result in unnecessary hardship for the applicant, as provided for in Section 7.11.00 of this Code.

- (9) Hear and decide upon appeals of administrative decisions where it is alleged there is an error in an order, requirement or policy of City Staff. The Board may reverse or affirm, wholly or in part, the order, requirement or policy of the administrative official.
- (10) Hear applications to enter into, amend, or revoke, a Development Agreement, per Section 6.02.03 of this Code.
- (11) Hear and decide applications for special exceptions authorized under Sections 7.09.00 of this Code, for those activities specified as Special Exception uses in the Table of Land Uses 2.04.01(A), Article 2.
- (12) Make recommendations to the City Council regarding the designation of historic sites, and review plans for development sites and the modification of historic structures, as set forth in Section 2.02.06 of this Code.
- (13) At the request of the Development Director, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.
- (14) Consider the need for revision or addition of regulations in this Code, and recommend changes to the City Council.
- (15) Other duties as assigned by the City Council.

(B) *Appointment of Members*

- (1) The Planning and Zoning Board shall have seven (7) members, to be appointed by the City Council.
- (2) Each member of the Planning and Zoning Board shall reside or be a property owner in the City.
- (3) Each member shall be appointed to a three (3) year term. In the event that all members are appointed at the same time, two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and three (3) members shall be appointed for a term of three (3) years.
- (4) The terms of all appointments, except those made to fill vacancies, shall expire on January 1.
- (5) If a position becomes vacant before the end of a term, the City Council shall appoint a substitute member to fill the vacancy for the duration of the

vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

- (6) Members may be removed without notice and without assignment of cause by a majority vote of the City Council.
- (7) At the first meeting held after July 1 of each year, the Board shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one (1) year.
- (8) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Board.
- (9) Members shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business.
- (10) If any member fails to attend three (3) successive meetings, the Board may declare the member's office vacant and notify the City Council.

(C) *Procedures*

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- (2) The Board shall meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) Four (4) members shall constitute a quorum.
- (5) Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting.
- (6) All decisions of the Planning and Zoning Board pertaining to variance requests are final. Variance requests, once acted upon, may not be reheard unless the applicant can demonstrate that the decision resulted from an error in substantive or procedural law, or provides new evidence or information not discoverable prior to the initial hearing. A different or more effective presentation of the same evidence or information shall not be considered grounds for a rehearing.

- (7) Any person or persons aggrieved by any decision of the Planning and Zoning Board pertaining to variance requests, may, within 30 days after the date of the public hearing at which the decision was rendered, but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

8.03.03 Code Enforcement Board

A Code Enforcement Board is hereby created to enforce the provisions of this Code pursuant to Chapter 162, Florida Statutes. It is the intent of this Section to promote, protect, and improve the health, safety and welfare of the citizens of the City of Avon Park by providing an equitable, expeditious, effective and inexpensive method of enforcing the Land Development Code of the City of Avon Park.

(A) Powers and Duties

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena evidence, witnesses, and alleged violators.
- (3) Take testimony under oath.
- (4) Issue orders, having the force of law, commanding those actions necessary to bring a violation into compliance.
- (5) Establish fines.

(B) Appointment of Members

- (1) The Code Enforcement Board shall be composed of six (6) members and two (2) alternates, all of whom shall be residents of the City of Avon Park.
- (2) Members of the Code Enforcement Board shall have experience or an interest in zoning and building control. The membership of the Board shall, whenever possible, consist of an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.
- (3) The initial terms of the members of the Board shall be as follows:
 - a. Two (2) members and two (2) alternate members shall be appointed for a term of one (1) year from the date of their initial appointment;
 - b. Two (2) members shall be appointed for a term of two (2) years from

the date of their initial appointment; and,

- c. Two (2) members shall be appointed for a term of three (3) years from the date of their initial appointment.

Thereafter, the appointments shall be for a term of three (3) years.

- (4) Members may be reappointed for one (1) successive term upon the concurrence of the City Council. Appointment to fill any vacancy of the Board shall be for the remainder of the unexpired term of office.
- (5) Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be incurred.
- (6) If any member of the Board fails to attend two (2) out of three (3) successive meetings without cause and without prior approval of the Chairman, the Board shall declare the member's office vacant and the City Council shall promptly fill such vacancy.
- (7) Alternate members of the Board may attend all meetings, but shall act only in the absence, disability or disqualification of a regular member. In the absence of a member, the first alternate shall be substituted, and in the absence of two (2) or more members, both alternates shall be substituted. In the absence of a member and the first alternate, the second alternate shall be substituted. When an alternate member acts, the minutes of the Board shall reflect the name of the absent, disabled or disqualified member in whose place the alternate is acting.
- (8) The members shall serve in accordance with the ordinances of the City and may be removed for cause as provided in such ordinances for removal of members of the City Boards.

(C) *Hearing Procedures*

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- (2) Meetings of the Board shall occur at such time or times as the Board has business to come before it, upon call of the Chairman, or the vice-chairman, or upon call of any three (3) members.
- (3) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.

- (4) Four (4) members shall constitute a quorum.
 - (5) Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting.
 - (6) Each case before the Board shall be presented either by the City Attorney or his assistant, or by an employee or a commissioner of the City of Avon Park; however, in no case shall the City Attorney or his assistant present cases before the Board while at the same time serving as counsel to the Board.
 - (7) All testimony shall be under oath and shall be recorded. The Board shall take testimony from the code inspector, the violator and any other person familiar with the case or having knowledge about the case. The Board shall not be bound by formal rules of evidence; however, it shall act to ensure fundamental due process in each of its hearing cases.
 - (8) At the conclusion of each hearing, the Board shall issue findings of fact and conclusion of law, based on the evidence of record, and its orders shall provide relief consistent with Section 8.03.03(A). Each finding shall be by motion approved by a majority of those present and voting, except that at least four (4) members of the Board present at the hearing must vote in order for the action to be official.
 - (9) The City Manager shall render to the City Council a monthly status report of the Board's activities.
- (D) *Enforcement Procedures.* Except where the inspector charged with enforcing a particular technical code identified herein has reason to believe that a code violation presents a serious threat to the public health, safety and welfare, the code enforcement procedure under this Section shall be as follows:
- (1) It shall be the duty of the code inspector to initiate the enforcement proceedings with respect to each technical code.
 - (2) Where the code inspector finds or is made aware of a code violation, he shall provide in writing a reasonable time within which to correct the violation. Should the violation continue beyond the time specified in the correction notice, then the code inspector shall file an affidavit of violation with the Code Enforcement Board. The Board shall assign a case number and mail a copy of affidavit of violation and notification of the date, time and place of the hearing to the violator. "Reasonable time" is defined as 10 days; however, where a different time period in which to correct the violation is provided for by the ordinance being enforced, that time period shall constitute reasonable time for that particular violation; or, in cases of more

complexity, a greater time period may be granted.

- (3) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the code inspector may proceed to request an emergency hearing before the Code Enforcement Board without notifying the violator.
- (4) The City Manager shall appoint the code inspectors, and shall develop and publish written procedures for the filing of complaints to be heard by the Code Enforcement Board.

(E) *Fines, Liens, and Foreclosures*

- (1) Upon being notified by the code inspector that a previous order of the Board has not been complied with by the set time, the Board may order the violator to pay a fine to the City of Avon Park not to exceed \$250.00 for each day that the violations continue past the date set for compliance.
- (2) A certified copy of an order imposing the fine provided for herein may be recorded in the public records of Highlands County, and thereafter such order shall constitute a lien against the land on which the violation existed or, if the violator does not own the land, upon any other real or personal property owned by the violator, and may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court, except for enforcement purposes.
- (3) After one (1) year from the filing of any such lien that remains unpaid, the Board may authorize the City Attorney to foreclose on such lien in the manner provided by statute for the foreclosure of any other municipal liens.
- (4) No lien provided by this Section shall continue for a longer period than two (2) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

- (F) *Appeal.* Any aggrieved party, including the City, may appeal a ruling or order of the Code Enforcement Board to the Circuit Court of Highlands County. The appeal provided for herein shall be filed within 30 days of the order to be appealed. The record shall be presented to the Court on appeal.

- (G) *Notices.* All notices required to be provided by this Section shall be by certified mail, return receipt requested, or, where mail would not be effective, by hand delivery of the code inspector.

8.04.00 Duties of City Council

(A) *Powers and Duties in the Areas of Development and Land Use Regulation*

- (1) Adopt and amend the Comprehensive Plan.
- (2) Adopt and amend the Land Development Code.
- (3) Appoint members of the Planning and Zoning Board, Board of Adjustment and Code Enforcement Board.
- (4) Determine the need for and appoint members of additional Boards, committees and subcommittees to investigate and make decisions on various land use/development issues.
- (5) Establish, by Resolution, fees for Plan Amendments, zoning actions, Site Development Plan reviews, Conditional Use reviews, variances, special exceptions, and other activities carried out under the provisions of this Code.
- (6) Make final decisions on requested changes to the Comprehensive Plan, Zoning Ordinance and Map, Planned Unit Developments, Site Development Plans, Conditional Uses, and other special designations on property within the City.
- (7) Make final decisions on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.

8.05.00 Official Zoning Map

The districts listed in Article 2 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the "Zoning Map of the City of Avon Park." This map or maps and all notations, references and other information properly inscribed thereon are hereby incorporated as a part of this Article.

The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).

Within five (5) working days of action by the City Council or Board of Adjustment, the Official Zoning Map will be amended to reflect all approved changes in zoning classifications, land uses, special exceptions, variances, and any other relevant information pertaining to permitted uses or development standards in the City of Avon Park.

- (A) *Rules of Interpretation of District Boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
- (1) boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
 - (2) boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - (3) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - (4) boundaries indicated as following shore lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
 - (5) boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines; and
 - (6) boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.
- (B) The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

8.06.00 Public Notice of Hearings

(A) *Public Notice Required*

- (1) Due Public Notice. No change in land use classification or designation, variance, plan amendment or amendment to this Code may be considered by the Planning and Zoning Board or Board of Adjustment until due public notice has been given of a public hearing.
- (2) 10 Day Advance Notice. Public hearing notice shall be given at least 10 days in

advance of the hearing by the publication in a newspaper of regular and general circulation in the City, and notice shall be posted at City Hall. No official action may be taken unless and until the public hearing has been advertised.

- (3) Contents of Advertisement. The advertised notice shall contain the name of the applicant, the legal description of the affected property, the existing land use classification and any special designation(s), the request being considered by the Board, and the time and place of the public hearing at which the application will be considered.
- (4) 300' Radius for Notification Area. For each zoning or variance application to be considered at a public hearing, a notice shall be mailed as a courtesy to all property owners of record within a radius of 300 feet of the affected property; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing.
- (5) Other Local Government Notification. When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the Planning and Zoning Board or governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

(B) *Public Notice Requirements for Amendments to Official Zoning Map Initiated by City Council*

- (1) Notification by Mail.
 - a. Where a zoning action has been initiated or undertaken at the direction of City Council, and involves less than five (5) percent of the total land area of the City, the City Council shall direct the City Clerk to notify by mail each property owner whose land the City will rezone or whose land will be affected by the change in permitted use.
 - b. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during regular business hours at the Office of the City Clerk.
 - c. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on the ordinance.
 - d. The City Council shall hold a public hearing on the proposed ordinance and may, upon conclusion of the hearing, immediately adopt the ordinance.

(2) Advertisement of Public Hearings.

- a. Where a zoning action has been initiated or undertaken at the direction of the City Council, and involves five (5) percent or more of the total land area of the City, the City Council shall hold two advertised public hearings on the proposed ordinance.
- b. Both hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published.
- c. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing.
- d. The date, place, and time at which the second public hearing will be held shall be announced at the first public hearing.
- e. The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point.
- f. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- g. The advertisement shall be published in a newspaper of general circulation in the City and of general interest and readership in the community.

(3) Advertisement Form.

<p>NOTICE OF ZONING (PERMITTED USE) CHANGE</p> <p>The City of Avon Park proposes to rezone (change the permitted use of) the land within the area shown in the map in this advertisement.</p> <p>A public hearing on the rezoning will be held on <u>(date and time)</u> at <u>(meeting place)</u>.</p>

The advertisement shall also contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

8.07.00 Statutory Requirements for Plan Amendments

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the City Council. Specific regulations for Plan Amendments applications are detailed in Article 7, Section 7.02.00. Plan Amendments may be submitted to the Department of Community Affairs (DCA) by the City **no more than twice yearly** for review and according to the procedures established in Chapter 163 F.S.

8.07.01 First Public Hearing for a Plan Amendment

As outlined in Chapter 163.3184, F.S., a public hearing is required announcing transmittal of the Plan Amendment to the Department of Community Affairs (DCA). This public hearing shall be held on a weekday approximately 7 days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing shall be announced at the first public hearing. All procedures for advertisement a public hearing must be followed as adopted by the City and set forth in Section 8.06.00 above.

8.07.02 Transmittal to DCA

Immediately following the first public hearing, the City shall transmit six (6) copies of the plan amendment to DCA for written comment. The City shall transmit one (1) copy to each of the following: the Regional Planning Council, Water Management District, Department of Transportation and Department of Environmental Protection.

- (A) DCA will notify the local government and other agencies, and any other person who has requested notice of an affirmative decision by DCA to review the amendment, within 30 days of receipt of complete amendment.
- (B) Upon receipt of state agency comments, DCA shall have 45 days to provide its own written comments to the City, stating its objections to the Plan Amendment, if any, and recommendations for modification.

8.07.03 Second Public Hearing and Adoption

Upon receipt of DCA comments, the City shall have 60 days to adopt the Plan Amendment as proposed or with changes.

- (A) 5 Day Advance Notice. A second public hearing shall be held for adoption of the Plan Amendment, and shall take place on a weekday approximately 5 days after the second advertisement is published.
- (B) Contents of Advertisement. If the proposed Amendment changes the permitted uses

of land or land-use categories, the required advertisements shall be no less than one-quarter (1/4) page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in substantially the following form:

(C) Advertisement Form

<p>NOTICE OF CHANGE OF LAND USE</p> <p>The City of Avon Park proposes to change the use of land within the area shown in the map in this advertisement. A public hearing on the proposal will be held on <u>(date and time)</u> at <u>(meeting place)</u>.</p>
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(D) The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

8.07.04 Transmittal of Adopted Amendment to DCA

Upon receipt of the adopted amendment, including the ordinance adopting such amendment, DCA shall have 45 days to review and determine whether or not the amendment is in compliance with Chapter 163, F.S. During this period, DCA shall issue a Notice of Intent (NOI) indicating a finding of compliance or noncompliance.

If DCA finds the amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings for a hearing pursuant to Chapter 120.57 F.S. The hearing officer assigned by the division shall submit a recommended order to the Administration Council for final agency action.

If the Administration Council (Governor and Cabinet) finds that the plan amendment is not in compliance with this act, the Council shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance.

8.07.05 Small Scale Plan Amendments Exempt from DCA Review

Plan amendments that are defined as Small Scale Amendments are exempt from the annual quota allowed by DCA and do not have to be submitted to DCA for review. The

amendment is adopted by ordinance and sent to DCA, the other state agencies as required for large scale amendment, the Regional Planning Council, and the County planning department, for information purposes only. DCA will not issue a Notice of Intent for the small scale amendment.

(A) *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:

Encompassing the use of **10 or fewer acres** of any land use category; and
Residential densities are limited to **10 or fewer units per acre**; and
Does not involve the same property more than once per year; and
Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months; and
Does not include any text change to the Plan's goals, objectives, and policies;
Is not located within an are of critical state concern; and
The local government can approve the amendment without exceeding its **yearly maximum of 80 acres** of small scale amendments.

(B) *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Planning and Zoning Board and are recommended to the City Council by the Board. Then the amendments are heard at one Public Hearing (second reading of the ordinance) and are adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.

(C) *Public Notice Requirements.* The public notice required for the amendment is:

A newspaper notice as for ordinary, non-rezoning ordinances; and
The City must mail the owners of the property notice; and
There is no size requirements for the newspaper advertisement; and
Notice must be given of: the date, place and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.

(D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. In any action brought under this section, the DCA may intervene and become a party if granted that right by the hearing officer. If the hearing officer recommends that the amendment be found "in compliance," and DCA agrees, then DCA will enter the final order. If DCA does not agree, the recommended order will be forwarded to the Administration Commission (Governor and Cabinet) for rendering the final order.

8.08.00 Public Records

All resolutions, ordinances and records involving permitted land uses, development regulations and development approval are hereby declared to be public information and shall be maintained in an

orderly fashion by the Development Director or his designee(s). Such materials shall be available for public inspection between the hours of 8 a.m. and 5 p.m. on weekdays at City Hall. Copies shall be made available at a price reflecting the City's reproduction costs.

8.09.00 Fees

The City Council shall, by separate resolution, establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels that cover the City's costs of administration, inspection, and enforcement.

8.10.00 Enforcement of Development Permits and Orders

The Development Director is the enforcement officer for all regulations contained in this Code. The Development Director shall implement a procedure for periodic inspection of development work in progress to insure compliance with the development permit and final development order that authorized the activity.

8.10.01 Certificate of Occupancy

Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Development Director for a certificate of occupancy. The Development Director shall inspect the work and issue the certificate, if all work is found to be in conformity with the permit or order.

8.10.02 Administrative Approval of Minor Field Adjustments

A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

- (A) Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
- (B) Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
- (C) If the work is found to have one or more minor field adjustments, the Development Director shall request a revised site plan from the applicant showing the deviations and amend the development order to conform to actual development. The Development Director may, however, refer any minor field adjustment that

significantly affects the development's compliance with the purposes of this Code to the Planning and Zoning Board for treatment as a major deviation.

- (D) *Major Deviation Defined.* A major deviation is a deviation other than a minor field adjustment, from a final development order.

8.10.03 Major Deviation from Development Permits and Development Orders

- (A) If the work is found to have one or more major deviations, the Development Director shall:
- (1) Place the matter on the next agenda of the City Council, allowing for adequate notice, and recommend appropriate action for the Council to take.
 - (2) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Development Director determines that work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board.
 - (3) Refer the matter to the code inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board.
- (B) The Code Enforcement Board shall hold a public hearing on the matter and shall take one of the following actions:
- (1) Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
 - (2) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
 - (3) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

8.10.04 Revocation of Development Order

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

[RESERVED]

ARTICLE 9

DEFINITIONS

For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan as well as others applicable to this Code but not covered in the Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

Abandonment of Use: An intent on the part of the user to abandon his right to a nonconforming use of the premises, as well as an actual cessation of the use in issue.

Access Walkway: That portion of a water oriented structure that allows access to a docking facility or terminal platform or provides a way along the structure from the shore.

Accessory Building, Structure or Use: A building, structure, use of a building, or a use of land or water that is clearly secondary and incidental to the principal use of a building, water or land, which building structure or use is located on the same parcel of land with the principal building or use, is consistent with use in conjunction with the principal building, and does not unreasonably degrade the aesthetics of the land parcel or community. An accessory structure or building must be built or purchased to city building code standards and in conformance with Article 2, including without limitation, Section 2.05.00 of this Code. By way of example, some structures and materials that shall not be used as an accessory building in the City of Avon Park include, but are not limited to: old refrigerators, containers from ships, Quonset huts, trailers of any kind, manufactured (mobile) homes, tractor trailer containers, the back of pick up trucks, an RV or motor home, a large cardboard box, or the like.

Adjacent Municipalities: Those municipalities that could have an immediate effect on land use decisions.

Adult Congregate Living Facility: See Assisted Living Facility.

Adult Day Care Facility: See Adult Day Care Center.

Adult Day Care Center: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to **three or more** persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

(c. 400.551, F.S.)

Adult Entertainment Establishment: Any business that excludes minors by virtue of age due to the presence or display of films, photographs, published materials, or activities of a sexual nature. This definition shall include adult bookstores and theaters, and establishments offering massage, body rubs and similar activities to the exclusion of minors. Establishments that offer medical and therapeutic services provided by state licensed practitioners are excluded from this definition. Any business qualifying as an incidental adult materials vendor shall also be excluded from this definition.

Adult Family-Care Home: A full-time, family-type living arrangement, in a private home, under which a person(s) provide, for profit or not for profit, room, board, and one or more personal services, as appropriate for the level of functional impairment, for no more than **five aged persons** or disabled adults who are not relatives. The following establishments are not adult family-care homes:

- (a) An establishment that provides personal services for three or fewer adults who do not receive optional state supplementation under s. 409.212, F.S., but that does not hold itself out to the public to be an establishment that regularly provides such services.
- (b) An establishment in which a person(s) provide personal services only to their relatives.
- (c) An establishment that is licensed as an assisted living facility.
(c. 400.617, F.S.)

Adult Foster Home: See Adult Family-Care Home.

Adverse Effects: Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses that are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Aeronautical Study: A study conducted by the FAA to determine if an airport hazard is a "Hazard to Navigation" pursuant to 14 CFR ss 77.13.

Affordable Housing: Housing costs that, on a monthly basis, requires rent or mortgage payments of no more than 30 percent of a household's monthly gross income.

Agricultural Uses, Limited: Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses. (§9J-5.003 F.A.C.)

Airport Obstruction: Any structure or object of natural growth or use of land which would

exceed the federal obstruction standards as contained in 14 CFR Part 77 or which obstruct the airspace required for the flight of aircraft in taking-off, maneuvering or landing at an airport or may otherwise interfere with the taking-off, maneuvering or landing of aircraft. Note, not all airport obstructions are determined by the FAA to be a hazard to navigation.

Alley: Any public right-of-way less than twenty (20) feet in width that affords secondary access to property and is not intended for general traffic circulation.

Alteration: Any change in, addition to, deletion from, or rearrangement of structures, walls, roofs, floors, wiring, pipes, or other structural parts of a building, except customary maintenance or repair.

Amnesty Days: A period time authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses. (§403.7264 F.S.)

Amusement Center: An area within a fully enclosed building that is devoted to leisure-time amusements, including but not limited to coin-operated devices and games, both mechanical and electronic; remote-controlled miniature racing vehicles; animated figures; rides utilizing boats, vehicles, turntables and other mechanical devices; and other similar installations intended to complement the overall theme of entertainment.

Annexation: The adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (§171-031 F.S.)

Antenna: Electronic device, whose purpose is to receive television or radio signals directly from ground-based sources, which is freestanding or mounted on a structure, and does not exceed 30 feet in height.

Antique Car/ Vehicle: Any vehicle 25 years or older.

Apartment: A dwelling unit in a duplex or multiple family dwelling.

Apartment Building: A building that is used or intended to be used as a home or residence for three (3), or more, families living in separate quarters.

Aquifer: A water-bearing stratum of permeable rock, sand, or gravel.

Area of Shallow Flooding: Areas located within the areas of special flood hazard having special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

Area Sign Face: The area of any regular geometric shape that contains the entire surface area of a

sign upon which copy may be placed.

Area of Special Flood Hazard: The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.01. The relevant Flood Hazard Boundary Map, and any revisions thereto, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Development Director as having a one (1) percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

Arterial Road: A roadway providing service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road. (§9J-5.003 F.A.C.)

Assisted Living Facility: Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, that undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for **four or more** adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services or limited mental health services, when specifically licensed to do so pursuant to s. 400.407, unless the facility is licensed as an adult family-care home. A facility offering personal services, extended congregate care, limited nursing services, or limited nursing services, or limited mental health services for fewer than four adults is within the meaning of this definition, if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment that regularly provides such services, unless the facility is licensed as an adult family-care home. (§400.402, F.S.)

Automotive Repairs: Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work.

Automotive Restoration/Antique or Classic (Private and "Not for Profit"): Restoring of classic vehicles (more than 20 years old) or antique vehicles (more than 25 years old) by a private individual and "not for profit". All activities must take place under cover. Stored vehicles must be screened. Vehicles may not be stored in front of the principal structure and must be setback ten feet (10') from side and rear property lines. An individual who is restoring a classic or antique vehicle, may have 3 inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.

Auto Salvage Yard: a commercial business that disassembles inoperable vehicles for the purpose

of resale of automobile parts. Not more than three (3) inoperable vehicles may be stored at any one time. See "Junkyard" for a business that stores more than three inoperable vehicles.

Availability or Available: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-5.0055(2), Florida Administrative Code.

Awning: A shelter projecting from and support by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare "Marquee").

Bar: A place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages.

Base Building Line: A line parallel to the centerline of the right-of-way of a street.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Bed and Breakfast: An owner-occupied dwelling unit containing no more than three guest rooms where lodging, with or without meals, is provided for compensation.

Best Management Practice (BMP): A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bicycle and Pedestrian Ways: Any road, path or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded. (§9J-5.003 F.A.C.)

Billboard: See Sign, Billboard.

Blighted Areas: Developed areas that have deteriorated through neglect or abandonment and that could benefit the community if redeveloped.

Boarding House: Residential facility other than an apartment building, hotel/motel, or restaurant where meals and/or lodging are provided in exchange for monetary compensation for three (3) or more persons.

Buffer or Buffer Yard: An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or

property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building Height: Vertical distance from grade to the highest point of a structure, excluding chimneys, elevator towers, parapet walls, ventilation equipment, antennas and flagpoles.

Building Line: The vertical projection of the outer limits of the roof and portions of the structure onto the ground.

Building Permit: A permit that may be required by appropriate authority as described herein, relating to the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

Building Site: The lot, lots, or parcel of land upon which a building or use of land has been located or is proposed to be located.

Bulk Storage of Explosive Gases: The maintenance on a commercial or industrial development site, for sale or on-site use, of a quantity of fuel-related gases exceeding 500 gallons.

Camping Trailer: See Recreation Vehicle.

Canopy: Canopy refers to the area shaded by the crown of mature tree, which is listed among the approved species.

Capital Budget: The portion of each local government's budget that reflects capital improvements scheduled for a fiscal year. (§9J-5.003 F.A.C.)

Capital Improvement: Physical assets constructed or purchased to provide, improve or replace a public facility and that are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. (§9J-5.003 F.A.C.)

Capital Improvement Program (CIP): A five year listing of proposed capital improvement projects.

Carport: A roofed area open on one (1) or more sides and is attached to or is within three (3) feet of the principal building and designed or intended for storage of one (1) or more motor vehicles, trailers, boats, or other moveable property.

Cemetery: A plot or parcel of land used or intended for use as a burial place in or above the ground for dead human bodies, whether or not markers or monuments are used.

Certified Survey: Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of the property, which has been signed and sealed by a professional surveyor licensed in the State of Florida.

Child Care: The care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. (402.302, F.S.)

Child Care, Drop-in: Child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a **4-hour period** and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted. (402.302, F.S.)

Child Care, Evening: Child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts. (402.302, F.S.)

Child Care, Weekend: Child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday. (402.302, F.S.)

Child Care Facility: Any child care center or child care arrangement which provides child care for **more than five children** unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are **not** included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435. (402.302, F.S.)

City: Unless the context clearly discloses a contrary intent, the word "city" shall mean the City of Avon Park, Florida.

Classic Car/ Vehicle: A vehicle 20 years or older.

Clearance: The alteration of the shoreline vegetation by complete removal, chemical treatment,

and mechanical or nonmechanical uprooting.

Clearing: The removal of trees, brush or any other vegetation from the land, not including the ordinary mowing of grass.

Clinic: An establishment operated by one (1) or more persons for the purpose of rendering human health care or services by any lawful practitioner of medical arts under Florida statutes.

Club: Building, facilities and property owned and operated by a corporation or association of persons for social or recreation purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service that is customarily carried on as a business. The term when used herein shall also mean lodge, fraternal order, or society.

Cluster Development: Generally refers to a development pattern - for residential, commercial, industrial, institutional, or combinations of such uses - in which the uses are grouped or "clustered", rather than spread evenly throughout a parcel as a conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners association.

Code Enforcement Department: Entity that enforces all city codes as per Florida Statute 89-268 (after fact permitting).

Collector Road: A roadway providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads. (§9J-5.003 F.A.C.)

Commercial, limited: Uses that include, but are not limited to, barber and beauty shops, chiropodists, shoe repair, book and record sales, laundry pickup and delivery, antique shops, camera and photographic supplies and sales, medical supply and pharmaceutical sales, decorators, tea rooms or tea houses not for sale of alcoholic beverages, social clubs, bakery shops, swimming services, custodial care centers for preschoolers or elderly persons, educational facilities public or private, florist shops, jewelers, television sales and service, and any similar use that is not prohibited by this ordinance but which, after a public hearing, may be determined to be similar.

Commercial Uses: Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.

Commercially Developed Parcel: A parcel of property on which there is at least one building or structure used, or designed to be used, for other than residential or agricultural purposes.

Common Open Space: Improved, usable area set aside and designated on a site development plan

for recreation or open space purposes and reserved for the use of the residents of a development. Common open space shall be grassed and landscaped, and shall be cleared of weeds, underbrush and debris. For purposes of meeting stated size requirements, common open space areas shall exclude parcels used for clubhouses and other common facilities, easements, parking areas, required spaces between manufactured (mobile) homes and/or structures, private streets and public rights-of-way. Also excluded are required setback areas and other areas less than 50 feet in width unless these are improved with bicycle or pedestrian paths or trails.

Communications Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.

Communications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, camouflaged towers, and any support structures thereto.

Communications Tower Camouflaged Construction: Methods of design and construction of communication towers which permit such towers to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a communication tower. Notwithstanding the camouflaged construction, the structure shall continue to be considered a communication tower for purposes of this Code.

Comprehensive Plan: Any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended.

Concurrency: The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Concurrent with the Impacts of Development: Pursuant to §9J-5.0055(2), concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are under construction at the time a

permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined. For recreation facilities, concurrency may also be met by adherence to §9J-5.0055(2)(b). For roads, concurrency may also be met by adherence to §9J-5.0055(2)(c)

Cone of Influence: A designated area around a municipal public supply well, identified through scientific research and analysis, which is critical to maintaining the safety of the city's drinking water supplies. Within such areas, certain land uses shall be prohibited or subject to special regulations in order to prevent contamination of such wells. The location and extent of cones of influence shall be verified by the Florida Department of Environmental Regulation or the Southwest Florida Water Management District.

Conservation: The preservation of native plants and trees to provide canopy, buffer yards, and reduce water demanded to maintain landscaping.

Conservation Easement: A right or interest in real property intended to maintain land or water areas predominantly in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or existing land uses compatible with conservation of natural resources.

Conservation Use: Publicly owned wetlands, floodplains, and other areas in which limited development is permitted in order to preserve a natural resource. Municipal wellfields and associated facilities. Boat docks and marinas, provided that all structures and parking areas are above the 100-year flood elevation.

Convenience Store: A building and land used or intended for retail sale of grocery store items, but on a much smaller scale than a grocery store. No sales of motor fuels. For the definition of a convenience store with gas sales, see Filling Station.

Convenience Store with Gas: See Filling Station.

Conversion: Structure that legally has been modified so as to be used for a different purpose than that for which it was built; i.e., duplex conversion. Manufactured (Mobile) homes are excluded from this definition.

Copy: The message or graphics on a sign surface in either permanent or removable form.

Court: An open, unoccupied, unobstructed space, other than a yard, on the same lot as a building. Trees or shrubs may be used in a court.

Day Care Center: See Child Care Facility.

Decision Height: Specified height or altitude in the precision approach at which a missed

approach must be initiated if the required visual reference to continue the approach has not been acquired.

Demolition: The complete or constructive removal of any or part or whole of a building or structure upon any site when same will not be relocated intact to a new site.

Density: The average number of families or dwelling units per acre of land.

Density Bonus: An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification.

Density, Gross: The overall number of units per acre in a development, including all supporting facilities.

Density, Net: Number of units per buildable acre of land, excluding supporting facilities such as subdivision road right-of-way, water and wastewater treatment plants, and property owned or used in common by the residents of a development (e.g., clubhouse or golf course).

Developer: Any person, including a governmental agency, undertaking any development.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken to involve "development:"

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if

the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated herein includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

Development Capacity: An element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but currently unused or underutilized capacity.

Development Order: Any order granting, or granting with conditions, an application for a development permit. This definition shall not include variances, zoning district changes or supplemental use approvals, or changes in Future Land Use designations.

Development Permit: Includes any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development. (§380.031 F.S.)

Development of Regional Impact (DRI): Any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

Development Site: One or more parcels of land unified under common ownership that constitute the entire area of development shown on a site plan or subdivision plat. Development site must include all land needed for parking, retention areas, internal access roads or driveways, landscaping, and other physical design features needed to serve the proposed development.

Disabled Home: See Family Day Care Home or Family Foster Home.

Dock or Docking Facility: A fixed or floating structure within waters of the city, including

mooring pilings, tie poles, dolphins, boat lift, and other accessory structures, which has as its purpose the berthing of buoyant vessels.

Drainage Facilities: A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Dredging: Excavation by any means in any water body or wetland. Excavation or creation of a water body that is, or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Dry Cleaning: The process of removing dirt, grease, paint and other stains from wearing apparel, fabrics, rugs, and other textiles by one or more of the following methods:

1. immersion and agitation in a liquid solvent in open vessels;
2. immersion and agitation in a liquid solvent in closed machines;
3. spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

Duplex: A single building containing two (2) dwelling units.

Dwelling, One-Family: See Single Family Detached Dwelling Unit.

Dwelling Unit: A structure or manufactured (mobile) home with cooking, sanitary and ventilation facilities designed for use by one family only. All rooms within the dwelling unit shall have internal access, and the unit shall have no more than one kitchen and one electrical meter.

Easement: A right, not involving ownership of land, to use property for a specified purpose and/or cross property with facilities such as, but not limited to, access roads or driveways, utility lines or drainage facilities.

Educational Uses: Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreation facilities or parking.

Electronic Message Center: See Sign, Changeable Copy Sign, Automatic.

Embellishment (Billboards): Panel or object on a billboard projecting beyond the edge of the rectangular advertising area, added for creative purposes and not serving as structural support or reinforcement for the billboard.

Environmentally Sensitive Land: Wetlands, floodplains, or critical habitat for plant or animal species listed by the Florida Department of Agriculture and Consumer Services, Florida

Game and Freshwater Fish Commission, or U.S. Fish and Wildlife Service as endangered, threatened, or species of special concern.

FAA: Federal Aviation Administration.

FAC: Florida Administrative Code.

Facade: The entire building front including the parapet.

Factory-built Housing: Shall mean any residential building, or building component or building system therefor, which is of closed construction and which is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Factory-built housing may also mean any residential building, or building component or building system therefor of open construction made or assembled in manufacturing facilities for installation or assembly and installation on the building site.

Family: One (1) or more persons related by blood, marriage or adoption, sharing living and cooking facilities as a single housekeeping unit, and in addition, no more than two (2) unrelated persons; alternatively, no more than four (4) unrelated persons living together as a single housekeeping unit.

Family Day Care Home: An occupied residence in which child care is regularly provided for children from **at least two unrelated families** and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age. (402.302, F.S.)

Family Foster Home: A private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs. The following are not considered a family foster home: a person who cares for a child of a friend for a period not to exceed 90 days; a relative who cares for a child and does not receive reimbursement for such care from the state or federal government; or an adoptive home which has been approved by the state or by a licensed child-placing agency for children places for adoption. (c. 409.175, F.S.)

FCC: Federal Communication Commission.

Fence: A fabricated vertical physical barrier extending above grade and anchored below it, but not constructed as a freestanding wall.

Festoon: A string of ribbons, tinsel, small flags, pinwheels, balloons and any other similar decoration.

Fill: Depositing of any materials by any means in any water body or wetland.

Filling Station: A building and land used or intended for use to dispense, sell, or offer for sale any motor fuels, oils, or automotive accessories, and retail sale of grocery store items; but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

Flood or Flooding: A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Boundary Map (FHBM): The map issued by the Federal Emergency Management Agency showing flood-prone areas. Drawn from United States Geological Survey Maps, it does not provide flood elevations and is intended to be used only until the Flood Insurance Rate Map (FIRM) is produced.

Flood Insurance Rate Map (FIRM): The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones within the city.

Floodplain (100-Year Floodplain): Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps. (§9J-5.003 F.A.C.)

Flood Protection Elevation: The elevation of the base flood plus one (1) foot.

Floodway: The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor Area: The sum of the horizontal area of all floors of a building, measured from exterior walls or from the centerline of common walls separating adjoining buildings. Accessory buildings, garages and screen enclosures/porches are excluded from this definition.

Foster Care Facility: A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social

needs of its residents. The capacity of such a facility shall not be more than **three residents**. (c. 393.063, F.S.)

Fowl: Chickens, ducks, peacocks and peahens, guineas, and other poultry.

Freestanding Wall: Wall projecting out of or separate from a building, constructed of masonry or other substantial materials, and designed in accordance with the Standard Building Code. Where built within required setback areas, a freestanding wall is subject to the same height limitations as a fence.

Front Building Line: The line, parallel to the front lot line, which passes through the closest point of the structure to the front lot line.

Frontage: Street frontage shall mean all of the property abutting one side of a street right-of-way between two intersecting streets measured along the adjacent street right-of-way line in all directions. Lot frontage shall mean the width of a lot or parcel of land measured along the adjacent street right-of-way line between opposite property lines.

Frontage Road: A road designed to parallel a major roadway, thereby allowing the major roadway to function as a limited-access facility while providing access to lands adjacent to the roadway. (Sometimes designated a "service road.")

F.S.: Florida Statutes.

Garage Apartment: Detached building erected as an accessory structure that contains living quarters for not more than one family in addition to garage space for at least one automobile. The building must conform with all requirements for accessory buildings, and with the lot area and floor area of apartment buildings in the zone wherein it is located.

Garage, Private: See Private Garage.

Garage for automotive service: See Automotive Repair.

Garage, Storage: See Storage Garage.

Gasoline and Oil Filling Station: See Filling Station.

Goal: The long-term end toward which programs or activities are ultimately directed. (§9J-5.003 F.A.C.)

Grade: The natural elevation of the ground, when compared to abutting properties, or the grade established as minimum floor elevation by the flood insurance map published by the Federal Emergency Management Agency or, in extreme cases of varied elevations within the same site, grade shall be established by the Building Director.

Groundwater Protection Zone: Designated area around a municipal well in which special land use regulations are needed to prevent contamination of a public water source.

Group Home Facility: A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be **at least four residents but not more than 15 residents**. For the purposes of this chapter, group home facilities shall not be considered commercial enterprises. (c. 393.063, F.S.)

Hazard to Navigation: A determination made by the FAA that a proposed structure or natural growth would impact aircraft navigational abilities near an airport for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft.

Hazardous Substances: Hazardous substances listed in Chapter 38F-41 of the Florida Administrative Code, sections 261 and 302.4 of Title 40 of the Code of Federal Regulations, and Section 355 Appendix A & B of Title 50 of the Code of Federal Regulations. A hazardous substance, as defined herein, includes any solution, mixture, or formulation containing such materials, and also includes any material which, due to its chemical or physical characteristics, as determined by the Development Director upon the advice of Highlands County emergency management officials, poses a substantial threat to the life, health, or safety of persons or property or to the environment.

Hazardous Waste: Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Height: See Building Height.

High Recharge Area: Geographic areas designated by a Florida Water Management District where, generally, water enters the aquifer system at a rate of greater than ten inches per year.

Highest Adjacent Grade: The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Historic Resources: Historically significant structures or archeological sites.

Historically Significant Structures: Structures listed on the National Register of Historic Places, the Florida Master Site File, or otherwise designated, by official action, as historic, and worthy of recognition or protection.

Home Occupation: Any occupation in connection with which there is kept no stock in trade or commodity sold upon the premises, no person employed other than a member of the immediate family residing upon the premises, and no mechanical equipment used except such as is permissible for purely domestic or household purposes; and in connection with which there is used no sign, other than an unlighted name plate not more than two (2) square feet in area, nor display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

Hospice: A centrally administered corporation not for profit (“not-for profit” as defined in c. 617, F.S.) providing a continuum of palliative and supportive care for the terminally ill patient and his or her family. (400.601, F.S.)

Hospice Residential Unit: A homelike living facility, or other facility licensed under other parts of c. 400, F.S., or c. 395, F.S., that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence. (c. 400.6005, F.S.)

Hotel: Business establishment having a common entrance or lobby, operated or intended as a place where 10 or more rooms or units are provided as short-term sleeping accommodations for temporary guests. Dining rooms and restaurants accessory to the hotel are permitted on the hotel site. The sale of alcoholic beverages for consumption on the premises shall be subject to all applicable regulations of the City of Avon Park and the State of Florida.

Hurricane Shelter: A structure designated by local officials as a place of safe refuge during a storm or hurricane. (§9J-5.003 F.A.C.)

Impervious Surface: Impervious surfaces shall include all land paved with concrete or asphalt that is used for off-street parking, driveways, sidewalks, patios, and service areas.

Incidental Adult Materials Vendor: A business establishment offering adult-oriented materials that meets all of the following criteria:

1. At all times, no more than 10 percent of the business stock, as measured in relation to total gross floor area of the business, is devoted to the display or sale of adult-oriented materials;
2. Such establishment provides, within three (3) days of a request by the Development Director, such information as may be required to determine whether more than 10 percent of the business stock is devoted to adult materials;

Incinerator, Accessory: Solid waste disposal facility, accessory to a permitted principal use or activity, authorized only to burn materials generated at the location of the permitted use or activity. Facility must meet all applicable state and Federal air quality emissions standards.

Incinerator, Commercial: Solid waste disposal facility authorized to burn materials generated on and transported from properties other than the location of the incinerator facility. Disposal activities are carried out on a large scale or for-profit basis. Facility must meet all applicable state and Federal air quality emissions standards.

Incompatible Land Uses: Land uses that, if occurring adjacent to one another, have a detrimental effect on one or both of the uses.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services.

Industrial Uses: Activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

Inflammable Liquid: Any liquid that, under operating conditions, gives off vapor that, when mixed with air, is combustible and explosive.

Infrastructure: Those man made structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways. (§9J-5.003 F.A.C.)

Innovative Energy Engineering System: Small-scale energy facility using solar panels, wind devices, or other innovative techniques, whose purpose is to generate heat or electric power for an individual residential unit or a single development site as an accessory use. Excess energy may be transmitted off-site according to applicable state and federal laws. Permitted in all zoning districts subject to appropriate setback, construction and installation requirements.

Inoperable vehicle: A motor vehicle that does not have a current state license plate; or a vehicle that is licensed but is disassembled or wrecked in part or in whole and is unable to move under its own power.

Intensity: The degree to which land is used, referring to levels of concentration or activity in uses such as residential, commercial, industrial, recreation, or parking.

Interim Overlay Groundwater Protection Zone: A circular area 400 feet in diameter centered on a municipal public supply well, serving as the object of special land use regulations established in Article 10 to protect groundwater quality. This zone shall be used on a temporary basis prior to the identification of cones of influence and their verification by appropriate state agencies.

Internal Access: Physical design of a dwelling unit in which the kitchen, bathrooms and all other rooms intended for human habitation are connected internally, and are accessible through common living area.

Isolated Wetland: Any wetland that has no hydrological or vegetative connections with any water of the state as defined in §327.02 (28) Florida Statutes.

Junkyard: A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or closed storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations. Storage of more than three (3) inoperable vehicles constitutes a junkyard.

[Note: An individual who is restoring, not for profit, a classic or antique vehicle, may have 3 inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.]

Kennel: A facility for the overnight boarding of animals, where outside runs or pens are provided.

Labeled: Equipment bearing a label of certification of an approved listing organization.

Land Development Code or Regulations: Includes zoning, subdivision, building, and other regulations controlling the development of land.

Land Use: The development that has occurred on land. (§380.031 F.S.)

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Listed: Equipment or materials or structures included in a list published by an approved listing organization.

Littoral Zone: The shallow-water region of a water body where sunlight penetrates to the bottom and that is intended for and capable of supporting aquatic vegetation.

Living Area: See Floor Area.

Local Road: A roadway providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

Lot: A parcel of land established by plat or legal description properly recorded in the public records of Highlands County.

Lot, Corner: Lot adjoining two intersecting streets. The applicable front setback requirement shall apply to both street frontages of a corner lot. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

Lot Coverage: The area of a site covered by buildings or roofed areas, excluding eaves, balconies, and other projections above the first story.

Lot Depth: Distance between the midpoints of the front and rear lot lines. On irregular lots for which there is no clear rear lot line, depth shall be measured as follows:

1. At a distance equal to 125 percent of the normal lot depth requirement for the applicable land use classification, draw a line parallel to the front setback line.
2. The length of this line, as measured from property boundaries on each end, must be at least 50 percent of the normal lot width requirement for the applicable land use classification.

Lot, Interior: Any lot that is not a corner lot.

Lot Width: The distance between side lot lines measured at the front setback line. In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of width requirement established by the applicable zoning district.
2. Subdivision cul-de-sac: 67 percent of width requirement established by the applicable zoning district.

Width at road frontage shall be measured along a straight line connecting the foremost points of side lot lines.

Lot Line, Front: In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements; if width requirements are met on both frontages, the front lot line shall be the frontage that is most nearly perpendicular to the line along which the lot depth requirement is met. For through lots and corner lots meeting width and depth requirements on both frontages, the property owner may choose one as the front lot line for the purpose of placement of accessory structures.

Lot Line, Side: All lot lines that are not rear or front lot lines.

Lot Line, Rear: Lot line opposite and most distant from the front lot line. For purposes of measuring depth of irregular lots, see definition of Lot Depth.

Lot, Through: Lot, other than a corner lot, having two road frontages. Through lots shall not be required to meet the applicable lot width requirement on both frontages. The owner of such a lot may choose the narrower end of the lot as the front for purposes of accessory structures.

Low and Moderate Income Families: "Lower income families" as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term "families" includes "households."

Maintenance: For the purposes of this Code, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard: A sloped roof or roof-like facade architecturally comparable to a building wall.

Manufactured (Modular) Building: Any structure, or portion of a structure, including electrical, plumbing, heating, or ventilating systems, which was built in a manufacturing facility for installation or erection as a finished building or as part of a finished building. Manufactured buildings must contain the insignia of, the Florida Department of Community Affairs as provided in Chapter 553, Part 1 of the Florida Statutes, and must be constructed to meet the requirements of the Standard Building Code, section 2.02.15 of this Code, and any other design standards the city may adopt which apply to conventional construction. Manufactured buildings may include residential, commercial, institutional, storage, and industrial structures. For purposes of this Code, manufactured buildings shall not include manufactured (mobile) homes.

This definition does not include units defined as manufactured (mobile) homes or manufactured homes by the U.S. Department of Housing and Urban Development (HUD). It also does not include manufactured (mobile) offices or other units not bearing an insignia indicating compliance with HUD standards, or units inspected by the Florida Department of Highway Safety and Motor Vehicles, except for manufactured (mobile) offices at construction sites and manufactured (mobile) homes used as temporary offices. Manufactured buildings are expressly excluded from Federal standards for manufactured (mobile) or manufactured homes and are in fact not the same as manufactured (mobile) homes.

Manufacturing: Assembly or fabrication of parts that are free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare, that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed

structures, and the premises shall not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments except for automobiles and delivery or service trucks. Such uses shall not involve electrical interferences to television, radio or communication systems off the premises.

Minerals: All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state. (§9J-5.003 F.A.C.)

Minimum descent altitude: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

Minimum obstruction clearance altitude: The specified altitude in effect between radio fixes on airways, off-airway routes or route segments, which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage.

Minimum vectoring altitude: The lowest altitude at which an aircraft will be vectored by a radar controller, except as otherwise authorized for radar approaches, departures, and missed approaches.

Mining: The act of taking mineral substances from a pit or excavation in the earth.

Mini-Warehouse: A self-service facility consisting of individual self-contained units used for storage and no other purpose.

Minor Arterial: Street that interconnects with and augments the principal arterial system, and which provides land access, consequently offering a lower level of service to traffic than a principal arterial.

Minor Storage of Explosive Gases: The maintenance on a commercial or industrial development site, for sale or on-site use, of a quantity of fuel-related gases not exceeding 500 gallons.

Mitigation: Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts of permitted activities.

Mixed Occupancy: Occupancy of a building or land for more than one use.

Manufactured (Mobile) Home: A preconstructed dwelling unit, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is

built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If manufactured after June 15, 1976, each section must bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. Manufactured (Mobile) homes shall be used for single-family residential purposes only and shall be licensed pursuant to Chapter 320, F.S. In the event a manufactured (mobile) home becomes ineligible for a title certificate under Chapter 319, F.S., it shall no longer be considered a manufactured (mobile) home.

A manufactured (mobile) home must be constructed to meet federal standards set forth in 42 USC ss. 5401 et seq., and rules and regulations promulgated by HUD and found in 24 CFR Parts 3280, 3282, and 3283. The supremacy of federal standards in manufactured (mobile) or manufactured homes is set forth at 42 USC 5403(d). The exclusion of manufactured buildings from federal manufactured (mobile) home standards can be found at 42 USC 5403(h), and 24 CFR 3282.12.

Manufactured (Mobile) Home Park: Development site on which manufactured (mobile) homes are installed and organized around a common set of amenities, including private internal roads, clubhouse or recreation facility, and common open space. A manufactured (mobile) home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, are privately owned or owned in common by residents of the park.

Manufactured (Mobile) Home Unit: Shall mean a manufactured (mobile) home, factory built dwelling, the land area assigned thereto, access, and parking for one (1) motor vehicle.

Motel: Commercial establishment that provides rooms or suites for temporary lodging on a per-night basis. Lodging units shall include private bathrooms. Limited numbers of units may include kitchen facilities, subject to approval as a Supplemental Use by City Council. Restaurants may be permitted on the motel premises.

Motor Home: See Recreation Vehicle.

Multiple Family Dwelling: Shall mean a structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses and similar housing types, but not including hotels, hospitals or nursing homes.

Multiple Occupancy Complex: A commercial use, i.e., any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one (1) occupant.

Municipal Public Supply Well: Water well, whether publicly owned, privately owned, or owned in common by the residents of a development, which serves 15 or more service connections or at least 25 residents.

Name Plate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

National Register of Historic Places: Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

Natural Drainage Features: The naturally occurring features of an area that accommodate the flow of stormwater, such as streams, rivers, lakes and wetlands.

Natural Groundwater Aquifer Recharge Areas: Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

Nonconforming Lot of Record: See Section 7.07.00 of this Code.

Nonconforming Structure: Structure that does not comply with current land use regulations relating to size, setbacks, or building design, but does meet those standards in effect at the time of construction. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in the land development regulations. The presence of a nonconforming structure on a parcel of land does not allow the reestablishment of a nonconforming use that has been abandoned or eliminated. (See Section 7.07.00 of this Code.)

Nonconforming Use: Land use or activity that is prohibited under the current provisions of the Comprehensive Plan or land development regulations, but complied with those requirements in effect at the time it was established. Such uses may continue indefinitely, except where land development regulations require their elimination. In order to qualify as nonconforming, a use must have been continuous or have followed a regular seasonal pattern of activity without ceasing for a continuous period of longer than six months. Nonconforming uses shall not be expanded, enlarged or increased in any manner, except as provided in the land development regulations. Once a nonconforming use is abandoned or eliminated, associated land or structures shall be used only in accordance with the adopted Comprehensive Plan and current requirements of the land development regulations. (See Section 7.07.00 of this Code.)

Nursing Home Facility: Any facility which provides nursing services as defined in Chapter 464, F.S., and which is licensed according to Chapter 400, F.S. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through

its ownership or management to provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for **three or more persons** not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services; but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for **fewer than three persons** is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (c. 400, F.S.)

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for commercial use (other than residential or agricultural).

One Hundred Year Storm Event: Storm of a magnitude that can be expected to occur every 100 years.

Open Space: Undeveloped lands suitable for passive recreation or conservation uses.

Ordinary High Water Line (OHWL): A line defined by the physical characteristics of the shore and banks of the water body caused by the continued presence and action of water. The OHWL corresponds to water levels frequently and commonly sustained in the high water season during normal years and to the SWFWMD adopted Lake Management Levels.

Owner: A person recorded as such on official records. For the purposes of this Code, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary officially recorded or otherwise brought to the attention of the Development Director, e.g., a sign leased from a sign company.

Parapet: The extension of a false front or wall above a roof line.

Parcel of Land: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or that has been used or developed as a unit. If, however, the property boundaries are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Development Director.

Park Model Recreation Vehicle (Park Trailer): A transportable unit that has a body width not exceeding 14 feet and that is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to U.S. Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the

exterior of the rear of the body (at the opposite end of the body), including any protrusions.
(s. 320.01, FS)

Permanent: Designed, constructed, and intended for long-term use.

Permitted Use: Use or activity allowed without special approvals within a zoning district, subject to setback standards and other specified requirements.

Person: Any individual, corporation, association, firm, or similarly defined interest.

Piling: Vertical poles, concrete bars or other materials forming the structural support of a water access structure.

Planned Unit Development (PUD): A form of development characterized by a unified site design for residential and commercial uses, allowing for the clustering of buildings, and providing relatively high net residential densities balanced by common open space. It permits the planning of a project and the calculation of densities over the entire development, rather than on a lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which public officials have considerable involvement in determining the nature of the development. It includes aspects of subdivision, site plan and zoning regulation and is administered through a rezoning process.

Places of Public Assembly: Any area, building, or structure where people assemble for a common purpose, such as a social, cultural, recreational, and/or religious purposes, whether owned and/or maintained by a for-profit or not-for-profit entity, and includes, but is not limited to, public assembly buildings such as auditoriums, theaters, halls, private clubs and fraternal lodges, assembly halls, exhibition halls, convention centers, and places of worship, or other areas, buildings, or structures that are used for religious purposes or assembly by persons.

Places of Worship: Any area, building, or structure where people assemble for religious purposes.

Point of Purchase Display: Advertising of a retail item accompanying its display.

Pollutant: Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Portable: see Trailer.

Potable Water: Water suitable for human consumption and that meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a

public system or by private well.

Potable Water Facilities: A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

Potable Water Wellfield Protection Zone: In accordance with Policy 2.13 of the Future Land Use Element of the Lake Alfred Comprehensive Plan, the protection zone is defined as the area within a 400 foot radius of the location of the well head. Within a 200 foot radius of the well head is a zone of exclusion, in which no new land uses may be established.

Premises: A piece of real estate including building and its land.

Prime Aquifer Recharge Areas: Geographic areas of recharge to the aquifer system, to be designated by the appropriate Water Management District, as critical for the continuation of potable ground water supplies.

Principal Arterial: Street or highway serving the major areas of activity, the highest traffic volume corridors, and the longest vehicle trips. Such roads carry a high proportion of the total urban area travel on a minimum of mileage, and serve a major portion of trips entering and leaving the urban area as well as the majority of through movements.

Principal Structure: Structure housing or supporting the principal use on a parcel of property.

Principal Use: The major or primary use or activity occurring on a parcel of property, classified as a permitted use under the provisions of this Code.

Private Garage: A building for the storage of automobiles on a non-commercial basis, used only by residents of the property on which it is located.

Professional Office: Place of business for persons engaged in occupations generally considered as being professional in nature, including, but not limited to, the following: appraisers, doctors, architects, dentists, attorneys, osteopaths, accountants, chiropractors, engineers, optometrists. Excluded from this definition are real estate and insurance offices, and the display, sale, storage and delivery of commercial services and merchandise.

Public Access: The ability of the public to physically reach, enter or use recreation sites including beaches and shores.

Public Interest: That which benefits either the majority or a significant minority of the citizens of the City of Avon Park.

Public Sanitary Sewer Facilities: Sanitary sewer facilities, either publicly or privately owned, which serve at least 15 service connections, or regularly serve at least 25 residents. Generally, a multi-user septic tank is not a public sanitary sewer facility.

Public Supply Water System: A potable water facility that serves at least 15 service connections, or regularly serves at least 25 residents.

Recharge Areas: Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

Recreation: The pursuit of leisure time activities occurring in an indoor or outdoor setting.

Recreation Facility: A component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

Recreation Uses, indoor: Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or recreation centers, gymnasiums, libraries or museums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional, indoor recreation. Indoor recreation uses include both passive and activity oriented uses.

Recreation Uses, indoor commercial: This category consists of uses that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include but are not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks. Indoor commercial uses include both passive and activity oriented uses.

Recreation Uses, outdoor: Outdoor recreation uses include areas for recreation activities including, but not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), outdoor nature areas, parks (public or private), picnic areas, playfields, playgrounds, commercial stables, outdoor swimming pools and springs, tennis courts, totlots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters, firing ranges, miniature golf courses, golf driving ranges, and marinas. Outdoor recreation uses include both passive and activity oriented uses.

Recreation Uses, outdoor commercial: This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), marinas, outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-kart, harness, horse, motorcycle), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses. Outdoor commercial uses include both passive and activity oriented uses.

Recreation Vehicle (RV): A unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreation vehicles are: travel trailer, fifth-wheel travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, and park model RV/park trailer. (s. 320.01, FS)

Recreation Vehicle Campgrounds: A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

Recreation Vehicle Parks: A development designed specifically to accommodate recreation vehicles in which recreation vehicles and/or "park model" manufactured (mobile) homes are permanently sited and occupied year round.

Recreation Vehicle Unit: Those units primarily designed as temporary living quarters for recreation, camping or travel use, which either have their own mode of power or are mounted on or drawn by another vehicle

1. "Travel trailer": A vehicular Portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight feet and a body length of no more than thirty-five feet when factory equipped.
2. "Camping trailer": A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.
3. "Truck camper": A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.
4. "Motor home": A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.
5. "Park Model RV/Manufactured (Mobile) Home": See Park Model RV (Park Trailer).

Recycled Materials Processing Facility: Fixed and permanent facility, located inside a structure, equipped to sort, grind, melt or otherwise process materials gathered from Recycled Materials Collection locations, for on-site reuse or transportation outside the city. Unless otherwise permitted in the applicable zoning district, such facilities shall not be authorized

to handle automotive parts or other objects to be rebuilt or refurbished, liquid or semi-liquid substances, organic materials subject to decay or decomposition, hazardous wastes or materials, or objects that contain or emit such substances.

Recycling Center: The collection and/or storage of used paper, plastic, metal, or glass for transportation to a Recycled Materials Processing Facility. Recycled materials collection shall not include automotive parts or other objects to be rebuilt or refurbished, liquid or semi-liquid substances, organic materials subject to decay or decomposition, hazardous wastes or materials, or objects that contain or emit such substances.

Rehabilitation Facility: A secure or non-secure residential facility for the treatment of drug and alcohol addiction, and similar afflictions. Such facilities may feature outpatient services and may include, but shall not be limited to, psychiatric and medical treatment programs. Such facilities shall be licensed by the Florida Department of Health & Rehabilitative Services.

Residential Building: That part of any structure in which families or households live or in which permanent or long-term sleeping and accessory accommodations are provided, including but not limited to dwellings, multiple-family dwellings, dormitories, boarding houses, and lodging houses.

Right-of-Way: Land that the state, a county, or a municipality owns for purposes of transportation or distribution of utility service.

Roadway: A road, that includes streets, sidewalks, alleys, highways, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

Roof Line: A horizontal line intersecting the highest point or points of a roof.

Rubbish: Combustible and non-combustible waste materials, except garbage; including the residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

Runway Protection Zone (RPZ): This zone is trapezoidal in shape and centered about the extended runway centerline. It begins two hundred feet beyond the end of the runway or area usable for takeoff or landing. The RPZ dimensions are a function of the type of aircraft operating at the airport and the approach visibility minimums associated with each runway end. The RPZ is intended to enhance the protection and property on the ground.

Salvage Yard: See Auto Salvage Yard.

Sanitary Landfill: a) "Class I solid waste disposal area" means a disposal facility that receives an average of 20 tons or more per day, if scales are available, or 50 cubic yards or more per day of solid waste, as measured in place after covering, and that receives an initial cover daily; b) "Class II solid waste disposal area" means a disposal facility that receives an average of less than 50 cubic yards per day of solid waste, as measured in place after covering, and that receives an initial cover at least once every four days.

Sanitary Sewer Facilities: Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

Satellite Dish Antenna: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

Seasonal Population: Part time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short term and long term visitors. (§9J-5.003 F.A.C.)

Septic Tank: A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

Service Garage: See Automotive Repair.

Service Station: Includes activities listed under Filling Station, plus: activities conducted at a service garage including the sale of any motor fuels, oils, or automotive accessories and maintenance or small-scale mechanical work on motor vehicles. This shall include inspection, maintenance, repair or replacement of the following: brake systems; ignition and electrical systems; carburetors and fuel systems; batteries; oil, antifreeze and other fluids; and, tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

Setback: The minimum required distance between the property line and a structure, as measured from the nearest point of ground support (i.e., wall or vertical support pole). Roofs, terraces and other cantilevered projections may extend no more than three (3) feet into a required setback area.

Sewage Disposal Facility: Facility or property used in conjunction with a wastewater treatment plant for the disposal and/or purification of treated sewage effluent including, but not limited to, spraying, land spreading, and artificial wetlands.

Sewer/Water Plant (off-site): Water or wastewater treatment facility located outside the development site(s) that it serves.

Sewer/Water Plant (on-site): Water or wastewater treatment facility located within the development site that it serves.

Shoreline: All land or water that is on the lake side of the ordinary high-water line.

Shoreline Vegetation: Vegetation that grows within the shoreline area; included are terrestrial and aquatic plants associated with wetlands and both emergent (plants growing above the water surface) and non-emergent (vegetation below the water surface).

Side Street Setback: On a corner lot, the required setback distance for principal and accessory structures from the street frontage not deemed to be the front lot line. Regardless of the standard side setback requirement of the applicable zoning district, the side street setback shall be equal to the front setback requirement of the adjacent interior lot.

Sign: Any writing, pictorial representation, number, illustration, or decoration, flag, banner, or pennant, or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term "sign" shall not include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign, Abandoned: A sign that no longer identifies or advertises a bona fide business, and/or for which no legal owner can be found.

Sign, Accessory: A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Sign, Advertising Structure: Any sign, billboard, object, or structure that serves to give notice of, call attention to, or advertise any product, service, or subject matter; any written or printed matter, symbol, marking, or device intended to give notice of, call attention to, or advertise any product, service, or subject matter.

Sign, Animated: Any sign that uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing Sign").

Sign, Awning: A sign painted on, printed on, or attached flat against the surface of an awning.

Sign, Banner: A sign made of fabric or any nonrigid material with no enclosing framework.

Sign, Billboard: A permanently constructed sign, usually designed for use with changing advertising copy, which is used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located, not otherwise exempted or permitted by this Code.

Sign, Building: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of 45 degrees or steeper.

Sign, Changeable Copy (Automatic): A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Sign, Changeable Copy (Manual): A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

Sign, Clearance of a: The smallest vertical distance between the grade directly beneath the sign and the lowest point of the sign, including framework and embellishments.

Sign, Construction: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Sign, Directional/Information: An on-premise sign giving directions, instructions, or facility information and that may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

Sign, Double Faced: A sign with copy on both sides.

Sign, Electrical: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Sign, Erect A: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Sign Face: The area of a sign on which the copy is placed.

Sign, Flashing: A sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "Animated Sign," "Changeable Copy Sign").

Sign, Freestanding: A sign supported upon the ground by poles or braces and not attached to any building.

Sign, Government: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Sign Height: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "Clearance").

Sign, Identification: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Sign, Illegal: A sign that does not meet the requirements of this Code and that has not received legal nonconforming status.

Sign, Illuminated: A sign that contains a source of light or that is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Sign, Incidental: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Marquee: A structure projecting from and supported by a building that extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Sign, Nonconforming: (a) a sign that was erected legally but that does not comply with subsequently enacted sign restrictions and regulations; or (b) a sign that does not conform to the sign code requirements but for which a special permit has been issued.

Sign, Off-Premise: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

Sign, On-Premise: A sign that pertains to the use of the premises on which it is located.

Sign, On-Site Commercial: Permanently mounted sign advertising or identifying a commercial activity that is located on the same parcel or lot as the business to which it refers. For purposes of this Code, a sign identifying an industrial facility or activity shall also be defined as an on-site commercial sign.

Sign, Outdoor Advertising: A permanent ground sign designed to meet Chapter 23 of the Standard Building Code.

Sign, Painted Wall: Any sign that is applied with paint or similar substance on the face of a wall.

Sign, Political: A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable: Any sign that is designed to be transported by trailer or on its own wheels, even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

Sign, Projecting: A sign, other than a flat wall sign, that is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Sign, Real Estate: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Roof: A sign placed above the roof line of a building, or on a roof slope of less than 45 degrees.

Sign, Rotating: Sign that revolves or contains attachments or embellishments that revolve. Such motion does not refer to methods of changing copy.

Sign, Snipe: Sign attached to a tree, telephone pole, public bench, streetlight, or placed on any public property or public right-of-way.

Sign Support: Any construction used or designed to support a sign.

Sign, Temporary: A sign designed, constructed and intended to be used on a short-term basis.

Sign, Under Canopy: A sign suspended beneath a canopy, roof, or marquee.

Sign, Vehicular: Any sign affixed to a vehicle or trailer.

Sign, Wall: A sign attached parallel to and extending not more than one (1) inch from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Sign, Window: A sign installed on a window.

Single-Family Attached Dwelling Unit: Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with at least one other unit, and having a designated yard and entrance that are not shared with other units. Such units shall be built only on property that is platted according to applicable subdivision regulations provided in Section 7.01.00.

Single-Family Detached Dwelling Unit: Freestanding structure, completely separate from all other structures, designed to house one family as a single housekeeping unit.

Site Development Plan: A plan, drawn to scale by a licensed professional engineer, showing uses, structures and all other physical features proposed for a development site as required by the regulations involved. It includes lot lines, streets, building sites, parking spaces, walkways, reserved open spaces, easements, buildings, and major natural and man-made landscape features.

Solid Waste: Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid Waste Facilities: Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Special Exception Use: Use or activity that is allowed within a given zoning district only after an appropriate application is made and special approval is granted in a public hearing by the City Council. Special exception uses shall be considered only if specifically listed in Table 2.02.01 (A). No special exception use shall be approved unless public notice is given in accordance with Section 8.06.00.

Special Needs Facilities (formerly Adult Congregate Living Facility and Nursing Home): Special Needs Facilities are a Child Care Facility, Adult Day Care Center, Assisted Living Facility, Foster Care Facility, Group Home Facility, or Hospice Residential Unit. These type care facilities are subject to local zoning laws and are a permitted use in commercial zoning districts but not in residential zoning districts in the City of Avon Park, due to their usually large size, need for employees, parking requirements, and special hours offered. Special Needs Facilities are licensed or registered by the State of Florida according to separate and specific provisions of the *Florida Statutes*. They are listed as a group in the Table of Land Uses, 2.04.01(A) under the heading "Group Care Facilities." Special Needs Facilities that wish to locate in residential zoning districts are subject to strict regulations. See Article 2, Section 2.02.09. An application must be filed for a Special Exception use in residential zoning districts. In-home Occupational Licenses do not apply.

Standard Housing: Dwelling units that meet the federal Minimum Housing Quality Standards as established for the HUD Section 8 Program.

Start Of Construction: The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or

foundations; erection of temporary forms; or the installation of accessory structures.

Storage Garage: A building, used on a commercial basis, for the storage of automobiles.

Stormwater: The flow of water that results from a rainfall event.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Street: A public or private right-of-way for vehicular traffic, including highways, thoroughfares, lanes, roads, pathways and boulevards.

Structure: Anything constructed or installed that is rigidly and permanently attached to the ground or to another object that is rigidly and permanently attached to the ground. This shall include but not be limited to supporting walls, signs, screened or unscreened enclosures covered by a permanent roof, swimming pools, poles, and pipelines.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision: Any tract or plot of land divided into two or more lots or parcels less than one acre in size for sale, lease or rent for residential, industrial or commercial use, regardless of whether the lots or parcels are described by reference to recorded plats, metes and bounds description, or by any other legal method.

Subdivision Identification or Industrial Park Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, residential development or industrial park.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

Telephone Switching Station: Automated facility containing telephone and related communications equipment, using a standardized, unmanned building of 300 square feet or less. Such facilities are exempt from minimum lot size and site development plan requirements in all districts.

Townhome: A design term, referring to the physical form of more than two single-family attached homes with a ground floor entry. Also, see Single-Family Attached Dwelling Unit.

Trailer: A nonautomotive vehicle designed to be hauled by road; or a vehicle for transporting something; or a vehicle designed to serve wherever parked as a temporary dwelling or place of business. Mobile Homes and Recreational Vehicles as defined in this Article are not included in this definition.

Transitional Zone: Upland areas adjacent to wetlands that are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The transitional zone shall include canopy, understory and groundcover that consists of preserved existing vegetation or planted native species.

Travel Trailer: See Recreation Vehicle.

Trimming: The pruning or clipping of shoreline vegetation with hand tools that does not result in the removal of three (3) inches of stem and the root of the plant.

Truck camper: See Recreation Vehicle.

25-Year Floodplain: Area subject to flooding in a 25-year storm event.

25-Year Frequency 24-Hour Duration Storm Event: A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

Unit: A single part of a multiple occupancy complex.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Utility or Lawn Building: Any accessory structure used exclusively for the light storage of lawn and garden equipment and materials and other similar items.

Variance: A deviation from one or more specific provisions of this Code, approved and assigned to a particular parcel of property by the Board of Adjustment in a public hearing advertised under the requirements of Section 8.06.00. Variances shall be based on unusual or unique circumstances relating to the property, according to the criteria enumerated in Section

7.06.01, and shall be the minimum necessary to allow a reasonable use of the property. Considerations of health, convenience or economics shall not be considered as justification for a variance.

Water or Waters: Relative to wetlands, includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline that ordinarily or intermittently contains water.

Watercourse: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and that has a definite channel, bed, banks, or other discernible boundary.

Wetland Vegetation: Vegetation identified as wetland species in Rule 17-301.400, F.A.C.

Wetlands: Lands that are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to swamp hammocks, hardwood hybrid hammocks, riverian cypress, cypress ponds, bayheads, bogs, wet prairies and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-301.400, Florida Administrative Code.

Width of Water Body: The distance measured along a line originating at the center of the project at the ordinary high water line and drawn perpendicular to the ordinary high water line and continuing to the ordinary high water line of the opposing bank of the water body.

Zero Lot Line Development: Subdivision design concept in which single family detached dwelling units are constructed flush with a side lot line for the purpose of making more usable open space within a lot than is possible under normal setback requirements.

Zone "A": Area of potential flooding in a 100-year storm event, designated on the most recent available Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA).